Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.

AGENDA

Crow Wing County Board of Commissioners
Regular Meeting

06/23/2026
9:00 AM
County Board Room, 3rd Floor, Historic Courthouse, Brainerd MN

*Note: Times are approximate

The agenda has been published as shown below but is subject to change to include such business as may come before the Board.

ATTEND IN-PERSON OR BY MICROSOFT TEAMS (CALL 218-302-1725, CONFERENCE ID: 235 601 745#); LIVESTREAM AVAILABLE AT WWW.CROWWING.GOV OR ON THE CROW WING COUNTY YOUTUBE CHANNEL

ONE OR MORE MEMBERS OF THE COUNTY BOARD MAY ATTEND REMOTELY

1. **9:00 AM Call to Order and Pledge of Allegiance**

2. **Open Forum**

3. **Review and Approve Minutes**

   3.1. 06/09/2026 Regular County Board Meeting Minutes
   3.2. 6/15-06/16/25 County Board of Appeal and Equalization Minutes

4. **Review and Approve Agenda**

5. **Consent Agenda - Items are generally defined as items of routine business, not requiring discussion, and approved in one vote. Commissioners may elect to pull a Consent Agenda item(s) for discussion and/or separate action.**

   5.1. Bills
   5.2. Personnel Actions
   5.3. Destruction of Administrative Services Records
   5.4. Security Camera Video Retention Policy Approval
   5.5. Right of Way Acquisition for Project SAP 018-619-004

5.6. Highway Department Budget Amendment for 2026 Construction Projects

5.7. Crossing Surface Installation Agreement with BNSF – CSAH 8

5.8. Final Payment Request, Contract No. 26014 for Project CP 018-200-166 and 018-300-062 (Aggregate resurfacing of County gravel roads and FAD gravel roads)

5.9. Final Payment Request, Contract No. 26012 for Project CP 018-200-164 and CP 018-300-061 (Crack sealing 1 for County and FAD roads)

5.10. Final Contract Payment - Crack Seal 2

5.11. Award Contract for CIP Project No.1102604 (Bituminous Replacement - Judicial Center)

5.12. 2026 State of MN Federal Boating Safety Equipment Grant Contract

6. **Community Services**

6.1. Resolution Declaring a Public Health Nuisance at 17394 North Nelson Rd, Ironton, MN 56455

6.2. Resolution Declaring a Public Health Nuisance at Parcel 71320501, North Nelson Rd, Ironton, MN 56455

7. **Land Services**

7.1. Land Use Ordinance Amendment

8. **County Sheriff**

9. **County Attorney**

10. **County Administrator**

10.1. Senior Management Team Report

11. **Additional Business**

12. **Adjournment**

County Board Correspondence

06/23/26 Correspondence

For more information, call 218-824-1067
Crow Wing County Board of Commissioners meeting agendas are available online at
www.crowwing.gov

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Administration	Amber Berent
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: 06/09/2026 Regular County Board Meeting Minutes

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:
Approve the minutes of the June 9, 2026, regular County Board meeting.

Approximate length of presentation:

Crow Wing County
Board of Commissioners

Regular Meeting Minutes

06/09/2026
9:00 AM

County Board Room, 3rd Floor, Historic Courthouse,
Brainerd MN

1. **9:00 AM Call to Order and Pledge of Allegiance**

Present: Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

Also Present: County Administrator Deborah A. Erickson, County Attorney Kelsey Hopps (remote), Administrative Coordinator Amber Berent

2. **Open Forum**

Jane Brekken addressed the Board about the 287g agreement and asked that it be placed on a future agenda for further discussion.

3. **Review and Approve Minutes**

3.1 May 26, 2026, Regular County Board Meeting Minutes

Approved the minutes of the May 26, 2026, Regular County Board Meeting.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steve Barrows
SECONDER:	Paul Koering
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

4. **Review and Approve Agenda**

Added the following to the June 9, 2026, regular County Board meeting agenda and approved the agenda as amended.

- Approve the New On-Sale & Sunday Liquor License Application of North Central Speedway to the Consent Agenda
- Accept Resignation and Authorize a Certificate of Appreciation be issued to HRA Member Michael Aulie to Additional Business

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Paul Koering
SECONDER:	Jamie Lee
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

5. **Consent Agenda - Items are generally defined as items of routine business, not requiring discussion, and approved in one vote. Commissioners may elect to pull a Consent Agenda item(s) for discussion and/or separate action.**

Approved the following consent agenda as amended.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Jon Lubke
SECONDER:	Paul Koering
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

5.1 Bills

Approved the following expenditure listing for June 09, 2026, with the full listing available on file in the Office of the Administrative Services Director: Bills

General Fund	$388,355.12
Restricted & Committed Funds	84,180.85
Highway Fund	2,760,386.82
Community Services Fund	23,229.79
Solid Waste (Non-Landfill) Fund	17,012.23
Land Management Fund	5,946.37
Unorganized Territories Fund	675,988.65
Capital Projects Fund	196,267.41
Landfill Fund	153,214.63
State of Emergency	4,020.00
	$4,308,601.87

5.2 Personnel Actions

Approved the Human Resource Report for Personnel Actions dated June 09, 2026, as on file.

5.3 2026 New Low Potency Hemp License Registration

Approved the new 2026 New Low Potency Hemp License Registration application of Lakes Area Recreation and Rental, Town of Lake Edward, subject to recommendation by the County Attorney and County Sheriff, subject to any delinquent taxes being paid, and authorize the Administrative Services Director to issue said License.

5.4 2026 Temporary On-Sale Liquor Licenses

Approved Brainerd Jaycees to temporarily provide On-Sale liquor at the following locations:

- Merrifield Lions Park, Town of Lake Edward, on July 18, 2026, as recommended by the Town of Lake Edward, subject to recommendation by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said License.
- Brainerd International Raceway, Unorganized- 1st Assessment, on the dates of August 20 - August 23, 2026, as recommended by the Unorganized - 1st Assessment, subject to recommendation by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said License

5.5 Exempt Gambling Permit - Knights of Columbus

Approved the Minnesota Lawful Gambling Application for an Exempt Permit for the Knights of

Columbus to be held on the date of August 21, 2026, at the St. Mathias Church/Park, Town of St. Mathias, subject to all State Laws and upon approval of said date, the applicant submitting a copy of reports required by the State.

5.6 2026 Combination Liquor License Renewals

Approved the 2026 Combination renewals (On-Sale and Sunday and Off-Sale) Liquor License Application of:

- Dunmire's on The Lakes, LLC DBA Dunmire's on The Lakes, as recommended by the Unorganized First Assessment, subject to recommendation by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said License.
- Ruttgers Ruby's Dining Room, LLC DBA Ruttger's Bay Lake Resort, as recommended by the Town of Bay Lake, subject to recommendation by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said License.
- North Central Speedway of Brainerd, Crow Wing Township, as recommended by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said License.

5.7 2026 On Sale and Sunday Liquor License Renewals

Approved the attached 2026 renewal On-Sale and Sunday Liquor License Applications, as recommended by the appropriate Town Boards, subject to recommendation by the County Attorney and County Sheriff, subject to all State requirements and any delinquent taxes being paid and authorize the Administrative Services Director to issue said Licenses.

TOWNSHIP	APPLICANT	BUSINESS
Bay Lake	Ruttgers White Oak Grill LLC	Clubhouse/White Oak
Oak Lawn	Dunmire's Inc.	Dunmire's Bar & Grill
Timothy	Evergreen Property, LLC	Fireside Bar
Crow Wing	North Central Speedway, INC.	North Central Speedway
Bay Lake	Lonesome Pine Corporation	The Lonesome Pine Restaurant & Bar

5.8 IIJA Discretionary Match Grant Agreement

Approve Resolution **2026-36** (attached): IIJA Discretionary Match Grant Agreement

5.9 Out of State Travel Request - IT

Authorized the CRM Developer to attend Community Summit North America to be held October 11th-15th, 2026 in Nashville, TN, with all expenses to be paid from the Information Technology Budget.

5.10 2026 State of MN Federal Boating Safety Equipment Grant Contract

Authorized entering into a grant contract between Crow Wing County, Crow Wing County Sheriff's Office and the State of Minnesota, acting through its Department of Natural Resources, Enforcement Division for supplementary funding of specific items for recreational boating safety, effective March 3, 2026, through September 1, 2026, and the Chair and County Administrator are authorized to sign said grant contract, subject to review as to form and execution by the County Attorney.

5.11 Abatements

Approved the attached abatements as recommended by the Land Services Director.

June 9, 2026

Market Value Reduction

APPLICANT	DISTRICT	PARCEL NUMBER	PAYABLE YEAR	TAX	SETTLEMENT
Steven Swendra	Garrison City	24463287	2025	$116.00	Cancel

Disaster Abatements

APPLICANT	DISTRICT	PARCEL NUMBER	PAYABLE YEAR	TAX	SETTLEMENT
Todd & Joyce Brenny	Breezy Point	10211216	2025	$5,950.00	$4,756.00
Josiah Granholm	Deerwood City	20080563	2025	$670.00	$400.00
Richard Weiss	Brainerd	41241208	2024	$1,426.00	$698.00
David Pueringer	Brainerd	41241452	2025	$7,954.00	$6,984.00
Landin Rognlin	Irondale Twp	71180504	2025	$2,420.00	$1,002.00
Patricia Wander	Lake Edward Twp	73330517	2025	$2,496.00	$2,128.00
Christian & Alicia Brownell	Long Lake Twp	75240648	2025	$892.00	$342.00
Andrew Lotzer	Long Lake Twp	75310512	2025	$3,640.00	$1,328.00
Dwaine Rosekrans	Oak Lawn Twp	81010508	2025	$1,476.00	$1,120.00

6. **Land Services**

6.1 Pelican Beach Holdings LLC – Land Use Map Amendment

Approved the application of Pelican Beach Holdings LLC for a land use map amendment for parcel number 73040571 from Waterfront Commercial to Shoreland District and Rural Residential 2.5, involving 4.88 acres, per recommendation of the PC/BOA, findings of fact discussed 5/21/2026, the application submitted and the staff report.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steve Barrows
SECONDER:	Jon Lubke
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

6.2 Pelican Beach Holdings LLC – Pelican Beach Reserve –Preliminary Plat

Approved the preliminary plat of “Pelican Beach Reserve” with 13 lots (11 residential lots and 2 common lots).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steve Barrows
SECONDER:	Jon Lubke
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

6.3 Linda & Philip Tidd – Oak Ridge Terrace – Preliminary Plat

Approved the preliminary plat of “Oak Ridge Terrace” with 5 lots.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jon Lubke
SECONDER:	Jamie Lee
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

6.4 Sean Gragert – Hooker Landing – Preliminary Plat

Approved the preliminary plat of “Hooker Landing” consisting of 2 lots.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jamie Lee
SECONDER:	Jon Lubke
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

6.5 R and R Landscaping and Construction Inc – Ann Lake Acres – Preliminary Plat

Approved the preliminary plat of “Ann Lake Acres” consisting of 2 lots.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jamie Lee
SECONDER:	Jon Lubke
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

6.6 Mark & Carol Holzer – Riverwood Shores on Whitefish – Final Plat

Approved the final plat of “Riverwood Shores on Whitefish” with Eighteen (18) total lots.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jon Lubke
SECONDER:	Steve Barrows
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

7. **County Sheriff**

7.1 Outdoor Warning Siren Annual Maintenance Program

Accepted the proposal from Emergency Communication Systems for the annual maintenance of Crow Wing County's outdoor warning sirens, from July 1, 2026, through June 30, 2028.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Steve Barrows
SECONDER:	Jamie Lee
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

8. **County Attorney**

9. **County Administrator**

9.1 Senior Management Team Report

County Administrator Deborah Erickson provided an update on behalf of the Senior Management Team.

10. **Additional Business**

ADD Resignation of District 5 HRA member Michale Aulie

Accepted the resignation of District 5 HRA member Michael Aulie and authorized a Certificate of Appreciation to be issued.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jamie Lee
SECONDER:	Paul Koering
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

11. **Adjournment**

Adjourned at 9:45 AM.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Paul Koering
SECONDER:	Steve Barrows
AYES:	Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

_____
Rosemary Franzen, Chair Board of
County Commissioners

_____
Deborah A. Erickson
County Administrator

Prepared by Amber Berent

BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: June 9, 2026 **Resolution: 2026-36**
OFFERED BY COMMISSIONERS: Lubke and Koering
AYES: Koering, Lubke, Barrows, Franzen, Lee;

State Funded Program for IIJA Discretionary Grant Assistance Terms and Conditions Project SP 018-589-001

WHEREAS, Crow Wing County has applied to the Commissioner of Transportation for a grant from the State Program for IIJA Assistance, and

WHEREAS, the Commissioner of Transportation has given notice that funding for the project is available, and

WHEREAS, the amount of the grant has been determined to be $50,000 by reason of the lowest responsible bid.

NOW, THEREFORE, be it resolved that Crow Wing County does hereby agree to the terms and conditions of the grant consistent with Minnesota Laws 2023, Chapter 68, Article 1, Section 2, Subdivision 5(a), and will pay any additional amount by which the cost exceeds the estimate and will return any amount appropriated for the project but not required. The County Engineer is authorized to execute a grant agreement and any amendments thereto with the Commissioner of Transportation concerning the above referenced grant.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss

I, Deborah A. Erickson, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on June 09, 2026, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 23rd day of June 2026.

_____
DEBORAH A. ERICKSON
COUNTY ADMINISTRATOR

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Administration	Amber Berent
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: 6/15-06/16/25 County Board of Appeal and Equalization Minutes

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:
Approve the minutes of the June 15 & 16, 2026 County Board of Appeal and Equalization Minutes.

Approximate length of presentation:

CROW WING COUNTY BOARD OF COMMISSIONERS
BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES

Historic Courthouse
Brainerd, Minnesota

06/15/2026

Chair Rosemary Franzen called the meeting to order at 2:00 PM.

Present: Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

Others Present: Land Services Director Gary Griffin, staff, and citizens

The Land Services Director discussed the purpose of the meeting and the authority of the Board. The following appeals were heard:

APPELLANT	REASON FOR APPEAL	BOARD DECISION
Brian Blom	Overall Value	No Change
Ron Meyer	Overall Value	Reduce Value
Severin Neuman	Overall Value	No Change
James Hanson	Overall Value	Reduce Value
Joyce Mailhot	Overall Value	No Change
Joseph Swanson	Overall Value	Reduce Value

The following were Written Appeals:

Steven Sura
Moved by Commissioner Lee seconded by Commissioner Koering to make No Change.
Motion Passed [Unanimous]

Mike Tiffany
Moved by Commissioner Lubke seconded by Commissioner Barrows to make No Change.
Motion Passed [Unanimous]

The following were Assessor Recommendations:

Kenneth Gangsted
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Theresa Hartenstein
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Alan Albrecht
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Mary Jo Neuman
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Scott Mumm
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Kathryn Welch
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Holly Minke
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Good Ol' Days Resort
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Jeff McMomigal
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Mason Schmitz
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

Joshua Bendson
Moved by Commissioner Barrows seconded by Commissioner Koering to accept Assessor Recommendation.
Motion Passed [Unanimous]

There being no further business for the Board of Appeal and Equalization, the meeting Recessed at 6:32 PM.

_____	_____
Rosemary Franzen, Chair	Gary Griffin
Board of County Commissioners	Land Services Director

Prepared by Amy Keehr

CROW WING COUNTY BOARD OF COMMISSIONERS
BOARD OF APPEAL AND EQUALIZATION MEETING MINUTES

Historic Courthouse
Brainerd, Minnesota

06/16/2026

Chair Rosemary Franzen called the meeting to order at 11:00 AM.

Present: Paul Koering, Jon Lubke, Steve Barrows, Rosemary Franzen, Jamie Lee

Others Present: Land Services Director Gary Griffin, staff, and citizens

The Land Services Director discussed the purpose of the meeting and the authority of the Board. The following appeals were heard:

APPELLANT	REASON FOR APPEAL	BOARD DECISION
Keith & Sandra Bjerkness	Overall Value	No Change
John & Dina Westgaard	Overall Value	No Change
John Murray	Overall Value	No Change
Wesley Wagner	Overall Value	No Change
Nathan Walberg	Overall Value	No Change
Don Rhoades	Overall Value	Reduce Value
Alan Anderson	Overall Value	No Change
Shannon Watters	Overall Value	Reduce Value

The following were Assessor Recommendations:

Tarah Cerise
Moved by Commissioner Koering seconded by Commissioner Barrows to accept Assessor Recommendation. Motion Passed [Unanimous]

There being no further business for the Board of Appeal and Equalization, the meeting Adjourned at 1:50 PM.

_____ _____

Rosemary Franzen, Chair
Board of County Commissioners

Gary Griffin
Land Services Director

Prepared by Amy Keehr

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Human Resources	Amy Fischer
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Personnel Actions

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:
Approve the Human Resource Report for Personnel Actions dated June 23, 2026, as on file.

Approximate length of presentation:

Human Resource Report
Personnel Actions
June 23, 2026

Replacement Staffing

Classification Title: Deputy
Department: Sheriff's Office
Reason for Vacancy: Promotion of Timothy Gerber April 27, 2026
Personnel Committee: Yes

Classification Title: Records Specialist
Department: Sheriff's Office
Reason for Vacancy: Departure of Julie Feierabend June 12, 2026
Personnel Committee: Yes

Classification Title: Environmental Services Specialist
Department: Land Services
Reason for Vacancy: Departure of Anthony Moberg June 30, 2026
Personnel Committee: Yes

Classification Title: Social Worker
Department: Community Services
Reason for Vacancy: Promotion of Melissa Peterson June 6, 2026
Personnel Committee: Yes

Promotions/Movement

Name: Melissa Peterson
Classification Title: Family Services Supervisor
Department: Community Services
Start Date: June 6, 2026
Reason for Vacancy: Departure of Patrick Sharbonda May 22, 2026

Departures

Name: Anthony Moberg
Classification Title: Environmental Services Specialist
Department: Land Services
Date of Departure: June 30, 2026

Re-Evaluations

Community Services
Child Support Officer Grade 140 to Grade 150
Veterans Service Office
Veterans Service Officer Grade 170 to Grade 190

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Admin Services	Jory Danielson
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Destruction of Administrative Services Records

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:
Approve the Administrative Services Director's request for destruction of records, as on file, as provided for by the County General Records Retention Schedule, in accordance with Minnesota Statute 138.17.

Approximate length of presentation:

RECORDS DESTRUCTION REPORT

INSTRUCTIONS:

1. This form is for agency information only. State and local governments are required by law (M.S. 138.17, Subd. 7) to permanently retain a list of destroyed records. DO NOT submit report to the Department of Administration or the Minnesota Historical Society.
2. Use this form to document records destruction under authority of a general or specific agency records retention schedule.
4. Document only records that are physically destroyed, not records transferred to the Minnesota Historical Society.
5. Use additional pages as necessary.
6. Volume chart to determine cubic feet:

Letter Size Drawer = 1.5	Transfer Case (24" x 16" x 11") = 2.5
Legal Size Drawer = 2.0	3 x 5 Card 12" Row = 0.1
Shelving 4' Letter = 2.3	4 x 6 Card 12" Row = 0.2
Shelving 4' Legal = 3.0	5 x 8 Card 12" Row = 0.3
Record Box (12" x 15" x 10") = 1.0	Printout 12" Stack = 1.25

Agency and Division	**Person Reporting Destruction**	**Date**
Crow Wing County Election	Kathy Toensing	06/23/26
Address	**City, Zip**	**Telephone**
326 Laurel Street, Suite 22	Brainerd 56401	218/824-1047

General Schedule Name or Agency Schedule Number	Section of Schedule Where Record is Listed	Item No. as Listed on Schedule	Record Title (use same title as listed on schedule)	Inclusive Dates	Date Destroyed	Quantity in Cubic Feet
ELEC001, ELEC003, ELEC008-10	ELEC001, ELEC003, ELEC008-10		2024 PNP Election AB Applications, All other Election material not specifically addressed, Unused ballots, Voted ballots, Voter Registration Applications	Feb-Apr 2024		82 boxes
ELEC001, ELEC003, ELEC008-10	ELEC001, ELEC003, ELEC008-10		2024 Township Election AB Applications, All other Election material not specifically addressed, Unused ballots, Voted ballots, Voter Registration Applications	Feb-Mar 2024		1 Box
ELEC001, ELEC003, ELEC008-10	ELEC001, ELEC003, ELEC008-10		2024 State Primary Election All other Election material not specifically addressed, Unused ballots, Voter Registration Applications	Feb-Sept 2024		73 Boxes
ELEC001, ELEC003, ELEC008-10	ELEC001, ELEC003, ELEC008-10		2022 State Primary Election All other Election material not specifically addressed, Unused ballots, Voter Registration Applications	Feb-Sept 2022		38 Boxes

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Facilities	Kurt Wilczek
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Security Camera Video Retention Policy Approval

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:
Approve newly created security camera video retention policy which reads as follows:

"Security cameras exist in various public areas of the Crow Wing County grounds and facilities which are monitored and maintained by Crow Wing County. The cameras record video which is maintained on county owned servers for 14 days after which it is permanently deleted."

Approximate length of presentation:

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	Tim Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Right of Way Acquisition for Project SAP 018-619-004

PREVIOUS ACTION:

COMMENTS:

Project SAP 018-619-004 is a resurfacing project for County State Aid Highway (CSAH) 19 between CSAH 3 and County Road (CR) 109. The project is proposed to be constructed in 2027. Additional right-of-way is required for the installation of a right-hand turn lane at Antler Road.

It is anticipated that only one temporary easement will be required for the project.

RECOMMENDED BOARD ACTION:
Adopt a resolution to acquire right of way as needed for the project.

Approximate length of presentation:

BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: **Resolution:**
OFFERED BY COMMISSIONERS: and
AYES: NAYS:

RIGHT-OF-WAY ACQUISITION FOR SAP 018-619-004
(COUNTY STATE AID HIGHWAY 19)

WHEREAS, Crow Wing County plans to resurface County State Aid Highway (CSAH) 19 between CSAH 3 and County Road (CR) 109 in 2027, and

WHEREAS, the improvements consist of the addition of a right-hand turn lane at Antler Road to provide for the health, safety, and welfare of the traveling public, and

WHEREAS, additional right-of-way over certain lands are required for said construction, and

WHEREAS, the County will engage, as necessary, Certified Appraisers for the Appraisal valuations of the right of way required on SAP 018-619-004, and

WHEREAS, once completed and reviewed, the Appraisal valuations and summary of the valuations will be on file in the office of the County Highway Department, and

WHEREAS, Crow Wing County has the authority and right to acquire right of way for said highway by eminent domain pursuant to Minnesota Statutes 163.02, Subd. 2, 117.012, 117.042, and 117.055.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby authorizes the County Engineer to hire Appraisers and Review Appraisers, as necessary, prepare Minimum Damage Acquisition (MDA) information, extend offers and negotiate for the necessary right-of-way for SAP 018-619-004 upon completion of the Appraisal valuations, and

BE IT FURTHER RESOLVED, the Board of Commissioners of Crow Wing County, Minnesota, hereby authorizes the acquisition of right of way by eminent domain, if necessary, pursuant to Minnesota Statutes 163.02, Subd. 2, 117.012, 117.042, and 117.055, for the right-of-way that cannot be acquired through direct negotiations, and

BE IT ALSO RESOLVED, that the Administrative Services Director is hereby authorized to issue the necessary warrant to the Court Administrator from the Road and Bridge Fund in the amount equal to the appraised value in the appraisal report for the unsigned parcels as part of the requirements of eminent domain proceedings, and

BE IT ADDITIONALLY RESOLVED, that the Crow Wing County Attorney is hereby instructed to institute the required proceedings.

STATE OF MINNESOTA)
COUNTY OF CROW WING) *ss*

I, Deborah A. Erickson, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on < >, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this <X day of X, 20XX>.

_____

DEBORAH A. ERICKSON
COUNTY ADMINISTRATOR

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	Tim Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Highway Department Budget Amendment for 2026 Construction Projects

PREVIOUS ACTION:
04/14/26 - Crow Wing County 2026-2030 Highway Improvement Plan adopted by the County Board.
12/16/25 - Resolution authorizing advertising for bids.

COMMENTS:
When the 2026 Highway Department budget was developed and approved, the cost of the 2026 roadway construction program was based on planning-level estimates. As of June, all 2026 projects have been bid and awarded to the lowest responsible bidders.

In most cases, the low bids came in below the engineer's final project estimates, resulting in a net cost decrease of approximately $839,916 across the 12 projects scheduled for completion in 2026.

This proposed budget amendment is intended to update the current budget to more accurately reflect these project cost changes within the appropriate revenue and expense line items. These modifications will improve current-year budget performance reporting and allow for more accurate forecasting of future annual budgets and construction programs.

RECOMMENDED BOARD ACTION:

Approve modifications to the 2026 Highway Department annual budget to more accurately reflect the cost of the 2026 roadway construction program.

Approximate length of presentation:

Budget Amendment Form
Crow Wing County

Amendment Title: Highway – Construction/Engineering Projects Update
Project Number:
Date Requested: 06/11/2026
Project Category: Not A Project
Department: Highway
Mandated? No
If yes, list State Statute:

☑ **One time Revenue/Expenditure change**

☐ **Ongoing Revenue/Expenditure change**

Summary of Amendment:	**Increase**	**Decrease**	**No Change**
Property tax levy	☐	☐	☑
Fees	☐	☐	☑
Grant revenue	☑	☐	☐
Expenditures	☐	☑	☐

To calculate totals after filling out, press CTRL+A then press F9.	**Dollars**				
Year:	**2026**	**2027**	**2028**	**2029**	**2030**
REVENUES:					
Fee Revenue – Increase/(Decrease)	$592,453				
Grant Revenue – Increase/(Decrease)	($406,082)				
TOTAL REVENUES	**$186,371**	**$ 0**	**$ 0**	**$ 0**	**$ 0**
EXPENDITURES:					
Operating – Increase/(Decrease)	$227,359				
Capital – Increase/(Decrease)	($1,253,646)				
TOTAL EXPENDITURES	($1,026,287)	**$ 0**	**$ 0**	**$ 0**	**$ 0**
LESS: What can be absorbed in your current operating or capital budget?	N/A				
TOTAL COST/SAVINGS OF AMENDMENT:	**($839,916)**	**$ 0**	**$ 0**	**$ 0**	**$ 0**

Budget Amendment Form
Crow Wing County

Summary of amendment request:

This budget amendment is being requested to more accurately align the department's budget with actual project costs and current funding requirements. Initial budget projections were developed using available data and anticipated construction schedules; however, as the construction season has progressed, actual costs and awarded bid amounts have become more clearly defined. See attached summary sheet.

Updating the budget at this time will provide a more accurate reflection of expected expenditures, reduce variances associated with project timing and estimated costs, and ensure budgeted amounts are aligned with current project obligations and funding needs.

Long term cost / (savings) considerations (tails):

There are no significant long-term financial impacts associated with this amendment. The adjustment reflects current project costs and funding requirements and will improve the accuracy of financial reporting, budget forecasting, and future budget development.

Effect on other departments (Countywide):

None

Quantify the benefit (customers, staff, processes, environment, etc.):

The benefit of this budget amendment is to improve budget accuracy by aligning projected expenditures with current allocated project costs. This will support more reliable financial forecasting, enhance the accuracy of budget reporting, and provide a stronger basis for future budget development.

Revenue/Expenditure assumptions used in calculating amendment:

Please find attached summary sheet

References and sources:

Bids and contracts received

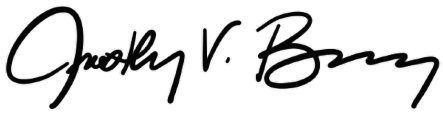
If a new project, please provide the following information for Financial Services:

Organization Code: See attached summary sheet

Object Code: See attached summary sheet

Capital: ☐ or Non-Capital: ☑

Budget Amendment Form
Crow Wing County

Senior Manager Approval: 

Date: 6/8/2026

Finance Approval: Nancy Malecha

Date: 6/8/2026

I have reviewed this Budget Amendment for accuracy, consistency, and content.

10300303 Expense		Budget	New	Difference
62810	federal	$3,460,620	$3,562,664	$102,044
62820	state	$5,573,516	$5,277,378	($296,138)
62840	intergov	$2,161,000	$2,629,953	$468,953
62870	bridge	$600,000	$552,500	($47,500)
			TOTAL	**$227,359**

10300303 Revenue		Budget	New	Difference
52020	CSAH Reg.	$4,658,517	$4,042,275	($616,242)
52040	CSAH Mun.	$915,000	$1,100,899	$185,899
52056	bridge	$600,000	$552,500	($47,500)
52070	state park	$161,000	$130,715	($30,285)
52980	intergov	$1,307,500	$1,899,953	$592,453
54100	federal	$3,560,618	$3,662,664	$102,046
			TOTAL	**$186,371**

10300305 Expense		Budget	New	Difference
62830	LOST other const.	$9,410,866	$7,970,220	($1,440,646)
63440	right-of-way	$0	$187,000	$187,000
			TOTAL	**($1,253,646)**

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	Tim Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Crossing Surface Installation Agreement with BNSF – CSAH 8

PREVIOUS ACTION:
4/14/2026 – Adopted the 2026-2030 5-Year Highway Improvement Plan (HIP)

COMMENTS:
The Burlington Northern Santa Fe Railway (BNSF) recently contacted Crow Wing County regarding a proposed joint project in 2027 to improve the existing CSAH 8 railroad crossing in Deerwood (U.S. DOT Crossing No. 076189X). The project would replace BNSF's aging concrete crossing panels and reconstruct the adjacent bituminous pavement to provide a smoother crossing for the traveling public.

The County's anticipated share of the project cost is approximately $40,000 and was included in the 2026-2030 5-Year Highway Improvement Plan (HIP) adopted on 4/14/2026. This includes a one-time payment to BNSF toward the cost of replacing the railroad crossing panels and separate County expenditures for roadway improvements and other construction activities identified in the agreement as the sole responsibility of Crow Wing County.

The exact timeline of the project in 2027 is unknown. It is anticipated the work may require a detour of CSAH 8 for approximately 1 week.

The agreement is attached and has been reviewed by the County Attorney's Office.

RECOMMENDED BOARD ACTION:
Authorize the County Engineer to enter into a cost sharing agreement with Burlington Northern Santa Fe Railroad to jointly improve the CSAH 8 crossing in Deerwood (U.S. DOT Crossing No. 076189X).

Approximate length of presentation:

CROSSING SURFACE INSTALLATION AGREEMENT

BNSF File No.:
Mile Post 102.706
Line Segment 27
U.S. DOT Number 076189X
Brainerd Subdivision

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of _____, by and between Crow Wing County (hereinafter called, "**AGENCY**") and BNSF Railway Company (hereinafter called, "**BNSF**").

WHEREAS, BNSF operates a freight transportation system by rail with operations throughout the United States and Canada; and

WHEREAS, BNSF desires to replace the existing concrete crossing surface at Nokay Lake Road with a new concrete crossing surface;

WHEREAS, AGENCY desires to replace the existing concrete crossing surface at Nokay Lake Road in the year 2027.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1) **BNSF Work.** The Company will install a new concrete crossing surface for a width of 40 feet from the edge of the pavement on the West side of the tracks to the edge of the pavement on the North side of the tracks. The new crossing surface will adequately cover all vehicular driving lanes at Nokay Lake Road. The Company will perform all necessary track upgrades to accommodate the new crossing surface.

2) **AGENCY Work.** AGENCY must construct the Project as shown on the attached Exhibit A and do all work ("AGENCY's Work") provided for in the plans and specifications for the Project, except railroad work that will be performed by BNSF hereunder. AGENCY must furnish all labor, materials, tools and equipment for the performance of AGENCY's Work. The principal elements of AGENCY's Work are as follows:

   A. Design and Reconstruction of Nokay Lake Road;

B. Installation of a pavement marking stop bar in accordance with the Manual on Uniform Traffic Control Devices (hereinafter called, "MUTCD");

C. Installation of advance warning signs in accordance with the MUTCD;

D. Perform all necessary grading and paving, including backfill of excavations and restoration of disturbed vegetation on BNSF's right-of-way;

E. Provide suitable drainage, both temporary and permanent;

F. Provide all barricades, lights, flagmen or traffic control devices as necessary, during the installation of the concrete crossing surface(s);

G. Replace surface on approaches to each track;

H. Job site cleanup including removal of all construction materials, concrete debris, surplus soil, refuse, contaminated soils, asphalt debris, litter and other waste materials to the satisfaction of BNSF.

3) **Payment; Invoicing.** Upon Company's receipt of the materials and supplies necessary for the installation of the new crossing surface, Company will send Agency an invoice detailing the total amount owed by Agency for the new crossing surface. Company shall send to Agency a final invoice upon completion and Agency shall pay the final invoice within 30 days of receipt.

Agency agrees to pay Company Five Hundred and No/100 Dollars ($400.00) per foot for the new crossing surface. Agency's **ESTIMATED** total cost for the new crossing surface is Sixteen Thousand and No/100 Dollars ($16,000.00).

4) **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, BNSF will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, BNSF shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources.

5) **Vehicular Traffic during Installation.** The AGENCY shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular/pedestrian traffic at the Nokay Lake Road crossing during installation of the new crossing surface.

6) **Drainage.** The AGENCY agrees to allow BNSF to drain water from the Nokay Lake Road crossing area into existing AGENCY storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by BNSF.

7) **Roadway Surfacing Work.** The AGENCY agrees to provide, at its sole cost and expense, enough asphalt to cover the distance between the existing roadway surface at Nokay Lake Road and the new crossing surface on both sides of the track as well as the area between the tracks.

8) **Contractor Requirements:** AGENCY must require its contractor to comply with the obligations set forth in this Agreement, including Exhibit C and Exhibit C-1, and incorporate in each prime contract for construction of the Project, or the specifications therefor, the provisions set forth in Exhibit C and Exhibit C-l, attached hereto and by reference made a part hereof.

No work shall be commenced within BNSF's right of way until the AGENCY's contractor shall have (i) executed and delivered to BNSF an agreement in the form of said Exhibit C-1 and (ii) delivered to and secured BNSF's approval of the required insurance.

9) **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and AGENCY's payment of the amounts set forth in Section 3 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

BNSF Railway Company:

By:_____

Printed Name: _____

Title: _____

AGENCY:

Crow Wing County

By: _____

Printed Name: _____

Title: _____

Exhibit A



46.465615,-93.912726

EXHIBIT "C"

CONTRACTOR REQUIREMENTS

1) General

A. The Contractor must cooperate with BNSF RAILWAY COMPANY, hereinafter referred to as "Railway" where work is over or under on or adjacent to Railway property and/or right-of-way, hereafter referred to as "Railway Property", during the construction of _____ _____ _____.

B. The Contractor must execute and deliver to the Railway duplicate copies of the Exhibit “C-1” Agreement, in the form attached hereto, obligating the Contractor to provide and maintain in full force and effect the insurance called for under Section 3 of said Exhibit “C-1”. Questions regarding procurement of the Railroad Protective Liability Insurance should be directed to Rosa Martinez at Marsh, USA, 214-303-8519.

C. The Contractor must plan, schedule and conduct all work activities so as not to interfere with the movement of any trains on Railway Property.

D. The Contractor's right to enter Railway's Property is subject to the absolute right of Railway to cause the Contractor's work on Railway's Property to cease if, in the opinion of Railway, Contractor's activities create a hazard to Railway's Property, employees, and/or operations. Railway will have the right to stop construction work on the Project if any of the following events take place: (i) Contractor (or any of its subcontractors) performs the Project work in a manner contrary to the plans and specifications approved by Railway; (ii) Contractor (or any of its subcontractors), in Railway’s opinion, prosecutes the Project work in a manner which is hazardous to Railway property, facilities or the safe and expeditious movement of railroad traffic; (iii) the insurance described in the attached Exhibit C-1 is canceled during the course of the Project; or (iv) Contractor fails to pay Railway for the Temporary Construction License or the Easement. The work stoppage will continue until all necessary actions are taken by Contractor or its subcontractor to rectify the situation to the satisfaction of Railway’s Division Engineer or until additional insurance has been delivered to and accepted by Railway. In the event of a breach of (i) this Agreement, (ii) the Temporary Construction License, or (iii) the Easement, Railway may immediately terminate the Temporary Construction License or the Easement. Any such work stoppage under this provision will not give rise to any liability on the part of Railway. Railway’s right to stop the work is in addition to any other rights Railway may have including, but not limited to, actions or suits for damages or lost profits. In the event that Railway desires to stop construction work on the Project, Railway agrees to immediately notify the following individual in writing:

_____
_____
_____
_____

E. The Contractor is responsible for determining and complying with all Federal, State and Local Governmental laws and regulations, including, but not limited to Environmental Laws (as defined below) and health and safety laws and regulations. The Contractor hereby indemnifies, defends and holds harmless Railway for, from and against all fines or penalties imposed or assessed by Federal, State and Local Governmental Agencies against the Railway which arise out of Contractor's work under this Agreement.

F. The Contractor must notify **(Agency)** at (_____)_____ and Railway's Manager Public Projects, telephone number (_____)_____ at least thirty (30) calendar days before commencing any work on Railway Property. Contractor's notification to Railway must refer to Railway's file _____.

G. For any bridge demolition and/or falsework above any tracks or any excavations located with any part of the excavations located within, whichever is greater, twenty-five (25) feet of the nearest track or intersecting a slope from the plane of the top of rail on a 2 horizontal to 1 vertical slope beginning at eleven (11) feet from centerline of the nearest track, both measured perpendicular to center line of track, the Contractor must furnish the Railway five sets of working drawings showing details of construction affecting Railway Property and tracks. The working drawing must include the proposed method of installation and removal of falsework, shoring or cribbing, not included in the contract plans and two sets of structural calculations of any falsework, shoring or cribbing. For all excavation and shoring submittal plans, the current "BNSF-UPRR Guidelines for Temporary Shoring" must be used for determining the design loading conditions to be used in shoring design, and all calculations and submittals must be in accordance with the current "BNSF-UPRR Guidelines for Temporary Shoring". All submittal drawings and calculations must be stamped by a registered professional engineer licensed to practice in the state the project is located. All calculations must take into consideration railway surcharge loading and must be designed to meet American Railway Engineering and Maintenance-of-Way Association (previously known as American Railway Engineering Association) Coopers E-80 live loading standard. All drawings and calculations must be stamped by a registered professional engineer licensed to practice in the state the project is located. The Contractor must not begin work until notified by the Railway that plans have been approved. The Contractor will be required to use lifting devices such as, cranes and/or winches to place or to remove any falsework over Railway's tracks. In no case will the Contractor be relieved of responsibility for results obtained by the implementation of said approved plans.

H. Subject to the movement of Railway's trains, Railway will cooperate with the Contractor such that the work may be handled and performed in an efficient manner. The Contractor will have no claim whatsoever for any type of damages or for extra or additional compensation in the event his work is delayed by the Railway.

2) Contractor Safety Orientation

A. No employee of the Contractor, its subcontractors, agents or invitees may enter Railway Property without first having completed Railway's Engineering Contractor Safety Orientation, found on the web site www.BNSFContractor.com. The Contractor must ensure that each of its employees, subcontractors, agents or invitees completes Railway's Engineering Contractor Safety Orientation through internet sessions before any work is performed on the Project. Additionally, the Contractor must ensure that each and every one of its employees, subcontractors, agents or invitees possesses a card certifying completion of the Railway Contractor Safety Orientation before entering Railway Property. The Contractor is responsible for the cost of the Railway Contractor Safety Orientation. The Contractor must renew the Railway Contractor Safety Orientation annually. Further clarification can be found on the web site or from the Railway's Representative.

3) Railway Requirements

A. The Contractor must take protective measures as are necessary to keep railway facilities, including track ballast, free of sand, debris, and other foreign objects and materials resulting from his operations. Any damage to railway facilities resulting from Contractor's operations will be repaired or replaced by Railway and the cost of such repairs or replacement must be paid for by the Agency.

B. The Contractor must notify the Railway's Project Engineer _____ at (_____)_____ and provide blasting plans to the Railway for review seven (7) calendar days prior to conducting any blasting operations adjacent to or on Railway's Property.

C. The Contractor must abide by the following temporary clearances during construction:

- 15'-0" Horizontally from centerline of nearest track
- 21'-6" Vertically above top of rail
- 27'-0" Vertically above top of rail for electric wires carrying less than 750 volts
- 28'-0" Vertically above top of rail for electric wires carrying 750 volts to 15,000 volts
- 30'-0" Vertically above top of rail for electric wires carrying 15,000 volts to 20,000 volts
- 34'-0" Vertically above top of rail for electric wires carrying more than 20,000 volts

D. Upon completion of construction, the following clearances shall be maintained:

- 25’ Horizontally from centerline of nearest track
- 23’ 6” Vertically above top of rail

E. Any infringement within State statutory clearances due to the Contractor's operations must be submitted to the Railway and to the **(Agency)** and must not be undertaken until approved in writing by the Railway, and until the **(Agency)** has obtained any necessary authorization from the State Regulatory Authority for the infringement. No extra compensation will be allowed in the event the Contractor's work is delayed pending Railway approval, and/or the State Regulatory Authority's approval.

F. In the case of impaired vertical clearance above top of rail, Railway will have the option of installing tell-tales or other protective devices Railway deems necessary for protection of Railway operations. The cost of tell-tales or protective devices will be borne by the Agency.

G. The details of construction affecting the Railway's Property and tracks not included in the contract plans must be submitted to the Railway by **(Agency)** for approval before work is undertaken and this work must not be undertaken until approved by the Railway.

H. At other than public road crossings, the Contractor must not move any equipment or materials across Railway's tracks until permission has been obtained from the Railway. The Contractor must obtain a "Temporary Construction Crossing Agreement" from the Railway prior to moving his equipment or materials across the Railways tracks. The temporary crossing must be gated and locked at all times when not required for use by the Contractor. The temporary crossing for use of the Contractor will be constructed and, at the completion of the project, removed at the expense of the Contractor.

I. Discharge, release or spill on the Railway Property of any hazardous substances, oil, petroleum, constituents, pollutants, contaminants, or any hazardous waste is prohibited and Contractor must immediately notify the Railway's Resource Operations Center at 1(800) 832-5452, of any discharge, release or spills in excess of a reportable quantity. Contractor must not allow Railway Property to become a treatment, storage or transfer facility as those terms are defined in the Resource Conservation and Recovery Act or any state analogue.

J. The Contractor upon completion of the work covered by this contract, must promptly remove from the Railway's Property all of Contractor's tools, equipment, implements and other materials, whether brought upon said property by said Contractor or any Subcontractor, employee or agent of Contractor or of any Subcontractor, and must cause Railway's Property to be left in a condition acceptable to the Railway's representative.

4) Contractor Roadway Worker on Track Safety Program and Safety Action Plan

A. Each Contractor that will perform work within 25 feet of the centerline of a track must develop and implement a Roadway Worker Protection/On Track Safety Program and work with Railway Project Representative to develop an on track safety strategy as described in the guidelines listed in the on track safety portion of the Safety Orientation. This Program must provide Roadway Worker protection/on track training for all employees of the Contractor, its subcontractors, agents or invitees. This training is reinforced at the job site through job safety briefings. Additionally, each Contractor must develop and implement the Safety Action Plan, as provided for on the web site **www.BNSFContractor.com**, which will be made available to Railway prior to commencement of any work on Railway Property. During the performance of work, the Contractor must audit its work activities. The Contractor must designate an on-site Project Supervisor who will serve as the contact person for the Railway and who will maintain a copy of the Safety Action Plan, safety audits, and Material Safety Datasheets (MSDS), at the job site.

B. Contractor shall have a background investigation performed on all of its employees, subcontractors and agents who will be performing any services for Railroad under this Agreement which are determined by Railroad in its sole discretion **a)** to be on Railroad's property, or **b)** that require access to Railroad Critical Infrastructure, Railroad Critical Information Systems, Railroad's Employees, Hazardous Materials on Railroad's property or is being transported by or otherwise in the custody of Railroad, or Freight in Transit involving Railroad.

i) The required background screening shall at a minimum meet the rail industry background screening criteria defined by the e-RAILSAFE Program as outlined at **www.erailsafe.com**, in addition to any other applicable regulatory requirements.

ii) Contractor shall obtain written consent from all its employees, subcontractors or agents screened in compliance with the e-RAILSAFE Program to participate in the Program on their behalf and to release completed background information to Railroad's designee. Contractor shall be subject to periodic audit to ensure compliance.

iii) Contractor subject to the e-RAILSAFE Program hereunder shall not permit any of its employees, subcontractors or agents to perform services hereunder who are not first approved under e-RAILSAFE Program standards. Railroad shall have the right to deny entry onto its premises or access as described in this section above to any of Contractor's employees, subcontractors or agents who do not display the authorized identification badge issued by a background screening service meeting the standards set forth in the e-RAILSAFE Program, or who in Railroad's opinion, which may not be unreasonable, may pose a threat to the safety or security of Railroad's operations, assets or personnel.

iv) Contractors shall be responsible for ensuring that its employees, subcontractors and agents are United States citizens or legally working in the United States under a lawful and appropriate work VISA or other work authorization.

5) Railway Flagger Services

A. The Contractor must give BNSF's Scheduling Agent (BNSFScheduling@wilsonco.com) a minimum of thirty (30) calendar days advance notice when flagging services will be required so that the Scheduling Agent can make appropriate arrangements (i.e., obtain availability and cost estimate for three (3) approved vendors for selection). If flagging services are scheduled in advance by the Contractor and it is subsequently determined by the parties hereto that such services are no longer necessary, the Contractor must give the Scheduling Agent ten (10) working days advance notice so that appropriate arrangements can be made to abolish the position pursuant to union requirements.

B. Unless determined otherwise by Railway's Project Representative, protective flagging services will be required when Contractor's work activities are located over, under and/or within twenty-five (25) feet measured horizontally from centerline of the nearest track and when cranes or similar equipment positioned beyond 25-feet from the track centerline could foul the track in the event of tip over or other catastrophic occurrence, but not limited thereto for the following conditions:

i) When, upon inspection by Railway's Representative, other conditions warrant.

ii) When any excavation is performed below the bottom of tie elevation, if, in the opinion of Railway's representative, track or other Railway facilities may be subject to movement or settlement.

iii) When work in any way interferes with the safe operation of trains at timetable speeds.

iv) When any hazard is presented to Railway track, communications, signal, electrical, or other facilities either due to persons, material, equipment or blasting in the vicinity.

v) Special permission must be obtained from the Railway before moving heavy or cumbersome objects or equipment which might result in making the track impassable.

C. Flagging services will be performed by qualified Railway flaggers.

i) Flagging crew generally consists of one employee. However, additional personnel may be required to protect Railway Property and operations, if deemed necessary by the Railways Representative.

ii) Each time a flagger is called, the minimum period for billing will be the eight (8) hour basic day.

iii) The cost of flagger services provided by the Railway will be borne by **(Agency)** and invoiced through BNSF's Scheduling Agent. The estimated cost for one (1) flagger is approximately between $1,200.00-$2,000.00 for an eight (8) hour basic day with time and one-half or double time for overtime, rest days and holidays. The estimated cost for each flagger includes vacation allowance, paid holidays, Railway and unemployment insurance, public liability and property damage insurance, health and welfare benefits, vehicle, transportation, meals, lodging, radio, equipment, supervision, scheduling and other costs incidental to performing flagging services. Negotiations for Railway labor or collective bargaining agreements and rate changes authorized by appropriate Federal authorities may increase actual or estimated flagging rates. **THE FLAGGING RATE IN EFFECT AT THE TIME OF PERFORMANCE BY THE CONTRACTOR HEREUNDER WILL BE USED TO CALCULATE THE ACTUAL COSTS OF FLAGGING PURSUANT TO THIS PARAGRAPH.**

The cost of **inspector coordinator services** provided by the railway will be borne by **Contractor**. The estimated cost for inspector coordinator services is approximately $1,200 per day. The contractor shall reimburse the railroad for actual costs of inspection services.

iv) The average train traffic on this route is _____ freight trains per 24-hour period at a timetable speed _____ MPH and _____ passenger trains at a timetable speed of _____ MPH.

6) Contractor General Safety Requirements

A. Work in the proximity of railway track(s) is potentially hazardous where movement of trains and equipment can occur at any time and in any direction. All work performed by contractors within 25 feet of any track must be in compliance with FRA Roadway Worker Protection Regulations.

B. Before beginning any task on Railway Property, a thorough job safety briefing must be conducted with all personnel involved with the task and repeated when the personnel or task changes. If the task is within 25 feet of any track, the job briefing must include the Railway's flagger, as applicable, and include the procedures the Contractor will use to protect its employees, subcontractors, agents or invitees from moving any equipment adjacent to or across any Railway track(s).

C. Workers must not work within 25 feet of the centerline of any track without an on track safety strategy approved by the Railway's Project Representative. When authority is provided, every contractor employee must know: (1) who the Railway flagger is, and how

to contact the flagger, (2) limits of the authority, (3) the method of communication to stop and resume work, and (4) location of the designated places of safety. Persons or equipment entering flag/work limits that were not previously job briefed, must notify the flagger immediately, and be given a job briefing when working within 25 feet of the center line of track.

D. When Contractor employees are required to work on the Railway Property after normal working hours or on weekends, the Railway's representative in charge of the project must be notified. A minimum of two employees must be present at all times.

E. Any employees, agents or invitees of Contractor or its subcontractors under suspicion of being under the influence of drugs or alcohol, or in the possession of same, will be removed from the Railway's Property and subsequently released to the custody of a representative of Contractor management. Future access to the Railway's Property by that employee will be denied.

F. Any damage to Railway Property, or any hazard noticed on passing trains must be reported immediately to the Railway's representative in charge of the project. Any vehicle or machine which may come in contact with track, signal equipment, or structure (bridge) and could result in a train derailment must be reported immediately to the Railway representative in charge of the project and to the Railway's Resource Operations Center at 1(800) 832-5452. Local emergency numbers are to be obtained from the Railway representative in charge of the project prior to the start of any work and must be posted at the job site.

G. For safety reasons, all persons are prohibited from having pocket knives, firearms or other deadly weapons in their possession while working on Railway's Property.

H. All personnel protective equipment (PPE) used on Railway Property must meet applicable OSHA and ANSI specifications. Current Railway personnel protective equipment requirements are listed on the web site, **www.BNSFContractor.com,** however, a partial list of the requirements include: a) safety glasses with permanently affixed side shields (no yellow lenses); b) hard hats; c) safety shoe with: hardened toes, above-the-ankle lace-up and a defined heel; and d) high visibility retro-reflective work wear. The Railway's representative in charge of the project is to be contacted regarding local specifications for meeting requirements relating to hi-visibility work wear. Hearing protection, fall protection, gloves, and respirators must be worn as required by State and Federal regulations. **(NOTE – Should there be a discrepancy between the information contained on the web site and the information in this paragraph, the web site will govern.)**

I. THE CONTRACTOR MUST NOT PILE OR STORE ANY MATERIALS, MACHINERY OR EQUIPMENT CLOSER THAN 25'-0" TO THE CENTER LINE OF THE NEAREST RAILWAY TRACK. MATERIALS, MACHINERY OR EQUIPMENT MUST NOT BE

STORED OR LEFT WITHIN 250 FEET OF ANY HIGHWAY/RAIL AT-GRADE CROSSINGS OR TEMPORARY CONSTRUCTION CROSSING, WHERE STORAGE OF THE SAME WILL OBSTRUCT THE VIEW OF A TRAIN APPROACHING THE CROSSING. PRIOR TO BEGINNING WORK, THE CONTRACTOR MUST ESTABLISH A STORAGE AREA WITH CONCURRENCE OF THE RAILWAY'S REPRESENTATIVE.

J. Machines or vehicles must not be left unattended with the engine running. Parked machines or equipment must be in gear with brakes set and if equipped with blade, pan or bucket, they must be lowered to the ground. All machinery and equipment left unattended on Railway's Property must be left inoperable and secured against movement. (See internet Engineering Contractor Safety Orientation program for more detailed specifications)

K. Workers must not create and leave any conditions at the work site that would interfere with water drainage. Any work performed over water must meet all Federal, State and Local regulations.

L. All power line wires must be considered dangerous and of high voltage unless informed to the contrary by proper authority. For all power lines the minimum clearance between the lines and any part of the equipment or load must be; 200 KV or below - 15 feet; 200 to 350 KV - 20 feet; 350 to 500 KV - 25 feet; 500 to 750 KV - 35 feet; and 750 to 1000 KV - 45 feet. If capacity of the line is not known, a minimum clearance of 45 feet must be maintained. A person must be designated to observe clearance of the equipment and give a timely warning for all operations where it is difficult for an operator to maintain the desired clearance by visual means.

7) Excavation

A. Before excavating, the Contractor must determine whether any underground pipe lines, electric wires, or cables, including fiber optic cable systems are present and located within the Project work area. The Contractor must determine whether excavation on Railway's Property could cause damage to buried cables resulting in delay to Railway traffic and disruption of service to users. Delays and disruptions to service may cause business interruptions involving loss of revenue and profits. Before commencing excavation, the Contractor must contact **BNSF's Field Engineering Representative Daniel Peltier at 763-782-3495.** All underground and overhead wires will be considered HIGH VOLTAGE and dangerous until verified with the company having ownership of the line. **It is the Contractor's responsibility to notify any other companies that have underground utilities in the area and arrange for the location of all underground utilities before excavating.**

B. The Contractor must cease all work and notify the Railway immediately before continuing excavation in the area if obstructions are encountered which do not appear on drawings. If

the obstruction is a utility and the owner of the utility can be identified, then the Contractor must also notify the owner immediately. If there is any doubt about the location of underground cables or lines of any kind, no work must be performed until the exact location has been determined. There will be no exceptions to these instructions.

C. All excavations must be conducted in compliance with applicable OSHA regulations and, regardless of depth, must be shored where there is any danger to tracks, structures or personnel.

D. Any excavations, holes or trenches on the Railway's Property must be covered, guarded and**/**or protected when not being worked on. When leaving work site areas at night and over weekends, the areas must be secured and left in a condition that will ensure that Railway employees and other personnel who may be working or passing through the area are protected from all hazards. All excavations must be back filled as soon as possible.

E. Excavations and restoration must be conducted in accordance with all applicable Legal Requirements and the environmental provisions of Section 8.

F. All fill materials to be imported to Railway's property shall be certified clean fill or from a Railway-approved source, and must otherwise be suitable for its intended purpose as backfill material. Supporting documentation shall be provided to Railway upon request.

G. Contractor must meet the appropriate compaction requirements for all fills and will be responsible for settlement of all fills, erosion, and embankments that may occur as a result of the placement fill.

8) Environmental Requirements:

A. Contractor must comply with all Environmental Laws (as defined below). Contractor must not maintain a "treatment," "storage," "transfer" or "disposal" facility, or "underground storage tank," as those terms are defined by Environmental Laws, on the Railway Property or the right of way. Contractor will not handle, transport, release or suffer the release of Hazardous Materials (as defined below).

B. If Contractor discovers any hazardous waste, hazardous substance, petroleum or other deleterious material, including but not limited to any release of Hazardous Materials non-containerized commodity or material, on or adjacent to Railway's Property, in or near any surface water, swamp, wetlands or waterways, while performing any work under this Agreement, Contractor must immediately: (a) notify the Railway's Resource Operations Center at 1(800) 832-5452, of such discovery: (b) take safeguards necessary to protect its employees, subcontractors, agents and/or third parties: and (c) exercise due care with respect to the release, including the taking of any appropriate measure to minimize the

impact of such release. Contractor must also give Railway prompt notice of all measures undertaken to investigate, remediate, or respond to any aforementioned condition.

C. If Railway has notice from Contractor or otherwise of a release or violation of Environmental Laws arising in any way with respect to the work which occurred or may occur during the term of this Agreement, Railway may require Contractor, at Contractor's sole risk and expense, to take timely measures to investigate, remediate, respond to or otherwise cure such release or violation affecting the Railway's Property.

D. If during the construction or subsequent maintenance of the work or Structures, or any other soil-disturbing activities, soils or other materials considered to be environmentally impacted are encountered, Contractor will stop work immediately and notify Railway. After consultation with Railway, Contractor shall, at Contractor's expense, characterize any such impacted soils. Upon receiving sampling results, Contractor shall, at Contractor's expense, in consultation with Railway, manage, remove, and/or dispose any such impacted soils offsite at an appropriately-licensed facility in accordance with Environmental Laws. Soil characterization and applicable disposal requirements, shall be in accordance with applicable federal, state, and local Environmental Laws or in consultation with an agency having the capacity and authority to make such a determination.

E. All soils and materials to be removed from the Railway Property or right of way must be properly characterized, managed, transported, and disposed of at an appropriately-licensed facility, at Contractor's expense, in accordance with all Environmental Laws. Contractor shall be the "Generator" of any and all such materials and waste, as such term is defined in Environmental Laws.

F. Notwithstanding anything in this Section 1.08, Contractor understands that Railway has no duty or obligation to monitor Contractor's use of the property or right of way to determine Contractor's compliance with Environmental Laws, it being solely Contractor's responsibility to ensure that Contractor's use is compliant. Regulatory plans and a minimum of two (2) years of records/inspections shall be readily available. Contractor shall promptly provide the same to the Railroad upon request.

G. "Environmental Law(s)" shall mean any federal, state, local, or tribal law, statute, ordinance, code, rule, regulation, policy, common law, license, authorization, decision, order, or injunction which pertains to health, safety, any Hazardous Material, or the environment (including but not limited to ground, air, water, or noise pollution or contamination, and underground or above-ground tanks) and shall include, without limitation, CERCLA 42 U.S.C. §9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., CERCLA; the Hazardous Materials Transportation Act, 49 U.S.C. §5101 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.; the Clean Air Act, 42 U.S.C. §7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Emergency

Planning and Community Right-to-Know Act, 42 U.S.C. 11001 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 to 136y; the Oil Pollution Act, 33 U.S.C. 2701 et seq.; and the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.; all as have been amended from time to time, and any other federal, state, local, or tribal environmental requirements, together with all rules, regulations, orders, and decrees now or hereafter promulgated under any of the foregoing, as any of the foregoing now exist or may be changed or amended or come into effect in the future.

H. "Hazardous Material(s)" shall include but shall not be limited to any substance, material, or waste that is regulated by any Environmental Law or otherwise regulated by any federal, state, local, or tribal governmental authority because of toxic, flammable, explosive, corrosive, reactive, radioactive or other properties that may be hazardous to human health or the environment, including without limitation asbestos and asbestos-containing materials, radon, petroleum and petroleum products, urea formaldehyde foam insulation, methane, lead-based paint, polychlorinated biphenyl compounds, hydrocarbons or like substances and their additives or constituents, pesticides, agricultural chemicals, and any other special, toxic, or hazardous (i) substances, (ii) materials, or (iii) wastes of any kind, including without limitation those now or hereafter defined, determined, or identified as "hazardous chemicals," "hazardous substances," "hazardous materials," "toxic substances," or "hazardous wastes" in any Environmental Law.

9) Personal Injury Reporting

A. The Railway is required to report certain injuries as a part of compliance with Federal Railroad Administration (FRA) reporting requirements. Any personal injury sustained by an employee of the Contractor, subcontractor or Contractor's invitees while on the Railway's Property must be reported immediately (by phone mail if unable to contact in person) to the Railway's representative in charge of the project. The Non-Employee Personal Injury Data Collection Form contained herein is to be completed and sent by Fax to the Railway at 1(817) 352-7595 and to the Railway's Project Representative no later than the close of shift on the date of the injury.

NON-EMPLOYEE PERSONAL INJURY DATA COLLECTION

(If injuries are in connection with rail equipment accident/incident, highway rail grade crossing accident or automobile accident, ensure that appropriate information is obtained, forms completed and that data entry personnel are aware that injuries relate to that specific event.)

Injured Person Type:

- ☐ Passenger on train (C)
- ☐ Non-employee (N) *(i.e., emp of another railroad, or, non-BNSF emp involved in vehicle accident, including company vehicles)*
- ☐ Contractor/safety
- ☐ Contractor/non-safety sensitive (G)
- ☐ Volunteer/safety sensitive (H)
- ☐ Volunteer/other non-safety sensitive (I)
- ☐ Non-trespasser (D) - to include highway users involved in highway rail grade crossing accidents who did not go around or through gates
- ☐ Trespasser (E) - to include highway users involved in highway rail grade crossing accidents who went around or through gates
- ☐ Non-trespasser (J) - Off railroad property

If train involved, Train ID:

_____

Transmit attached information to Accident/Incident Reporting Center by:
Fax 1-817-352-7595 or by Phone 1-800-697-6736 **or email to:** Accident-Reporting.Center@BNSF.com

Officer Providing Information:

_____ _____ _____
(Name) (Employee No.) (Phone #)

REPORT PREPARED TO COMPLY WITH FEDERAL ACCIDENT REPORTING REQUIREMENTS AND PROTECTED FROM DISCLOSURE PURSUANT TO 49 U.S.C. 20903 AND 83 U.S.C. 490

Contract Number: Document ID

NON-EMPLOYEE PERSONAL INJURY DATA COLLECTION

Please complete this form and provide to the BNSF supervisor, who will input this information into the EHS Star system. For questions, call (817) 352-1267 or email Safety.IncidentReporting@BNSF.com.

Accident City/State: _____ Date: _____ Time: _____

County: _____ Temperature: _____ Weather: _____
(if non-BNSF location)

Name (Last/First/MI): _____

Age: _____ Gender (if available): _____

Company: _____

eRailsafe Badge Number: _____ Expiration Date: _____

BNSF Contractor Badge Number: _____ Expiration Date: _____

Injury: _____ Body Part: _____
(e.g., laceration) (e.g., hand)

Description of accident (including how accident occurred, potential cause, etc.):

_____

_____

Work activity in progress at time of accident: _____

Tools, machinery, or hazardous materials involved in accident: _____

_____

Treatment:

- ☐ First Aid Only
- ☐ Required Medical Treatment
- ☐ Other Medical Treatment: _____

Dr. Name: _____ Date: _____

Dr. Street Address: _____ City: _____ State: _____ Zip: _____

Hospital Name: _____

Hospital Street Address: _____ City: _____ State: _____ Zip: _____

Diagnosis: _____

THIS REPORT IS PART OF BNSF'S ACCIDENT REPORT PURSUANT TO THE ACCIDENT REPORTS STATUTE AND, AS SUCH SHALL NOT "BE ADMITTED AS EVIDENCE OR USED FOR ANY PURPOSE IN ANY SUIT OR ACTION FOR DAMAGES GROWING OUT OF ANY MATTER MENTIONED IN SAID REPORT…." 49 U.S.C. § 20903. See 49 C.F.R. § 225.7(b).

Contract Number: Document ID

EXHIBIT "C-1"

Agreement Between

BNSF RAILWAY COMPANY

and the

CONTRACTOR

Railway File: _____

Agency Project: _____

Account Name, (hereinafter called "Contractor"), has entered into an agreement (hereinafter called "Agreement") dated _____, 20__, **TBD** with **AGENCY** for the performance of certain work in connection with the following project:_____. Performance of such work will necessarily require Contractor to enter **BNSF RAILWAY COMPANY** (hereinafter called "Railway") right of way and property (hereinafter called "Railway Property"). The Agreement provides that no work will be commenced within Railway Property until the Contractor employed in connection with said work for **AGENCY** i) executes and delivers to Railway an Agreement in the form hereof, and (ii) provides insurance of the coverage and limits specified in such Agreement and Section 3 herein. If this Agreement is executed by a party who is not the Owner, General Partner, President or Vice President of Contractor, Contractor must furnish evidence to Railway certifying that the signatory is empowered to execute this Agreement on behalf of Contractor.

Accordingly, in consideration of Railway granting permission to Contractor to enter upon Railway Property and as an inducement for such entry, Contractor, effective on the date of the Agreement, has agreed and does hereby agree with Railway as follows:

1) RELEASE OF LIABILITY AND INDEMNITY

A. Contractor hereby waives, releases, indemnifies, defends and holds harmless Railway for all judgments, awards, claims, demands, and expenses (including attorneys' fees), for injury or death to all persons, including Railway's and Contractor's officers and employees, and for loss and damage to property belonging to any person, arising in any manner from Contractor's or any of

Contractor's subcontractors' acts or omissions or any work performed on or about Railway's property or right-of-way. **THE LIABILITY ASSUMED BY CONTRACTOR WILL NOT BE AFFECTED BY THE FACT, IF IT IS A FACT, THAT THE DESTRUCTION, DAMAGE, DEATH, OR INJURY WAS OCCASIONED BY OR CONTRIBUTED TO BY THE NEGLIGENCE OF RAILWAY, ITS AGENTS, SERVANTS, EMPLOYEES OR OTHERWISE, EXCEPT TO THE EXTENT THAT SUCH CLAIMS ARE PROXIMATELY CAUSED BY THE INTENSIONAL MISCONDUCT OR GROSS NEGLIGENCE OF RAILWAY.**

B. THE INDEMNIFICATION OBLIGATION ASSUMED BY CONTRACTOR INCLUDES ANY CLAIMS, SUITS OR JUDGMENTS BROUGHT AGAINST RAILWAY UNDER THE FEDERAL EMPLOYEE'S LIABILITY ACT, INCLUDING CLAIMS FOR STRICT LIABILITY UNDER THE SAFETY APPLIANCE ACT OR THE LOCOMOTIVE INSPECTION ACT, WHENEVER SO CLAIMED.

C. Contractor further agrees, at its expense, in the name and on behalf of Railway, that it will adjust and settle all claims made against Railway, and will, at Railway's discretion, appear and defend any suits or actions of law or in equity brought against Railway on any claim or cause of action arising or growing out of or in any manner connected with any liability assumed by Contractor under this Agreement for which Railway is liable or is alleged to be liable. Railway will give notice to Contractor, in writing, of the receipt or dependency of such claims and thereupon Contractor must proceed to adjust and handle to a conclusion such claims, and in the event of a suit being brought against Railway, Railway may forward summons and complaint or other process in connection therewith to Contractor, and Contractor, at Railway's discretion, must defend, adjust, or settle such suits and protect, indemnify, and save harmless Railway from and against all damages, judgments, decrees, attorney's fees, costs, and expenses growing out of or resulting from or incident to any such claims or suits.

D. In addition to any other provision of this Agreement, in the event that all or any portion of this Article shall be deemed to be inapplicable for any reason, including without limitation as a result of a decision of an applicable court, legislative enactment or regulatory order, the parties agree that this Article shall be interpreted as requiring Contractor to indemnify Railway to the fullest extent permitted by applicable law. **THROUGH THIS AGREEMENT THE PARTIES EXPRESSLY INTEND FOR CONTRACTOR TO INDEMNIFY RAILWAY FOR RAILWAY'S ACTS OF NEGLIGENCE.**

E. It is mutually understood and agreed that the assumption of liabilities and indemnification provided for in this Agreement survive any termination of this Agreement.

2) TERM

A. This Agreement is effective from the date of the Agreement until (i) the completion of the project set forth herein, and (ii) full and complete payment to Railway of any and all sums or other amounts owing and due hereunder.

3) INSURANCE

Contractor shall, at its sole cost and expense, procure and maintain during the life of this Agreement the following insurance coverage:

A. Commercial General Liability "CGL" Insurance

i) The policy will provide a minimum of $2,000,000 each occurrence and an aggregate limit of at least $4,000,000 but in no event less than the amount otherwise carried by the provider. Coverage must be purchased on a post 2004 ISO occurrence form or equivalent and include coverage for, but not limited to, the following:

(1) Bodily Injury and Property Damage

(2) Personal Injury and Advertising Injury

(3) Fire legal liability

(4) Products and completed operations

ii) This policy shall also contain the following endorsements or language, which shall be indicated on the certificate of insurance:

(1) definition of "Insured Contract" will be amended to remove any exclusion or other limitation for any work being done within 50 feet of RAILWAY's

property.

(2) Waiver of subrogation in favor of and acceptable to RAILWAY; and

(3) Additional insured endorsement in favor of and acceptable to RAILWAY and include coverage for ongoing operations and completed operations; and

(4) Separation of insureds; and

(5) The policy will be primary and non-contributing with respect to any insurance carried by RAILWAY.

iii) It is agreed that the workers' compensation and employers' liability related exclusions in the Commercial General Liability insurance policy(s) required herein are intended to apply to employees of the policy holder and shall not apply to ***Railway*** employees.

iv) No other endorsements limiting coverage as respects obligations under this Agreement may be included on the policy with regard to the work being performed under this agreement.

B. <u>Business Automobile Insurance</u>

i) The insurance will provide minimum coverage with a combined single limit of at least $1,000,000 per accident, and include coverage for, but not limited to the following:

(1) Bodily injury and property damage

(2) Any and all vehicles owned, used or hired

ii) The policy will include the following endorsements or language, which will be indicated on or attached to the certificate of insurance:

(1) Waiver of subrogation in favor of and acceptable to RAILWAY;

(2) Additional insured endorsement in favor of and acceptable to RAILWAY;

(3) Separation of insureds;

(4) The policy shall be primary and non-contributing with respect to any

insurance carried by RAILWAY.

C. Workers Compensation and Employers Liability Insurance

i) Workers Compensation and Employers Liability insurance including coverage for, but not limited to:

(1) Contractor's statutory liability under the worker's compensation laws of the state(s) in which the work is to be performed. If optional under State law, the insurance must cover all employees anyway.

(2) Employers' Liability (Part B) with limits of at least $500,000 each accident, $500,000 by disease policy limit, $500,000 by disease each employee.

ii) This policy shall also contain the following endorsements or language, which shall be indicated on the certificate of insurance:

(1) Waiver of subrogation in favor of and acceptable to Railway.

D. Railroad Protective Liability insurance

i) Railroad Protective Liability insurance naming only the ***Railway*** as the Insured with coverage of at least $2,000,000 per occurrence and $6,000,000 in the aggregate. The policy Must be issued on a standard ISO form CG 00 35 12 04 and include the following:

(1) Endorsed to include the Pollution Exclusion Amendment

(2) Endorsed to include the Limited Seepage and Pollution Endorsement.

(3) Endorsed to remove any exclusion for punitive damages.

(4) No other endorsements restricting coverage may be added.

(5) The original policy must be provided to the ***Railway*** prior to performing any work or services under this Agreement.

(6) Definition of "Physical Damage to Property" shall be endorsed to read: "means direct and accidental loss of or damage to all property owned by any named insured and all property in any named insured' care, custody, and control arising out of the acts or omissions of the contractor named on

the Declarations.

In lieu of providing a Railroad Protective Liability Policy, Licensee may participate (if available) in Railway's Blanket Railroad Protective Liability Insurance Policy.

E. Other Requirements:

i) Where allowable by law, all policies (applying to coverage listed above) shall contain no exclusion for punitive damages.

ii) Contractor agrees to waive its right of recovery against ***Railway*** for all claims and suits against ***Railway***. In addition, its insurers, through the terms of the policy or policy endorsement, waive their right of subrogation against ***Railway*** for all claims and suits. Contractor further waives its right of recovery, and its insurers also waive their right of subrogation against ***Railway*** for loss of its owned or leased property or property under Contractor's care, custody or control.

iii) Allocated Loss Expense shall be in addition to all policy limits for coverages referenced above.

iv) Contractor is not allowed to self-insure without the prior written consent of ***Railway.*** If granted by ***Railway***, any self-insured retention or other financial responsibility for claims shall be covered directly by Contractor in lieu of insurance. Any and all ***Railway*** liabilities that would otherwise, in accordance with the provisions of this Agreement, be covered by Contractor's insurance will be covered as if Contractor elected not to include a deductible, self-insured retention or other financial responsibility for claims.

v) Prior to commencing services, Contractor shall furnish to ***Railway*** an acceptable certificate(s) of insurance from an authorized representative evidencing the required coverage(s), endorsements, and amendments. The certificate should be directed to the following address:

BNSF	Railway		Company
c/o			CertFocus
P.O.	Box		140528
Kansas	City,	MO	64114
Toll	Free:		877-576-2378
Fax	number:		817-840-7487

vi) Contractor shall notify Railway in writing at least 30 days prior to any cancellation, non-renewal, substitution or material alteration.

vii) Any insurance policy shall be written by a reputable insurance company acceptable to Railway or with a current Best's Guide Rating of A- and Class VII or better, and authorized to do business in the state(s) in which the service is to be provided.

viii) If coverage is purchased on a "claims made" basis, Contractor hereby agrees to maintain coverage in force for a minimum of three years after expiration, cancellation or termination of this Agreement. Annually Contractor agrees to provide evidence of such coverage as required hereunder.

ix) Contractor represents that this Agreement has been thoroughly reviewed by Contractor's insurance agent(s)/broker(s), who have been instructed by Contractor to procure the insurance coverage required by this Agreement.

x) Not more frequently than once every five years, Railway may reasonably modify the required insurance coverage to reflect then-current risk management practices in the railroad industry and underwriting practices in the insurance industry.

xi) If any portion of the operation is to be subcontracted by Contractor, Contractor shall require that the subcontractor shall provide and maintain insurance coverage(s) as set forth herein, naming Railway as an additional insured, and shall require that the subcontractor shall release, defend and indemnify Railway to the same extent and under the same terms and conditions as Contractor is required to release, defend and indemnify Railway herein.

xii) Failure to provide evidence as required by this section shall entitle, but not require, Railway to terminate this Agreement immediately. Acceptance of a certificate that does not comply with this section shall not operate as a waiver of Contractor's obligations hereunder.

xiii) The fact that insurance (including, without limitation, self-insurance) is obtained by Contractor shall not be deemed to release or diminish the liability of Contractor including, without limitation, liability under the indemnity

provisions of this Agreement. Damages recoverable by Railway shall not be limited by the amount of the required insurance coverage.

xiv) In the event of a claim or lawsuit involving Railway arising out of this agreement, Contractor will make available any required policy covering such claim or lawsuit.

xv) These insurance provisions are intended to be a separate and distinct obligation on the part of the Contractor. Therefore, these provisions shall be enforceable and Contractor shall be bound thereby regardless of whether or not indemnity provisions are determined to be enforceable in the jurisdiction in which the work covered hereunder is performed.

xvi) For purposes of this section, Railway shall mean "Burlington Northern Santa Fe LLC", "BNSF Railway Company" and the subsidiaries, successors, assigns and affiliates of each.

4) SALES AND OTHER TAXES

A. In the event applicable sales taxes of a state or political subdivision of a state of the United States are levied or assessed in connection with and directly related to any amounts invoiced by Contractor to Railway ("Sales Taxes"), Railway shall be responsible for paying only the Sales Taxes that Contractor separately states on the invoice or other billing documents provided to Railway; *provided, however,* that (i) nothing herein shall preclude Railway from claiming whatever Sales Tax exemptions are applicable to amounts Contractor bills Railway, (ii) Contractor shall be responsible for all sales, use, excise, consumption, services and other taxes which may accrue on all services, materials, equipment, supplies or fixtures that Contractor and its subcontractors use or consume in the performance of this Agreement, (iii) Contractor shall be responsible for Sales Taxes (together with any penalties, fines or interest thereon) that Contractor fails to separately state on the invoice or other billing documents provided to Railway or fails to collect at the time of payment by Railway of invoiced amounts (except where Railway claims a Sales Tax exemption), and (iv) Contractor shall be responsible for Sales Taxes (together with any penalties, fines or interest thereon) if Contractor fails to issue separate invoices for each state in which Contractor delivers goods, provides services or, if applicable, transfers intangible rights to Railway.

B. Upon request, Contractor shall provide Railway satisfactory evidence that all taxes (together with any penalties, fines or interest thereon) that Contractor is

responsible to pay under this Agreement have been paid. If a written claim is made against Contractor for Sales Taxes with respect to which Railway may be liable for under this Agreement, Contractor shall promptly notify Railway of such claim and provide Railway copies of all correspondence received from the taxing authority. Railway shall have the right to contest, protest, or claim a refund, in Railway's own name, any Sales Taxes paid by Railway to Contractor or for which Railway might otherwise be responsible for under this Agreement; provided, however, that if Railway is not permitted by law to contest any such Sales Tax in its own name, Contractor shall, if requested by Railway at Railway's sole cost and expense, contest in Contractor's own name the validity, applicability or amount of such Sales Tax and allow Railway to control and conduct such contest.

C. Railway retains the right to withhold from payments made under this Agreement amounts required to be withheld under tax laws of any jurisdiction. If Contractor is claiming a withholding exemption or a reduction in the withholding rate of any jurisdiction on any payments under this Agreement, before any payments are made (and in each succeeding period or year as required by law), Contractor agrees to furnish to Railway a properly completed exemption form prescribed by such jurisdiction. Contractor shall be responsible for any taxes, interest or penalties assessed against Railway with respect to withholding taxes that Railway does not withhold from payments to Contractor.

5) ENVIRONMENTAL

i) Contractor shall strictly comply with all Environmental Laws (as defined below). Contractor shall not maintain a "treatment," "storage," "transfer" or "disposal" facility, or "underground storage tank," as those terms are defined by Environmental Laws, on the Railway Property or the right of way. Contractor will not handle, transport, release or suffer the release of Hazardous Materials (as defined below) on or about the Premises. Small quantities of diesel fuel, engine oil, and hydraulic fluids used in the operation of Contractor's equipment shall not be deemed a violation of this Section 5.

ii) Contractor shall give Railroad immediate notice to Railroad's Resource Operations Center at (800) 832-5452 of any release of Hazardous Materials on, from, or affecting the Premises. Contractor shall immediately respond to any release on or from the Premises. Any violation of Environmental Laws or any inspection or inquiry by governmental authorities charged with enforcing Environmental Laws with respect to Contractor's use of the Premises must be immediately reported to Railroad at EnvironmentalLeases@bnsf.com. Contractor also shall give Railroad prompt notice of all measures undertaken on behalf of

Contractor to investigate, remediate, respond to or otherwise cure a release or violation.
iii) If Railway has notice from Contractor or otherwise of a release or violation of Environmental Laws caused by Contractor or arising in any way with respect to Contractor's work which occurred or may occur during the term of this Agreement, Railway may require Contractor, at Contractor's sole risk and expense, to take timely measures to investigate, remediate, respond to or otherwise cure such release or violation affecting the Railway's Property.

iv) If during the construction or subsequent maintenance of the work or Structures, or any other soil-disturbing activities, soils or other materials considered to be environmentally impacted are encountered, Contractor will stop work immediately and notify Railway. After consultation with Railway, Contractor shall characterize any such impacted soils. Upon receiving sampling results, Contractor shall, in consultation with Railway, manage, remove, and/or dispose any such impacted soils offsite at an appropriately-licensed facility in accordance with Environmental Laws. Soil characterization and applicable disposal requirements, shall be in accordance with applicable federal, state, and local Environmental Laws or in consultation with an agency having the capacity and authority to make such a determination.

v) All soils and materials to be removed from the Railway Property or right of way must be properly characterized, managed, transported, and disposed of at an appropriately-licensed facility in accordance with all Environmental Laws. Either Contractor or Agency shall be the "Generator" of any and all such materials and waste, as such term is defined in Environmental Laws.

vi) All fill materials to be imported to Railway's property shall be certified clean fill or from a Railway approved source, and supporting documentation shall be provided to Railway upon request.
Contractor shall promptly report to Railroad in writing any conditions or activities upon the Railroad Property known to Contractor which create a risk of harm to persons, property or the environment and shall take all reasonable actions necessary to prevent injury to persons or property arising out of such conditions or activities; provided, however, that Contractor's reporting to Railroad shall not relieve Contractor of any obligation whatsoever imposed on it by this Agreement. Contractor shall promptly respond to Railroad's request for information regarding said conditions or activities.

vii) Notwithstanding anything in this Section 5, the parties agree that BNSF has no duty or obligation to monitor Contractor's use of the property or right of way to

determine Contractor's compliance with Environmental Laws, it being solely Contractor's responsibility to ensure that Contractor's use is compliant. Regulatory plans and a minimum of two (2) years of records/inspections shall be readily available. Contractor shall promptly provide the same to the Railroad upon request.

viii) "Environmental Law(s)" shall mean any federal, state, local, or tribal law, statute, ordinance, code, rule, regulation, policy, common law, license, authorization, decision, order, or injunction which pertains to health, safety, any Hazardous Material, or the environment (including but not limited to ground, air, water, or noise pollution or contamination, and underground or above-ground tanks) and shall include, without limitation, CERCLA 42 U.S.C. §9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §6901 et seq., CERCLA; the Hazardous Materials Transportation Act, 49 U.S.C. §5101 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq.; the Clean Air Act, 42 U.S.C. §7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. §2601 et seq.; the Safe Drinking Water Act, 42 U.S.C. §300f et seq.; the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11001 et seq.; the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. 136 to 136y; the Oil Pollution Act, 33 U.S.C. 2701 et seq.; and the Occupational Safety and Health Act, 29 U.S.C. 651 et seq.; all as have been amended from time to time, and any other federal, state, local, or tribal environmental requirements, together with all rules, regulations, orders, and decrees now or hereafter promulgated under any of the foregoing, as any of the foregoing now exist or may be changed or amended or come into effect in the future.

ix) "Hazardous Material(s)" shall include but shall not be limited to any substance, material, or waste that is regulated by any Environmental Law or otherwise regulated by any federal, state, local, or tribal governmental authority because of toxic, flammable, explosive, corrosive, reactive, radioactive or other properties that may be hazardous to human health or the environment, including without limitation asbestos and asbestos-containing materials, radon, petroleum and petroleum products, urea formaldehyde foam insulation, methane, lead-based paint, polychlorinated biphenyl compounds, hydrocarbons or like substances and their additives or constituents, pesticides, agricultural chemicals, and any other special, toxic, or hazardous (i) substances, (ii) materials, or (iii) wastes of any kind, including without limitation those now or hereafter defined, determined, or identified as "hazardous chemicals," "hazardous substances," "hazardous materials," "toxic substances," or "hazardous wastes" in any Environmental Law.

6) EXHIBIT "C" CONTRACTOR REQUIREMENTS

A. The Contractor must observe and comply with all provisions, obligations, requirements and limitations contained in the Agreement, and the Contractor Requirements set forth on Exhibit "C" attached to the Agreement and this Agreement, including, but not be limited to, payment of all costs incurred for any damages to Railway roadbed, tracks, and/or appurtenances thereto, resulting from use, occupancy, or presence of its employees, representatives, or agents or subcontractors on or about the construction site. Contractor shall execute a Temporary Construction Crossing Agreement or Private Crossing Agreement (http://www.bnsf.com/communities/faqs/permits-real-estate/), for any temporary crossing requested to aid in the construction of this Project, if approved by BNSF.

7) TRAIN DELAY

A. Contractor is responsible for and hereby indemnifies and holds harmless Railway (including its affiliated railway companies, and its tenants) for, from and against all damages arising from any unscheduled delay to a freight or passenger train which affects Railway's ability to fully utilize its equipment and to meet customer service and contract obligations. Contractor will be billed, as further provided below, for the economic losses arising from loss of use of equipment, contractual loss of incentive pay and bonuses and contractual penalties resulting from train delays, whether caused by Contractor, or subcontractors, or by the Railway performing work under this Agreement. Railway agrees that it will not perform any act to unnecessarily cause train delay.

B. For loss of use of equipment, Contractor will be billed the current freight train hour rate per train as determined from Railway's records. Any disruption to train traffic may cause delays to multiple trains at the same time for the same period.

C. Additionally, the parties acknowledge that passenger, U.S. mail trains and certain other grain, intermodal, coal and freight trains operate under incentive/penalty contracts between Railway and its customer(s). Under these arrangements, if Railway does not meet its contract service commitments, Railway may suffer loss of performance or incentive pay and/or be subject to penalty payments. Contractor is responsible for any train performance and incentive penalties or other contractual economic losses actually incurred by Railway which are attributable to a train delay caused by Contractor or its subcontractors.

D. The contractual relationship between Railway and its customers is proprietary and confidential. In the event of a train delay covered by this Agreement, Railway will share information relevant to any train delay to the extent consistent with Railway

confidentiality obligations. The rate then in effect at the time of performance by the Contractor hereunder will be used to calculate the actual costs of train delay pursuant to this agreement.

E. Contractor and its subcontractors must give Railway's representative (_____) _____ (__) weeks advance notice of the times and dates for proposed work windows. Railway and Contractor will establish mutually agreeable work windows for the project. Railway has the right at any time to revise or change the work windows due to train operations or service obligations. Railway will not be responsible for any additional costs or expenses resulting from a change in work windows. Additional costs or expenses resulting from a change in work windows shall be accounted for in Contractor's expenses for the project.

F. Contractor and subcontractors must plan, schedule, coordinate and conduct all Contractor's work so as to not cause any delays to any trains.

SIGNATURE PAGE FOLLOWS

Contract Number: Document ID

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its duly authorized officer the day and year first above written.

BNSF RAILWAY COMPANY	**Account Name**
Signature:_____	Signature:_____
Printed Name:_____	Printed Name:_____
Title: Manager Public Projects	Title:_____
Date:_____	Date:_____

Accepted and effective this _____day of 20__.

Contact Person:_____

Address:_____

City:_____

State:_____ Zip:_____

Fax:_____

Phone:_____

E-mail:_____

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	Tim Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Final Payment Request, Contract No. 26014 for Project CP 018-200-166 and 018-300-062 (Aggregate resurfacing of County gravel roads and FAD gravel roads)

PREVIOUS ACTION:

04/08/25 - Crow Wing County 2025-2029 Highway Improvement Plan adopted by the County Board.

12/16/25 - Resolution authorizing advertising for bids.

02/24/26 - Awarded Contract to Kowalczyk Gravel Inc.

COMMENTS:

Original Contract Amount =	$328,442.00
Final Contract Amount =	$322,348.28
Amount Over/Under	$6093.72 (1.86% under)

RECOMMENDED BOARD ACTION:

Approve final payment to Kowalczyk Gravel Inc for Contract No. 26014 for the total contract amount of $322,348.28 for Project CP 018-200-166 and 018-300-062 (Aggregate surfacing of County and FAD roads) and authorize the County Engineer to approve the Certificate of Final Contract Acceptance.

Approximate length of presentation: Consent

Contract Number: 26014
Final Pay Request Number: 2

Project Number	Project Description
CP 018-200-166	2026 County Aggregate Surfacing
CP 018-300-062	2026 FAD Aggregate Surfacing

Contractor:	Kowalczyk gravel inc 30012 213 st PIERZ, MN 56364	**Vendor Number:** **Up To Date:**	1 06/11/2026

Contract Amount		**Funds Encumbered**	
Original Contract	$328,442.00	Original	$328,442.00
Contract Changes	$0.00	Additional	N/A
Revised Contract	$328,442.00	Total	$328,442.00

Work Certified To Date	
Base Bid Items	$322,348.28
Contract Changes	$0.00
Material On Hand	$0.00
Total	$322,348.28

Project	Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
CP 018-200-166	$0.00	$285,502.56	$0.00	$271,227.43	$14,275.13	$285,502.56
CP 018-300-062	$0.00	$36,845.72	$0.00	$35,003.44	$1,842.28	$36,845.72

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
$0.00	$322,348.28	$0.00	$306,230.87	$0.00	$322,348.28
	Percent: Retained: 0%			Percent Complete: 98.14 %	
				Amount Paid this Final Pay Request: $16,117.41	

I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed, that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed in accordance with, and pursuant to, the terms of the Contract is as shown in this Final Voucher.

Approved By
Robert Hall
Project Engineer
6/15/26
Date

Approved By Kowalczyk gravel inc
Contractor
6/11/2026
Date

Primary Project No.: CP 018-200-166
Final Pay Request No.: 2
Contract No.: 26014

Certificate of Final Contract Acceptance
Final Voucher Number: 2

This is to certify that to the best of my knowledge, the items of work shown in the Statement of Work Certified herein have actually furnished in accordance with the Plans and Specifications. This Project has been completed in accordance with the Laws, Standards and Procedures of as they apply to projects in this category, and if applicable, approved by the Federal Highway Administration.

Dated 6/15/26 Signature Robert Hall Project Engineer

The undersigned Contractor hereby certifies that the work described has been performed in accordance with the terms of the Contract, and agrees that the Final Value of Work Certified on this Contract is $322,348.28 and agrees to the amount of $16,117.41 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: Kowalczyk gravel inc

By _____

And _____ And _____

State of Minnesota, Crow Wing County

On This _____ Day _____, _____, Before me appeared _____To me known to

(Individual Acknowledgment)

be the person who executed the foregoing Acceptance and Acknowledged that he/she executed the same as _____ free to act and deed

(Corporate Acknowledgment)

Mike Smude And _____, to me personally known, who, being each by me duly sworn each did say that they are respectively the Owner and President of the Kowalczyk Gravel Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the Corporate Seal of said Corporation, and the said instrument was signed and sealed in behalf of said Corporation by authority of its

Owner and said President and _____

acknowledged said instrument to be the free act and deed of said Corporation.

Notarial Seal

KATIE L. MEYER
Notary Public-Minnesota
My Commission Expires Jan. 31, 2031

My Commission as Notary Public in Morrison County

Expires Jan 31, 2031

CROW WING COUNTY
CERTIFICATE OF PERFORMANCE

Project Number:
CP 018-200-166
CP 018-300-062

Contractor: Kowalczyk gravel inc

Total Value of Work	**Original Contract**	**$328,442.00**
For Voucher # 2	**Final Contract Amount**	**$322,348.28**

Contract # 26014

I HEREBY CERTIFY to the Board of Commissioners of Crow Wing County, that I have been in charge of the work required by the above described contract, that all of such work has been done and performed, measured by, and in accordance with and pursuant to the items of said contract.

Robert Hall

Project Engineer in Charge

6/15/26

Date

Contract Payment Summary

Payment Number	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2026-06-02	$322,348.28	$16,117.41	$306,230.87
2	2026-06-11	$0.00	($16,117.41)	$16,117.41

Contract Funding Category Summary

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
County	1	$285,502.56	$0.00	$271,227.43	$14,275.13	$285,502.56
FAD	2	$36,845.72	$0.00	$35,003.44	$1,842.28	$36,845.72

Contract Funding Source Summary

Accounting Number	Funding Source Name	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
2229 (FAD)	FAD	$1,842.28	$35,288.00	$35,288.00	$36,845.72
8091 (LOST)	LOST	$14,275.13	$293,154.00	$293,154.00	$285,502.56

Project Payment Summary

Project	Payment Number	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
CP 018-200-166	1	2026-06-02	$285,502.56	$14,275.13	$271,227.43
CP 018-200-166	2	2026-06-11	$0.00	($14,275.13)	$14,275.13
CP 018-300-062	1	2026-06-02	$36,845.72	$1,842.28	$35,003.44
CP 018-300-062	2	2026-06-11	$0.00	($1,842.28)	$1,842.28

Project Funding Category Summary

Project	Funding Category Name	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
CP 018-200-166	County - Group 1	$285,502.56	$0.00	$271,227.43	$14,275.13	$285,502.56
CP 018-300-062	FAD - Group 2	$36,845.72	$0.00	$35,003.44	$1,842.28	$36,845.72

Project Funding Source Summary

Project	Funding Source Name	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
CP 018-200-166	8091 (LOST) (LOST) - County Road	$14,275.13	$293,154.00	$293,154.00	$285,502.56
CP 018-300-062	2229 (FAD) (FAD) - FAD	$1,842.28	$35,288.00	$35,288.00	$36,845.72

Contract Item Status

Project	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
CP 018-200-166	1	2021.501	MOBILIZATION	LUMP SUM	$2,000.00	0.9	0	$0.00	0.9	$1,800.00

Contract Item Status

Project	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
CP 018-200-166	2	2112.519	SUBGRADE PREPARATION 6"-12"	ROAD STA	$15.00	502	0	$0.00	502	$7,530.00
CP 018-200-166	3	2118.509	AGGREGATE SURFACING CLASS 5 MOD	TON	$18.00	15693	0	$0.00	15267.92	$274,822.56
CP 018-200-166	4	2563.601	TRAFFIC CONTROL	LUMP SUM	$1,500.00	0.9	0	$0.00	0.9	$1,350.00
CP 018-300-062	1	2021.501	MOBILIZATION	LUMP SUM	$2,000.00	0.1	0	$0.00	0.1	$200.00
CP 018-300-062	2	2112.519	SUBGRADE PREPARATION 6"-12"	ROAD STA	$15.00	60	0	$0.00	60	$900.00
CP 018-300-062	3	2118.509	AGGREGATE SURFACING CLASS 5 MOD	TON	$18.00	1891	0	$0.00	1977.54	$35,595.72
CP 018-300-062	4	2563.601	TRAFFIC CONTROL	LUMP SUM	$1,500.00	0.1	0	$0.00	0.1	$150.00
Base Bid Totals:								**$0.00**		**$322,348.28**

Project Category Totals

Project	Category	Amount This Request	Amount To Date
CP 018-200-166	County	$0.00	$285,502.56
CP 018-300-062	FAD	$0.00	$36,845.72

Contract Change Item Status

Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To date	Amount To date
Contract Change Totals:									**$0.00**		**$0.00**

Contract Change Totals

Number	Description	Effective Date	Amount

Material On Hand Additions

Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Total	$322,348.28

Contract 26014
OVERRUN/ UNDERRUN REPORT

Bit spot patching CP-018-200-154									
Item No.	Description	Unit	Unit Price	Contract Qty	Final Qty	Qty Over/ Under	Amount Over/ Under	% Over/ Under	Explanation
2118.509	Aggregate surfacing Class 5 MOD	TON	$ 18.00	15,693	15,268	-425	$ (7,651.44)	-3%	
2118.509	Aggregate surfacing Class 5 MOD	TON	$ 18.00	1891	1,977.54	87	$ 1,557.72	5%	Sugarbush Trail addition
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
					Contract Amount Over/Under		**$ (6,093.72)**	**-1.86%**	
						Construction Total		-100.00%	
					Incentives/Disincentives/Contract Obligations		$ -	0.00%	
						Original Contract Amount	$ 328,442.00		
						Final Contract Amount	$ 322,348.28		

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	Tim Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Final Payment Request, Contract No. 26012 for Project CP 018-200-164 and CP 018-300-061 (Crack sealing 1 for County and FAD roads)

PREVIOUS ACTION:

04/08/25 - Crow Wing County 2025-2029 Highway Improvement Plan adopted by the County Board.

12/16/25 - Resolution authorizing advertising for bids.

02/24/26 - Allied Blacktop Company

COMMENTS:

Original Contract Amount =	$450,139.00
Final Contract Amount =	$449,061.00
Amount Over/Under =	$1078.00 (0.24% Under)

RECOMMENDED BOARD ACTION:
Approve final payment to Allied Blacktop Company for Contract No. 26012 for the total contract amount of $ 449,061 for Project CP 018-200-164 and CP 018-300-061 and authorize the County Engineer to approve the Certificate of Final Contract Acceptance

Approximate length of presentation:

Contract 26012
OVERRUN/ UNDERRUN REPORT

Bit spot patching CP-018-200-154									
Item No.	Description	Unit	Unit Price	Contract Qty	Final Qty	Qty Over/ Under	Amount Over/ Under	% Over/ Under	Explanation
2331.619	Seal Bituminous Pavement Cracks	RS	$ 77.00	1,080	1,066	-14	$ (1,078.00)	-1%	FAD miscalculation
			$ -		0.00	0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
					Contract Amount Over/Under		**$ (1,078.00)**	**-0.24%**	
						Construction Total		-100.00%	
						Incentives/Disincentives/Contract Obligations	$ -	0.00%	
						Original Contract Amount	$ 450,139.00		
						Final Contract Amount	$ 449,061.00		

Contract Number: 26012
Final Pay Request Number: 3

Project Number	Project Description
CP 018-200-164	2026 County Crack Sealing 1
CP 018-300-061	2026 FAD Crack Sealing 1

Contractor: Allied Blacktop Company 10503 89th Avenue North Maple Grove, MN 55369	**Vendor Number:** 8533 **Up To Date:** 06/11/2026

Contract Amount		**Funds Encumbered**	
Original Contract	$450,139.00	Original	$450,139.00
Contract Changes	$0.00	Additional	N/A
Revised Contract	$450,139.00	Total	$450,139.00

Work Certified To Date	
Base Bid Items	$449,061.00
Contract Changes	$0.00
Material On Hand	$0.00
Total	$449,061.00

Project	Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
CP 018-200-164	$0.00	$349,379.00	$0.00	$331,910.05	$17,468.95	$349,379.00
CP 018-300-061	$0.00	$99,682.00	$0.00	$94,697.90	$4,984.10	$99,682.00

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
$0.00	$449,061.00	$0.00	$426,607.95	$0.00	$449,061.00
	Percent: Retained: 0%		Percent Complete: 99.76 %		
				Amount Paid this Final Pay Request: $22,453.05	

I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed, that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed in accordance with, and pursuant to, the terms of the Contract is as shown in this Final Voucher.

Approved By
Robert Hall
Project Engineer
6/15/26
Date

Approved By Allied Blacktop Company
Contractor Brent Capistrant, President
6/11/2026
Date

Primary Project No.: CP 018-200-164
CP 018-300-061
Final Pay Request
No.: 3
Contract No.: 26012

Certificate of Final Contract Acceptance
Final Voucher Number: 3

This is to certify that to the best of my knowledge, the items of work shown in the Statement of Work Certified herein have actually furnished in accordance with the Plans and Specifications. This Project has been completed in accordance with the Laws, Standards and Procedures of as they apply to projects in this category, and if applicable, approved by the Federal Highway Administration.

Dated 6/15/26 Signature Robert Hall Project Engineer

The undersigned Contractor hereby certifies that the work described has been performed in accordance with the terms of the Contract, and agrees that the Final Value of Work Certified on this Contract is $449,061.00 and agrees to the amount of $22,453.05 as Final Payment on this Contract in accordance with this Final Voucher.

Contractor: Allied Blacktop Company

By _____ Brent Capistrant, President

And _____ And _____

Jeremy Swenson, Vice President Suzy Coyer, Witness

State of Minnesota, Crow Wing County

On This 11th Day June, 2026, Before me appeared _____ To me known to

(Individual Acknowledgment)

be the person who executed the foregoing Acceptance and Acknowledged that he/she executed the same as _____ free to act and deed

(Corporate Acknowledgment)

Brent Capistrant And Jeremy Swenson, to me personally known, who, being each by me duly sworn each did say that they are respectively the President and Vice President of the Allied Blacktop Company Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the Corporate Seal of said Corporation, and the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors and said President and Vice President acknowledged said instrument to be the free act and deed of said Corporation.

Notarial Seal

Jack Vander Top
Notary Public
Minnesota
My Commission Expires 01/31/2028

My Commission as Notary Public in Hennepin County

Expires 1/31/2026

CROW WING COUNTY
CERTIFICATE OF PERFORMANCE

Project Number:
CP 018-200-164
CP 018-300-061

Contractor: Allied Blacktop Company

Total Value of Work For Voucher # 3	**Original Contract**	**$450,139.00**
	Final Contract Amount	**$449,061.00**

Contract # 26012

I HEREBY CERTIFY to the Board of Commissioners of Crow Wing County, that I have been in charge of the work required by the above described contract, that all of such work has been done and performed, measured by, and in accordance with and pursuant to the items of said contract.

Robert Hall

Project Engineer in Charge

6/15/26
Date

Contract Payment Summary				
Payment Number	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2026-05-13	$217,304.00	$10,865.20	$206,438.80
2	2026-06-02	$231,757.00	$11,587.85	$220,169.15
3	2026-06-11	$0.00	($22,453.05)	$22,453.05

Contract Funding Category Summary						
Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
City of Pequot	3	$27,900.00	$0.00	$26,505.00	$1,395.00	$27,900.00
Crow Wing County	1	$295,735.00	$0.00	$280,948.25	$14,786.75	$295,735.00
Mission Township	4	$25,744.00	$0.00	$24,456.80	$1,287.20	$25,744.00
FAD	2	$99,682.00	$0.00	$94,697.90	$4,984.10	$99,682.00

Contract Funding Source Summary					
Accounting Number	Funding Source Name	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
2228 (FAD)	FAD	$4,984.10	$100,760.00	$100,760.00	$99,682.00
4052 (Pequot)	City - Pequot Lakes	$1,395.00	$27,900.00	$27,900.00	$27,900.00
4053 (Mission)	Township - Mission	$1,287.20	$25,744.00	$25,744.00	$25,744.00
8089 (LOST)	LOST	$14,786.75	$295,735.00	$295,735.00	$295,735.00

Project Payment Summary					
Project	Payment Number	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
CP 018-200-164	1	2026-05-13	$128,222.00	$6,411.10	$121,810.90
CP 018-200-164	2	2026-06-02	$221,157.00	$11,057.85	$210,099.15
CP 018-200-164	3	2026-06-11	$0.00	($17,468.95)	$17,468.95
CP 018-300-061	1	2026-05-13	$89,082.00	$4,454.10	$84,627.90
CP 018-300-061	2	2026-06-02	$10,600.00	$530.00	$10,070.00
CP 018-300-061	3	2026-06-11	$0.00	($4,984.10)	$4,984.10

Project Funding Category Summary						
Project	Funding Category Name	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
CP 018-200-164	County / City of Pequot - Group 3	$27,900.00	$0.00	$26,505.00	$1,395.00	$27,900.00
CP 018-200-164	County / Crow Wing County - Group 1	$295,735.00	$0.00	$280,948.25	$14,786.75	$295,735.00
CP 018-200-164	County / Mission Township - Group 4	$25,744.00	$0.00	$24,456.80	$1,287.20	$25,744.00
CP 018-300-061	FAD - Group 2	$99,682.00	$0.00	$94,697.90	$4,984.10	$99,682.00

Project Funding Source Summary					
Project	Funding Source Name	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date

CP 018-200-164	4052 (Pequot) (City - Pequot Lakes) - City of Pequot Lakes	$1,395.00	$27,900.00	$27,900.00	$27,900.00
CP 018-200-164	4053 (Mission) (Township - Mission) - Mission Township	$1,287.20	$25,744.00	$25,744.00	$25,744.00
CP 018-200-164	8089 (LOST) (LOST) - County Road	$14,786.75	$295,735.00	$295,735.00	$295,735.00
CP 018-300-061	2228 (FAD) (FAD) - FAD	$4,984.10	$100,760.00	$100,760.00	$99,682.00

Contract Item Status

Project	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
CP 018-200-164	1	2021.501	MOBILIZATION	LUMP SUM	$30,000.00	0.78	0	$0.00	0.78	$23,400.00
CP 018-200-164	2	2331.619	SEAL BITUMINOUS PAVEMENT CRACKS	ROAD STA	$77.00	3727	0	$0.00	3727	$286,979.00
CP 018-200-164	3	2563.601	TRAFFIC CONTROL	LUMP SUM	$50,000.00	0.78	0	$0.00	0.78	$39,000.00
CP 018-300-061	1	2021.501	MOBILIZATION	LUMP SUM	$30,000.00	0.22	0	$0.00	0.22	$6,600.00
CP 018-300-061	2	2331.619	SEAL BITUMINOUS PAVEMENT CRACKS	ROAD STA	$77.00	1080	0	$0.00	1066	$82,082.00
CP 018-300-061	3	2563.601	TRAFFIC CONTROL	LUMP SUM	$50,000.00	0.22	0	$0.00	0.22	$11,000.00
Base Bid Totals:								**$0.00**		**$449,061.00**

Project Category Totals

Project	Category	Amount This Request	Amount To Date
CP 018-200-164	County	$0.00	$349,379.00
CP 018-300-061	FAD	$0.00	$99,682.00

Contract Change Item Status

Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To date	Amount To date

Contract Change Totals:	$0.00		$0.00

Contract Change Totals			
Number	Description	Effective Date	Amount

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Total	$449,061.00

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Highway and Engineering	TIm Bray
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Final Contract Payment - Crack Seal 2

PREVIOUS ACTION:

04/08/25 - Crow Wing County 2025-2029 Highway Improvement Plan adopted by the County Board.

12/16/25 - Resolution authorizing advertising for bids.

02/24/26 - Awarded Contract to Fahrner Asphalt Sealers, LLC

COMMENTS:

Original Contract Amount =	$243.538.08
Final Contract Amount =	$243.949.68
Amount Over/Under =	$411.60 (.17% over)

RECOMMENDED BOARD ACTION:
Approve final payment to Fahrner Asphalt Sealers LLC for Contract No. 25013 for the total contract amount of $243,949.68 for Project CP 018-200-165 (Crack Sealing 2 for County and Township Roads), and to authorize the County Engineer to approve the Certificate of Final Contract Acceptance.

Approximate length of presentation:

Contract 26013
OVERRUN/ UNDERRUN REPORT

Bit spot patching CP-018-200-154									
Item No.	Description	Unit	Unit Price	Contract Qty	Final Qty	Qty Over/ Under	Amount Over/ Under	% Over/ Under	Explanation
2331.619	Seal Bitumionous Pavement cracks	RS	$ 82.32	1,850	1,935	85	$ 6,997.20	5%	Switched CR 130 for CR 138
2331.619	Route and Seal Bituminous Pavement cracks	RS	$ 82.32	744	644.00	-100	$ (8,232.00)	-13%	Miscalculation
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
						0	$ -	#DIV/0!	
					Contract Amount Over/Under		**$ (1,234.80)**	**-0.51%**	
						Construction Total	$ 243,949.68	0.17%	
						Incentives/Disincentives/Contract Obligations	$ -	0.00%	
						Original Contract Amount	$ 243,538.08		
						Final Contract Amount	$ 243,949.68		

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Facilities	Kurt Wilczek
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Award Contract for CIP Project No.1102604 (Bituminous Replacement - Judicial Center)

PREVIOUS ACTION:

COMMENTS:
The bid summary is attached. Two bids were received, and Anderson Brothers Construction Company of Brainerd, LLC. was the low bidder at $249,460.15. The engineer's estimate was $321,598.30. Construction is expected to begin on or after August 1, 2026 and be completed by August 30th 2026.

RECOMMENDED BOARD ACTION:
Authorize entering into a contract between Anderson Brothers Construction Company of Brainerd, LLC. and Crow Wing County in the amount of $249,460.15 for Project No. 1102604 (Bituminous Replacement - Judicial Center).

Approximate length of presentation:

Contract 2026 County Parking Lot Resurfacing - Bid Abstract

Report Date	Contract Name	Contract Number	Local	Release Date	Bid opening
2026-06-17	2026 County Parking Lot Resurfacing	26021	CP 018-200-171	5/23/2026, 12:00 AM	Jun 17, 2026, 9:00 AM

Base Bid

Uncategorized

							Anderson Brothers Construction Company of Brainerd LLC			KNIFE RIVER		
Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under	Price	Total	% Over/Under
1	2021.501	MOBILIZATION	LUMP SUM	1	$25,000.00	$25,000.00	$7,500.00	$7,500.00	70.00% UNDER	$7,000.00	$7,000.00	72.00% UNDER
2	2232.504	MILL BITUMINOUS SURFACE (1.5")	SQ YD	7,656	$4.00	$30,624.00	$2.50	$19,140.00	37.50% UNDER	$2.65	$20,288.40	33.75% UNDER
3	2357.506	BITUMINOUS MATERIAL FOR TACK COAT	GALLON	766	$3.00	$2,298.00	$2.50	$1,915.00	16.67% UNDER	$0.01	$7.66	99.67% UNDER
4	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (2,B)	TON	880	$100.00	$88,000.00	$75.00	$66,000.00	25.00% UNDER	$78.00	$68,640.00	22.00% UNDER
6	2506.502	ADJUST FRAME AND RING CASTING	EACH	6	$250.00	$1,500.00	$175.00	$1,050.00	30.00% UNDER	$550.00	$3,300.00	120.00% OVER
7	2506.602	REPAIR CATCH BASINS	EACH	1	$1,000.00	$1,000.00	$1,750.00	$1,750.00	75.00% OVER	$1,750.00	$1,750.00	75.00% OVER
9	2582.503	4" SOLID LINE PAINT	LIN FT	4,112	$0.30	$1,233.60	$0.55	$2,261.60	83.33% OVER	$0.32	$1,315.84	6.67% OVER
10	2582.503	4" BROKEN LINE PAINT	LIN FT	9	$0.30	$2.70	$0.55	$4.95	83.33% OVER	$0.50	$4.50	66.67% OVER
11	2582.518	PAVEMENT MESSAGE PAINT	SQ FT	485	$4.00	$1,940.00	$2.76	$1,338.60	31.00% UNDER	$1.80	$873.00	55.00% UNDER
					Total Uncategorized	$151,598.30		$100,960.15 33.4% UNDER			$103,179.40 31.94% UNDER	

Base Bid Totals

	Est Total	Anderson Brothers Construction Company Of Brainerd LLC	KNIFE RIVER
Uncategorized	$151,598.30	$100,960.15 33.4% UNDER	$103,179.40 31.94% UNDER
	$151,598.30	$100,960.15 33.4% UNDER	$103,179.40 31.94% UNDER

Alternate 1

Uncategorized

							Anderson Brothers Construction Company of Brainerd LLC			KNIFE RIVER		
Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under	Price	Total	% Over/Under
5	2433.601	RECONSTRUCT SIDEWALK (ADA)	LUMP SUM	1	$100,000.00	$100,000.00	$98,500.00	$98,500.00	1.50% UNDER	$97,000.00	$97,000.00	3.00% UNDER
					Total Uncategorized	$100,000.00		$98,500.00 1.5% UNDER			$97,000.00 3% UNDER	

Alternate 1 Totals

	Est Total	KNIFE RIVER	Anderson Brothers Construction Company Of Brainerd LLC
Uncategorized	$100,000.00	$97,000.00 3% UNDER	$98,500.00 1.5% UNDER
	$100,000.00	$97,000.00 3% UNDER	$98,500.00 1.5% UNDER

Alternate 2

Uncategorized

							Anderson Brothers Construction Company of Brainerd LLC			KNIFE RIVER		
Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under	Price	Total	% Over/Under
8	2545.601	LIGHTING SYSTEM	LUMP SUM	1	$70,000.00	$70,000.00	$50,000.00	$50,000.00	28.57% UNDER	$51,000.00	$51,000.00	27.14% UNDER

							Anderson Brothers Construction Company of Brainerd LLC			KNIFE RIVER	
Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total	Price	Total	% Over/Under	Price	Total	% Over/Under
					Total Uncategorized	$70,000.00		$50,000.00 28.57% UNDER			$51,000.00 27.14% UNDER	

Alternate 2 Totals

	Est Total	Anderson Brothers Construction Company Of Brainerd LLC	KNIFE RIVER
Uncategorized	$70,000.00	$50,000.00 28.57% UNDER	$51,000.00 27.14% UNDER
	$70,000.00	$50,000.00 28.57% UNDER	$51,000.00 27.14% UNDER

Totals

	Est Total	Anderson Brothers Construction Company Of Brainerd LLC	KNIFE RIVER
Base Bid	$151,598.30	$100,960.15 33.4% UNDER	$103,179.40 31.94% UNDER
Alternate 1	$100,000.00	$98,500.00 1.5% UNDER	$97,000.00 3% UNDER
Alternate 2	$70,000.00	$50,000.00 28.57% UNDER	$51,000.00 27.14% UNDER
	$321,598.30	$249,460.15 22.43% UNDER	$251,179.40 21.9% UNDER

I hereby certify that this is an exact reproduction of bids received.

License Number:

Signature:

Date:

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Sheriff	N/A
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: 2026 State of MN Federal Boating Safety Equipment Grant Contract

PREVIOUS ACTION:

COMMENTS:
The total amount of this grant is $109,111.

RECOMMENDED BOARD ACTION:
Authorize entering into a grant contract between Crow Wing County, Crow Wing County Sheriff's Office and the State of Minnesota, acting through its Department of Natural Resources, Enforcement Division for supplementary funding of specific items for recreational boating safety, effective March 3, 2026, through September 1, 2026, and the Chair and County Administrator are authorized to sign said grant contract, subject to review as to form and execution by the County Attorney.

Approximate length of presentation:

DEPARTMENT OF NATURAL RESOURCES

2026 STATE OF MINNESOTA
ANNUAL COUNTY BOAT AND WATER SAFETY
GRANT CONTRACT AGREEMENT

ENCUMBRANCE WORKSHEET

Contract# 290860 **PO#** 3000300200

State Accounting Information:

Dept. ID	PC Bus. Unit	Fiscal Year	Source Type	Vendor Number
R29	R2901	2026	State	0000197288-001

Total Amount	Project ID	Billing Location	UEI
$109111	R29G70CGBLA25	R297000221	FM9SDDFC6KP6

Accounting Distribution:

Fund	Fin. Dept. ID	Appropriation ID	Category	Account	Activity
2100	R2937714	R297400	84101501	441302	A7CG002

Grant Begin Date	Grant End Date
May 23, 2026	June 30, 2027

Grantee Name and Address:
Crow Wing County Sheriff's Office
304 Laurel Street
Brainerd, MN 56401

Payment Address:
(where DNR sends the check)
Crow Wing Co. Treasurer
326 Laurel St. #22
Brainerd, MN 56401-3591

STATE OF MINNESOTA
GRANT CONTRACT AGREEMENT
Swift Contract Number: 290860

This Grant Contract Agreement is between the State of Minnesota, acting through its Department of Natural Resources, Division of Enforcement("State") and Crow Wing County Sheriff's Office, 304 Laurel Street, Brainerd, MN 56401, («COUNTY») ("Grantee"). The payment address for this grant contract agreement is Crow Wing Co. Treasurer, 326 Laurel St. #22, Brainerd, MN 56401-3591.

Recitals

Under Minnesota Statutes §§ 86B.701, 86B.705 and 84.026 the State is empowered to enter into this Grant Contract Agreement. The State is in need of Sheriff's duties to carry out the provisions of Chapter 86B and the Boat and Water Safety Rules, hereinafter referred to as the "Minnesota Rules", including patrol, enforcement, search and rescue, watercraft inspection, issuance of temporary structure & event permits, waterway marking and accident investigation, all hereinafter referred to as the "Sheriff's Duties".

The Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract agreement to the satisfaction of the State. Pursuant to Minn.Stat.§16B.98, Subd.1, the Grantee agrees to minimize administrative costs as a condition of this grant.

Grant Contract Agreement

1 Term of Grant Contract Agreement

1.1 Effective Date. May 23, 2026, or the date the State obtains all required signatures, whichever is later.

Notwithstanding Minnesota Statutes §§ 16B.98, Subd. 5, the Grantee submitted, and the State approved a work plan and budget whose expenditures can be reimbursed as of the effective date of this Agreement pursuant to Minnesota Statutes § 86B.701, subd. 3.

Per Minnesota Statutes § 16B.98 Subd. 7, no payments will be made to the Grantee until this Grant Contract Agreement is fully executed.

1.2 Expiration Date.

A. June 30, 2027, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

1.3 Survival of Terms. The following clauses survive the expiration or cancellation of this Grant Contract Agreement: Liability; State Audits; Government Data Practices and Intellectual Property; Publicity and Endorsement; Governing Law, Jurisdiction, and Venue; Data Disclosure, and Monitoring.

1.4 Incur Expenses

Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after January 1, 2026, or the date the Work Plan is approved, whichever is later, are eligible for reimbursement unless otherwise provided in Minnesota Statute § 86B.701 subd. 3.

1 Specifications, Duties, and Scope of Work

The Grantee, who is not a state employee, will:

1.1 Provide county sheriff services for boat and water safety activities. As stated in Minnesota Statute § 86B.701, the Grantee will submit to the State a Spending Plan (Exhibit A,) along with this form to carry out the Sheriff's Duties. Boat and water safety activities are those outlined in Minnesota Statutes § 86B, Minnesota Rules, Chapter 6110, search and recovery operations in the waters of the State and the portions of Chapter 169A that are applicable to motorboats. Exhibit B: Allowable Expenditures and Reporting Requirements, further defines the allowable expenditures.

1.2 The Grantee will comply with the required grants management policies and procedures set forth through Minn. Stat. §16B.97, subd 4 (a)(1),

1.3 The Grantee agrees to complete the program in accordance with the approved budget to the extent practicable and within the program period specified in the grant contract agreement. Any material change in the grant contract agreement shall require an amendment by the State (see Section 9.2) .

1.4 The Grantee agrees to meet all grant program requirements, as described in the State Boat Grant, which is incorporated into this grant contract by reference.

1.5 The Grantee shall be responsible for the administration supervision, management, record keeping, and program oversight required for the work performed under this agreement.

1.6 The Grantee is responsible for maintaining an adequate conflict of interest policy. Throughout the term of this agreement, the Grantee shall monitor and report any actual, potential, or perceived conflicts of interest to the State's Authorized Representative. The Grantee must sign and return Attachment C, Conflict of Interest Disclosure, when countersigning this agreement.

2 Time

The Grantee must comply with all the time requirements described in this Grant Contract Agreement. In the performance of this Grant Contract Agreement, time is of the essence and failure to meet a deadline date may be a basis for a determination by the State's Authorized Representative that the Grantee has not complied with the terms of the Grant Contract Agreement. The Grantee is required to perform all the duties cited within clause two "Specifications, Duties, and Scope of Work" within the grant period. The State is not obligated to extend the grant period.

3 Consideration and Terms of Payment

The consideration for all services performed by the Grantee pursuant to this Grant Contract Agreement shall be paid by the State as follows:

3.1 Compensation. The total obligation of the State under this Grant Contract Agreement, including all compensation and reimbursements, is not to exceed One hundred nine thousand one hundred eleven dollars shall be paid in accordance with the terms outlined in Exhibit B: Allowable Expenditures & Reporting Requirements, which is attached and incorporated into this Grant Contract Agreement.

3.2 Administrative Costs. Grantee administrative costs must be necessary and reasonable.

3.1 Travel Expenses. Reimbursement for travel and subsistence expenses actually and necessarily incurred by the Grantee because of this Grant Contract Agreement will not exceed $0. The Grantee will not be reimbursed for travel and subsistence expenses incurred outside Minnesota unless it has received the State's prior written approval for out of state travel. Minnesota will be considered the home state for determining whether travel is out of state.

The Grantee will be reimbursed for travel and subsistence expenses in the same manner and in no greater amount than provided in the current Commissioner's Plan promulgated by the Commissioner of Minnesota Management and Budget.

3.2 Invoices. Payments shall be made by the State after the Grantee's presentation of invoices for services satisfactorily performed and the written acceptance of such services by the State's Authorized Representative. Invoices shall be submitted timely, with additional details as requested by the State, and according to the following schedule: Submit one invoice at the end of the grant period or when all obligations have been satisfactorily fulfilled, whichever occurs first in a form prescribed by the State within the dates previously noted in clause 1, "Term of Grant Contract Agreement" in this contract.

3.3 For awards greater than $25,000, a grantee performance evaluation will be posted publicly at https://osp.admin.mn.gov/granteval/grant-eval-uploader, per Minnesota Statutes § 16B.98, Subdivision 12 and OGM Policy 08-13.

3.4 Unexpended Funds. The Grantee must promptly return to the State any unexpended funds that have not been accounted for in a financial report to the State.

4 Conditions of Payment

All services provided by the Grantee under this Grant Contract Agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

5 Contracting and Bidding Requirements

The Grantee is required to comply with Minnesota Statutes § 471.345, Uniform Municipal Contracting Law.

5.1 The Grantee and any subrecipients must comply with prevailing wage rules per Minnesota Statutes §§ 177.41 through 177.50, as applicable.

5.2 The Grantee and any subrecipients must not contract with vendors who are suspended or debarred by the State of Minnesota or the federal government: Suspended and Debarred Vendors, Minnesota Office of State Procurement.

5.3 The Grantee must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

6 Authorized Representatives

6.1 The State's Authorized Representative is Adam Block, Boating Law Administrator, Enforcement Division – Central Office, Minnesota Department of Natural Resources (DNR) 500 Lafayette Rd., St. Paul, MN 55155-4047, adam.block@state.mn.us, 651-259-5057, or their successor, and has the responsibility to monitor the Grantee's

performance and the authority to accept the services provided under this Grant Contract Agreement. If the services are satisfactory, the State's Authorized Representative will certify acceptance on each invoice submitted for payment.

6.1 The Grantee's Authorized Representative is Sheriff Erik Klang, Crow Wing County Sheriff's Office, 304 Laurel Street, Brainerd, MN 56401, or their successor. If the Grantee's Authorized Representative changes at any time during this Grant Contract Agreement, the Grantee must immediately notify the state.

6.2 The Grantee must clearly post on the Grantee's website the names of, and contact information for, the Grantee's leadership and the employee or other person who directly manages and oversees this Grant Contract Agreement on behalf of the Grantee.

7 Assignment, Amendments, Waiver, and Contract Complete

7.1 Assignment. The Grantee may neither assign nor transfer any rights or obligations under this Grant Contract Agreement without the prior consent of the State and a fully executed agreement, executed and approved by the authorized parties or their successors.

7.2 Amendments. Any amendment to this Grant Contract Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Grant Contract Agreement or their successors.

7.3 Waiver. If the State fails to enforce any provision of this Grant Contract Agreement, that failure does not waive the provision or its right to enforce it.

7.4 Contract Complete. This Grant Contract Agreement contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this Grant Contract Agreement, whether written or oral, may be used to bind either party.

8 Subcontracting and Subcontract Payment

8.1 A subrecipient is a person or entity that has been awarded a portion of the work authorized by this Grant Contract Agreement by Grantee. The Grantee must document any subaward through a formal legal agreement. The Grantee must provide timely notice to the State of any subrecipient(s) prior to the subrecipient(s) performing work under this Grant Contract Agreement.

8.2 The Grantee must monitor the activities of the subrecipient(s) to ensure the subaward is used for authorized purposes; is in compliance with the terms and conditions of the subaward, Minnesota Statutes § 16B.97, Subd.4 (a) (1) and other relevant statutes and regulations; and that subaward performance goals are achieved.

8.3 During this Grant Contract Agreement, if a subrecipient is determined to be performing unsatisfactorily by the State's Authorized Representative, the Grantee will receive written notification that the subrecipient can no longer be used for this Grant Contract Agreement.

8.4 No subagreement shall serve to terminate or in any way affect the primary legal responsibility of the Grantee for timely and satisfactory performances of the obligations contemplated by the Grant Contract Agreement.

8.5 The Grantee must pay any subrecipient in accordance with Minnesota Statutes § 16A.1245.

8.6 The Grantee and any subrecipients must not contract with vendors who are suspended or debarred by the State of Minnesota or the federal government.

1 Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from performance of this Grant Contract Agreement by the Grantee or the Grantee's agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this Grant Contract Agreement.

2 State Audits

Under Minnesota Statutes § 16B.98, Subd. 8, the Grantee's books, records, documents, and accounting procedures and practices relevant to this Grant Contract Agreement are subject to examination by the Commissioner of Administration, the State granting agency, the State Auditor, the Attorney General, and the Legislative Auditor, as appropriate, for a minimum of six years from the expiration or termination of this Grant Contract Agreement, receipt and approval of all final reports, or the required period of time to satisfy all State and program retention requirements, whichever is later.

3 Government Data Practices and Intellectual Property Rights

3.1 Government Data Practices. The Grantee and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by the State under this grant contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant contract. The civil remedies of Minnesota Statutes § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

If the Grantee receives a request to release the data referred to in this Clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released. The Grantee's response to the request shall comply with applicable law.

3.2 Intellectual Property Rights. Reserved. No intellectual property will be created under this grant. If any intellectual property implications are discovered later, this clause will be amended.

4 Workers Compensation

The Grantee certifies that it is in compliance with Minnesota Statutes § 176.181, Subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

5 Governing Law, Jurisdiction, Venue

Venue for all legal proceedings out of this Grant Contract Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

6 Termination

6.1 Termination by the State.

A. **Without Cause.** The State may terminate this Grant Contract Agreement without cause, upon 30 days' written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

B. **With Cause.**
The State may immediately terminate this Grant Contract Agreement if the State finds that there has been a failure to comply with the provisions of this grant contract, that reasonable progress has not been made, or that the purposes for which the funds were granted have not been or will not be fulfilled. The State may take action to protect the interests of the State of Minnesota, including the refusal to disburse additional funds and requiring the return of all or part of the funds already disbursed.

6.2 Termination by the Commissioner of Administration.
The Commissioner of Administration may immediately and unilaterally terminate this Grant Contract Agreement if further performance under the agreement would not serve agency purposes or performance under the Grant Contract Agreement is not in the best interest of the State.

6.3 Termination for Insufficient Funding. The State may immediately terminate this Grant Contract Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services addressed within this Grant Contract Agreement. Termination must be by written notice to the Grantee. The State is not obligated to pay for any services that are provided after notice and effective date of termination. However, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that dedicated funds are available.

In the event of temporary lack of funding or appropriation, the State may pause its obligations under this Grant Contract Agreement without terminating it. This pause will be for the duration of the lack of funding or appropriation and shall not be considered a termination of the Grant Contract Agreement. The Grantee will be notified in writing of the temporary pause, and the Grantee's ability to provide services may be temporarily suspended during this period. The State will provide reasonable notice to the Grantee of the lack of funding or appropriation and shall notify the Grantee once funding is restored or appropriated, at which point the provision of services under the Grant Contract Agreement may resume.

The State will not be assessed any penalty if the Grant Contract Agreement is terminated due to insufficient funding. The State must provide the Grantee notice of the lack of funding within a reasonable time of the State's receiving notice.

7 Publicity and Endorsement

7.1 Publicity. Any publicity pertaining to the services resulting from this Grant Contract Agreement shall identify the State as the sponsoring agency. Publicity includes, but is not limited to: websites, social media platforms, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Grantee or its employees individually or jointly with others or any subcontractors. All projects primarily funded by state grant appropriations must publicly credit the State, including on the grantee's website, when practicable.

7.2 Endorsement. The Grantee must not claim that the State endorses its products or services.

8 Data Disclosure

Under Minnesota Statutes § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification

number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

1 Use of Funds as Match to Other Grants or Programs

The Grantee must inform the State's Authorized Representative whenever the grant funds will be used as match or for reimbursement for any other grant or program.

1.1 The Grantee must inform the State's Authorized Representative or their grant specialist of the following information: grant program, grant name, the amount of grant or match funds to be used, location where funds were or will be used, activity the funds will support, and current landowner (if applicable).

1.2 The Grantee must also inform the State's Authorized Representative before work begins if the new grant or program will add any encumbrances to state land where grant or match funds will be spent.

2 Americans With Disabilities Act

The Grantee must comply with the 2010 American Disabilities Act Standards for Accessible Design.

3 Non-Discrimination Requirements

No person in the United States must, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving Federal financial assistance. Including but not limited to:

3.1 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance; Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities.

3.2 Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the basis of handicap under any program or activity receiving or benefiting from Federal assistance.

3.3 The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance.

3.4 Title II of the Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified individuals with disabilities in services, programs, and activities of public entities.

3.5 Any other applicable non-discrimination law(s).

21. Reporting Requirements

The Grantee must satisfactorily submit all annual performance reports for each year of participation in this Program by March 1st of each year, unless the Grantee requests an extension in writing and the State approves an extension in writing. Payments will not be made on grants with past due progress and/or financial reports, including final reports, unless the State has given the Grantee a written extension.

Monitoring

The State shall be allowed at any time to conduct periodic site visits and inspections to ensure work progress in accordance with this grant agreement, including a final inspection upon program completion. At least one monitoring

visit per grant period on all state grants of over $50,000 will be conducted and at least annual monitoring visits on grants of over $250,000.

Following closure of the program, the State's authorized representatives shall be allowed to conduct post-completion inspections of the site to ensure that the site is being properly operated and maintained, and that no conversion of use has occurred.

Exhibits

The following Exhibits are attached and incorporated into this Grant Contract Agreement.

Exhibit A: Spending Plan

Exhibit B: Allowable Expenditures and Reporting Requirements

Exhibit C: Conflict of Interest

Grant Contract Agreement Signature Page

State Encumbrance Verification

Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15

Print Name: Nathaniel Peach

Signature: Nathaniel Peach Digitally signed by Nathaniel Peach Date: 2026.05.22 13:38:46 -05'00'

Title: Account Tech Date: 05/22/2026

SWIFT Contract No. 290860

State Agency

With delegated authority

Print Name: _____

Signature: _____

Title: _____ Date

Grantee

With delegated authority

Print Name: Sheriff Eric Klang

Signature: Eric Klang

Title: Sheriff Date: 6/17/2026

COUNTY BOAT AND WATER SAFETY **Exhibit A**

2026 BUDGET SPENDING PLAN

(January 1, 2026 - June 30, 2027)

MN DNR - Enforcement Division
Boat & Water Safety
500 Lafayette Road
St. Paul, MN 55155-4047
adam.block@state.mn.us
Adam Block - 651-259-5057

Crow Wing
County

Brad Thesing
Contact Name

218-515-0326
Contact Phone

GROUP I - PERSONNEL	Number	Amount		TOTAL
		County	State	
Full-Time	4	$391,750.00	$109,111.00	$ 500,861.00 -
Seasonal	4	$53,373.00		$ 53,373.00 -
GROUP I SUBTOTALS	-	$ 445,123.00 -	$109,111.00 -	$ 554,234.00 -

GROUP II - SUPPLIES & EXPENSES	Amount		TOTAL
DESCRIPTION -- (Itemize)	County	State	
Education & Certification	$90		$ 90.00 -
Clothing	$6,350.00		$6,350.00 -
Telephone	$2,400.00		$2,400.00 -
Medical Fees	$2,395.00		$2,395.00 -
Machinery, Equipment, Software Service	$7,096.00		$7,096.00 -
Training, Registration, Hotel/Meals, Travel Expenses	$1,850.00		$1,850.00 -
Law Enforcement Supplies	$1,000.00		$1,000.00 -
Equipment Maintenance & Fuels	$17,704.00		$17,704.00 -
			$ -
			$ -
			$ -
GROUP II SUBTOTALS	$38,885.00 -	$ -	$38,885.00 -

GROUP III - EQUIPMENT	Amount		TOTAL
DESCRIPTION -- (Itemize)	County	State	
Furniture & Equipment under $15,000	$7,400.00		$7,400.00 -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
			$ -
GROUP III SUBTOTALS	$7,400.00 -	$ -	$7,400.00 -

2026 STATE GRANT TOTAL	$491,408.00 -	$109,111.00 -	$600,519.00 -

Scan and email the signed form. Send to:
adam.block@state.mn.us

"This is to certify that the state funds will be used only for purposes set forth in M.S. Chapter § 86B and that the information contained on this form is correct to the best of my knowledge."

Brad Thesing 6/17/2026

Signature Date

DEPARTMENT OF NATURAL RESOURCES

EXHIBIT B

ALLOWABLE EXPENDITURES & REPORTING REQUIREMENTS

2026 BOAT & WATER SAFETY STATE GRANT PROGRAM

Use these guidelines when completing the proposed Budget --- Exhibit "A" form.

GENERAL - All of the expenditures listed below must be directly related to the boat and water safety program. When personnel or equipment costs are split between general law enforcement duties and boat and water safety work, the percentage paid out of the boat and water safety account may not exceed the percentage of time the individual or piece of equipment is actually used for boat and water safety enforcement. Boat and water safety activities are those activities outlined in: 1) M.S. § Chapter 86B, 2) Minn. Rules - Chapter 6110, 3) search and recovery operations in the waters of the state and 4) the portions of Chapter 169A that are applicable to motorboats.

(SPENDING PLAN, INVOICES, ACCOUNTING and REPORTS) – Submit **one** reimbursement invoice at the end of the grant period or when all obligations have been satisfactorily fulfilled, whichever occurs first. The proposed expenditures listed on your spending plan (Exhibit A) must reasonably match both your invoice and annual year-end report. If you need to purchase or pay for something that was not on the original Spending Plan, you will need to first send in a revised plan (Exhibit A) signed by the sheriff or designee, and if approved by the State, proceed from there. The Grantee must satisfactorily submit all annual performance reports and reimbursement requests for each year of participation in this Program by the date(s) requested by the State, unless the Grantee requests an extension in writing and the State approves an extension in writing. Minnesota statutes and rules require that you have a separate account for the state boat & water safety funds.

PERSONNEL - Personnel expenses (including salary, insurance, social security, retirement, worker's compensation, etc.) for persons who are actually engaged in boating and water safety duties. Records or logs of time spent on the program are necessary to support these expenses and should be retained not less than three years. If officer hours are a part of your reimbursement, please send **one** (1) completed officer log for the time period in which reimbursement is being requested.

SUPPLIES AND EXPENSES - This includes uniforms, fuel, oil, lubricants, repairs, rental/lease costs (docks, buildings, office facilities, equipment, etc.), insurance, travel costs, training expenses and expendable supplies (fuel, rope, paint, printing, etc.). No cell phone charges will be allowed. All expenditures need to be verifiable as allowable expenditures under this grant. Items must be listed on Exhibit A (proposed spending plan) of this grant and be descriptive in nature.

EQUIPMENT - Includes boats, motors, trailers, buoys, depth locators, radios, etc. Equipment that is being used for general duties may be either charged to the boat and water safety account according to percentage of use or by mile/hour of operation. Mileage logs showing dates, odometer readings and assignment are necessary to support all vehicle use and should be retained not less than three years. If you purchase equipment and it is greater than $5,000, please submit a copy of the purchase invoice. The purchase of snowmobiles and ATVs with boat and water funds is not allowed.

County sheriff's departments are urged to contact Boat and Water Safety at the Minnesota Department of Natural Resources for a determination prior to any questionable proposed expenditure. All expenditures are subject to state audit. Be sure to keep accurate documentation and records of all expenditures.

DEPARTMENT OF NATURAL RESOURCES

Requirements for DNR Grantees (RDG)

Effective Date: January 31, 2026.

The following policies apply to all DNR grants, except where specifically noted. These requirements are in addition to requirements in program-specific manuals. In case of any conflicts with an existing grant program manual, the stricter document will control.

Questions about these requirements should be directed to the grant specialist for your grant program. Questions may also be directed to GrantsTeam.DNR@state.mn.us. When sending an email to this address, please include information on your grant funding source, program, and question.

Admin's Office of Grants Management (OGM) Policies

Under Minn. Statutes, section 16b.97 subd. 2, the Minnesota Department of Administration (Admin) is required to create general grants management policies and procedures applicable to all state agencies. Admin's OGM implemented grant policies for the State of Minnesota. Please review OGM grant policies (select the Current Policies tab). Information especially relevant to grantees is summarized below. Unless otherwise noted, these policies do not apply to bonding grants and grants under Minn. Statutes section 16A.86 or section 16A.642.

Grants Conflict of Interest (OGM Policy 08-01)

All grantees must sign a conflict-of-interest disclosure form or certify they will disclose conflicts of interest when signing their grant agreements/GANs. Grantees must also maintain a written standard of conduct covering conflicts of interest and governing the actions of its employees or board members engaged in the selection, award, and administration of contracts. State staff may request this written standard when conducting grant monitoring activities or if otherwise relevant. These requirements apply to all grants, including bonding grants and grants under Minn. Statutes section 16A.86 and section 16A.642.

OGM Policy 08-01 states that a conflict of interest occurs "when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it." Per the OGM policy, there are several types of conflicts of interest:

Actual Conflict of Interest

An actual conflict of interest occurs when a person's decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

Potential Conflict of Interest

A potential conflict of interest may exist if a person has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interest.

Individual Conflict of Interest

A conflict of interest that may benefit an individual employee or a grant reviewer is any situation in which their judgement, actions, or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to an immediate family member, business, or organization with which they are involved.

Organizational Conflict of Interest

A conflict of interest can also occur with an organization that is a grant applicant in a competitive grant process or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee's objectivity in carrying out the grant is impaired or compromised due to competing duties or loyalties
- A grantee, potential grantee, or grant applicant has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

Use of Grant Contract Agreements and Grant Award Notifications (GAN) (OGM Policy 08-04)

All grants need a written grant contract agreement or Grant Award Notification (GAN). State agencies cannot award a grant to a grantee that is on either the suspension or debarment lists for the state of Minnesota or the federal government. If a grantee becomes suspended or debarred, that may be cause for the State to cancel their grant.

Grant agreements/GANs must contain a provision for the grantee to clearly post on the grantee's website the names and contact information for the grantee organization's leadership and the person(s) who directly manages and oversees the grant.

A fully executed copy of the grant agreement or GAN and all relevant records must be kept on file for a minimum of six years from the end date, receipt, and approval of all final reports, OR the period of time required to satisfy all state and program retention requirements, whichever is later.

Grantees must complete work in accordance with the terms and conditions of their grant agreement/GAN. Work not covered under the grant agreement/GAN will not be reimbursed without a prior amendment request.

Public Questions and Comments Concerning Fraud and Waste in State Grants (OGM Policy 08-05)

OGM will serve as the central point of contact for questions and comments about fraud and waste in state grants and about the violation of statewide grants policies. OGM will also respond to other public questions and concerns about state grants.

Grant Payments (OGM Policy 08-08)

State agencies may not issue grant payments until the funds are encumbered, and the grant agreement is fully executed, or the GAN is completed.

Reimbursement is the State's preferred method for making grant payments. DNR grants operate on a reimbursement basis, unless the grant agreement/GAN contains explicit language specifying otherwise.

Grantee reimbursement requests must correspond to the line items in the approved grant budget. Grant managers must review each reimbursement request against the approved grant budget, grant expenditures to date, and the latest grant progress report before approving payment. If grant managers see a discrepancy or have any questions about reimbursement requests and/or related documentation, they will follow up with the grantee.

Any deviation from this policy must be approved by the Agency Wide Grants Manager prior to signing a grant agreement/GAN and must be in accordance with state laws and OGM policies.

Grants in which the payment terms are defined in statute are not covered by this policy.

DNR Reimbursement Procedures

- Grantees must pay for project expenses before seeking reimbursement from the grant and should only request reimbursement for paid expenses. Expenses are reviewed and those deemed eligible are then reimbursed under the terms of the agreement/GAN with the State of Minnesota.
- Grantees are not allowed to request reimbursement for invoices from a vendor that have not yet been paid by the grantee. Please also see the Proof of Payment section below.
- Grantees can expect to be reimbursed within 30 days of the DNR receiving a complete and accurate reimbursement request. If documentation to process the request is missing, or the request has discrepancies or incorrect information, the 30-day clock does not start until all necessary information has been submitted to the DNR and the request has been deemed complete and whole.
- The DNR will pay final reimbursement when the state determines that the grantee has satisfactorily fulfilled all the terms of their grant agreement/GAN, unless a grant term is altered or excluded by the DNR in writing.

Grantees should keep the following documentation on file for monitoring and audit purposes:

- Proof of payment of grant expenses (e.g. copies of cancelled checks, electronic bank statements, etc.)
- Contracting/purchasing bidding documentation
- Organization's conflict of interest policy

- Prevailing wage documentation (if applicable): project assessment form, certified payroll reports, etc.

Grant Progress Reports (OGM Policy 08-09)

Grantees are required to submit written progress reports at least annually until all grant funds have been expended and all the terms in the grant agreement/GAN have been met. Information requested in a grant progress report may include (but is not limited to): goals and objectives, activities, outcomes, challenges, lessons learned, and financial information. State agencies cannot make grant payments on grants with past due progress reports (unless the agency has given the grantee a written extension).

Grant Monitoring (OGM Policy 08-10)

All state grants over $50,000 are required to have at least one monitoring visit before final payment is made. All state grants over $250,000 are required to have annual monitoring visits. In-person visits are preferred where possible, but telephone or virtual visits are also used where reasonable.

The purpose of a monitoring visit is to review and ensure progress towards the grant's goals, address any problems or issues before the end of the grant period, and build a relationship between the agency and grantee.

For state grants over $50,000, state agencies must conduct a financial reconciliation of grantees' expenditures at least once before final payment is made. A financial reconciliation involves reconciling a grantee's request for payment for a given period with supporting documentation (e.g. purchase orders, receipts, payroll records, etc.) for that request.

If previously reimbursed costs are found to be ineligible upon further review during monitoring (or at any other point during the grant period), repayment of those costs or other corrective action may be required.

Proof of Payment

The State requires proof of payment documentation to ensure that funds are being provided on a reimbursement basis. The grantee must maintain proof of payment documentation and make it available when requested by the State. Proof of payment documentation may include:

- A copy of a bank statement with photocopies of cleared checks
- An electronic bank statement
- A copy of cancelled checks or other certified financial records
- Employee original time records and payroll documentation

Cost Share/Required Match

For grants which require cost share or match, the requirements for documenting work completed or expenses incurred as match are the same as for expenses for which grantees are requesting reimbursement. The State may disallow otherwise-eligible costs for reimbursement if the grantee cannot provide proof of the expenses being used as match.

For grants with in-kind match (i.e. non-cash donations of a good or service), grantees should provide documentation similar to a payment request.

If the in-kind match is volunteer time, grantees will need volunteer logs and to show the calculation used to convert volunteer hours to time. If the in-kind match is something other than volunteer time (e.g. use of equipment, or donated materials), grantees must perform due diligence to determine how much the in-kind match would cost. For example, if the in-kind match is a land donation, the documentation should include an appraisal. If the in-kind match is use of equipment, the documentation should demonstrate a realistic cost for the type of equipment and amount of time.

Legislatively Mandated Grants (OGM Policy 08-11)

State agencies must manage legislatively mandated grants with the same level of oversight (including monitoring) applied to other state grants, while respecting and maintaining the legislative intent.

Grantees for legislatively mandated grants must submit a work plan and budget. The grant agreement/GAN must be based on the legislation, the grantee's work plan and budget, and negotiations between the state agency and the grantee.

Grant Amendments (OGM Policy 08-12)

During the grant period, it may be necessary to make changes to the grant contract agreement/GAN. Generally, these modifications could include changes to the grant timeframe, to the scope of work, or to the budget categories.

A formal grant contract amendment is required for any changes. Should a situation arise that requires any changes to the project, it is the grantee's responsibility to communicate immediately with the DNR grants specialist.

The purpose of grant amendments must be similar to the original purpose of the grant and the grantee duties should be within the scope of the original RFP/notice of grant opportunity/application.

If an amendment is allowed, it must be fully executed before additional costs can be incurred.

Contracting and Bidding

Competitive bidding needs to follow a fair and transparent public process.

Grantees must not contract with vendors or subcontractors who are on the suspension or debarment lists for either the State of Minnesota or the federal government.

Grantees must take all necessary affirmative steps to assure that targeted vendors from businesses with active certifications through the entities below are used when possible:

- Minnesota Department of Administration's Certified Target Group, Economically Disadvantaged, and Veteran-Owned Vendor List

- Metropolitan Council's Targeted Vendor list: Minnesota Unified Certification Program
- Small Business Certification Program through Hennepin County, Ramsey County, and the City of St. Paul: Central Certification Program

Grantees must maintain support documentation of the purchasing and/or bidding process utilized to contract services in their financial records, including support documentation justifying a single/sole source bid, if applicable. Grantees must retain the following documentation in the project file:

- Copies of executed subcontract agreements
- A copy of the RFP/RFQ, all submitted bids, and the bid tabulation (if applicable)
- Written documentation that describes the rationale for selection of each subcontractor
- Documentation of the contract/bid approval, if required by grantee internal controls (such as meeting minutes)

This documentation may be reviewed during monitoring visits or when requested by the state.

Contracting and Bidding for Political Subdivisions of the State

In addition to the general contracting and bidding requirements above, municipalities (defined in Minn. Statutes, chapter 471.345 subd. 1 as a county, town, city, school district, or other municipal corporation or political subdivision of the state authorized by law to enter into contracts) must also follow the Uniform Municipal Contracting Law.

Contracting and Bidding for Non-Governmental Organizations

In addition to the general contracting and bidding requirements at the beginning of this section, non-government organizations must follow the contracting policies/procedures below.

Contracting and Bidding for Tribal Governments

Tribal governments are subject to neither the Uniform Municipal Contracting Law nor the DNR contracting policies/procedures below. Tribal governments are subject to the contracting and bidding procedures of their own governance.

Contracting and Bidding Thresholds and Process

- Services and/or materials that are expected to cost between $10,000 and $24,999 must be competitively awarded, based on a minimum of two verbal quotes or bids or awarded to a targeted vendor.
- Services and/or materials that are expected to cost between $25,000 and $99,999 must be competitively awarded based on a minimum of three verbal quotes or bids.
- Any services or materials that are expected to cost $100,000 or more must undergo a formal notice and bidding process.
- Grantees must use an RFP/Request for Quote (RFQ) process to competitively select professional and technical services.

- The advertisement for bid processes must allow for fair competition among potential qualified bidders.

Prevailing Wage

Prevailing wage (Minn. Statutes, sections 177.41-177.45) is the minimum hourly wage employers must pay certain workers who work on construction and public works projects funded by state dollars. Prevailing wage includes the employer's cost of benefits. Other prevailing wage information can be found at the Minnesota Department of Labor and Industry (DLI). Prevailing wage rules apply to any grant award of $25,000 or more that qualifies as a "project" per the following definition:

> Project: demolition, erection, construction, alteration, improvement, restoration, remodeling, or repairing of a public building, structure, facility, land, or other public work, which includes any work suitable for and intended for use by the public, or for the public benefit, financed in whole or part by state funds. "Project" also includes demolition, erection, construction, alteration, improvement, restoration, remodeling, or repairing of a building, structure, facility, land, or public work when the acquisition of property, predesign, design, or demolition is financed in whole or part by state funds (Minn. Statutes, section 177.42).

If the award is $25,000 or more and contains activities in the work/accomplishment plan that qualify as a "project" per the definition above, prevailing wage rules in Minn. Statutes, sections 177.41-177.44 apply. If you are unsure if a project is subject to prevailing wage, ask the grant specialist for a copy of DLI's Project Assessment Form. Grantees must complete the form and return it to the grant specialist. Once ready, the DNR grant specialist will submit it to DLI and copy the grantee on the e-mail.

When prevailing wage applies, all bid requests and RFPs must state that the project is subject to prevailing wage to ensure that incoming bids have factored prevailing wage rates into their submittal. A prevailing wage form should accompany these bid submittals.

Grantees must retain documentation in the project file either the prevailing wage forms, or a notice from DLI that the project is not subject to prevailing wage.

Fraud Reporting

In addition to OGM policy, various state statutes govern reporting of suspected fraud or misuse of state dollars.

State workers with information indicating that public resources (including public money) may have been used for an unlawful purpose must report that information. Any other person with such information is strongly urged to report that information. The DNR takes a "no wrong door" approach for reporting suspected fraud; essentially, the DNR encourages its workforce to report suspected fraud to any DNR supervisor or member of agency leadership, who will connect the person reporting to the correct contact or procedure, as needed.

All state agencies are required to report suspected fraud cases to the Department of Revenue for tax fraud investigation, in addition to referring all allegations of suspected fraud to the Office of the Legislative Auditor and the Minnesota Bureau of Criminal Apprehension's Financial Crimes and Fraud section

(Mnfraud.bureau@state.mn.us or 651-739-3750). Grantees may report suspected fraud directly to these agencies, as well, or to their DNR grant manager or any DNR employee.

Requirements for Working on State Land

When working on state land, grantees must follow all applicable policies and requirements of that land. Grantees should work with the appropriate management staff for the state land to determine these requirements. Insurance is required to do work on state land, following the requirements of Admin.

Audits

Under Minn. Statutes, chapter 16B.98 subd. 8, the state (the grantmaking agency, state auditor, attorney general, legislative auditor, Admin, etc.) has the right to perform programmatic or financial audits of the grantee. The grantee's books, records, documents, and accounting procedures and practices relevant to the grant are subject to state examination for a minimum of six years from the expiration or termination of the grant agreement/GAN, receipt and approval of all final reports, or the required period of time to satisfy state and program retention requirements, whichever is later. This provision is also included in grant agreements/GANs.

Records Retention

Grantees must maintain a file for each project with all project agreements, correspondence, and the records pertaining to project expenses requested for reimbursement. Project records are required for monitoring/audit purposes and must be readily available for review. As with all provisions of the grant agreement/GAN, if the state finds a failure to comply, the State may take action, including immediate termination of the grant agreement/GAN with cause, refusal to disburse additional funds, and/or requiring the return of all or part of the funds already disbursed.

All records related to the project must be retained for a minimum of six years from the grant agreement/GAN end date, or the receipt and approval of all final reports, whichever is later. Some grant funds require permanent retention of the grant records, and in those cases, that requirement supersedes the six-year standard.

Data Practices

- Grantees must comply with the Minnesota Government Data Practices Act (MGDPA) as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the grantee under their grant agreement/GAN. If a grantee receives a request to release this data, the grantee must immediately notify the State. Following this notification, the State will provide instructions to the grantee concerning the release of data.
- Grantees should instruct and train their staff regarding the governing privacy and data practices provisions; maintaining data in a secure manner; and limiting access to work duties and assignments.

- Grantees must mitigate risks associated with the unauthorized access or data breach and report to the DNR any real or perceived security or privacy incident regarding any private data in accordance with MGDPA.
- Grantees are not permitted to use private data with artificial intelligence (AI) services unless it is approved through the DNR/Minnesota IT (MNIT) vendor security risk and compliance process. AI services are reviewed and verified through a process that includes understanding the AI's training, ownership of data and level of security.

DEPARTMENT OF NATURAL RESOURCES

Conflict of Interest Disclosure Form for Grantees

Conflict of Interest

A conflict of interest occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper or illegal act results from it. There are several types of conflicts of interest.

Actual Conflict of Interest

An actual conflict of interest occurs when a person's decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict.

Potential Conflict of Interest

A potential conflict of interest may exist if a person has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests.

Individual Conflict of Interest

A conflict of interest that may benefit an individual employee *or a* grant reviewer is any situation in which *their* judgment, actions or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to *an immediate family member,* business, or organization with which they are involved.

Organizational Conflict of Interest

A conflict of interest can also occur with an organization that is a grant applicant in a competitive grant process or grantee of a state agency.

Organizational conflicts of interest occur when:

- A grantee's objectivity in carrying out the grant is impaired or compromised due to competing duties or loyalties
- A grantee, potential grantee or grant applicant has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

This section to be completed by Grantee's Authorized Representative

I certify that we will maintain an adequate Conflict of Interest Policy, and throughout the term of our agreement will report any actual or potential conflicts of interests by individual employees or our organization as a whole to the State's Authorized Representative.

Organization Name: Crow Wing County Sheriff's Office

Project Name: 2026 State Boat Grant

Legal Citation: Under Minnesota Statutes § 86B.701 & .705 the State is empowered to enter into this grant.

Authorized Representative Printed Name: Sheriff Eric Klang

Authorized Representative Signature/Date: Eric Klang 6/17/2026

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Community Services	Taylor Lesmeister
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Resolution Declaring a Public Health Nuisance at 17394 North Nelson Rd, Ironton, MN 56455

PREVIOUS ACTION:
Previous solid waste enforcement in 1985 for an unpermitted open dump site. Nothing more recent.

COMMENTS:
I have been in contact with one of the property owners who consulted with the rest of the family and have voluntarily agreed to allow the county to clean the property and assess any costs to the property taxes. They do not live in the area and would be difficult for them to manage the abatement on their own.

RECOMMENDED BOARD ACTION:
Approve use of solid waste funds to abate the public health nuisance.

Approximate length of presentation: 5 minutes


IRONDALE
N Nelson Rd


AMERITRAC






S-L GENERIC
1 LITER
BOTTOM
LINE
YEAR
BOOK

BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: **Resolution:**
OFFERED BY COMMISSIONERS: and
AYES: NAYS:

RESOLUTION DECLARING A PUBLIC HEALTH NUISANCE AT 17394 NORTH NELSON ROAD, IRONTON, MN 56455

WHEREAS, Crow Wing County Public Health learned of a potential public health nuisance located at 17394 N Nelson Road, Ironton, MN (hereinafter the "Property); and,

WHEREAS, Crow Wing County Public Health viewed the property during multiple site inspections as well as digital images available on GIS mapping for Crow Wing County; and,

WHEREAS, County property records indicate the property is owned by the Cooper Family, Danny, Cathy, Nello JR, Steven and Sabrina (hereinafter "Property Owner"); and,

WHEREAS, there is an accumulation of tires holding stagnant water, along with soft sided items including but not limited to mattresses and clothing, garbage, and unsecured structures which provides a breeding ground and haven for vermin and other animals, all of which are known to spread diseases that are injurious and a threat to the public health; and,

WHEREAS, the Property Owner was provided a Public Health Nuisance Abatement notice by letter dated June 15th, 2026, with a deadline of June 22nd, 2026; and,

WHEREAS, the Property Owner has failed to remediate the public health concerns; and,

WHEREAS, Crow Wing County Public Health has the responsibility for preventing and controlling the spread of disease throughout the County; and,

WHEREAS, the Property is located within Crow Wing County and is subject to the authority of the Crow Wing County Community Health Board.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property located at 17394 N Nelson Road, Ironton, MN, hereby constitutes a public health nuisance under Minn. Stat. §145A.04, subd. 8.
2. Crow Wing County Public Health shall comply with Minn. Statute and abate the Property at the Property Owner's expense.
3. The total cost for the Abatement shall be charged and assessed against the Property pursuant to the provisions and methods set for in Minn. Stat. §145A.08.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ***ss***

I, Deborah A. Erickson, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on < >, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this <X day of X, 20XX>.

_____

DEBORAH A. ERICKSON
COUNTY ADMINISTRATOR

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Community Services	Taylor Lesmeister
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Resolution Declaring a Public Health Nuisance at Parcel 71320501, North Nelson Rd, Ironton, MN 56455

PREVIOUS ACTION:

COMMENTS:
The property owners have not been responsive to any letters or attempts to work with them. We have been working cooperatively with Irondale township to find a solution.

RECOMMENDED BOARD ACTION:
Approve use of solid waste funds to abate the public health nuisance

Approximate length of presentation: 5 min


IRONDALE







BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: **Resolution:**
OFFERED BY COMMISSIONERS: and
AYES: NAYS:

RESOLUTION DECLARING A PUBLIC HEALTH NUISANCE AT PARCEL 71320501, NORTH NELSON ROAD, IRONTON, MN 56455

WHEREAS, Crow Wing County Public Health learned of a potential public health nuisance located at Parcel# 71320501 on N Nelson Road, Ironton, MN (hereinafter the “Property); and,

WHEREAS, Crow Wing County Public Health viewed the property during multiple site inspections as well as digital images available on GIS mapping for Crow Wing County; and,

WHEREAS, County property records indicate the property is owned by the Marti Vervalen, Lance and Kelly Storstad (hereinafter “Property Owner”); and,

WHEREAS, there is an accumulation garbage, along with soft sided items including but not limited to furniture and carpet, which provides a breeding ground and haven for vermin and other animals, all of which are known to spread diseases that are injurious and a threat to the public health; and,

WHEREAS, the Property Owner was provided a Public Health Nuisance Abatement notice by letter dated May 7th, 2026, with a deadline of May 17th, 2026; and,

WHEREAS, the Property Owner has failed to remediate the public health concerns; and,

WHEREAS, Crow Wing County Public Health has the responsibility for preventing and controlling the spread of disease throughout the County; and,

WHEREAS, the Property is located within Crow Wing County and is subject to the authority of the Crow Wing County Community Health Board.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The property located at parcel# 71320501, hereby constitutes a public health nuisance under Minn. Stat. §145A.04, subd. 8.
2. Crow Wing County Public Health shall comply with Minn. Statute and abate the Property at the Property Owner’s expense.
3. The total cost for the Abatement shall be charged and assessed against the Property pursuant to the provisions and methods set for in Minn. Stat. §145A.08.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ***ss***

I, Deborah A. Erickson, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on < >, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this <X day of X, 20XX>.

_____

DEBORAH A. ERICKSON
COUNTY ADMINISTRATOR

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

PCBOA	Chris Pence
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: Land Use Ordinance Amendment

PREVIOUS ACTION:

March 17, 2026 – Committee of the Whole Presentation

June 16, 2026 – Committee of the Whole Presentation

COMMENTS:

May 21, 2026 – PCBOA held a public hearing and made a recommendation to approve the ordinance as submitted with one change to Article 42.12 C (f)

March 17-April 17, 2026 – Comment Period – Two Comments Received

April 20, 2026 – DNR letter approving ordinance amendment

June 9, 2026 – Letter from Eden Renewables

June 9, 2026 – Letter from Brainerd Public Utilities

RECOMMENDED BOARD ACTION:

Approve the amendments to the Land Use Ordinance as presented.

Approximate length of presentation: 10 mins

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PART I - ADMINISTRATION

ARTICLE 1--GENERAL ORDINANCE PROVISIONS

AN ORDINANCE-- Amending the Crow Wing County Zoning Ordinance.

BE IT ENACTED BY THE CROW WING COUNTY BOARD OF COMMISSIONERS, pursuant to its powers under Sections 373.41, 375.51, 375.53, 394.24, 394.25, 394.30, and 394.37 of Minnesota Statutes:

1.1 SHORT TITLE

This ordinance shall be known as the "Land Use Ordinance for Crow Wing County, Minnesota."

1.2 PURPOSE

It is the purpose of this ordinance to protect, preserve, and enhance the quality of the lakes, rivers, forests, wetlands, natural landforms, and open spaces of Crow Wing County for future generations. Further, it is the goal of this ordinance to promote the health, safety, general welfare, and orderly development of Crow Wing County by:

A. Regulating land use in accordance with the County Comprehensive Plan.

B. Promoting orderly development of the residential, business, industrial, recreational, and public areas of Crow Wing County.

C. Dividing the County into land use districts.

D. Regulating the location, height, and bulk of structures.

E. Preserving the economic and natural environmental values of shorelands.

F. Regulating setbacks.

G. Regulating sizes of lots, yards, and other open spaces.

H. Preventing overcrowding of land and undue concentration of structures.

I. Encouraging compatible developments of different land use and the most appropriate use of land within the County.

J. Maintaining and enhancing the quality and condition of natural resources within the County.

K. Providing adequate access to air, direct sunlight, and convenience of access to property.

L. Bringing all non-complying subsurface sewage treatment systems into compliance.

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

1.3 INTERPRETATION AND INTENT

This ordinance shall be fairly read so as to give effect to the plain meaning of words and the definitions hereinafter set forth, to accomplish the purpose stated in Article 1.2 above and to be in keeping with the constitutions of this State and of the United States. It is not the intent of this ordinance to repeal, abrogate, or impair any existing laws, rules, easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

1.4 SCOPE

This Ordinance shall apply and be binding upon all of the unincorporated areas of Crow Wing County and for any municipality under contract with Crow Wing County.

1.5 REPEAL OF EXISTING ORDINANCES

This ordinance repeals the Crow Wing County Land Use Ordinance dated December 30, 2025, and all amendments thereto. All Ordinances, resolutions or parts of Ordinances or resolutions of the County in conflict with the provisions of this Ordinance are hereby repealed.

1.6 REFERENCE TO FIRST ADOPTION

Unless another date is specifically stated, any reference in this Ordinance to "the date upon which zoning was first adopted" shall mean January 6, 1970.

1.7 AUTHORITY AND INCORPORATION BY REFERENCES OF STATUTES, RULES, AND REFERENCES

This ordinance establishes land use regulations pursuant to Minnesota Statutes, Chapters 375.51 and 394, and the Crow Wing County Comprehensive Land Use Plan. The shoreland management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.201 - 103F.227, and Minnesota Rules, Chapter 6120.2500-6120.3900, which are incorporated herein by reference. The floodplain management standards herein are adopted pursuant to Minnesota Statutes, Chapter 103F.101-103F.155, and Minnesota Rules, Chapter 6120.5000-6120.6200, which are incorporated herein by reference. Regulation of campgrounds, recreational vehicle parks and manufactured housing parks are adopted pursuant to Minnesota Statutes, Chapters 327.14 to 327.28; and 145A.01 to 145A.07, which are incorporated herein by reference. The Mississippi Headwaters Comprehensive Plan is incorporated herein by reference. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency (2005), is incorporated herein by reference. The Minnesota Department of Natural Resources document entitled "Minnesota's Sensitive Lakeshore Identification Manual, A Conservation Strategy for Minnesota's Lakeshores" is incorporated herein by reference.

Throughout this Ordinance references are made to Minnesota Statutes or rules and Federal statutes and rules. Wherever such reference is made it shall be interpreted to include any successor statutes or rules.

In case of a conflict between this Ordinance and the Mississippi Headwaters Comprehensive Plan or any state or federal rule, the more restrictive standards shall apply.

1.8 SEPARABILITY

If any article, sub article, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 2--GENERAL ZONING PROVISIONS

2.1 LAND USE DISTRICT MAP

The unincorporated areas of Crow Wing County, Minnesota are hereby divided into land use districts as shown on the official land use district map, as amended under Article 4 of this Ordinance, and filed in the Offices of the County Recorder and the Department. The official land use district map may be in hard copy or electronic format. The map and all explanatory matter thereon are hereby made a part of this Ordinance.

A. Zoning Upon Detachment – Shoreland District: Any tract of land that is part of a statutory or charter city shall be subject to the shoreland land use district if said tract of land is detached, is located in the shoreland district, and becomes part of an adjoining township at any time on or after the effective date of this Ordinance until placed in another district by the County Board.

B. Zoning Upon Detachment – Non-Shoreland District: Any tract of land that is part of a statutory or charter city shall be subject to the Rural Residential 10 land use district if said tract of land is detached, located outside of the shoreland district, and becomes part of an adjoining township at any time on or after the effective date of this Ordinance until placed in another district by the County Board.

C. Land Use District Elimination – Shoreland District: Any tract of land upon which a land use district is eliminated in the ordinance and said tract is located in the shoreland district shall be subject to the land use regulations of the shoreland land use district until placed in another district by the County Board.

D. Land Use District Elimination – Non-Shoreland District: Any tract of land upon which a land use district is eliminated in the ordinance and said tract of land is located outside the shoreland district shall be subject to the land use regulations of the Rural Residential 10 land use district until placed in another district by the County Board.

2.2 CONFORMITY WITH THIS ORDINANCE

All land uses shall conform to the provisions of this ordinance as follows:

A. All new buildings or structures constructed, converted, enlarged, or moved shall conform to the provisions of this ordinance.

B. The use of all buildings, structures, or lands for any purpose shall conform to the provisions of this ordinance, except as provided in Article 5 of this ordinance.

C. All subsurface sewage treatment system installed, repaired, or modified shall conform to the provisions of this ordinance.

D. All dirt moving, filling, grading and road construction shall conform to the provisions of this ordinance.

E. No lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this Ordinance shall meet all minimum requirements established by this ordinance.

F. The planting and harvesting of farm crops and trees shall not be considered a land use subject to the provisions of this ordinance.

2.3 CONFLICTING REGULATIONS

A. For the purpose of determining land use district designation, where a parcel lies in two land use districts as outlined in Article 10 of this ordinance, the use of the property shall be determined by the

Land Use District in which the use is proposed to occur. If the use will straddle between two Land Use Districts, the most restrictive standards apply.

B. Where a lot in the shoreland district lies in an area where two different lake or river classifications overlap, lot standards shall be determined as follows: In situations where shoreland with different lake/river classifications overlap due to close proximity of public waters, the boundaries of the lake/river classifications on the property shall be modified based on the natural topographic divide between the water bodies.

2.4 CONTRACTOR RESPONSIBILITY

Each contractor shall ascertain that all work done on the property of another person must have the proper permit to do such work. Failure of any such contractor to comply herewith shall be considered a violation of this ordinance and subject to the enforcement provisions of Article 3.5.

2.5 APPLICANT RESPONSIBILITY

Actions taken pursuant to permits granted under this ordinance are the sole responsibility of the property owner or his/her agents. Crow Wing County assumes no liability for any adverse effects to the property owner, or to third parties, caused by any actions taken pursuant to permits granted under this Ordinance.

ARTICLE 3--ADMINISTRATION

3.1 ADMINISTRATION

The Ordinance shall be administered by the Land Services Department Environmental Services Manager, hereinafter referred to as "Administrator," appointed by and responsible to the Land Services Director and the Crow Wing County Board. The Administrator shall issue all approved permits and certificates under this ordinance, either as authorized or as directed by the Planning Commission/Board of Adjustment. The Administrator shall interpret this ordinance, subject to appeal. The Administrator may delegate responsibilities as appropriate.

3.2 APPLICATION FOR LAND USE PERMIT OR SHORELAND ALTERATION PERMIT

A. **Scope of work subject to permitting**. Prior to engaging in any land use activity regulated under the provision of this ordinance, the owner of the property shall make application for the necessary permit or permits required by this ordinance. A permit or fee is not required for inside or outside residential maintenance provided the exterior dimensions of the structure remain the same.

B. **Issuing authority/Applicant responsibility.** A permit shall be issued by the Administrator only when the applicant has met all applicable requirements of this ordinance. An authorized agent of the owner may make application for the permit or permits. Conditional uses, interim uses, variances, or permits will be processed by the Department pursuant to procedures established within this ordinance. The accuracy and completeness of all permit applications and accompanying documents are solely the responsibility of the applicant. No permit application will be approved on for property on which there are unresolved violations unless the permit will resolve the violation.

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

D. **Application information requirements.** The application for any permit, including public hearing requests (except for Land Use Map Amendments), required under this Ordinance shall include:

1. The legal description of the property.
2. Property identification number.
3. Current and proposed land use.
4. A description of the type and scope of construction, use, development, or alteration proposed.
5. A sketch plan showing the location of public waters, wetlands, existing and proposed structures, road rights of way, driveways, parking spaces, water and sanitary facilities, and utility lines.
6. Topographic features including but not limited to wetlands, bluffs, ordinary high-water level designations, or steep slopes.
7. Additional information as may be required by the Department in order to determine compliance with this and other ordinances.

E. Certificate of Survey. The Administrator may require a certificate of survey with any permit application required by this Ordinance, including variance, land use reclassification, conditional use permit or interim use permit applications, upon a determination by the Administrator that such a survey will assist in achieving the purposes of this Ordinance. A survey or components of a survey such as but not limited to property line location, right of way location, ordinary high watermark location or a bluff location prepared by a licensed surveyor shall be required for any riparian lot permit application unless it is determined by the Administrator that it is not required.

F. Sewage treatment. The application may also include a compliance inspection conducted by a State-licensed inspector indicating the condition of any existing subsurface sewage treatment systems. The Administrator may require a site suitability upon determination by the Administrator that a site suitability will assist in achieving the purposes of this Ordinance.

G. Fee. The application shall be accompanied by a remittance, payable to the Crow Wing County Treasurer. A current Fee Schedule is on file in the Department as approved by the County Board.

H. Permits for activities in Flood Plain. Land use permits for activities within any flood plain zone shall meet the standards in Article 21 of this Ordinance relating to Flood Plain Management.

I. Checklist. An application check list shall be available at the Department.

3.3 PERMIT CARD

The Administrator shall issue a permit card upon approval of a permit. Such permit card shall be continuously posted in a conspicuous location on the premises concerned, from the time the authorized work is commenced until it is completed.

3.4 EXPIRATION OF PERMITS

All permits are valid for a period of two years from the date of approval unless an extension has been granted by the Administrator.

3.5 ENFORCEMENT

A. **Responsibility for enforcement**. The Crow Wing County Attorney, the Crow Wing County Sheriff, and the Department shall have a duty to enforce this Ordinance.

B. **Civil and criminal enforcement**. Any violations of the provisions of this Ordinance or failure to comply with any of its requirements by a property owner or authorized agent, including violations of or failure to comply with the conditions and safeguards established in connection with the granting of a structure, land use, or shoreland alteration permit, or contained within variances, conditional uses, or interim uses shall constitute a misdemeanor and shall be punishable as defined by Minnesota State Statutes 394.37. The provisions of this Ordinance may be enforced through criminal prosecution, civil remedy, or both. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.

C. **Permit does not protect permit holder**. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Article 3.2 A. of this Ordinance.

D. **Separate offenses**. Each day that a violation of this Ordinance continues shall constitute a separate offense.

E. **Citations**. The Department shall have the power to enforce this Ordinance by issuing citations for criminal violations of this Ordinance upon the owner of a property and/or their authorized agent.

F. **Cease and desist order**. The Administrator, or duly authorized representative, may issue cease and desist orders to halt the progress of any property modification, based upon probable cause that a violation of this Ordinance has been committed. When any work has been stopped by a cease and desist order, it shall not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.

G. **Injunctive relief allowed.** The Crow Wing County Attorney, in cooperation with the Department may sue for injunctive relief on any violation, including restoration of the premises to its existing condition prior to the violation.

H. **Administrative fee for enforcement.** The Administrator shall charge an administrative fee, according to a schedule established by the County Board of Commissioners, to compensate for staff time and other expenses incurred during the investigation and prosecution of violations.

I. **After the fact applications and fees.** Any person making application for a permit after the commencement of work requiring a permit may be charged an administrative fee. In the event the application for a permit is denied or the activity permitted does not include all of the work commenced prior to approval of said permit, the Planning Commission/Board of Adjustment or the Administrator may require restoration of the subject property to its condition before such work commenced, including removal of structures or improvements not approved.

J. **Certificate of Survey.** The Administrator or duly authorized representative may require a certificate of survey prepared in accordance with Article 44 when it is determined that said survey will or may assist with the resolution of a violation.

3.6 PERFORMANCE SECURITY

Upon approval of a conditional use, interim use, variance, or other permit application, the Planning Commission/Board of Adjustment, County Board, or the Administrator may, if reasonably necessary to achieve the purposes of this ordinance, require a surety bond, cash escrow, or cash deposit prior to issuing a land use permit or initiation of work on a proposed improvement or development. Said security shall be

irrevocable and shall guarantee conformance and compliance with the conditions of the permit, conditional use, or variance. The amount of the security may be set at up to 150% of the estimated cost of compliance with the conditions including but not limited to vegetation establishment, stormwater plan implementation, soil stabilization, water quality protection, or pollution control measures.

3.7 RIGHT OF INSPECTION

An applicant for any permit under this Ordinance does thereby give the Administrator and/or his/her agent right of access to the premises concerned for inspection, and enforcement of this Ordinance. Additionally, the Administrator and/or his/her agent is authorized to enter upon lands within the unincorporated area of the County for the purpose of carrying out the duties and functions imposed under this Ordinance, and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted when warranted.

3.8 GENERAL REVIEW PROCEEDINGS

A. **Timeline for review**.

1. Will review written requests pursuant to the requirements of Minnesota Statutes Section 15.99.

3.9 FEES

A. **Schedule of fees.** The schedule of fees for all land use and zoning-related activities and permits shall be posted in the Department Office and may be altered or amended only by resolution of the County Board.

B. **Collection of fees.** The Administrator shall collect all required fees in full in conjunction with any application.

C. **Administrative fees.** When work has commenced before approval of a permit, or a variance, a conditional use, interim use or other approval requiring a public hearing, the applicant may be charged an administrative fee in conjunction with a late application according to the schedule established by the Board of Commissioners.

D. **Fee refunds.** In the event the application is made for a permit, or a petition is filed, and the applicable fees shall have been paid in full, and subsequent action denies the permit or petition, the fees paid may be refunded by the Administrator. Any fees paid in error may be refunded by the Administrator.

3.10 ENVIRONMENTAL REVIEW

A. **Environmental review:** An environmental review may be required for projects that could result in significant environmental impacts. Environmental Review shall be conducted pursuant to Minnesota Statutes Chapters 116B and 116D, and Minnesota Rules Chapter 4410.

1. Payment for cost of review. The County shall prepare or cause to have prepared, at the developer's expense, any mandated or discretionary EAW or EIS for the project.

B. The County Board shall make all final EAW/EIS decisions.

3.11 GENERAL PUBLIC HEARING NOTICE REQUIREMENTS

All public hearings shall be conducted pursuant to Minnesota Statutes, Chapter 394.26, and the adopted Planning Commission/Board of Adjustment rules of business.

ARTICLE 4--AMENDMENTS TO ORDINANCE TEXT AND LAND USE DISTRICT BOUNDARIES

4.1 INITIATION OF AMENDMENTS

A. **Initiation of text amendments.** An amendment to this Ordinance may be initiated by the County Board or the Planning Commission/Board of Adjustment or any property owner of the County upon individual application, therefore.

B. **Initiation of land use district reclassification amendments.** An amendment to the official land use district map may be initiated by the County Board or the Planning Commission/Board of Adjustment or any property owner of the County upon individual application, therefore.

C. **Fee waived.** Action to amend this Ordinance or the official land use district map, when initiated by the County Board or the Planning Commission/Board of Adjustment, shall not require the payment of any fee otherwise required under this Ordinance.

4.2 APPLICATION AND HEARING

A. **Application.** Applications for ordinance text or land use district reclassification amendments shall be made to the Administrator.

B. **Hearing.** The Planning Commission/Board of Adjustment shall hold at least one public hearing on the proposed ordinance text amendment or land use district classification change conducted pursuant to Minnesota Statutes, Chapter 394.26, and the adopted Planning Commission/Board of Adjustment rules of business.

C. **Consideration of ordinance text amendments**. Amendments may be offered when the ordinance is under consideration. If amendments are made, the sections of the ordinance amended shall be read as amended before the question of its passage is taken. After review and taking public comment, the Planning Commission/Board of Adjustment shall vote to approve, deny, or amend the ordinance or ordinance amendment(s) and forward their recommendations to the County Board. Approval of the ordinance shall constitute the singular recommendation of the Planning Commission/Board of Adjustment to the County Board on the ordinance.

D. Criteria for consideration of land use district reclassification. In reviewing a land use district reclassification application, the Planning Commission/ Board of Adjustment shall find that:

1. The reclassification is in accord with the comprehensive plan;
2. The reclassification is warranted due to changed land use circumstances or a need for additional property in the proposed land use district;
3. The subject property is suitable for development in general conformance with land use standards under the proposed land use district classification;
4. The reclassification will not be detrimental to uses or property in the immediate vicinity of the subject property: and
5. The reclassification promotes the health, safety, and general welfare of the public.

4.3 COUNTY BOARD ACTION

A. **Text amendment actions.** Following their decision, the County Board shall publish its decision to approve or deny the text amendments in the official County newspaper. The enactment of any changes shall take effect immediately upon approval by the County Board. A copy of any approved text amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.

B. **Land use district amendment actions.** The County Board may adopt the land use district amendment or any part thereof in such form as it deems advisable. The Administrator shall make any necessary changes to the official land use district map and provide a revised copy to the County Auditor. Pursuant to Minnesota Statutes, Chapter 394.35, the County Auditor shall record a certified copy thereof with the County Recorder. Paper and/or electronic copies shall be available in the offices of the Department. A copy of any approved map amendment in a shoreland district shall be sent to the Commissioner of the Dept. of Natural Resources within 10 days of final action.

ARTICLE 5--NONCONFORMITIES

5.1 PURPOSE

It is the purpose of this Article to provide for the regulation of non-conforming lots, buildings, structures and uses and to specify those requirements, circumstances, and conditions under which non-conforming buildings, structures and uses may continue. The County will regulate non-conformities pursuant to Minnesota Statutes Section 394.36. For the purpose of this ordinance, January 6, 1970, is the date upon which officials controls were adopted and implemented.

5.2 EXISTING NONCONFORMITIES

A. In addition to the regulations regarding non-conformities set forth in Minnesota Statutes Section 394.36, any nonconforming use shall remain a legal nonconforming use and may continue provided:

1. No nonconforming use shall be expanded, enlarged, or altered, including any increase in volume, intensity, or frequency of use of the property where a nonconforming use exists. Structural alterations, expansions, and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
2. A change from one nonconforming use to another nonconforming use is prohibited.
3. A nonconforming use shall not be moved to any other part of the property on which it is located or to another property where it would still constitute a nonconforming use.
4. A nonconforming use that has been discontinued for a period of twelve consecutive months shall not be re-established, and any further use shall be in conformity with this Ordinance. Time will be calculated as beginning on the day following the last day in which the use was in normal operation and will run continuously thereafter.

B. A nonconforming structure may not be expanded (according to the definition of expansion in this ordinance) except in changing the use to be consistent with the provisions of this Ordinance. The modification of an existing roof pitch or attic storage area shall not be considered an expansion so long as the final roof pitch does not exceed 6 in 12 and the overall height of the building does not increase by more than four (4) feet.

5.3 NONCONFORMITY DUE SOLELY TO WETLAND BUFFER SETBACK

A. A structure in existence on or before June 28th, 2005, that becomes nonconforming due only to the wetland buffer setback requirement of this Ordinance shall be deemed conforming. Any expansion of the structure shall not further infringe on the wetland buffer area.

ARTICLE 6--PLANNING COMMISSION/BOARD OF ADJUSTMENT

6.1 PLANNING COMMISSION/BOARD OF ADJUSTMENT DUTIES

A. Acting in its capacity as the Planning Commission, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:

1. Review all plats, conservation developments, land use district map amendments, and amendments to the land use ordinance text, and make recommendations to the County Board.
2. Review and make final decisions regarding all conditional and interim use permit applications.
3. Exercise all powers and perform all duties granted to the Planning Commission/Board of Adjustment under Minnesota Statutes, Chapter 394.
4. Adopt and annually review rules of business necessary to the conduct of its affairs.

B. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment is hereby designated by the County Board to:

1. Review and make final decisions regarding all variance applications.
2. Hear appeals of all administrative orders, requirements, administrative decisions, or determinations
3. Adopt and annually review rules of business necessary to the conduct of its affairs.

6.2 MEMBERSHIP

A. The Planning Commission/Board of Adjustment shall consist of not less than five members nor more than seven members.

B. At least three members of the Planning Commission/Board of Adjustment shall be residents of the unincorporated area of the County.

C. Pursuant to Minnesota Statutes, Chapter 394.30, Subd 1, no voting member of the Planning Commission/Board of Adjustment shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the county for urban and urban related purposes.

D. No member of the Planning Commission/Board of Adjustment shall be allowed to vote on an agenda item who has received, during the two years prior to appointment, any substantial portion of their income from a source that may be considered a potential conflict of interest.

6.3 APPOINTMENT/TERMS

A. Appointment of Planning Commission/Board of Adjustment members shall be made by the Board of County Commissioners, one member to be appointed by each Commissioner and such appointment shall become effective at the first meeting of the Planning Commission/Board of Adjustment in February.

B. Up to two members shall be subject to appointment each year.

C. Each member of the Planning Commission/Board of Adjustment shall be appointed for a term of two years.

D. Vacancies shall be filled through appointment by the County Board for only the duration of the un-expired term.

E. Nonperformance of duty or misconduct in office shall constitute grounds for dismissal by the County Board. Nonperformance shall include attendance at less than 80 percent of regularly scheduled Planning Commission/Board of Adjustment meetings.

6.4 OFFICERS/DUTIES

A. Officers of the Planning Commission/Board of Adjustment shall be a Chairperson, Vice-Chairperson and other officers as needed.

B. Officers shall be elected by the Planning Commission/Board of Adjustment at the first regular meeting held in February.

C. In the event of a resignation of an Officer, the Planning Commission/Board of Adjustment shall fill the vacancy.

D. The Chairperson shall preside at all meetings.

E. The Vice-Chairperson shall assume the responsibilities of the Chairperson when he/she is unable to serve.

6.5 COMPENSATION AND MILEAGE

A. Planning Commission/Board of Adjustment members may receive per diem as allowed by the County Board.

B. Planning Commission/Board of Adjustment members will be reimbursed at the current County rate for mileage to and from the meeting place.

C. Planning Commission/Board of Adjustment members, when required to make on-site inspections relating to the function of the Commission or Board, may claim mileage expense and per diem.

6.6 MEETINGS

Meetings shall be scheduled and conducted according to the established Planning Commission/ Board of Adjustment rules of business.

ARTICLE 7—CONDITIONAL / INTERIM USE PERMITS

7.1 CONDITIONAL OR INTERIM USE PERMIT

Land uses shown as Conditional or Interim Uses in the Land Use Tables in Article 10.3, shall be allowed only after a Conditional or Interim Use Permit application has been made to and approved by the Planning Commission/Board of Adjustment.

A. Application Requirements for a conditional or interim use permit:

1. A Certificate of Survey prepared in accordance with Article 44, also including any additional items listed below.
   a) Property boundary with sufficient survey and mathematical data to locate and retrace the boundary.
2. Grading and storm water plans utilizing the current certificate of survey as a base for the subject property depicting the following:
   a) Existing contours at two (2) foot intervals.
   b) Drainage plan, including the configuration of drainage areas and calculations.
   c) Surface water ponding and treatment areas.
   d) Erosion control measures.
3. After determining that the application is complete, the Administrator shall forward the application and supporting documentation to the Planning Commission/Board of Adjustment for consideration at their next meeting.

7.2 PUBLIC HEARING

The Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a conditional or interim use permit pursuant to Minnesota Statutes, Chapter 394.26, and its adopted rules of business.

7.3 DELAYED ACTION

In considering the application for a conditional or interim Use, the Planning Commission/Board of Adjustment may adjourn the hearing to a future time and defer action or consideration until further information desired from the applicant is submitted. The applicant shall be formally notified of the information needed or reason for tabling the item. The provisions for action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Article 3.8 A. of this Ordinance.

7.4 DETERMINATION

In considering an application for a conditional or interim use permit, the Planning Commission/Board of Adjustment shall determine and make findings for approval or denial on:

A. The impact of the proposed use on the health, safety, and general welfare of the occupants in the surrounding neighborhood;

B. The ability of the proposed use to meet the standards of this ordinance.

C. The ability of the proposed use to meet goals and policies adopted within the Comprehensive Plan;

D. The effect of the proposed use on property values and future development of the land in the surrounding neighborhood;

E. The effect of the proposed use on public utility, public services, roads and schools;

F. The effects of the proposed use on the environment including its impact on groundwater, surface water and air quality;

G. The adequacy of water supply, subsurface sewage treatment system facilities, erosion control and stormwater management are provided pursuant to applicable standards;

7.5 CONDITIONS MAY APPLY

The Planning Commission/Board of Adjustment, in approving any such application, may impose additional conditions to the granting of a conditional or interim use permit that shall fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

A. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.

B. Special provisions for the location, use of structures, sewage treatment systems, watercraft launching and docking areas and vehicle parking areas.

C. Performance security as prescribed in Article 3.6 of this ordinance.

D. Provisions to ensure that the conditional or interim use will not be detrimental to the use and enjoyment of the environment or of other properties.

E. Buffers between potentially conflicting uses or along shorelines.

F. Designated length of time in which work must be completed.

7.6 SPECIAL REVIEW CRITERIA FOR FLOOD PLAIN CONDITIONAL USE PERMITS

In reviewing Conditional Use applications in Floodplain areas, the Planning Commission/Board of Adjustment shall consider all relevant factors specified in other sections of these standards, and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts, or other hydraulic structures.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of these standards.

7.7 CONDITIONAL OR INTERIM USE PERMIT DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the conditional or interim use requested. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the conditional or interim use is approved, the Administrator shall cause a copy of the conditional or interim use to be recorded with the land records for the subject property in the Office of the County Recorder.

7.8 STATUS OF CONDITIONAL OR INTERIM USE PERMIT

Any use permitted under the terms of a conditional or interim use permit shall be established and conducted in conformity with the terms and conditions designated in connection with the approval of the permit and all other applicable provisions of this Ordinance. A conditional or interim use permit shall remain in effect so long as the conditions agreed upon are observed. Nothing in this Article shall prevent the Board from enacting this ordinance or any other ordinance to change the status of a conditional or interim use.

7.9 AMENDMENTS TO CONDITIONAL OR INTERIM USE PERMITS

Amendments to approved conditional or interim use permits or requests for changes in conditions attached to conditional use permits shall be referred to the Planning Commission/Board of Adjustment and processed in the same manner as new conditional or interim use permits.

7.10 APPEALS OF PLANNING COMMISSION/BOARD OFADJUSTMENT DECISION

Acting in its capacity as the Planning Commission, all Planning Commission/Board of Adjustment decisions under this Article regarding conditional or interim use permits, and their recommendations to the County Board regarding plats, land use district map amendments, and ordinance text amendments shall be final, except that any aggrieved person or department, board, or commission of the County or of the State of Minnesota may appeal any decision of the Planning Commission relative to a conditional or interim use permit by writ of certiorari to the Minnesota Court of Appeals within 60 days after receipt of due notice of the decision

7.11 REVOCATION OF CONDITIONAL OR INTERIM USE PERMIT

The Planning Commission/Board of Adjustment may, subsequent to a public hearing, revoke a conditional or interim use permit if any conditions imposed as part of granting the conditional use or interim use permit request, are violated.

7.12 INTERIM USE PERMITS

The purpose of an interim use permit is to allow a use that is not a permitted, allowed or conditional use, for a limited period of time, subject to conditions set forth in this Ordinance.

A. The determination for considering an interim use permit shall be the same as for a conditional use permit as provided for in Section 7.4 of this Ordinance plus the following criteria:

1. The use will terminate upon a date or event that can be identified with certainty; and
2. The use will be subject to any conditions that the Board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to

cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and

3. The use will be required to receive approval of a new interim use permit upon change of ownership unless at least one person or entity is the same full or partial owner as the previous owner.

B. An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

1. The termination date or event stated in the permit; or
2. The interim use permit is revoked following the same procedures for the revocation of a conditional use permit pursuant to Article 7.11 of this Ordinance; or
3. The use has been discontinued for a minimum period of one (1) year.

ARTICLE 8—VARIANCES AND APPEALS OF ADMINISTRATIVE DECISIONS

8.1 APPLICATIONS FOR VARIANCES

Application for variances shall be filed with the Administrator who shall forward to the Planning Commission/Board of Adjustment:

A. A copy of the application and additional information determined by the Administrator to be pertinent to the application; and,

B. A Certificate of Survey prepared in accordance with Article 44 and with all items listed below:

1. Stormwater Management Plan according to Article 41 of this ordinance.
2. No-Maintenance Shoreline Buffer according to Article~~s 27 and 41~~ 11.20 C of this ordinance.

C. The Administrator shall have the discretion to determine whether an application may be forwarded to the Board of Adjustment without an accompanying Certificate of Survey.

8.2 PUBLIC HEARING

Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hold at least one public hearing on an application for a variance pursuant to Minnesota Statutes, Chapter 394.26, and its adopted rules of business. The Planning Commission/Board of Adjustment may hold additional public hearings when it determines that such hearings will be in the public interest.

8.3 DELAYED ACTION

In considering the application for a Variance, the Planning Commission/Board of Adjustment may adjourn the hearing to a future time and defer action or consideration until further information desired from the applicant is submitted. The applicant shall be notified in writing of the information needed or reason for tabling the item. The provisions for action on an application shall be in compliance with Minnesota Statutes, Chapter 15.99 and Article 3.8 A. of this Ordinance.

8.4 VARIANCE CRITERIA

A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394.27 subdivision 7. No variance shall be granted that would allow any use that is prohibited in the land use district in

which the subject property is located. In considering a variance request, the board of adjustment must consider the following factors:

1. Is the variance request in harmony with the purposes and intent of the Land Use Ordinance?
2. Is the variance consistent with the Comprehensive Plan?
3. Is the property owner proposing to use the property in a reasonable manner not permitted by the Land Use Ordinance?
4. Is the need for a variance due to circumstances unique to the property and not created by the property owner?
5. Will the issuance of a variance maintain the essential character of the locality?
6. Does the need for a variance involve more than economic considerations?

8.5 CONDITIONS MAY APPLY

A. If the variance criteria in Article 8.4 have been met, the Planning Commission/Board of Adjustment, in approving any such application, may require additional conditions and mitigating requirements to protect the public health, safety, or the environment, as may be reasonable under all circumstances concerned therewith, to be imposed as a condition for granting of the permit that shall fulfill the purposes of this Ordinance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance. Such conditions may include, but are not limited to, the following:

1. Mitigation actions to off-set environmental consequences of variance approval according to Article ~~27 and~~ 41;
2. Increased setbacks from the ordinary high-water level;
3. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted ~~according to Article 27;~~
4. Special provisions for the location, design, size and use of allowed structures, sewage treatment systems, and vehicle parking areas.
5. Performance security as prescribed in Article 3.6 of this ordinance

B. The Department may conduct follow up inspections as necessary to ensure that the conditions established by the Board of Adjustment are met.

C. Failure to comply with variance conditions as imposed by the Planning Commission/Board of Adjustment is a violation of this ordinance punishable under Article 3.5.

8.6 VARIANCE DECISION

After reviewing the application, considering all pertinent facts, and hearing testimony at the public hearing, the Planning Commission/Board of Adjustment may approve, deny, or modify the variance request. The Planning Commission/Board of Adjustment shall prepare written findings of fact to support its decision. A copy of the decision and findings of fact shall be forwarded to the applicant. If the variance is approved, the Administrator shall cause a copy of the variance to be recorded with the land records for the subject property in the Office of the County Recorder. A copy of the final decision granting a variance within a shoreland area shall be sent to the Commissioner of the Department of Natural Resources within 10 days of final action.

8.7 APPEALS OF ADMINISTRATIVE ACTIONS TO THE PLANNING COMMISSION/BOARD OF ADJUSTMENT

A. Acting in its capacity as the Board of Adjustment, the Planning Commission/Board of Adjustment shall hear all appeals of any orders, requirements, decisions, or determinations of any administrative official. Appeals to the Planning Commission/Board of Adjustment shall be filed with the Administrator within 30 days of the date the order, action, or determination was made. The appeal shall be filed in writing specifying the grounds thereof, together with a fee according to the most recent County Board-approved fee schedule. The Administrator shall call a properly noticed public hearing within 60 days to hear such appeal. The appellant may appear in person at the hearing and/or be represented by an agent.

B. **Determination of appeal.** The Planning Commission/Board of Adjustment shall review the information submitted by the appellant, a report from the Department, and the provisions of this Ordinance, and affirm the original decision unless the Planning Commission/Board of Adjustment determines that:

1. The decision was arbitrary and capricious; or
2. The decision did not comply with the standards in this Ordinance.

C. The Planning Commission/Board of Adjustment shall decide the matter appealed within 30 days after the date of the hearing. The Planning Commission/Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed, and to that end shall have all the powers of the officer whose decision was appealed and may direct the issuance of a permit. The reasons for the Planning Commission/Board of Adjustment decision shall be stated in writing and provided to the appellant.

8.8 APPEALS OF PLANNING COMMISSION/BOARD OF ADJUSTMENT DECISIONS

Pursuant to Minnesota Statutes, Chapter 394.27, Subd. 9, all decisions by the Planning Commission/Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision, or determination shall be final, except that any aggrieved person or persons, or any department, board, or commission of the jurisdiction or of the State shall have the right to appeal within 30 days after receipt of notice of the decision to District Court on questions of law and fact.

ARTICLE 9 SUBDIVISION OF LAND

9.1 SHORT TITLE

This Ordinance shall be known as the Subdivision Ordinance of Crow Wing County, Minnesota

9.2 PURPOSE AND POLICY

A. Each new subdivision of land becomes a permanent unit in the basic physical structure of the County, a unit to which, in the future, communities will, of necessity, need to adhere. In order that new division of land contributes toward an attractive, orderly, stable, and wholesome community environment; adequate public services; safe streets, all divisions of land shall fully comply with the regulations hereinafter set forth in this ordinance.

B. The Comprehensive Plan Policy

1. Encourages residential development that provides housing options for different socio-economic groups – particularly the aging population - while protecting the characteristics that people value, a sense of community, as well as a plan to provide all citizens reasonable access to a diversity of recreational and open space opportunities.

9.3 SURVEY FILING REQUIREMENTS

A. Pursuant to Minnesota Statutes §389.08, any licensed land surveyor who shall perform a survey of any lands in the County, including municipalities, for an individual, firm, association, syndicate, partnership, corporation, trust, or any legal entity shall file a true and correct copy of the survey with the Department within 30 days after completion of the survey. The manner of filing and all incidents thereof shall be determined by the Department with all surveys filed being public record and available for viewing.

B. A Certificate of Location of Government Corner shall be filed in the Office of the County Recorder for all public land survey corner positions determined and/or established by any Land Surveyor in the course of a survey pursuant to Minnesota Statutes §§ 160.15 and 381.12.

C. For any land survey record to be considered in compliance with Article 9.3, the requisite Certificate of Location of Government Corner must accompany the survey or have been previously filed or an agreement put in effect between the Department and land surveyor to comply with this provision within the one-year statutory time frame from date of the submission of the survey.

9.4 CONFORMANCE TO LAND USE ORDINANCE REQUIRED

All divisions of land submitted for approval under this Article shall conform to the requirements of the Crow Wing County Land Use Ordinance.

9.5 SUBDIVISION PROCEDURES

A. Exempt Activities

Exempt activities are divisions of land that do not require approval from the county as listed below:

1. Resulting land divisions determined through Court action.
2. Divisions of land where all resulting parcels (including all remnants) are10 acres and 300 feet in width.
3. Boundary line adjustment where all resulting parcels (including all remnants) are 10 acres in size or more.

B. Administrative Subdivision

Administrative Land Divisions are divisions of land that do not require a plat, and are listed below:

1. Boundary Line Adjustments (BLA) through the exchange of land between adjacent lands that do not create an additional parcel and do not add to or create a nonconforming parcel.
2. Registered Land Surveys (RLS) pursuant to Minnesota Statutes § 508.47.
3. Surveys prepared for public or private cemeteries in accordance with Minnesota Statutes §306 and §307, or successor statutes.
4. Inside the First Assessment District:
   a) Outside of the shoreland district, a division, or divisions of land within a five-year period resulting in no more than three (3) total parcels, where all resulting parcels are 10 acres or less in size.
   b) Inside the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A must be processed as a plat except for the creation of non-riparian lots which must conform to this section. All divisions of land involving non-riparian lots and not exempted by 9.5 A shall be processed as a plat if more than 3 total parcels are created within a 5-year time period where all resulting parcels are 10 acres or less in size.
5. Outside of the First Assessment District:
   a) Outside of the shoreland district, a division, or divisions of land within a three-year period resulting in no more than 6 total parcels, where all resulting parcels are 10 acres or less in size.
   b) Inside of the shoreland district, all divisions of land involving riparian lots and not exempted by 9.5 A above must be processed as a plat. All divisions of land involving non-riparian lots and not exempted by 9.5 A above shall be processed as a plat if more than 5 total parcels are created within a 3-year time period where all resulting parcels are 10 acres or less in size.

C. Plats

Plats are land divisions that create parcels that do not meet the requirements of Article 9.5 A&B and require a plat according to Minnesota Statutes § 394, 505 and 515, including preliminary and final plat submission, review by the Planning Commission and approval by the County Board.

9.6 APPLICATION REQUIREMENTS

A. Boundary Line Adjustments (BLA) Procedures:

The procedure for a boundary line adjustment shall meet the following:

1. BLA Application.
2. A Certificate of Survey prepared in accordance with Article 44.
3. All boundary line adjustments shall require a deed for each created legally described parcel of land to be recorded at the Land Services Department within twelve (12) months of approval of the boundary line adjustment, except that an applicant may make a written application to the Administrator for a time extension of up to 120 days. Failure to record a boundary line adjustment shall cause the boundary line adjustment to be null and void.

B. Administrative Subdivision Procedure

The procedure for an administrative subdivision shall meet the following:

1. Submit required application, fees, and certificate of survey or RLS drawing prepared in accordance with Article 44 showing resulting divisions, parcels, and descriptions together with details and items as set forth in the submission application on file in the Department.
2. The Department shall review all information to determine compliance with subdivision, land use and statutory requirements and approve if deemed to be in compliance.
3. All administrative subdivisions shall require a deed for each created legally described parcel of land to be recorded at the Land Services Department within twelve (12) months of approval of the subdivision, except that an applicant may make a written application to the Administrator for a time extension of up to 120 days. Failure to record an administrative subdivision shall cause the subdivision to be null and void.

C. Administrative Subdivision Design Standards

The standards for an administrative subdivision shall be as follows:

1. Record parcel must have deeded access to public road.
2. Road access easements must have a minimum width of 33 feet (66 feet if located within the First Assessment District).
3. Proposed subdivision must meet Land Use District standards.
4. Must include all of the following applicable items:
   a) A Certificate of Survey prepared in accordance with Article 44.
   b) County Coordinates for Public Land Survey Corners if they are not of public record.
   c) Certificate of location of Government Corner must be prepared and placed of record for any corner(s) used in determining the boundary of the subject parcel as specified in Minnesota Statutes § 381.12 or executed Public Land Survey Corner Perpetuation and Record Agreement.
   d) Recorded warranty or quit claim deed and statement if property is Abstract or Torrens.
   e) Delineated wetlands or statement that none exist from a certified wetland delineator.
   f) Completed wetland delineation submittal and review form. A signed agreement to delay submittal of the wetland delineation records until the following July 1 may be accepted in lieu of a wetland delineation by the Department between November 1 and April 30 at the Department's sole discretion, provided that the required wetland delineation records are submitted to the Department by July 1. No grading, filling, permitting of structures or other land alterations shall occur on the property until the wetland delineation records have been submitted to the Department, unless specifically authorized otherwise by the Department. Failure to fulfill all of the obligations of the agreement shall be a violation of this Ordinance.
   g) Consolidation form completed (for non-conforming property to an adjacent parcel).
   h) Once approved, electronic version of subdivision (compatible with County software).
   i) Septic site suitability provided for two sites on each parcel planned, with supporting documentation from a MPCA licensed designer or compliance and/or inspection agreement. For the purposes of this Article and meeting the requirements set forth in Minnesota Rule 7082.0100 Subp. 3F, the parent parcel shall also fall under the same requirement. For parcels that already contain an existing septic system, and that existing system has a current and valid certificate of compliance, only one additional site need be identified for each planned parcel.

The requirement that two suitable septic sites be identified on a property shall not apply to adjustments of lot lines where no new parcels are being created. A signed agreement to delay submittal of the septic site suitability until the following July 1 may be accepted in lieu of a septic site suitability by the Department between November 1 and April 30, at the Department's sole discretion, provided the required soil verification records are submitted to the Department by June 1. No grading, filling, permitting of structures or other land alterations shall occur on the property until the septic suitability records have been submitted to the Department, unless specifically authorized otherwise by the Department. Failure to fulfill all of the obligations of the agreement shall be a violation of this Ordinance.

D. Development Review Team:

Prior to the preparation of a preliminary plat, the subdivider shall attend a Development Review Team (DRT) meeting in order to be made fully aware of all applicable ordinances and regulations pertaining to the area to be subdivided. The subdivider shall submit a rough sketch of the proposed area to be subdivided.

E. Preliminary Plat Procedure

The procedure for a preliminary plat shall meet the following:

1. Submission of Plat: The subdivider shall submit to the Administrator an electronic copy of the preliminary plat of the proposed subdivision, the requirements of which are set forth in this Ordinance. The preliminary plat application shall be submitted by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
2. At least 30 days prior to the public hearing on the preliminary plat, the Administrator shall submit one copy of the preliminary plat to the governing bodies of any city, the incorporated limits of which lie within two miles of the proposed subdivision, and to each town board of the Township wherein the subdivision is proposed. In addition, one copy shall be retained by the Administrator and one copy submitted to each of the following: the County Recorder, County Engineer, Soil and Water Conservation District, Watershed District (if applicable), Mississippi Headwaters Board (if applicable), and DNR (if located in the Shoreland District).
3. At the public hearing set for consideration of the preliminary plat, the Planning Commission shall evaluate the preliminary plat based on the following criteria:
    a) Comprehensive Plan.
    b) Applicable performance standards in this Ordinance.
    c) Other standards, rules, or requirements that the proposed plat must meet.
    d) Compatibility with the present land use in the area of the proposal.
    e) Environment impacts have been adequately addressed (Stormwater, Erosion/Sediment Control, Wetlands, Floodplain, Shoreland and Septic Systems).
    f) Public health, safety or traffic impacts have been adequately addressed.
4. At the conclusion of the public hearing, the Planning Commission shall either recommend approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration.

5. The Planning Commission and/or County Board may attach reasonable conditions to any approval based upon its consideration of the plat application.
6. The Planning Commission and/or County Board may request the subdivider to submit additional information to address any issues related to the plat application.
7. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the County Board.
8. The County Board shall consider the Planning Commission's action at a regularly scheduled meeting and shall either approve, deny, or table for future consideration. Approval shall mean the acceptance of the design as a basis for preparation and submission of the final plat.

F. Preliminary Plat Submittal Requirements

When submitting a preliminary plat, the following components shall be required:

1. Completed preliminary plat application and applicable fees.
2. A preliminary plat drawing prepared in accordance with Article 44 and the items listed below:
   a) Scale: One inch equals 100 feet, if possible, but not smaller than 1 inch equals 200 feet.
   b) Confirmation from Recorder's Office stating that the plat name is not a duplicate or closely resembles the name of any plat previously recorded in the county.
   c) Names and addresses of the owner, subdivider, surveyor, and engineer of the plan.
   d) Existing land use map district classifications
   e) Existing conditions in tract and in surrounding area to a distance of 30 feet.
   f) Boundary line of proposed subdivision and ownership of adjoining land.
   g) Total acreage of parcel to be subdivided. If riparian, total area of parcel and lot area above the Ordinary High-Water Level (OHWL).
   h) Location of platted roads, right-of-way and utility easements
   i) Sewers, water mains or wells, culverts or other underground utilities.
   j) Site suitability showing two subsurface sewage treatment system locations on each lot or evidence of public sewer availability.
   k) Well location or evidence of access to a public water supply.
3. All wetlands shall be delineated by a certified wetland delineator and include a report signed by the certified wetland delineator. The delineated boundary shall be surveyed and shown on the preliminary plat.
4. Location of all lakes, rivers, streams, intermittent streams, public drainage ditches, water courses, bluffs, steep slopes, flood fringe and floodway boundaries (if available) including location of the OHWL. The preliminary plat shall include two-foot contours for the entire land area proposed to be subdivided.
5. Structure setbacks from any lake, river, stream, water course, wetland, bluff, right of way or lot line must be clearly shown on the plat.

6. Buildable area as defined in Article 46 of this ordinance.
7. The subdivider must clearly stake and identify the proposed lot corners and the proposed centerline of the road serving the subdivision when requested by the Department.
8. Inside of the First Assessment District: A preliminary plat application, for residential plats only, shall not be considered complete until the information required in a) and b) below has been reviewed by the County Engineer. Non-residential developments may be required to submit such information if the County determines during the review process that road or other improvements shall meet the same or more restrictive standards as for residential developments.
    a) Preliminary construction plans for all public or private improvements, including roads (in accordance with Article 9.9 B), stormwater facilities or other such improvements as may be required or proposed by the developer.

The procedure for a final plat shall meet the following:

9. The subdivider shall file with the Administrator within one year of the date of the approval of the preliminary plat, the final plat which shall substantially conform to the preliminary plat as approved. The subdivider shall submit to the Administrator an electronic copy of the final plat, the requirements of which are set forth in this Ordinance. The final plat application shall be filed by the deadlines established in the department's annual public hearing calendar and shall be accompanied by the fees set forth in the Fee Schedule.
10. Final plat approval shall not be granted to any plat which is not filed within the time herein specified; unless an extension is requested in writing and for good cause, granted by the Planning Commission.
11. Final plat approval shall not be granted unless all requirements of Article 9.6(F) and Article 9.6 (G) of this Ordinance have been met. The County Board shall approve, deny, or table the final plat, and the Department shall notify the owner or subdivider of the County Board's actions within 30 days.
12. The final plat, if approved, shall then be filed with the County Recorder by the subdivider. The subdivider shall provide two sets of mylars. If any irregularity prevents recording of the final plat, the County Recorder shall notify the subdivider. Any approval of the final plat by the Board shall be null and void if the plat is not recorded with the County Recorder within one-hundred-twenty (120) days after the date of approval, unless application for an extension of time is made, in writing, during said one-hundred-twenty (120) day period, to the Board and for good cause granted by the Board.

G. Final Plat Submittal Requirements

When submitting a final plat, the following components shall be required:

1. Completed final plat application and applicable fees.
2. All required submittals for the preliminary plat.
3. In the First Assessment District, the following information shall be required.
    a) Construction plans prepared by a professional engineer licensed in the State of Minnesota for all public or private improvements, including roads (in accordance with Article 9.9 B), stormwater facilities or other such improvements as may be required or proposed by the developer, including estimated construction costs itemized per improvement.

b) Financial Assurance, as required by Article 9.9 of this Ordinance. This may be waived if all improvements as required by Article 9.9 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.

c) A copy of a draft Developer's Agreement, prepared in accordance with the requirements of Article 9.9 of this Ordinance. This may be waived if all improvements as required by Article 9.9 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.

d) Written approval by the County Engineer approving the road and stormwater plans as submitted or modified.

4. Information as was found necessary and requested by the Planning Commission or the County Board.
5. Data requirements as set forth in Minnesota Statutes Chapter 505 and this ordinance, and all interior and exterior boundary lines shall be correctly designated on the plat and shall show bearings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that the monuments have been set.
6. An identification system for all lots and blocks. All lots shall be numbered consecutively.
7. The subdivider or owner shall submit two sets of mylars, after Board approval.
8. Notarized certification by the owner and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas.
9. Certification showing that all taxes currently due on the property to be subdivided has been paid in full for the calendar year in which the plat is recorded.
10. Subdivider's agreement according to Article 9.9 of this Ordinance.
11. Title Commitment

9.7 PLAT DESIGN STANDARDS

A. **Roads:** The design of all roads shall be considered in relation to existing and planned roads, reasonable circulation of traffic, topographical conditions, run off of storm waters and the proposed uses of the areas to be served and shall meet the following standards:

1. Where adjoining areas are not subdivided, the arrangement of roads in new subdivisions shall make provisions for the proper projection of roads. When a new subdivision adjoins un-subdivided land, then the new road shall be carried to the boundaries of such un-subdivided land. Where new roads extend to existing adjoining roads, their projections shall be at the same or greater width, but in no case, less than the minimum required width.
2. The most current version of the Crow Wing County Highway Department Road Construction Specification, or the local road authority as appropriate, including road width and grade standards shall be observed by the subdivider. These minimum standards are on file in the office of the County Highway Department.

3. Where a proposed plat is adjacent to a primary road or highway, the County Board may require the subdivider to provide a service road along the right-of-way to service the proposed plat. Segments of existing public roadways have controlled access right -of-way in place. The appropriate road authority shall be contacted to determine those locations.
4. When a subdivision or portion thereof abuts a principal, major or minor arterial, no lot shall have direct access thereto, unless approved by the County Board. Instead, such lots shall be provided with frontage on a frontage/backage road or an interior road, or similar design feature.
5. At road intersections, curb lines shall be rounded at a radius of not less than 30 feet.
6. Cul-de-sacs are permitted when designed to permit future road expansion into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the County Board. Cul-de-sacs shall include a terminal turn-around which shall be provided at the closed end, with an outside shoulder radius of not less than 50 feet and a right of way radius of not less than 66 feet.
7. The minimum right-of-way widths for roads shall be as follows except where existing or anticipated traffic on the roadway warrants greater right of way width as determined by a state of Minnesota licensed engineer, road authority or the County Board:
    a) Major Collector Road - 100 feet
    b) Minor Collector Road - 100 feet
    c) Local Road - 66 feet
    d) Cul-de-sac turn-around - 66 foot radius
    e) Arterial - Determined on a case-by-case basis, but not less than 100 feet
8. Platted roads shall be either private or public per the following requirements:
    a) Private Roads
        1) Shall be conveyed as outlots on the final plat with a dedicated undivided ownership among all lots served by the road. Notice that the road shall never be publicly maintained without official acceptance by the proper road authority shall be recorded on the plat in the dedications, covenants, and restrictions.
        2) Shall have a minimum 66-foot-wide right-of-way.
    b) Public Roads
        1) Shall be dedicated to the public on the final plat.
        2) Shall have a minimum 66-foot right-of-way.
        3) Shall be constructed by the subdivider and approved by the department prior to final plat approval or subject to a developer’s agreement in place according to Article 9.9 of this Ordinance.
9. All platted subdivisions in which the plat does not abut an existing public roadway shall have a minimum 66-foot-wide legal, recorded ingress and egress easement connecting the plat to the existing public roadway.

B. Easements

1. Utility easements at least 10 feet wide shall be provided for utilities where necessary. They shall be centered on rear and other lot lines or within alley rights-of-way. They shall have continuity of alignment from block to block. At deflection points, easements for pole line anchors shall be provided where necessary.
2. Where a subdivision is traversed by a water course, drainage way, channel or road, there shall be provided a storm water easement or drainage right-of-way substantially with the lines of such water course, together with such further width or construction or both as will be adequate for stream channel, but also adjoining areas that have been subject to flooding in years of heavy runoff.

C. Lots

1. Where possible, side lot lines shall be at right angles to straight or radial to curved road lines. Each lot shall front on a public road.
2. Every lot must have adequate legal access to a public road or approved private road. If proposing to access a roadway under County authority, review the most current version of the "Driveway Access to Roads Under County Jurisdiction" on file in the office of the County Highway Department.
3. Lots must comply with the minimum lot sizes specified in the Land Use Ordinance, except in the following circumstances there shall be no minimum lot sizes or widths required except as may be imposed by the Planning Commission and/or County Board during a conditional use or preliminary plat approval process:
   a) For conservation developments as regulated in Article 33;
   b) For resort conversions to a residential development ~~or to a shared-capital resort~~ as regulated in Article 34;
   c) For non-residential subdivisions involving the creation of commercial or non-commercial storage buildings which are divided into separate lots.
4. Regard shall be shown for trees, wetlands, steep slopes, water courses, historic natural features, or other similar conditions. Plans shall be submitted to minimize the impact to these natural features.
5. Lot remnants which are below the minimum lot size must be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the owner can show plans consistent with the purpose of this Ordinance for the future use of such remnants.
6. All new created lots shall have a primary and alternate subsurface sewage treatment system according to Minnesota Rules Chapter 7080 and Article 37 of the Land Use Ordinance.

9.8 REQUIRED IMPROVEMENTS

The following improvements are minimum improvements and shall be required in any plat subject to the requirements in Articles 9.6 and 9.7. The subdivider shall pay for the cost of all improvements required in the subdivision including but not limited to:

A. **Monuments**: All plat boundary corners, block and lot corners, road intersection corners and points of tangency and curvature shall be marked with the survey monuments according to Minnesota Statutes §505.021.

B. **Roads (Inside of the First Assessment District):** All public and private roads for residential developments (except those private roads in an Administrative Subdivision) shall be designed by a professional engineer licensed in the state of Minnesota and constructed according to the requirements applicable to roads within the First Assessment District (FAD) as adopted by the County Board. For non-residential developments, the County shall consider on a case-by-case basis whether roads shall be built to such standards or allowed to build to lesser standards based on the nature of the development and the extent of public use of the roadways. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at each intersection. Road names shall conform to Article 19: Addressing and Road Signs of the Land Use Ordinance and shall be approved by the Department.

1. The subdivider shall be required to either:

   a) maintain all public and private roads in the subdivision on a year-round basis until acceptance of the road by the road authority; OR

   b) set up a homeowner's association to be responsible for year-round road maintenance but shall ensure that the bylaws of such association provide an adequate funding and revenue collection system from the individual lot owners - including from any unsold lots.

   In either case, a year-round roadway maintenance plan shall be submitted as part of the developer's agreement in Article 9.9 and be subject to approval of the County Board

C. **Roads (Outside of the First Assessment District):** All public roads shall be built to the requirements of the road authority and be designed by an engineer licensed in the state of Minnesota. If the local road authority has no road design specifications or for private roads, the road shall be constructed according to the requirements found in Appendix 1. The right-of-way of each road dedicated in the plat shall be improved to include a roadway surface and stormwater drainage system in compliance with Article 41 and all applicable county and/or township specifications. Road name signs shall be placed at each intersection. Road names shall conform to Article 19: Addressing and Road Signs of the Land Use Ordinance. Road names shall be approved by the Department.

1. The subdivider shall be required to maintain all public roads in the subdivision and provide for year-round road maintenance until acceptance of the road by the road authority.

D. **Stormwater Management:** Stormwater management facilities and drainage shall be completed in accordance with the provisions of this Ordinance and Article 41 of the Land Use Ordinance and be designed by an engineer licensed in Minnesota. It is the responsibility of the subdivider to obtain all other stormwater permits such as but not limited to a SWPPP. It also shall be the responsibility of the subdivider to maintain compliance with said permit and terminate the permit when the project is complete.

E. **Erosion/Sediment Control:** All plats must submit an erosion and sediment control plan designed by a engineer licensed in Minnesota and include a time schedule for effective implementation of the plan that will prevent soil loss to the Department before the development activity is to begin. The subdivider must also obtain an NPDES permit from the State of Minnesota if there will be disturbance of more than one acre of land.

F. **Water Supply**: Wherever connection with a community or public water system is possible, the public water shall be used. In other case, individual wells shall be used. Either shall be provided in accordance with State and County Regulations.

G. **Sanitary Sewer:** Wherever sanitary sewer facilities are available the subdivider shall be required to install sanitary sewers and connect the same to such trunk line sewers. In other cases, subsurface sewage treatment systems shall be used. Either shall be used in accordance with State and County regulations.

9.9 DEVELOPERS AGREEMENT

Prior to County Board approval of a final plat of a proposed subdivision, the County Board may require a developer's agreement that shall ensure the construction of all improvements required under the provision of this ordinance and that all improvements shall be completed. The subdivider shall pay for the cost of all improvements required in the subdivision along with the subdivision's share of the cost of any trunk facilities to be extended to the subdivision. The developer's agreement shall stipulate that no permit of any type shall be issued until all improvements required by this Ordinance have been met or are arranged for in a manner prescribed in the developer's agreement. This may be waived if all improvements as required by Article 9.8 of this Ordinance, the Planning Commission or County Board has been effectively implemented with appropriate inspection and verification of all improvements.

A. **Roadway Maintenance Plan (inside of the First Assessment District only).** The subdivider shall provide a plan for the maintenance of all constructed public or private roadways until acceptance of the road by a public road authority. The provided plan shall be approved by the County Board and indicate who will be responsible for conducting the maintenance, the manner of maintenance to be completed and how frequently, and a mechanism for funding the ongoing maintenance of the road.

B. **Financial assurance**. The subdivider shall provide a financial guarantee naming the County as first obligee to ensure completion of all improvements as required. No part of the financial guarantee will be released until all aspects of the developer's agreement are completed unless specifically stated. The amount of the financial guarantee shall be 1.25 times the estimated improvement construction cost.

1. Inside of the First Assessment District: The financial assurance amount shall be calculated as 1.25 times the estimated construction costs submitted by the developer's professional engineer licensed in the State of Minnesota and must be approved in writing by the County Engineer.
2. Outside of the First Assessment District: It shall be the responsibility of the subdivider to determine the improvement construction cost which must be approved by the Department.
3. Financial assurance shall be released upon receipt of verification that all improvements in the developer's agreement has been effectively implemented. Verification includes written documentation from the registered engineer of record for road and stormwater management plan implementation and from a surveyor for corner monumentation implementation. Any other requirements of the developer's agreement shall require written verification from someone with expertise and experience regarding said improvement. The Board must approve the release of any financial assurance.

C. **Default**: The County shall be entitled to use the financial guarantee to implement said improvements and provide maintenance if the subdivider defaults on the timeline set forth in the developer's agreement. Upon completion of work and termination of any liability to the County, the balance remaining in the financial guarantee shall be refunded to the subdivider.

D. **Timeline**: The subdivider shall set a guaranteed timeline and completion plan for all improvements and a provision for determining supervision of the details of the work. The developer's agreement shall include provisions for when the road authority will be responsible for maintenance of the road.

E. **Inspections.** The subdivider shall guarantee payment for all costs incurred by the County for review and inspection. This shall include but not be limited to preparation and review of plans and specifications by technical assistants and costs incurred by the County Attorney, County Highway Department, and the Department, as well as other related costs.

PART II – LAND USE DISTRICTS

ARTICLE 10--LAND USE CLASSIFICATION LIST

10.1 LISTED USES/SIMILAR USES

Many uses of land are listed in the land use classification list in Article 10.3 of this Article. For uses not included within the land use classification list, a property owner may make application to the Planning Commission/Board of Adjustment for a determination as to whether the proposed use is similar in nature to a listed use within a land use district. All uses that are not included in the land use classification list are prohibited unless determined to be similar in nature to a listed use through the process described in this paragraph.

10.2 LAND USE DISTRICT DESCRIPTIONS

This section describes the land use districts established in Crow Wing County. The land use district boundaries are identified on the official land use district map.

A. **Shoreland District**. The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted, conditional, or interim uses.

B. **Agricultural/forestry District (AGF**). The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are present and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership. The primary use within this district is agriculture/livestock/forestry but may include single family residential. Compatible commercial uses may be allowed as permitted, conditional, or interim uses.

C. **Urban Growth (UG)**. The purpose of this district is to encourage orderly growth of development of an urban density and nature around incorporated municipalities. Urban residential districts shall be connected to municipal sewer and water. This district can only be designated by agreement between the affected municipality and the County under the provisions of Minnesota Statutes, Chapter 394.232.

D. **Rural Residential-1 (RR-1)**. The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as permitted, conditional or interim uses.

E. **Rural Residential-2.5 (RR-2.5**). The purpose of this district is to promote moderate-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as permitted, conditional or interim uses.

F. **Rural Residential-5 and 10 (RR-5 and RR-10)** The purpose of these districts is to promote low-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats or preserve the rural character of an area. Compatible commercial uses may be allowed as permitted, conditional or interim uses.

G. **Commercial District (C**). The purpose of this district is to provide adequate areas for general retail, wholesale, office and service activities in rural areas. Commercial districts shall be located along federal, state, county, or township roads.

H. **Waterfront Commercial (WC).** The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the business. The primary uses in this district are marinas, resorts, and restaurants with transient docking facilities.

I. **Commercial - Industrial District (CI).** The purpose of this district is to accommodate industrial uses that may produce off-site impacts such as noise, odor or vibration and may require performance standards such as buffering or increased setbacks.

J. **Airport District (AP).** The purpose of this district is to accommodate private and commercial aviation facilities and support services.

10.3 LAND USE TABLES

The following table establishes the permitted, conditional, interim and allowed uses within the land use districts of the County.

Any uses not listed in these tables are prohibited.

For the purposes of this table:

No (blank) entry means a use that is prohibited.

"**P**" means a use requiring a permit.

"**CU**" means a use requiring a conditional use permit.

"IU" means a use requiring an interim use permit

"**A**" means a use that is allowed without a permit but may have performance standards.

"SD" means a shoreland district.

"AGF" means an agricultural/forestry district.

"UG" means an urban growth district.

"RR-1" means a rural residential district with a 1-acre lot size.

"RR-2.5" means a rural residential district with a 2.5-acre lot size.

"RR-5" means a rural residential district with a 5-acre lot size.

"RR-10" means a rural residential district with a 10-acre lot size.

"C" means a commercial district in a rural area.

"WC" means a water-oriented commercial district.

"CI" means a commercial/industrial district.

"AP" means an airport district.

LAND USE TABLES

A. Agricultural Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
Farm buildings	P	P	P	P	P	P	~~P~~	P		P	
Farmland: Crop growing and harvesting	A	A	A	A	A	A	~~A~~	A	A	A	P
Farmland: Livestock, poultry use, including related buildings	A	A	A	A	A	A	~~A~~	A			
Feedlot, Agricultural, including buildings		A			A	A					
Forest land: growth, harvest	A	A	A	A	A	A	~~A~~	A	A	A	A

B. Residential and Related Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
Single-family dwelling (one per parcel)	P	P	P	P	P	P	~~P~~	P	P	CU	
Two-family (Duplex) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.	P/ CU***	P	P	P	P	P	~~P~~	P	P	CU	
Three-family (Triplex) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.	P/ CU***	CU	CU	CU	CU	CU		CU	CU		
Four-family (Quad) attached dwelling (one per parcel) when parcel width and size meet the minimum requirements of the relevant zoning district.		CU	CU	CU	CU	CU		CU	CU		
Multi-family dwelling (more than 4 dwelling units)	CU	CU	CU	CU	CU	CU		CU	CU		
Guest Cottage/Quarters	P	P	P	P	P	P	~~P~~	P	P		
Group home, assisted living, nursing, supportive care detention or correction home	CU	CU	CU	CU	CU	CU	~~CU~~	CU	CU		

B. Residential and Related Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
(including detoxification center, rehabilitation home).											
Mobile home park or development		CU	CU	CU	CU	CU					
Non-Commercial Solar and Wind Energy Systems associated with a principal use (i.e. accessory solar and wind energy systems under 50KW)	P* (solar only)	P	P	P	P	P		P	P* (solar only)	P	
Accessory structure	P	P	P	P	P	P	~~P~~	P	P	P	P
Water Oriented Accessory Structure	P							P	P	P	
Home business	CU	CU	CU	CU	CU	CU	~~CU~~	CU	CU	CU	CU
Home occupation	A	A	A	A	A	A	~~A~~	A	A		
Sign – on site	P	P	P	P	P	P		P	P	P	P
Temporary Structure	A	A	A	A	A	A	~~A~~	A	A	A	A
Non-Commercial Storage Buildings	A	A	A	A	A	A	~~A~~	A	A	A	A
Non-Commercial Storage yard	A	A	A	A	A	A	~~A~~	A	A	A	A
Conservation Development*	CU	CU	CU	CU	CU	CU	~~CU~~	CU	CU	CU	

*Conservation Development also requires a plat after CUP approval

C. Recreational Uses, Public and Private	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
Alternative Access Lot	CU	CU	CU	CU	CU	CU	~~CU~~				
Campground, private	CU	CU	CU	CU	CU	CU		CU	CU		
Outdoor recreation facility Park/playground	CU	CU	CU	CU	CU	CU		CU	CU		P
Golf Course	CU	CU	CU	CU	CU	CU		CU	CU		
Racetrack: horse, auto, motorcycle, go cart		CU				CU		CU			P
Shooting range, firearms, archery, private		CU				CU		CU	CU		

D. Civic, Educational and Institutional Uses	SD	AGF	UG	RR1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
Athletic field/stadium; arena		CU	CU	CU	CU			CU			
Cemetery	A	A	A	A	A	A					
Transient Camps, Church Camps	CU	CU	CU	CU	CU	CU			CU		
Places of Worship	P	P	P	P	P	P	~~P~~	P	P	P	P
Public building	P	P	P	P	P	P	~~P~~	P	P		P

E. Commercial and Industrial Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
Airport: Hangar											P
Airport: Public											P
Airport: Private		CU									P
Adult uses		IU									
Amusement Park			CU					CU			
Animal Breeding and/or boarding Facility	CU	CU		CU	CU	CU		CU			
Extractive use, mining, gravel pit, aggregate		IU			IU	IU				IU	IU
Cannabis Cultivation (Commercial)								IU	IU		
Cannabis Manufacturer								IU			
Cannabis Retail								IU	IU		IU
Cannabis Wholesale								IU	IU		
Commercial Storage Facilities	CU	CU	CU	CU	CU	CU		CU	CU	CU	
Data Center										IU	
Industrial Park										CU	
Junk salvage yard		CU								CU	
Waste Facility		CU						CU		P	

E. Commercial and Industrial Uses	**SD**	**AGF**	**UG**	**RR 1**	**RR 2.5**	**RR 5, 10**	**~~SS~~**	**C**	**WC**	**CI**	**AP**
Liquor: On and/or off sale								P	P	P	P
Manufacturing: light in general										P	P
Manufacturing: heavy in general										P	P
Marina								CU	CU		
Event Center	IU	IU	IU	IU	IU	IU		IU	IU		
Motel, hotel	CU	CU	CU	CU	CU			CU	CU	CU	P
Bed and Breakfast Residence	CU	CU	CU	CU	CU		~~CU~~	CU			
Day Care	A	A	A	A	A	A	~~A~~	A	A	A	
Office, Business and Professional	CU	CU	CU	CU	CU	CU	~~CU~~	P	P		
Resort		CU			CU	CU		CU	CU		
Resort Conversion	CU	CU	CU	CU	CU	CU	~~CU~~	CU	CU	CU	CU
Business-Commercial Retail			CU	CU				P	CU	CU	P
Vehicle, Boat, Recreation Equipment Sales and / or Service								P		P	P
Sign, on site	P	P	P	P	P	P		P	P	P	
Sign, off-premises								CU		CU	
Commercial Storage yard		CU				CU		P	CU	P	P

F. Public Service and Utility Uses	**SD**	**AGF**	**UG**	**RR 1**	**RR 2.5**	**RR 5, 10**	**~~SS~~**	**C**	**WC**	**CI**	**AP**
Tower-Telecommunication		CU P**			CU P**	CU P**		CU P**		CU P**	

F. Public Service and Utility Uses	SD	AGF	UG	RR 1	RR 2.5	RR 5, 10	~~SS~~	C	WC	CI	AP
~~Commercial Solar and Wind Energy Systems (i.e., solar collectors and wind generators greater than 50KW)~~		~~CU~~			~~CU~~	~~CU~~		~~CU~~		~~CU~~	
Micro WECS	IU*	IU		IU	IU	IU		IU	IU	IU	
Non-Commercial WECS <100 kW		IU		IU	IU	IU		IU	IU	IU	
Commercial WECS > 100 kW		IU		IU	IU	IU		IU		IU	
Meteorological Tower	P	P		P	P	P		P	P	P	
Large Solar		IU		IU	IU	IU		IU		IU	
Small Solar	P*	P		IU	IU	IU		P		P	
Photovoltaic Meter		P		P	P	P		P		P	
Battery Energy Storage Systems (BESS) (over 100kW)		IU		IU	IU	IU		IU	IU	IU	
Battery Energy Storage Systems (BESS) (up to 100kW)	P	P	P	P	P	P	P	P	P	P	P

~~*~~--Allowed in the shoreland buffer zone only.
**--Type of permit depends on tower height (see Article 43)
***--Two Family Dwellings (Duplexes) and Three Family Dwellings (Triplexes) are a permitted use on GD and RD lakes and CUP on NE Lakes

ARTICLE 11--SHORELAND DISTRICT STANDARDS

11.1 PURPOSE AND INTENT

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, protect wetlands, steep slopes, bluff areas, riparian habitat, filter stormwater runoff and control nutrient movement and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial uses may be allowed as permitted or conditional uses.

11.2 PUBLIC WATERS CLASSIFICATION SYSTEM

A. **Lake classification system**. The Public Waters lakes of Crow Wing County, Minnesota are hereby classified into the following categories:

1. **Natural environment lakes (NE).** Natural Environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use**.**
2. **Natural environment - special shallow lakes (NE-SS).** This is a subclass of the natural environment lake class. These lakes are generally large, shallow lakes with critical wildlife habitat and a history of highly valued traditional outdoor recreational uses. The lakes usually do not have much existing development.
3. **Recreational development lakes (RD).** These lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. At the time of the original classification, they were characterized by moderate levels of recreational use and existing development consisting mainly of seasonal and year-round residences and recreationally oriented commercial uses.
4. **General development lakes (GD).** These lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development at the time of the original classification. These lakes often are extensively used for recreation.

B. **River classification system.** The Public Waters rivers of Crow Wing County, Minnesota are hereby classified into the following categories:

1. **Cold Water Rivers (CWR).** This river class includes trout streams designated in Crow Wing County under Minnesota Rules, Chapter 6264.0050.
2. **Natural Environment Rivers (NER**). This river class includes previously classified remote, forested, transitional, and tributary river segments that flow into natural environment lakes. The types and intensities of recreational uses within this class vary widely.
3. **General Development Rivers (GDR).** This river class includes previously classified agricultural and urban river segments and those tributary river segments that do not flow into natural environment lakes. This class has a wide variety of existing land and recreational use characteristics.

C. A list of Crow Wing County protected waters is available on the County Website titled "*Crow Wing County Protected Water Inventory".*

11.3 LOT AREA, BUILDABLE AREA, AND WIDTH STANDARDS

After the effective date of this ordinance, all new lots in a Shoreland District created by plat or administrative subdivision, or metes and bounds as described in Article 33 of this Ordinance, shall meet the minimum lot area, buildable area, and lot width requirements in the tables below. Only land above the ordinary high-water level of public waters can be used to meet lot area and buildable area standards.

TABLE 11.1 Lot Area, Buildable Area, and Lot Width Requirements for the Shoreland District

	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL			TRIPLEX RESIDENTIAL		
Lake Classification	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**
General Development - Riparian	30,000	100	12,000	**40,000**	200	27,000	60,000	260	30,000
General Development -Non-Riparian	40,000	150	20,000	80,000	265	40,000	120,000	375	60,000
Recreational Development-Riparian	40,000	150	16,000	80,000	225	30,000	120,000	300	60,000
Recreational Development-Non-Riparian	60,000	150	25,000	80,000	265	40,000	120,000	375	60,000
Natural Environment-Riparian	80,000	200	40,000	120,000	400	60,000	160,000	400	80,000
Natural Environment-Non-Riparian	120,000	200	60,000	160,000	400	80,000	240,000	600	120,000
Natural Environment—Special Shallow Riparian	100,000	250	50,000	*	*	*	*	*	*
Natural Environment—Special Shallow Non-riparian	140,000	265	70,000	*	*	*	*	*	*

*Duplex Residential are not allowed within natural environment - special shallow lake shorelands.

*Triplex Residential are not allowed within natural environment - special shallow lake shorelands.

	SINGLE FAMILY RESIDENTIAL			DUPLEX RESIDENTIAL			TRIPLEX RESIDENTIAL		
River Classification	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**	**Min. Lot Area (ft^2)**	**Min. Lot Width**	**Min. Buildable Area (ft^2)**
Cold Water-Riparian	90,000	300	45,000	135,000	450	65,000	180,000	600	75,000
Cold Water -Non-Riparian	120,000	300	60,000	175,000	450	80,000	230,000	600	75,000
Natural Environment -Riparian	80,000	200	40,000	120,000	400	60,000	160,000	600	75,000
Natural Environment -Non-Riparian	120,000	200	60,000	160,000	400	80,000	200,000	600	75,000
General Development -Riparian	30,000	100	12,000	40,000	200	20,000	50,000	300	28,000
General Development -Non-Riparian	40,000	150	20,000	60,000	265	30,000	80,000	380	40,000

11.4 SETBACKS AND PLACEMENT OF STRUCTURES

A. Structures shall meet all required setbacks.

B. **Measurement.** All setbacks shall be measured as the shortest horizontal distance between the structure and the feature from which the setback is required. All setbacks shall be measured to the vertical side of the structure. No part of the structure, such as eaves, can overhang or reduce such setback by more than three feet.

C. Lake and River Setbacks

TABLE 11.2 Structure and SSTS setbacks from Public Waters in feet from the OHWL				
Class of Public Water Lakes:	**Standard Setbacks**	**Conservation Development Structure Setback**	**Conservation Development Density Incentive Structure Setback**	**SSTS Setback**
General Development (GD)	75	120	150	75
Recreational Development (RD)	100	160	200	100

Natural Environment (NE)	150	200	250	150
Natural Environment Special Shallow (NE-SP)	180	200	250	150

Class of Public Water Rivers:	**Standard Setbacks**	**Conservation Development Structure Setback**	**Conservation Development Density Incentive Structure Setback**	**Standard Setbacks**
Cold Water	200	200	250	150
Natural Environment	150	200	250	150
General Development	100	200	200	100

Additional structure setbacks. The following additional structure setbacks apply, regardless of public water classification:

TABLE 11.3 Additional Structure Setbacks	
Setback from:	**Setback (in feet)**
Bluff (top, bottom – applies to septic system tanks and drainfields as well)	30
Significant Cultural or Historic Site	50
Unplatted Cemetery	50
Township, County, State, or Federal Road right-of-way	35
All Other Roads	10
Property Line	10
Publicly owned Recreational Trail (not easements)	10
Subsurface Sewage Treatment System--Septic Tank (to dwelling unit)	10
Subsurface Sewage Treatment System--Drainfield (to dwelling unit)	20
Minnesota Department of Natural Resources permitted harbors	One-half (1/2) of the lake setback for the respective class of public water
Wetland	15

D. Riparian Commercial Lots

1. Commercial, industrial, public, or semipublic uses on commercially zoned lots without water-oriented needs shall meet a double setback from the ordinary high-water level or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf on conditions.

E. High-Water Elevations

1. For lakes, rivers, and streams by placing the lowest floor at a level at or above the established regulatory flood protection elevation. If no regulatory flood protection elevation is available, all structures must be elevated so that the lowest floor is either three feet above the highest known water level or at least three feet above the ordinary high-water level (OHWL), whichever is higher.
2. All buildings hereafter erected in the flood plain shall not be constructed unless in compliance with Article 21 (Floodplain Overlay District) of this ordinance.

F. Setback Averaging

1. Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining principal structure setbacks from the OHWL, provided the proposed structure is not located in shore impact zone 1 or in a bluff impact zone. In the event that there is no principal structure on one of the adjacent lots, the normal structure setback line shall be used.
2. Setback averaging shall not apply to lots where there is a viable building envelope showing a proposed structure can meet OHW setbacks as determined by the administrator.
3. A permit that conforms to this section must also require the implementation of a stormwater management plan according to Article 41 and an analysis of existing shoreland vegetation ~~according to the Crow Wing Shoreline Rapid Assessment Model~~ and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11.20 C.

11.5 SHORELAND DISTRICT PERFORMANCE STANDARDS

A. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone:

1. Analysis of existing shoreland vegetation ~~according to the Crow Wing Shoreline Rapid Assessment Mode~~l and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11.20.

~~2. Footing placement inspection by Department staff as defined in Article 46.~~

3. Analysis of stormwater runoff –BMP's, plan, or engineered plan according to the standards in Article 41.
4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
5. Evidence of subsurface sewage treatment system (SSTS) compliance.
6. Calculation of total impervious coverage meeting the standards set forth in Article 41.

B. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Buffer Zone:

1. Analysis of stormwater runoff BMP's, according to the standards in Article 41 of this ordinance.
2. Evidence of subsurface sewage treatment system (SSTS) compliance.
3. Calculation of total impervious coverage meeting the standards set forth in Article 41.

C. The following performance standards shall be required in conjunction with the issuance of any permit in the Shoreland Protection Zone or Buffer Zone:

1. If it has been determined by the Administrator that a proposed change in elevation of a lot has the potential to adversely affect neighboring lots, a conditional use permit may be required. The administrator may require a lot elevation survey and grading plan if deemed necessary. The applicant must show the change in elevation of existing grade will not have a detrimental effect on the neighboring properties, including but not limited to showing it will not alter the water run-off amounts or rates onto neighboring properties.

11.6 HEIGHT OF STRUCTURES

Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height and shall be defined as the vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel or pitched or hipped roofs.

11.7 DECKS

Construction on new decks or replacement of existing decks shall require permits and comply with the following standards:

A. Decks adjacent to dwellings shall meet structure setbacks in Tables 11.2 and 11.3 of this Article except as provided under Article 11.7 B or E of this ordinance.

B. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a permit and without regard to its setback to the ordinary high-water level.

C. Deck construction shall comply with all provisions of Articles 11 and 41 of this ordinance.

D. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.

E. Decks that do not meet required setbacks from public waters may be allowed without a variance to structures in existence prior to January 6, 1970, if the following criteria are met:

1. An evaluation of the property and structure reveals no reasonable location for a deck meeting the OHW setback;
2. The deck encroachment toward the OHW does not exceed 15% of the existing public water setback and does not encroach any closer than 30 feet, whichever is more restrictive;
3. The deck is constructed as a pervious surface and is not roofed or screened; and
4. Maximum size of the deck is 250 square feet.

11.8 PATIOS

Patios placed within the structure setback require a shoreland alteration permit.

A. Patios within the structure setback shall comply with the following standards:

1. Not be located in shore impact zone 1 except as a water-oriented accessory structure according to Article 11.13;
2. Be free standing;
3. Have no railings;
4. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented Stormwater Management Plan according to Article 41 of this ordinance;
5. The combined footprint of patios, swimming pools and hot tubs (see Article 11.12G) in shore impact zone 2 may not exceed 400 square feet;
6. Not be more than one foot below or above natural ground level;
7. Construction complies with all provisions of Articles 11 and 41 of this ordinance; and
8. The maximum impervious surface limits for the lot shall not be exceeded.
9. Patios may be constructed of pavers, stone, rock, concrete, wood, decking boards or other suitable material so long as the use and construction is consistent with this section.

B. Patios are allowed behind the structure setback without a permit provided that all setbacks are met, and the property does not exceed the maximum allowable impervious surface standards.

11.9 STAIRWAYS, WALKWAYS, LIFTS AND LANDINGS

Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:

A. Preferred to topographic changes. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.

B. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. Within SIZ 1, both the lift and the walkway/stairway must be located within the allowable cleared vegetation standards in Article 11.20.

C. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight-foot-wide stairways may be permitted on water-oriented commercial lots.

D. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.

E. The maximum impervious surface limits for the lot shall not be exceeded.

F. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.

G. Roofs. Canopies or roofs are not allowed on stairways, lifts, or landings.

H. Design. 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.

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

J. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:

1. The department determines that there is no other reasonable way to achieve access; and
2. The dimensional and performance standards of this section are met; and
3. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

11.10 GUEST COTTAGE/GUEST QUARTERS

See Article 27.

11.11 DUPLEX AND TRIPLEX DWELLINGS

See Article 28.

11.12 ACCESSORY STRUCTURES - RESIDENTIAL

A. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.

B. A permit shall not be required for up to two accessory structures totaling no more than 160 square feet. Ground-mounted solar panel installations shall not count against this limit.

C. No accessory structure shall be used for human habitation except to allow for a guest quarter.

D. All setback and building height requirements shall be met.

E. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.

F. Semi-trailers, railroad cars, manufactured houses, or similar structures shall not be used for storage. Cargo containers, as defined by this ordinance, shall be allowed with a land use permit.

G. Private swimming pools located above or below the ground and hot tubs located above or below the ground shall require a permit as an accessory structure and must meet all applicable setbacks. Private swimming pools and hot tubs located in the ground are prohibited in shore impact zone 1 but shall be allowed in shore impact zone 2 and the rear lot zone. The combined footprint of patios (see Article 11.8), swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.

11.13 WATER-ORIENTED ACCESSORY STRUCTURES

A. Water-Oriented Accessory Structures on Water-Oriented Commercial Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a permit on a water-oriented commercial lot provided the following standards are met:

1. The structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 250 square feet;
2. The minimum setback of the structure or facility from the OHWL level shall be 20 feet, and/or 10 feet from a DNR permitted harbor;
3. The structure or facility is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
4. The structure shall not be used for human habitation;
5. The structure shall not be located within a bluff impact zone;
6. Construction complies with all provisions of Articles 11, 21 and 41 of this Ordinance; and
7. The maximum impervious surface limits for the lot are not exceeded.

B. Water-Oriented Accessory Structures on Riparian Residential Lots. One water oriented accessory structure not meeting the structure setbacks in Table 11.2 of this ordinance may be placed with a shoreland alteration permit on a riparian residential lot provided the following standards are met:
1. Combining of multiple types of water-oriented accessory structures and/or facilities into one is allowed provided they are contiguous with each other and that the combined footprint does not exceed 120 square feet;
2. The structure or facility must not exceed 12 feet in height);
3. The setback of the structure or facility from the ordinary high-water level must be at least 20 feet;
4. The structure must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions;
5. Construction complies with all provisions of Articles 11, 21 and 41 of this ordinance;
6. The maximum impervious surface limits for the lot are not exceeded;
7. The structure shall not be located within a bluff impact zone;
8. The structure shall not be used for human habitation; and
9. The structure shall not include bathroom facilities.

C. Boathouses
1. New boathouses and boat storage structures that do not meet the setback requirements in Tables 11-2 and 11-3 of this ordinance are prohibited.
2. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §394.36, subd. 4.

11.14 RETAINING WALLS

A. A retaining wall may be installed with a shoreland alteration permit in shore impact zones 1 or 2 provided the following standards are met:
1. The Department determines that there is no other alternative to control erosion.

2. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota-licensed professional engineer.
3. Construction complies with all provisions of Articles 11 and 41 of this ordinance.
4. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.

B. A retaining wall may be installed without a permit behind the structure setback provided that:
1. It does not significantly alter the character of the property or does not create runoff or erosion problems.
2. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
3. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.

11.15 BOARDWALKS

See Article 18.

11.16 WATERCRAFT ACCESS RAMPS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:

A. Are permitted for private residential lots only on lakes without Public Accesses.
B. May be permitted for Conservation Development Lake access, if authorized, or water-oriented commercial uses on any lake classified General Development or Recreational Development.
C. Shall not include asphalt in shore impact zone 1.
D. Shall not exceed 15 feet in width from the lake to the structure setback line.
E. Are permitted under Article 39 of this Ordinance, when applicable.
F. Construction complies with all provisions of Articles 11 and 41 of this Ordinance.
G. The maximum impervious surface limits for the lot are not exceeded.

11.17 CONTROLLED AND ALTERNATIVE ACCESS LOTS

A. Controlled access lots, or any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots within new minor subdivisions or plats, are prohibited.
B. Alternative access lots, or parcels of land that provide access to public waters for owners of riparian lots within subdivisions, shall require a conditional use permit where the Planning Commission/Board of Adjustment determines that direct riparian access is likely to result in significant damage to protected vegetation, wetlands, or other critical fish or wildlife habitat. Alternative access lots, which may be proposed for either new subdivisions or for existing subdivisions, shall be subject to the following standards:

1. Access lots shall comply with the minimum lot size standards found in Article 11.3 (Shoreland District lots) and 16.4 (Waterfront Commercial lots).
2. If docking, mooring, or over-water storage of more than six watercraft is to be allowed at an alternative access lot, then the lot must be increased by twenty-five percent (25%) of the frontage measured at the Ordinary High-Water Level for each additional watercraft. Continuous boat mooring shall be limited to one watercraft/mooring space per lot served, not counting the access lot.
3. Access lots must be jointly owned by all purchasers of riparian lots having usage rights to the access lot and governed by an owner's association.
4. An access lot shall be suitable in its natural state for the intended activities. All facilities shall be centralized and located in areas suitable for them. Evaluation of suitability for the intended activities shall include, but not be limited to, consideration of land slope, water depth, aquatic and shoreland vegetation, the presence of important fish and wildlife habitat, soils, depth to groundwater, and other relevant factors. A near-shore lake study shall be required to evaluate site suitability. The study shall identify the following information up to a depth of six feet: aquatic vegetation types , contour lines at one-foot intervals, and bottom substrate type and conditions.
5. Docking facilities must adhere to all provisions of the Crow Wing County Water Surface Use Ordinance (Ordinance No. 83) including confinement within the access lot riparian zone.
6. Permitted activities may include the beaching, mooring or docking of watercraft, but shall not include residential or commercial uses. Within the access lot, a single dock and boardwalk may be permitted for access purposes. Boating facilities must be located adjacent to the deepest water available.
7. No lots served by the access lot shall own or construct an individual dock or boardwalk for public water access purposes within the shore impact zone.
8. Access lots shall be governed by a covenant recorded on the title of every lot or parcel of land allowed to use the access lot. Covenants governing access lots shall limit the total number of vehicles allowed to be parked on the access lot, provide for the maintenance and eventual removal of all improvements (including boardwalks and docking facilities) and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. All parking areas, storage buildings, and other facilities are to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. The covenants shall also specify which activities, such as swimming, sunbathing, and picnicking, shall be allowed on the access lot. These activities shall not conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. The owner's association shall enforce covenants.
9. Access lots shall have a no maintenance shoreline buffer ~~required subject to the Shoreline Rapid Assessment Model~~ as defined by ~~this~~ Article 11.20 C of this ordinance. If none exists or an insufficient existing natural buffer is in place at the time of application, a vegetation management plan approved by the County shall be implemented to re-establish an appropriate buffer prior to use as an alternative access lot.
10. The impervious surface coverage for access lots must not exceed 12 percent of lot area.

11.18 USE OF FERTILIZER

A. The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

11.19 AGRICULTURAL USE STANDARDS

A. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.

B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.

11.20 SHORELAND VEGETATION AND BUFFER STANDARDS

A. SHORELINE VEGETATION STANDARDS FOR GENERAL DEVELOPMENT, RECREATIONAL DEVELOPMENT, AND NATURAL ENVIRONMENT LAKES AND RIVERS.

Removal or alterations of vegetation is allowed according to the following standards:

1. Intensive vegetation clearing within shore impact zone 1 is not allowed except as provided under Article 11.20 C with an approved shoreland alteration permit.
2. To accommodate a permitted path not to exceed a cleared width of 15 feet to access a shoreline recreation use area.
3. Limited clearing of trees and shrubs and cutting, pruning and trimming of trees to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented structures or facilities, as well providing a view to the water from the principal dwelling site, in shore impact zone 1 is allowed provided that:
   a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf on conditions, is not substantially reduced;
   b) Along rivers, existing shading of water surface is preserved; and
   c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased or pose a safety hazard.

B. SHORELINE RECREATION USE AREAS

Shoreline Recreation Use Areas. Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use areas shall be determined as follows:

1. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth.

The maximum width of a shoreline recreation use area created under this Article shall not exceed 200 feet.

a) Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;

b) Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions;

c) Sand Blankets pursuant to Article 11.21 shall be located in the shoreline recreation use area;

d) Stairways, lifts and landings pursuant to Article 11.9 shall terminate or be adjacent to the shoreline recreation use area;

e) Permitted paths pursuant to Article 11.20 A shall terminate or be adjacent to the shoreline recreation use area.

f) The remaining 70% of the land located landward from the ordinary high watermark shall consist of a no maintenance buffer according to the following requirements:

1) General Development Lakes and Rivers: 10 feet

2) Recreational Development Lakes: 10 feet

3) Natural Environment Lakes and Rivers: 25 feet

4) Coldwater Rivers: 25 feet

5) Mississippi River: 25 feet

C. VEGETATIVE MITIGATION

1. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation may be required for:

a) A variance granted to the standards of this ordinance;

b) Issuance of any conditional use permit or interim use permit where evaluation and assessment by the Planning Commission / Board of Adjustment determines the need for additional environmental protection;

2. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the ~~Shoreline Rapid Assessment Model as defined by this ordinance~~. following:

a) General Development Lakes and Rivers: 10 feet

b) Recreational Development Lakes: 10 fee

c) Natural Environment Lakes and Rivers: 25 feet

d) Coldwater Rivers: 25 feet

e) Mississippi River: 25 feet

3. Mitigation shall be proportional to the impact of the proposed project.

~~4. Required mitigation shall be determined by the Department according to the Crow Wing County Shoreline Rapid Assessment Model approved by the County Board of Commissioners.~~

D. BLUFF AND STEEP SLOPE VEGETATION STANDARDS

1. A vegetation buffer consisting of trees, shrubs, and ground cover plants and understory in a natural state is required in bluff impact zones and on areas with slopes greater than 30 percent. Vegetation clearing and removal of ground cover is not allowed, except as follows:
   a) Only removal of vegetation necessary to accommodate the placement of a stairway and associated landing, lift, and access path is allowed. Trees, shrubs, and a low ground cover consisting of plants and understory must be maintained in a natural state within these areas. An access path within this area requires a shoreland alteration permit and shall not exceed a cleared width of eight feet; and
   b) Removal of trees or branches that pose a safety hazard or are diseased is allowed.
2. The Department shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other alterations on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion, preserve vegetation or restore vegetation to a natural state, and screen structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
3. Shoreline vegetation buffers in areas of agricultural or forestry use. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

11.21 – DIRT MOVING

A. The standards in this Article shall apply to all dirt moving activities within the Shoreland District. Except as specified in B, 1 through 11 below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans according to Article 41 of this ordinance.

B. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.

1. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.
2. **Small landscaping projects.** Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or shore impact zone 1.
3. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:
   a. Meet the structure setback from the ordinary high-water level from public waters.
   b. Are properly screened from public waters.

c. Is permitted under Article 39 of this Ordinance, when applicable. Are not in a bluff impact zone or shore impact zone 1 or 2.

4. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Department.

5. **Wetland habitat improvements with approved plan.** The creation of wetland habitat improvements, except in shore impact zone 1, by way of excavation / dredging of wetlands, consistent with Article 39 of this ordinance. Spoils shall be deposited in a manner consistent with this ordinance and shall require a shoreland alteration permit from the Department if the spoil deposits occur in the Shoreland District.

6. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.

7. **Wetland Replacement Plan.** A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.

8. **Normal Agricultural Practices.** To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.

9. **Existing Sand Blankets / Beaches.** A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to Article 11.21 C

C. STANDARDS FOR DIRT MOVING

1. **ACTIVITIES IN THE SHORE IMPACT ZONE 1 (SIZ1)** Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:

   a. Sand Blanket

      (1) The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.

      (2) The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.

      (3) Sand blankets shall be limited to 10 cubic yards annually.

   b. **Upland Fill.**

      (1) For residential properties in the shoreland district the following standards shall apply:

      (2) A maximum of 30 cubic yards of dirt moving may be permitted, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

      (3) For commercial properties in the shoreland district the following standards shall apply:

(a) General Development Lakes: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(b) Recreational Development Lakes: 30 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(c) Natural Environment Lakes: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(d) Natural Environment – Special Shallow Lakes: 30 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(e) General Development Rivers: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(f) Natural Environment River: 30 cubic yards of dirt moving may be permitted for each 200feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(g) Cold Water River: 30 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

c. Wetland Fill

(1) No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

d. **Annual ice ridges.** Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:

(1) There shall be no topsoil or vegetative matter deposited in the lake.

(2) Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.

(3) Depositing any sand below the OHWL is subject to DNR public waters permit rules.

(4) Temporary erosion and sediment control best management practices shall be implemented.

e. **Historic Ice Ridges.** On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:

(1) One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.

(2) On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.

(3) On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.

(4) Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.

(5) A stormwater management plan meeting the standards of Article 41 of this ordinance must be approved by the Department prior to any dirt moving.

(6) All disturbed material shall be graded landward or removed from the site.

(7) Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.

f. **Riprap.** Placement of natural rock riprap, including the necessary grading of the shoreline and placement of a filter blanket, shall require a shoreland alteration permit and comply with the following standards:

(1) Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed;

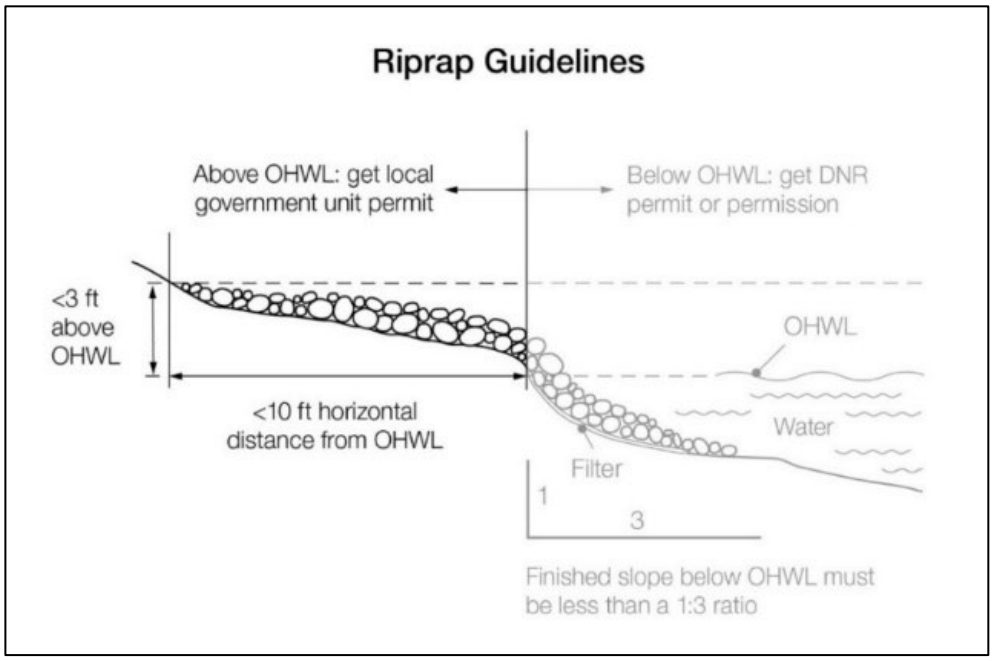
(2) A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock;

(3) The minimum finished slope waterward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical);

(4) The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse;

(5) The landward extent of the riprap must be within ten feet of the ordinary high-water level;

(6) The height of the riprap above the ordinary high-water level shall not exceed three feet (see figure below);



(7) The installation of riprap must not be located in wetlands.

(8) The installation of riprap must not result in a violation of Article 11.21 (dirt moving, historic ice ridges, etc.), Article 11.20 (vegetation alterations, recreation use areas, bluff and steep slope standards, etc.), or any other Shoreland District performance standard.

(9) The installation of riprap is subject to the requirements of, and/or permitting by, the Minnesota Department of Natural Resources (DNR).

(10) Riprap shall only be allowed when erosion is evident.

2. **(SIZ 2)** Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. Upland Fill.

(1) For residential properties in the shoreland district the following standards shall apply:

(a) A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.

(2) For commercial properties in the shoreland district the following standards shall apply:

(a) General Development Lakes: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(b) Recreational Development Lakes: 50 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(c) Natural Environment Lakes: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(d) Natural Environment – Special Shallow Lakes: 50 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(e) General Development Rivers: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(f) Natural Environment River: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(g) Cold Water River: 50 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

b. Wetland Fill

(1) No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

3. **ACTIVITIES IN THE REAR LOT ZONE (RLZ)** Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards and meet the following standards unless the activity is exempt according to Article 11.21 B:

a. **Upland Fill.**

(1) For residential properties in the shoreland district: A maximum of 100 cubic yards of dirt moving may be permitted per calendar year. Applications to move larger quantities shall be processed as conditional uses.

(2) For commercial properties in the shoreland district the following standards shall apply:

(a) General Development Lakes: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(b) Recreational Development Lakes: 100 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(c) Natural Environment Lakes: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(d) Natural Environment – Special Shallow Lakes: 100 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(e) General Development Rivers: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(f) Natural Environment River: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

(g) Cold Water River: 100 cubic yards of dirt moving may be permitted for each 300 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

b. **Wetland Fill**

(1) No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

D. GENERAL STANDARDS

All dirt moving activities shall comply with the standards of Article 41 of this Ordinance.

1. No more than one dirt moving permit shall be allowed on the same property in any two year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately.
2. Soil used as fill shall be free of state-regulated contaminates.
3. Exposure of bare ground. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.
4. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.
5. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.
6. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under Article 11.9 of this ordinance.
7. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the Department.
8. Lake access across wetlands in the shore impact zone by boardwalk shall meet the standards of Article 18 of this Ordinance.

E. MINE PIT LAKES

Due to the fragile nature of slopes along those lakes created due to the cessation of mineral mining activities the following shall apply:

1. **Setback.** There shall be no dirt moving / filling or excavating within 125 feet of an eroding bluff or steep slope. Where slumping is evident, the setback shall be measured from the top edge of the eroding bluff or crest of a steep slope.
2. **Erosion control.** Slope and bluff erosion control measures and time frame for implementation shall be submitted to and approved by the Department.
3. **Access.** Access down steep slopes or bluffs shall be by above ground stairways.
4. **Blasting prohibited.** Blasting for foundation / footings is prohibited in mine pit areas.

5. **Other provisions.** All other Shoreland Alteration provisions of this Ordinance shall apply.

ARTICLE 12—AGRICULTURAL/FORESTRY DISTRICT STANDARDS

12.1 PURPOSE

The purpose of this district is to promote and protect those portions of the county where agricultural and/or forestry activities are present and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership. The primary use within this district is agriculture/livestock/forestry but may include single family residential. Compatible commercial uses may be allowed as permitted, conditional or interim uses.

12.2 DENSITY AND DIMENSIONAL STANDARDS

A. All lots, structures, and uses permitted in the Agricultural/Forestry District shall meet the following density and dimensional requirements:

Table 12.1 Lot Size, Width, Setback and Height Standards for the Agriculture/Forest District

District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right-of-Way Setback	Wetland Setback	Structure Height
Ag/Forest	35 acres	330’	10’	35’	15’	35’ **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards.

B. **Lot fronting on two roads.** Where a lot is located at the intersection of two or more roads or highways, structures shall meet required setbacks from both roads.

C. **Maximum impervious surface coverage:** The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.

D. **Guest Cottages/Guest Quarters**: See Article 27

E. **Accessory Structure Standards.**

1. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.
2. A permit shall not be required for up to two accessory structures totaling no more than 320 square feet. Ground-mounted solar panel installations shall not count against this limit.
3. No accessory structure shall be used for human habitation except to allow for a guest quarter.
4. All setback and building height requirements shall be met.
5. Construction complies with all provisions of this Ordinance.

F. Railroad cars, manufactured houses, or similar structures shall not be used for storage. Cargo containers, as defined by this ordinance, shall be allowed with a land use permit.

12.3 INOPERABLE MOTOR VEHICLES

A. One inoperable motor vehicle shall be allowed for each acre of land with a maximum of ten inoperable motor vehicles total. A minimum of two cars shall be allowed regardless of lot size.

B. A maximum of two inoperable motor vehicles shall be allowed in the Shoreland District regardless of lot size.

C. All inoperable motor vehicles shall meet the road right of way and property line setbacks according to Table 12.1 of this Article.

ARTICLE 13—RESERVED

ARTICLE 14---RURAL RESIDENTIAL DISTRICT STANDARDS

14.1 PURPOSE

A. **Rural Residential-1 (RR-1**). The purpose of this district is to enable areas outside the shoreland district to be developed with higher residential densities near but not necessarily adjacent to incorporated municipalities. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional or interim uses.

B. **Rural Residential-2.5 (RR-2.5).** The purpose of this district is to promote moderate-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where such development is desired and most suitable. The primary use within this district is single family residential. Compatible commercial uses may be allowed as conditional or interim uses.

C. **Rural Residential-5 and 10 (RR-5 and RR-10).** The purpose of these districts is to promote low-density development in those portions of the County outside the shoreland district and beyond areas of anticipated municipal growth where decreased development densities are most suitable. The primary uses within these districts are single family residential with larger lot sizes to protect agricultural areas or critical habitats or preserve the rural character of an area. Compatible commercial uses may be allowed as conditional or interim uses.

14.2 DENSITY AND DIMENSIONAL STANDARDS

All lots, structures, and uses in the Rural Residential District shall meet the following density and dimensional requirements:

Table 14.1 Lot Size, Width, Setback and Height Standards for Rural Residential Districts

District	Minimum Lot Area	Minimum Lot Width	Structure Lot Line Setbacks	Road Right – of-Way Setback	Wetland Setback	Structure Height
RR-1	1 acre	150’	10’	35’	15’	35’ **
RR-2.5	2.5 acres	165’	10’	35’	15’	35’ **
RR-5	5 acres	300’	10’	35’	15’	35’ **

RR-10	10 acres	300’	10’	35’	15’	35’ **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards as long as the use is for agricultural purposes.

14.3 GENERAL STANDARDS

A. Lot fronting on two roads. Where a lot is located at the intersection of two or more roads or highways, structures shall meet all required setbacks from both roads.

B. Maximum impervious surface coverage: The maximum impervious surface coverage for any lot shall meet the standards in Article 41.2.

C. Guest Cottages/Guest Quarters See Article 27

D. Accessory Structure Standards

1. The total cumulative area that all residential accessory structures may occupy on a lot shall be subject to the impervious coverage limits found in Article 41 of this ordinance.
2. A permit shall not be required for up to two accessory structures totaling no more than 320 square feet. Ground-mounted solar panel installations shall not count against this limit.
3. No accessory structure shall be used for human habitation except to allow for a guest quarter.
4. All setback and building height requirements shall be met.
5. Construction complies with all provisions of this Ordinance.
6. Railroad cars, manufactured houses, or similar structures shall not be used for storage. Cargo containers, as defined by this ordinance, shall be allowed with a land use permit.

14.4 INOPERABLE MOTOR VEHICLES

A. One inoperable motor vehicle shall be allowed for each acre of land with a maximum of ten inoperable motor vehicles total. A minimum of two cars shall be allowed regardless of lot size.

B. A maximum of two inoperable motor vehicles shall be allowed in the Shoreland District regardless of lot size.

C. All inoperable motor vehicles shall meet the road right of way and property line setbacks according to Table 14.1 of this Article.

ARTICLE 15 COMMERCIAL CANNABIS USE

15.1 FINDINGS AND PURPOSE

A. Crow Wing County makes the following legislative findings:

1. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes Crow Wing County to protect the public health, safety, welfare of Crow Wing County residents by regulating cannabis businesses within the legal boundaries of Crow Wing County.

2. Crow Wing County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Crow Wing County that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

15.2 AUTHORITY & JURISDICTION

A. Crow Wing County has the authority to adopt this ordinance pursuant to:

1. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
2. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses.
3. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
4. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

B. This Ordinance shall be applicable to the legal boundaries of Crow Wing County.

15.3 SEVERABILITY

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

15.4 ENFORCEMENT

A. The Land Services Department is responsible for the administration of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

15.5 CONSENT TO REGISTERING OF CANNABIS BUSINESSES

A. No individual or entity may operate a state-licensed cannabis retail business within Crow Wing County without first registering with Crow Wing County.

B. Any state-licensed cannabis retail business that sells to a customer or patient without a valid Crow Wing County retail registration shall incur a civil penalty of (up to $2,000) for each violation.

15.6 COMPLIANCE CHECKS PRIOR TO RETAIL REGISTRATION

A. Prior to issuance of a cannabis retail business registration, Crow Wing County shall conduct a preliminary compliance check to ensure compliance with local ordinances.

B. Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, Crow Wing County shall certify on a form provided by OCM whether a proposed cannabis retail

business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

15.7 REGISTRATION PROCEDURE

A. Fees

1. A registration fee, as established in Crow Wing County's fee schedule, shall be charged to applicants depending on the type of retail business license applied for.
2. An initial retail registration fee shall not exceed $500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee.
3. Any renewal retail registration fee imposed by Crow Wing County shall be charged at the time of the second renewal and each subsequent renewal thereafter.
4. A renewal retail registration fee shall not exceed $1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less.
5. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

B. Application Submittal.

1. Crow Wing County shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.
   a. An applicant for a retail registration shall fill out an application form, as provided by the Crow Wing County. Said form shall include, but is not limited to:
      (1) Full name of the property owner and applicant;
      (2) Address, email address, and telephone number of the applicant;
      (3) The address and parcel ID for the property which the retail registration is sought;
      (4) Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

C. The applicant shall include with the form:

   a. The registration fee as required in [Section 2.3.1]
   b. A copy of a valid state license or written notice of OCM license preapproval.

D. Once an application is considered complete, the Land Services Department shall inform the applicant as such, process the registration fees, and forward the application to the Land Services Environmental Services Manager for approval or denial.

E. The fee shall be non-refundable once processed.

15.8 REGISTRATION APPROVAL

A. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 15.16

B. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

C. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

D. A state-licensed cannabis retail business application shall not be approved if the property has past due property taxes or assessments.

15.9 ANNUAL COMPLIANCE CHECKS.

A. Crow Wing County shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under [Minn. Stat. 342.22 Subd. 4(b) and Minn. Stat. 342.24] and this ordinance.

B. Crow Wing County shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

C. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower or adult-use cannabis products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

D. Any failures under this section must be reported to the Office of Cannabis Management.

15.10 LOCATION CHANGE

A. A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 15.7 if it seeks to move to a new location still within the legal boundaries of Crow Wing County.

15.11 RENEWAL OF REGISTRATION

A. Crow Wing County shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license.

B. A state-licensed cannabis retail business shall apply to renew registration on a form established by Crow Wing County.

C. A cannabis retail registration issued under this ordinance shall not be transferred.

15.12 RENEWAL FEES.

A. Crow Wing County may charge a renewal fee for the registration starting at the second renewal, as established in Crow Wing County's fee schedule.

15.13 RENEWAL APPLICATION.

A. The application for renewal of a retail registration shall include, but is not limited to:

1. Items required under Section 15.7 of this Ordinance.

15.14 SUSPENSION OF REGISTRATION

A. When Suspension is Warranted.

1. Crow Wing County may suspend a cannabis retail business's registration if it violates this ordinance or poses an immediate threat to the health or safety of the public. Crow Wing County shall immediately notify the cannabis retail business in writing the grounds for the suspension.

B. Notification to OCM.

1. Crow Wing County shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide Crow Wing County and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

C. Length of Suspension.

1. The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.

D. Crow Wing County may reinstate a registration if it determines that the violations have been resolved.

E. Crow Wing County shall reinstate a registration if OCM determines that the violation(s) have been resolved.

15.15 CIVIL PENALTIES.

A. Subject to Minn. Stat. 342.22, subd. 5(e) Crow Wing County may impose a civil penalty, as specified in the Crow Wing County's Fee Schedule, for registration violations, not to exceed $2,000.

15.16 LIMITING OF REGISTRATIONS

A. If Crow Wing County has one active cannabis retail business registration for every 12,500 residents, Crow Wing County shall not register additional state-licensed cannabis retail businesses.

B. Registration shall be on a first come/first serve basis.

15.17 MINIMUM BUFFER REQUIREMENTS

A. Crow Wing County shall prohibit the operation of a cannabis business within 1,000 feet of a school.

B. Crow Wing County shall prohibit the operation of a cannabis business within 500 feet of a day care.

C. Crow Wing County shall prohibit the operation of a cannabis business within 500 feet of a residential treatment facility.

D. Crow Wing County shall prohibit the operation of a cannabis business within 500 feet of an attraction within a public park that is regularly used by minors, including a playground or athletic field.

E. Pursuant to Minn. Stat. 394.36 Subd. 1, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a (school/daycare/residential treatment facility/attraction within a public park that is regularly used by minors) moves within the minimum buffer zone.

15.18 LAND USE DISTRICTS

A. Cannabis Uses as defined by this ordinance may be allowed as an interim use according to Articles 7 and 10 of this ordinance.

15.19 HOURS OF OPERATION

A. Cannabis businesses are limited to retail sale of cannabis, cannabis flower or cannabis products between the hours of 10:00 a.m. and 9:00 p.m.

15.20 ADVERTISING

A. Sign requirements for Cannabis businesses shall follow Article 34 of this ordinance.

ARTICLE 16—COMMERCIAL AND COMMERCIAL/INDUSTRIAL DISTRICT STANDARDS

16.1 PURPOSE

A. **Commercial District (C**). The purpose of this district is to provide adequate areas for general retail, wholesale, office, and service activities in rural areas. Commercial districts shall be located along federal, state, county, or township roads.

B. **Waterfront Commercial (WC**). The purpose of this district is to accommodate commercial uses in the shoreland district where access to and use of a surface water feature is an integral part of the business. The primary uses in this district are marinas, resorts, and restaurants with transient docking facilities.

C. **Commercial/Industrial District (CI**). The purpose of this district is to accommodate industrial uses that may produce off-site impacts such as noise, odor, or vibration and may require performance standards such as buffering or increased setbacks

16.2 INTENT

The intent of this article is to support the development of commercial and commercial/industrial districts that will accommodate a wide range of commercial goods and services and maintain the up-north character of the area without degrading the natural resources and to:

A. Promote business property by enhancing the appeal and attraction of the commercial and commercial/industrial districts to residents, visitors and tourists with uniform lot width and area, and setbacks;

B. Promote the improvement of appearance through good landscaping emphasizing natural occurring trees for screening;

C. Encourage lighting that provides safety, utility, and security without glare onto public roads, private residences, and atmospheric light pollution;

D. Manage storm water runoff and its associated effects and to provide for the protection of natural and artificial water storage and retention areas, and public waters;

E. Alleviate potential traffic congestion on local streets and adjacent highways by the provision of adequate off-street parking, traffic circulation patterns and arrangement of uses;

F. Treat wastewater to protect public health and safety, and to protect ground and surface water; and

G. Establish reasonable regulation for design, construction, installation, and maintenance of all exterior signs.

16.3 PLAN SUBMISSION REQUIREMENTS

No site development, structure construction, or vehicular use area modifications are allowed, unless the information requirements of this article are met. The property owner or developer shall provide:

A. A development plan according to format and standards established by the Department;

B. A site plan with setbacks and wetlands identified;

C. A screening and landscape plan meeting the standards in Article 36 of this ordinance;

D. A lighting plan meeting the standards in Article 16.6 of this ordinance;

E. An off-street loading and parking plan meeting the standards in Article 32 of this ordinance;

F. A sign plan meeting the standards in Articles 40.5 – 40.7 of this ordinance;

G. A stormwater management plan meeting the requirements in Article 41 of this ordinance;

H. A waste disposal plan consistent with local, state, and federal requirements including Article 37 of this ordinance;

I. Evidence that plans comply with the Americans with Disabilities Act Accessibility Code (MN Statute 326B.16) as certified by an Accessibility Specialist licensed by the State of Minnesota. The project must also be certified following completion of construction that the "as-built" project conforms to the Accessibility Code as well; and

J. Where bleachers are being constructed, evidence of plans that comply with all applicable state and federal regulations.

16.4 MINIMUM LOT SIZE REQUIREMENTS AND OTHER STANDARDS

Table 16. 1 LOT DIMENSIONS AND SETBACKS	
Minimum Requirements	
Lot size (C and CI)	40,000 square feet of lot areas with 15,000 square feet buildable

Lot Size (WC)	120,000 square feet of lot area with 40,000 square feet buildable
Lot Width (C and CI)	100 feet
Lot width, (WC)	400 feet
R.O.W. setbacks	
Public Roads	35 feet
Private Roads	10 feet
Side Yard	10 feet
Wetland setbacks	15 feet
Structure Height – Shoreland District	35 feet
Structure Height – Non-Shoreland District	45 feet **

**--Agricultural storage buildings, barns, silos, grain elevators, and similar structures are exempt from building height standards in non-shoreland districts only.

16.5 SCREENING, DIRT MOVING, AND STORMWATER MANAGEMENT

A. Screening shall meet the requirements of Article 36 of this ordinance.

B. All dirt moving in the shoreland district shall comply with the standards in Article 11 of this ordinance.

C. All construction in Commercial and Commercial/Industrial Districts shall comply with the stormwater management standards in Article 41 of this ordinance.

16.6 LIGHTING

A. Lighting guidelines are as follows:

1. No portion of the lamp or lens may extend beyond the housing or shield so as not to be visible from offsite or cause disabling glare;
2. All light fixtures shall be directed downward so the source of illumination is not visible; and
3. Height limitations for exterior lighting shall be measured from surrounding natural grade, with a 35 feet height maximum; and

B. Light pollution shall be avoided by keeping with the following standards:

1. The light cast by these fixtures shall be baffled so the light does not protrude past the property line;
2. All island canopy ceiling fixtures are required to be recessed;
3. Holiday temporary decorative lighting is exempt; and
4. Light pollution shall be avoided by keeping within the intensity levels of the following maximum illumination levels. When two differing districts are adjacent, the lower light level value shall take precedence.

Land Use District	Average Vertical Foot Candles	Average Horizontal Foot Candles
Residential	.5	1
Commercial	1.5	3
Commercial/Industrial	1.5	3

16.7 OFF-STREET LOADING AND PARKING

All parking in the Commercial and Commercial/Industrial Districts shall meet the standards in Article 32 of this Ordinance.

16.8 SIGNS

All signs in the Commercial and Commercial/Industrial Districts shall meet the standards in Article 40 of this Ordinance.

16.9 GUEST COTTAGES/GUEST QUARTERS

See Article 27

16.10 INOPERABLE MOTOR VEHICLES

A. One inoperable motor vehicle shall be allowed for each acre of land with a maximum of ten inoperable motor vehicles total. A minimum of two cars shall be allowed regardless of lot size.

B. A maximum of two inoperable motor vehicles shall be allowed in the Shoreland District regardless of lot size.

C. All inoperable motor vehicles shall meet the road right of way and property line setbacks according to Table 16.4 of this Article.

ARTICLE 17— COMMERCIAL STORAGE FACILITIES

17.1 PERFORMANCE STANDARDS FOR COMMERCIAL STORAGE FACILITIES.

A. A commercial storage facility includes commercial storage buildings and commercial storage. These facilities shall comply with the following standards:
   1. All materials shall be stored within the storage building and/or screened from adjacent properties.
   2. The storage building may be subdivided into storage units separated by walls or with separate entrances. Individual, separately locked units are allowed.
   3. The storage facility and surrounding grounds shall be maintained in a clean, orderly, and safe manner.
   4. Hazardous materials shall not be stored on site or in buildings.
   5. Signs shall meet the requirements of this Ordinance.
   6. The site shall be served by a publicly maintained road.

7. The use shall comply with all applicable Federal, State and County rules and regulations.
8. The maximum impervious surface is thirty (30) percent of the total surface area of the parcel.
9. Water connection to individual buildings may be allowed if approved by the Planning Commission/Board of Adjustment
10. Commercial storage buildings may not be used as a residential dwelling.

B. Density and Setback Requirements.
1. No commercial storage facility shall be setback less than 100 feet of any property line adjacent to shoreland, rural residential or agricultural/forested land use districts.
2. No commercial storage facility shall be setback less than 10 feet of any property line adjacent to a waterfront commercial, commercial or commercial industrial land use district.
3. One individually owned commercial storage structure is allowed per one quarter (1/4) acre.
4. Storage buildings that are subdivided into storage units separated by walls with separate exterior entrances shall be allowed up to 8 storage units per each storage building per one quarter (1/4) acre.

ARTICLE 18---BOARDWALKS AND BRIDGES

A. Boardwalks and bridges require permits as per set forth in the following table and standards:

Table 18.1 Approvals Required for Boardwalks and Bridges Over Non-Public Waters

(Any project involving work within public waters would fall under the DNR's jurisdiction and may require a DNR Public Waters Work Permit)

	Boardwalk over non-public waters (6 ft width or less)	Bridge over non-public waters (greater than 6 ft width)
SIZ1	Shoreland Alteration Permit	Not permitted
SIZ2	Shoreland Alteration Permit	Not permitted
RLZ	Shoreland Alteration Permit	TEP review and Accessory structure permit
Non-Shoreland	Allowed - No Permit Required	TEP review and Accessory structure permit

Key: SIZ1 = Shore impact zone 1; SIZ2 = Shore impact zone 2; RLZ = Rear lot zone (see Article 46 for definitions). TEP = Technical Evaluation Panel as established in MN Statutes 103G.2242.

B. Boardwalks located in shoreland or non-shoreland areas are the preferred method of accessing public waters across riparian wetlands. Boardwalks constructed on posts or pilings (temporary or permanent) shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26. Boardwalks may incorporate railings and shall comply with the following standards:

1. be constructed perpendicular to the shoreline to the greatest extent possible;
2. not have a canopy, roof, or be enclosed;
3. not extend into adjoining riparian use areas;
4. meet property line setbacks;
5. Be no wider than 6 feet;
6. Structure supports, other than posts or pilings, shall be constructed above the wetland surface and decking shall be constructed a minimum of 12" above the wetland surface;
7. Comply with MN Rules 6115.0210 for docks and access below the OHWL ; and
8. Comply with Article 21 (Floodplain Overlay District).

ARTICLE 19--ADDRESSING AND STREET NAME SIGNS

19.1 PURPOSE AND STATUTORY AUTHORIZATION

A. The purpose of these regulations is to establish an official plan for a coordinated address system for locating 911 emergencies, maintaining continuity in addressing throughout Crow Wing County, and providing for the administration thereof. This Ordinance has been designed to be compatible with the 911 Emergency Telephone System established by Minnesota Statutes, Chapter 403.

19.2 ROAD NAMES LISTED ON OFFICIAL COUNTY MAP

A. Road names for 911 addressing may differ from original plat names. Road names as shown on the official County Map will be accepted under this ordinance for 911 addressing purposes and shall only be subject to change by the authority of the department.

19.3 ROAD NAMING CRITERIA

A. A road name may not be duplicated with that of any presently represented street, avenue, road, drive, circle, court, etc. within the jurisdictional area of any fire department, community, or surrounding township. Exceptions may be made if the proposed road is in general alignment with a road, which in all probability will connect, or is a continuation of an existing named road. A separate road name may not be approved for a proposed road if it is a continuation, projection, or part of the alignment of an existing named road.

B. Any structure located on and using access to a Crow Wing County Road shall be addressed using the county road number unless local jurisdictional governments have chosen to use a historical name attached to the road and it has been approved by the Department.

C. All roads and private driveways shall be named and indicated on the Official County Map if they service more than two residential or commercial structures.

D. Names with similar spellings, pronunciations or meanings may be construed as being duplications.

E. Road names shall not exceed sixteen (16) characters in length in order to facilitate sign specifications.

19.4 STREET NAME SIGNS

A. A governmental jurisdiction where addressing is maintained by the County but chooses to assume responsibility for erecting their own street name signs, shall receive approval from the County Engineer to ensure compliance with Crow Wing County current practices.

B. Existing street name signs may be utilized providing the street name is accurately depicted and the sign meets placement and reflective specifications.

C. When a new subdivision is recorded or whenever a new road is established by other means within a governmental jurisdiction where street name signs are maintained by the County, it shall be the responsibility of the subdivider or individual petitioning to establish the road(s) to pay the established fees to the County for the installation and cost of street name signs which comply with Crow Wing County current practices.

19.5 911 NUMBER SIGNS

A. A governmental jurisdiction where addressing is maintained by the County but chooses to assume responsibility for installation of 911 number signs, shall receive the approval of the County Engineer to ensure compliance with Crow Wing County current practices.

19.6 CROW WING COUNTY CURRENT PRACTICES AND 911 SIGN SPECIFICATIONS

A. Crow Wing County shall update and maintain information related to design, standards and placement templates related to current practices and E-911 sign specifications. These specifications will be available through the Crow Wing County Land Services Department upon request.

19.7 CROW WING COUNTY MASTER STREET ADDRESS GUIDE (MSAG)

A. The department shall maintain an official up-to-date list of existing road names and address ranges of all public and private roads in Crow Wing County. This list will be available through the department upon request.

19.8 NUMBERING CRITERIA FOR 911 ADDRESSING

A. Address numbers for individual sites and structures shall be determined and assigned using the Crow Wing County Single Quadrant Datum Addressing System utilizing a Geographic Information System (GIS) to obtain the latitude and longitude location of the driveway. The "0" point of this addressing system is two miles west from the south section corner common to Sections 34 and 35 in Fort Ripley Township on the extension of the south line of the county.

B. Address numbers shall increase by 1,000 addresses per mile, east and north from the "0" point, allowing 500 possible addresses for each side of a road.

C. Each road will be designated either an east/west or north/south road. Even numbers will be applied to the north and east sides, and odd numbers will be applied to the south and west sides. All address numbers will increase or decrease consecutively according to direction of travel on a road.

D. The latitude and longitude for each site or structure shall be taken from the point where the edge of the traveled roadway and the driveway intersect.

E. R V. Parks or campground resorts with less than 100 sites or resort properties with less than 20 structures/sites and having less than 3 interior roads located in a governmental jurisdiction, where addressing is maintained by the County, can be addressed using one main address set forth as follows;

The park, campground or resort owner shall provide the department with a detailed drawing of the property layout identifying roads and structures/sites with road names and sequential numbers assigned to each site/structure. The department shall GPS each road and site/structure for location purposes on the Official County Map. The owner is responsible to ensure all sites/structures are visibly marked with the site/structure number, and, for emergency purposes, notify all occupants of their location address on an ongoing basis. If there is more than one road within the park or campground area, roads shall be signed and site/structures numbers located on an adjoining road shall be designated and visibly marked at the road intersection (i.e. Site 1-10 or Cabin #1-7/Site #2-8).

F. R V. Parks or campground resorts with more than 100 sites or resort properties with more than 20 structures/sites and having more than 3 interior roads located in a governmental jurisdiction, where addressing is maintained by the County, shall be individually addressed and roads named and signed by the County. It will be the responsibility of the Park/Resort owner to maintain the 911 address signs for each site/structure with the address number visibly displayed for emergency purposes. This option can also be selected by the R V. Park or campground resort under 100 sites or resort properties with less than 20 structures at their discretion.

19.9 EMERGENCY SERVICE ZONE (ESZ) BOUNDARY CHANGES

A. A change in emergency service provider(s) within any given ESZ will require map updates and an exchange of information with the database provider in order to conform to the 911 emergency telephone response system. Any change in the ESZ boundaries must be submitted to the Public Safety Answering Point (PSAP) Coordinator for the County along with verification of the affected provide(s) consent to the proposed change.

19.10 ASSIGNMENT OF RURAL ADDRESSES AND COMPLIANCE

A. When any new road is proposed by any person, governmental body, or department; the proposal shall be referred to the department to be checked for road name duplication, spelling, and conformity with this ordinance.

B. When a final subdivision plat is under review, or whenever a new road is to be established by other means; it shall be the responsibility of the subdivider or person petitioning for the road to provide the department with a copy of a map depicting the road name and placement to ensure the proposed name meets the 911 addressing requirements and the road can be placed on the Official County Map accurately.

C. Any person constructing or relocating a structure in a governmental jurisdiction where addressing is maintained by the County, may obtain an address application. This application must be filled out in its entirety and submitted to the department with the designated fee before a valid address may be issued.

D. The County shall provide the applicant a confirmation of their assigned address. Duplicate copies of this form shall also be forwarded to the jurisdictional Post Office, the Crow Wing County Auditor's Office, and the jurisdictional Planning and Zoning Office.

E. No utility operating in the County, shall furnish its utility service to any newly built or relocated structure in a governmental jurisdiction, where addressing is maintained by the County, until a valid address has been issued by the department.

F. The resident or caretaker of any site or structure shall be responsible for keeping the 911 number sign clear of snow, dirt vegetation, debris, or any other obstruction.

G. No person may alter, deface, or remove any 911 number signs or road signs erected in accordance with this Ordinance.

H. R V. Parks, campgrounds or resort properties located in a governmental jurisdiction, whose addressing is maintained by the County, shall comply with Article 19.08. of this ordinance.

ARTICLE 20--AIRPORT DISTRICT AND RUNWAY ZONES STANDARDS

20.1 POLICY

It shall be the policy of this Standard to discourage the increase in the number of airports within the County and to encourage the further improvement of existing airports, except as may unduly encroach upon existing incompatible land use. It shall be the policy of this Standard to encourage decreased density of use of land in approach zones and other areas adjoining any such airports.

20.2 AIRPORT DISTRICT

No airport or supporting facility can be used as an airport, except permitted private landing strips in the AG District, unless the premises used therefore shall be within an Airport District.

20.3 REGULATIONS INCORPORATED

The standards for the Airport District and associated runway zones are contained in the following regulations which are incorporated herein by reference:

A. Brainerd-Crow Wing County Airport Zoning Ordinance No. 861 governing the Brainerd-Crow Wing County Airport located in the Town of Oak Lawn, Crow Wing County, Minnesota.

B. The General Airport Standards of the State Department of Aeronautics.

20.4 RELATIONSHIP OF AIRPORT RUNWAY ZONES TO OTHER LAND USE DISTRICTS

The Airport Runway Zones established in the regulations referenced in Article 20.3 overlay land use districts such as the AGF or RR districts. The Airport Runway Districts provide regulations that shall apply to structures and the use of land in addition to the regulations of the underlying land use districts and other development standards. Where requirements for Airport Runway Zones impose greater restrictions than the underlying land use district or other development standards, the requirements of the Airport Runway Zones shall apply.

ARTICLE 21 FLOODPLAIN OVERLAY DISTRICT STANDARDS

21.1 STATUTORY AUTHORIZATION AND PURPOSE

A. **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

B. **Purpose.** This ordinance regulates development in the flood hazard areas of Crow Wing County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public

expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

C. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

D. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

E. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

F. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

G. **Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur, and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of Crow Wing County or its officers or employees for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

H. **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

21.2 JURISDICTION AND DISTRICTS

A. **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of Crow Wing County within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

1. The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the PC/BOA and to submit technical evidence.

B. **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Crow Wing County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate Map Panels 27035C0025C; 27035C0100C; 27035C0140C; 27035C0150C; 27035C0160C; 27035C0170C; 27035C0175C; 27035C0185C; 27035C0190C; 27035C0195C; 27035C0225C; 27035C0250C; 27035C0275C; 27035C0300C; 27035C0325C; 27035C0338C; 27035C0339C; 27035C0350C; 27035C0360C; 27035C0375C; 27035C0395C; 27035C0400C; 27035C0414C; 27035C0418C; 27035C0419C; 27035C0425C;

27035C0429C; 27035C0430C; 27035C0433C; 27035C0435C; 27035C0450C; 27035C0451C; 27035C0452C; 27035C0455C; 27035C0456C; 27035C0460C; 27035C0475C; 27035C0500C; 27035C0505C; 27035C0510C; 27035C0515C; 27035C0520C; 27035C0527C; 27035C0528C; 27035C0529C; 27035C0531C; 27035C0575C; 27035C0600C; 27035C0625C; 27035C0650C; 27035C0661C; 27035C0665C; 27035C0675C; 27035C0700C; 27035C0725C; 27035C0750C; 27035C0775C ~~Index numbers 27035CIND1A and 27035CIND2A~~, all dated August 15, 2017, and prepared by the Federal Emergency Management Agency. These materials are on file in the Land Services Office.

C. **Districts**

1. Floodway District. Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 21.2 B.
2. Flood Fringe District. Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 21.2 B.
3. General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 21.2 B.

D. **Municipal Boundary Adjustments & Townships.** The Flood Insurance Rate Map panels referenced in Section 21.2 B apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

1. City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 21.2 D #2 below or through some form of administrative agreement.
2. Townships wishing to adopt official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. If a township returns zoning authority, the county shall resume that authority.

21.3 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

A. **Permit Required.** A permit must be obtained from the Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

1. The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 21.11 A #3.
2. The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 21.1 A of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.
3. The change or expansion of a nonconforming use.
4. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
5. The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
6. The storage of materials or equipment, in conformance with Section 21.3 C #2.

7. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts, and bridges). A local permit is not required if public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
8. Any other type of "development," as defined in Section 21.1 A of this ordinance.

B. **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

C. **Minimum Development Standards** All development must:
1. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Be constructed with materials and equipment resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damage;
4. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
5. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
6. Be assured to provide adequate drainage to reduce exposure to flood hazards;
7. Not be detrimental to uses in adjoining areas; and
8. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
9. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the ese of vegetative cover or other methods as soon as possible.
10. Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural, or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Administrator prior to issuance of a permit.

21.4 FLOODWAY DISTRICT

A. **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 21.4 B:
1. Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

2. Roads, driveways, railroads, trails, bridges, and culverts.
3. Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
4. Grading, filling, land alterations, and shoreline stabilization projects.
5. No structures, as defined in Section 21.1 A, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 21.4 A #1 and 21.4 C #1, which require a CUP under Section 21.4 C #2.
6. Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.

B. **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 21.3:
   1. The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.0 ~~1.5~~ or feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."
   2. Any development that would result in a stage increases greater than 0.0 ~~1.5~~ feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 21.10 A #5 and 21.13.
   3. Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 21.10 A#5 and 21.13.
   4. Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
   5. Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

C. **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 21.4 D:
   1. Commercial extractive uses, and storage and stockpiling yards.
   2. Structures accessory to uses detailed in Sections 21.4 A #1 and 21.4 C #1.

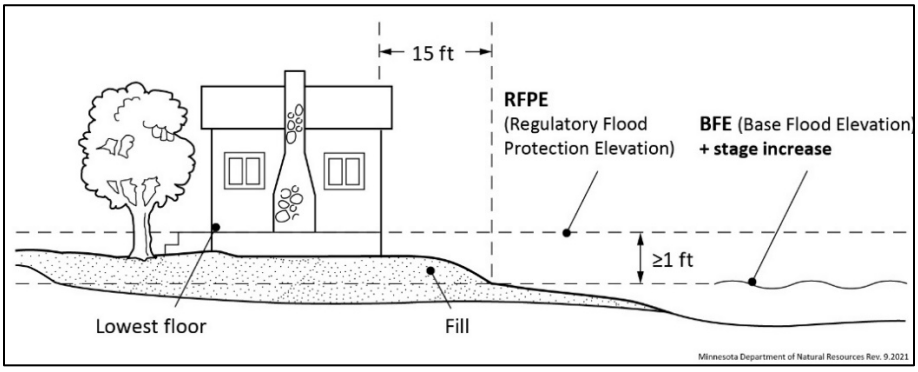
D. **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 21.3, 21.4 B and 21.10 B:
   1. Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by Crow Wing County and Crow Wing SWCD.
   2. Accessory Structures. Structures accessory to the uses detailed in Sections 21.4 A #1 and 21.4 C #1 must be constructed and placed to offer a minimal obstruction to the flow of flood waters and are subject to the standards in Section 21.5 B #3 of this ordinance.

21.5 FLOOD FRINGE DISTRICT

A. **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 21.5.

B. **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 21.3:
   1. Residential Structures.
      a. Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 21.1 A of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 21.5 C #1 of this ordinance (Figure 1).

Figure 1: Overview of fill standards for residential structures.



   2. Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:
      a. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 21.5 B #1 a. of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

b. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 21.5 B #1 a. of this ordinance. Such methods include the use of blocks, pilings (Figure 2), filled stem walls (Figure 3), or internally flooded enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages. enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages.

Figure 2: Blocks or pilings.

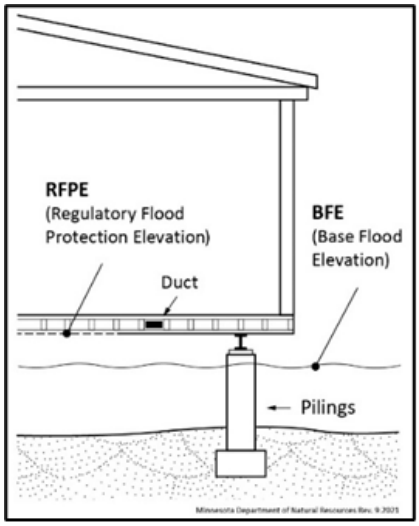


Figure 3: Filled stem walls.

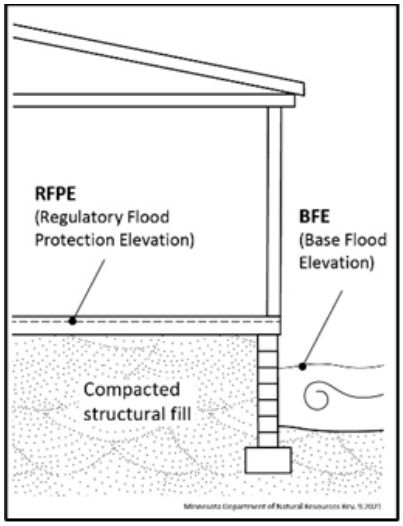
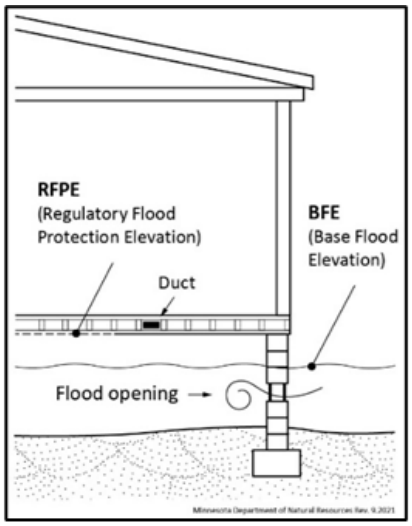


Figure 4: Internally flooded enclosed area.



c. Designs accommodating for internally flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:
   (1) The lowest floor, as defined in Section 21.1 A of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).
   (2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.
   (3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
   (4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed.

d. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
   (1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
   (2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

3. Accessory Structures. All accessory structures must meet the following standards:
   a. Structures shall not be designed or used for human habitation.
   b. Structures will have a low flood damage potential.
   c. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
   d. Structures with two or more rigid walls, must meet one of the following construction methods:
      (1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding and shall allow automatic entry and exit of floodwaters without human intervention.
      (2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 21.5 B #1 a. of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
      (3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 21.5 B #3 d. (2) and must meet the standards in Section 21.5 B #2 b. of this ordinance.
      (4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 21.5 B #2 c. of this ordinance.
4. Any facilities used by employees, or the general public must be designed with a flood warning system acceptable to Crow Wing County that provides adequate time for evacuation or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
5. Manufactured homes and recreational vehicles must meet the standards of Section 21.9 of this ordinance.

C. **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 21.5 D:
   1. Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 21.5 B #1.

D. **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 21.3, 21.5 and 21.10 B:
   1. All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 21.5 B #2 b. of this ordinance.

21.6 GENERAL FLOODPLAIN DISTRICT

A. **Permitted Uses in General Floodplain District**
   1. Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 21.4
   2. All other uses are subject to a floodway/flood fringe determination as provided in Section 21.6 D, in addition to the standards provided in Sections 21.6 B and 21.6 C. Permitted uses shall be determined as follows:
   3. If the development is determined to be in the Floodway District, Section 21.4 applies.
   4. If the development is determined to be in the Flood Fringe District, Section 21.5 applies.

B. **Determining Flood Elevations**
   1. All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
   2. The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

C. **Encroachment Analysis**
   1. Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 21.10 A #5 and 21.13. This evaluation must include the cumulative effects of previous encroachments and must be documented with hydrologic and hydraulic analysis performed by a professional engineer or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.
   2. Alterations or changes that result in stage decreases are allowed and encouraged.

D. **Standards for the Analysis of Floodway Boundaries**
   1. Requirements for Detailed Studies. Any development, as requested by the Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:
      a. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
      b. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.
   2. Other Acceptable Methods. For areas where a detailed study is not available or required:

a. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.
b. For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item (a) above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):
   (1) All areas that are at or below the ordinary high-water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high-water level will be considered flood fringe, provided that within 25 feet of the ordinary high-water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:
      (a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 21.6 D #1 a.; and
      (b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the administrator.

21.7 SUBDIVISION STANDARDS

A. **Subdivisions.** All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
   1. All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
   2. Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Crow Wing County.
   3. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by Crow Wing County.
   4. The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

21.8 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITES, ROADS, BRIDGES, AND RAILROADS

A. **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation

services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

B. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

C. **Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 21.8 B. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

21.9 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

A. **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
   1. New and replacement manufactured homes must be placed and elevated in compliance with Section 21.5 of this ordinance and must be securely anchored to a system that resists flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
   2. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 21.7 of this ordinance.

B. **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:
   1. Meet the requirements for manufactured homes in Section 21.9 A, or
   2. Be travel ready, meeting the following criteria:
      a. The vehicle must be fully licensed.
      b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
      c. No permanent structural type additions may be attached to the vehicle.
      d. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 21.3 and 21.5 B.

21.10 ADMINISTRATION

A. **Duties.** The Administrator must administer and enforce this ordinance.

1. Permit Application Requirements. Permit applications must be submitted to the Administrator. The permit application must include the following, as applicable:
   a. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
   b. Location and detail of grading, fill, or storage of materials.
   c. Copies of any required local, state, or federal permits or approvals.
   d. Other relevant information requested by the Administrator as necessary to properly evaluate the permit application.

2. Recordkeeping. The Administrator must maintain applicable records in perpetuity documenting:
   a. All certifications for dry floodproofing and alternative elevation methods, where applicable.
   b. Analysis of no-rise in the Floodway District, as detailed in Section 21.4 B #1, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 21.6 B #2 and 21.6 C #1.
   c. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor, or other qualified individual, as approved by the Administrator.
   d. Substantial damage and substantial improvement determinations, as detailed in Section 21.11 A #3, including the cost of improvements, repairs, and market value.
   e. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

3. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Environmental Services Manager stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

4. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

5. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, Crow Wing County must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

B. **Conditional Uses and Variances**
   1. Process.
      a. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.

b. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 394.27, Subd. 7 and this ordinance.

2. Additional Variance Criteria. The following additional variance criteria must be satisfied:
   a. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

   b. Variances from the provisions of this ordinance may only be issued by a community upon:
      (1) A showing of good and sufficient cause;
      (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

   c. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   d. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

   e. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

   f. The Administrator must notify the applicant for a variance in writing that:
      (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
      (2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

3. Considerations for Approval. Crow Wing County must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, including the following:
   a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
   b. The danger that materials may be swept onto other lands or downstream to the injury of others.
   c. The safety of access to the property in times of flood for ordinary and emergency vehicles.

4. Conditions of Approval. Crow Wing County may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
   a. Limitations on period of use, occupancy, and operation.

   b. Imposition of operational controls, sureties, and deed restrictions.

c. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
d. Other conditions as deemed appropriate by the Environmental Services Manager and the PC/BOA.

C. **Notifications to the Department of Natural Resources**

1. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

2. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

21.11 NONCONFORMITIES

A. **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1. Within the floodway and general floodplain districts (when a site has been determined to be in the floodway following the procedures in Section 21.6 C, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.

2. Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

3. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 21.11 B, it may not be reconstructed except in conformity with the provisions of this ordinance. Any structures located outside the one-percent annual chance floodplain are exempt from this provision.

4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

5. If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 21.3 C #1 d. to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 21.11 B.

B. **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

1. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.

2. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the Administrator to evaluate costs.

a. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

b. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

3. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 21.1 A of this ordinance.

a. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.

b. If any nonconforming structure experiences a repetitive loss, as defined in Section 21.1 A of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.

4. Based on this determination, the Administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

21.12 VIOLATIONS AND PENALTIES

A. **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

B. **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by Crow Wing County or the Department of Natural Resources.

C. **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. Crow Wing County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

21.13 AMENDMENTS

A. **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 21.2 B of this ordinance.

B. **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

PART III – DEVELOPMENT STANDARDS

ARTICLE 22—CLOSED COUNTY LANDFILL STANDARDS

22.1 PURPOSE

A. It is the purpose of this article to apply development standards at the Crow Wing County Landfill Site located in sections 24, 25, 26 and 36 of Oak Lawn Township.

22.2 DEVELOPMENT STANDARDS

A. **Closed Landfills not under MPCA Remediation Plan.** All activities on the landfill site must protect the integrity of any existing or planned remediation systems and the ability to take environmental response actions at the landfill.

1. **No Development on Closed Landfills.** No development activities are allowed at any point on a closed county landfill or within four hundred (400) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report. Development closer than four hundred (400) feet is allowed only upon demonstration to the satisfaction of the Environmental Services Manager that water and methane risk is inconsequential.
2. **Development Prohibited on Contaminated Areas, Methane Areas.** No development is permitted on areas surrounding a closed county landfill site that have been identified as having areas of contaminated groundwater or a methane area of concern.
3. **Groundwater Areas of Concern.** Within mapped groundwater areas of concern, all applicants for subdivision or permits for new dwelling units must provide a hydrologic analysis demonstrating that the development will not alter the normal groundwater flows or accelerate the movement of contaminated groundwater. For drinking water supply prior to final plat approval, a comprehensive water test must be submitted to the Department. The water test must be taken by an independent state approved laboratory and must show that the state drinking water levels are met.
4. **Testing Required.** All applications for subdivision or construction of new dwellings that includes a closed county landfill on the lot or in the subdivision or is within one thousand (1,000) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report must document that no contamination plume is within any area slated for development.
5. **Documentation Required.** An affidavit must be filed with the County Recorder in the following circumstances:
   a) When the closed county landfill is within a proposed subdivision, the applicant must record a notarized affidavit with a detailed description of the closed county landfill with the County Recorder. This document shall include a legal description of the boundaries of the filled area, the size of the filled area in acres, the depth of fill and anything that is known about the types of waste buried. The affidavit should also reference any investigation reports.
   b) When the closed county landfill closure boundary as identified in the MPCA approved post closure report is within one thousand (1,000) feet of any proposed residential lot, the applicant must record a notarized affidavit stating knowledge of the closed county landfill.
6. **Additional Conditions.** The Department may impose conditions on any land use permit or subdivision within one thousand (1,000) feet of a closed county landfill closure boundary as identified in the MPCA approved post closure report to protect public health and safety. Conditions may include, but are not limited to:

a) Prohibiting uses or limiting allowed uses;

b) Limiting location or technology of individual drinking water wells; and

c) Limiting the movement, excavation, and removal or soil and underground materials.

ARTICLE 23-ADULT USES AND SEXUALLY-ORIENTED BUSINESSES

The standards in this Article shall apply to adult uses and sexually-oriented businesses in all land use districts where such uses are allowed.

23.1 PERMITTING OR LICENSES

A. Permit or License Required

No person, firm or corporation shall own or operate an adult use or sexually-oriented business in Crow Wing County without having first secured an interim use permit or license as provided herein. Permit or license shall be one of two types:

1. Adult use principal; or
2. Adult use accessory

B. Applications

The department shall prepare an application for an adult use or sexually oriented business interim use permit or license. This application shall include:

1. The name, residence, phone number and birth date of the applicant, if an individual; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than five (5) percent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC or similar entity.
2. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owners.
3. The name, address, phone number and birth date of all employees of such operation. As new employees are added/hired, this information shall be provided to the department for each new employee prior to their hire date.
4. The address and legal description of the building, establishment, or premises where the adult use or sexually oriented business is to be located.
5. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5) percent of the issued and outstanding stock of the corporation, or ownership interest in a partnership, LLC or similar entity, have been convicted, and whether the applicant has ever applied for or held a license to operate a similar type of business in other counties, cities or states.
6. The activities and type of business to be conducted.
7. The hours of operation.
8. The provisions made to restrict access by minors.
9. A building plan of the premises detailing internal operations and activities.

10. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.

11. A statement detailing each misdemeanor, gross misdemeanor, or felony relating to any sex offense and/or the operation of adult uses and related activities of which the manager and/or any employee has been convicted of and whether said manager and/or employee ever applied for or held a license to operate a similar type of business in other counties, cities or states.

C. All applications, whether for initial licensing or renewals, shall be referred to the appropriate law enforcement agency for verification and investigation of the facts set forth in the application. The issuing authority shall make a written report and recommendation to the department as to the issuance/renewal or non-issuance/non-renewal of a license. The department may order and conduct such additional investigation as it deems necessary.

23.2 PERMIT OR LICENSE FEES

A. Each application for an interim use permit/license shall be accompanied by a fee, as set by the county for payment in full of the required application and investigative fee for the license. All fees shall be paid at time of application.

B. All interim use permits/licenses shall expire on the last day of December in each year. The department shall issue each interim use permit/license for one (1) year, except if part of the interim use permit/license year has elapsed when the application is made, the department may issue an interim use permit license for the remainder of the year for a prorated fee. In computing such fee, the department shall count any unexpired fraction of a month as one (1) month.

C. The annual fee and the investigative fee for the adult use or sexually oriented business interim use permit/license shall be established by way of County Board Resolution.

D. No part of the fee paid by any interim use permit/license issued under this Ordinance shall be refunded except in the following instances: upon application to the County Board of Commissioners within thirty (30) days of the event. The department shall refund a pro-rated portion of the fee for the interim use permit/license for the unexpired period of the interim use permit/license, computed monthly, when operation of the permitted/licensed business ceases not less than one (1) month before the expiration of the permit/license because of:

1. Destruction or damage of the permitted/licensed premises by fire or other catastrophe;
2. The licensee’s illness;
3. The licensee’s death; or
4. A change in the legal status making it unlawful for the licensed business to continue.

E. Each application shall contain a provision on the application in bold print stating that any withholding of information or the providing of false or misleading information will be grounds for the denial or revocation of a permit/license. Any changes in the information provided on the application or provided during the investigation shall be reported to the County Board of Commissioners by the applicant or permittee/licensee. If said changes take place during the investigation, the ~~date~~ data shall be provided to the Environmental Services Manager in writing, and the Environmental Services Manager shall report the changes to the County Board of Commissioners. Failure to report said changes by the applicant (s) or the permittee/licensee may result in the denial or revocation of a permit/license.

23.3 GRANTING OF PERMIT/LICENSE

A. The department shall investigate all facts set out in the application and approve or deny the application based on the facts presented and the conditions in the following subdivisions and all other provisions of this Ordinance and of any applicable County, State and Federal Law.

B. The department shall only issue the interim use permit/license to the applicant. The interim use permit/license shall not be transferred to another holder. The department shall only issue each interim permit/license for the premises or location described in the application. No interim use permit/license may be transferred to another location or place without the approval of the County Board of Commissioners.

23.4 RENEWAL

A. All licenses issued under this Ordinance shall be effective for a period of one year from the date of issuance at which time it will expire. An application for the renewal of an existing license must be made prior to the expiration day of the license and shall be made in such form as the department requires. The appropriate renewal fee shall be paid in full before the renewal application is accepted. If, in the judgment of the department, good and sufficient cause is shown for failure to submit a renewal application before the expiration of the existing license, the department may, if the other provisions of this Ordinance are complied with, grant a renewal of the license.

B. The department shall establish a renewal investigation fee, which shall be separate from any renewal fee. The fee shall cover the costs involved in verifying the renewal application and cover the expense of any investigation needed to assure continued compliance with this Ordinance. This fee may be waived by the department when there has been no change in circumstances concerning the license.

C. A licensee obtains no vested interest in a license issued under this Ordinance and the department reserves the right to not renew the same. A license under this Ordinance will not be renewed if the department determines that the licensee has failed to comply with the provisions of this Ordinance and/or all applicable Minnesota Law.

23.5 PERSONS INELIGIBLE FOR PERMIT/LICENSE

The department shall not grant an interim use permit/license to, nor may one be held by, any person who:

A. Is under 21 years of age;

B. Has been convicted of a felony or of violating any Minnesota Law;

C. Is not the proprietor of the establishment for which the interim use permit/license is issued;

D. Has not paid the interim use permit/license and investigative fees required by this Ordinance;

E. Is not a citizen of the United States; or

F. Has had an adult use or similar permit or license revoked under an ordinance statute similar to this.

23.6 PLACES INELIGIBLE FOR PERMIT/LICENSE

A. No interim use permit/license shall be granted for adult uses or sexually-oriented businesses on any premises where a permittee/licensee has been convicted of a violation of this Ordinance, or where any interim use permit/license hereunder has been revoked for cause until one (1) year has elapsed after such conviction or revocation.

B. Except uses lawfully existing at the time of this Ordinance, no interim use permit/license shall be granted for any adult use or sexually-oriented business that does not meet all County Ordinance requirements, and all provisions of State and Federal Law.

23.7 NON-CONFORMING USES

A. No such adult uses or sexually oriented business shall be expanded or enlarged except in conformity with the provisions of the Ordinance;

B. A non-conforming adult uses or sexually oriented business shall be required to apply for and receive an adult use permit/license from the department. The department does not require a public hearing before issuing a permit/license for the non-conforming adult use or sexually oriented business.

23.8 CONDITIONS OF PERMIT/LICENSE GENERALLY

A. Every interim use permit/license may be granted subject to the conditions in the following subdivisions and all other provisions of this Ordinance and of any applicable County, State and Federal Law.

B. All licensed premises shall have the interim use permit/license posted in a conspicuous place.

C. No minor shall be allowed in or on the premises of an adult use or sexually oriented business.

D. Any designated inspection officer or law enforcement officer of the County shall have the right to enter, inspect, and search the premises of a permittee/licensee during business hours.

E. Every permittee/licensee shall be responsible for the conduct of their place of business and shall maintain conditions consistent with this Ordinance and County Ordinances generally.

F. No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

23.9 CONDITIONS OF INTERIM USE PERMIT/LICENSE – ADULT PRINCIPAL

The department may issue adult uses principal and sexually oriented interim use permits/licenses to businesses located in the Agricultural/Forestry land use district, subject to the following conditions:

A. No adult uses principal or sexually oriented business shall be located closer than 1,320 feet from any other adult use principal or sexually-oriented business in any County. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.

B. No adult uses principal or sexually-oriented business shall be located closer than 1,320 feet from any residential lot line, place of worship, school, public park, open space, licensed family day care home, playground, public library, or licensed childcare or day care center in any city or county.

Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually- oriented business to the nearest property line of the premises or building used as a dwelling or residence, place or worship, school, public park, open space, licensed day care home, licensed group family day care home, public library or licensed child care or day care center.

C. No adult use principal or sexually oriented business shall be located closer than 1,320 feet from any residential lot line, any residential land use district or any residential development. Measurements shall be in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use or sexually-oriented business to the nearest residential lot line, boundary of the residential land use district or residential development.

D. All adult uses and sexually oriented businesses must meet all of the provisions of this Ordinance.

E. The County prohibits any building owner or operator from having more than one of the following uses, tenants, or activities in the same building structure:

1. Adult body painting studio;
2. Adult book store;
3. Adult cabaret;
4. Adult car wash;
5. Adult companionship establishment;
6. Adult entertainment facility;
7. Adult hotel or motel;
8. Adult modeling studio;
9. Adult sauna/steam room/bathhouse;
10. Adult motion picture theater;
11. Adult mini-motion picture theater;
12. Adult massage parlor;
13. Adult health/sports club;
14. Adult novelty business; or
15. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas" that the public can see.

F. An adult uses principal, and sexually oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

G. No adult uses principal and sexually-oriented business' entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult uses establishment that is prohibited by any ordinance of Crow Wing County, the laws of the State of Minnesota or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes or ordinances.

H. No adult uses principal or sexually-oriented business shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.

I. Adult uses principal and sexually-oriented businesses shall prominently display a sign at the entrance, located within two feet of the door opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter.”

J. Adult uses principal and sexually oriented businesses shall not be open between the hours of 12:00 a.m. and 10:00 a.m. on any day.

23.10 CONDITIONS OF INTERIM USE PERMIT/LICENSE – ADULT USE ACCESSORY

The department may issue Adult Uses Accessory interim use permits/licenses to businesses or establishments located in the Agricultural/Forestry land use districts subject to the following requirements.

A. The adult uses accessory shall comprise no more than 20 percent of the floor area, or up to 500 square feet, whichever is smaller of the establishment, space, structure or building in which it is located.

B. Display areas for adult movies or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.

23.11 SIGN RESTRICTIONS

The following sign regulations shall apply to all adult uses and sexually oriented businesses in Crow Wing County. These regulations are to protect children from exposure to sexually oriented or shocking signs and materials and to preserve the value of property near adult uses and sexually oriented business. These regulations are aside from any other provisions of the County’s regulations.

A. All signs shall be flat wall or freestanding signs. No sign shall be located on the roof, or contain any flashing lights, moving elements or electronically or mechanically changing messages.

B. The County’s sign regulations for zoning business where the business is located shall regulate the number of signs allowed for an adult use or sexually oriented business.

C. No merchandise, photos, illustrations, representations or pictures of the sexually oriented products, activities or entertainment offered on the licensed premises may be displayed in an area where such items can be viewed from a sidewalk, public right-of-way, or any building or structure adjoining or adjacent to the sexually oriented business.

D. No signs shall be placed in any window. The licensee shall prominently display, on the door of the licensed premises, a sign containing the following language: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter." The sign shall be in clear, legible letters, each letter at least one inch high.

ARTICLE 24--RESERVED

ARTICLE 25--ANIMALS IN RESIDENTIAL DISTRICTS

The standards in this Article shall apply to the keeping of animals on lots less than 10 acres in size in all land use districts where such uses are allowed.

25.1 LIMITATIONS ON ANIMALS IN RESIDENTIAL DISTRICTS

A. Household pets which do not constitute a public nuisance are allowed in all Land Use Districts.

B. Agricultural animals shall be allowed in all land use districts subject to the following performance standards:

1. One animal unit is allowed per 5 acres.
2. No more than .25 animal units shall be allowed on parcels 2.5 acres of land or less.
3. The keeping or pasturing of such animal unit does not pollute the waters of the State or the ground water under the land.
4. No such animal unit shall be kept or pastured within 100 feet of any other dwelling.
5. All animal units shall be kept or pastured meeting the required lake setback to the OHWL of a public water.
6. Accumulation of animal wastes or manure shall not be allowed.

ARTICLE 26--CAMPGROUND STANDARDS

The standards in this Article shall apply to campground uses in all land use districts where such uses are allowed.

26.1 POLICY

It shall be the policy of this Standard to permit campground facilities within the County under controls as shall be necessary to allow such campground facilities to be compatible with adjoining or nearby land use.

26.2 COMPLIANCE WITH OTHER REQUIREMENTS

All requirements of any law, regulation or Ordinance otherwise pertaining to a campground must be complied with. Specifically, State Department of Health campground regulations (Minn. Rules Chapter 4630) shall apply except where this Article or other provisions of this ordinance may require stricter regulations.

26.3 MOBILE AND MANUFACTURED HOMES

No mobile home or manufactured home shall be allowed in a campground, except for use by the owner or manager.

26.4 YEAR-ROUND RESIDENTIAL USE PROHIBITED

Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.

26.5 APPLICABILITY

The campground standards in this section shall apply to:

A. Lots or parcels used exclusively for campground purposes;

B. Lots or parcels used for both campground and residential uses but shall apply only to the portion of the lot or parcel used for campground purposes including facilities that are available for use by both campground and residential uses. Standards for residential uses shall apply to portions of lots or parcels used exclusively for residential purposes; and

C. A camp operated for use by an organization serving youth groups, such as Boy Scouts, Campfire Girls, church affiliated groups, etc. shall not be considered a campground unless less than 25 percent of the people housed thereon are housed in structures.

26.6 CAMPGROUNDS IN SHORELAND AREAS

In addition to the standards contained in this Article, new campgrounds located in Shoreland Areas must meet all conditions contained in the Development Standards, Article 33, or Resort Standards, Article 34 (whichever applicable) with the most restrictive standards to apply in all cases, except:

A. New campgrounds may be established with a permit at a resort with 5 or more housekeeping cabins or rental living space units, if all other requirements of this Article and the Land Use Ordinance are met.

26.7 PREREQUISITE TO CHANGE

No existing campground or campsite may be changed or modified in any way unless it shall be made to fully comply with all provisions of this Article and Land Use Ordinance with the following exceptions:

A. **Better individual campsite compliance.** Existing individual campsites may be changed or modified to bring them into compliance with Articles 26.8 and 26.9 and Ordinance without requiring the entire campground to come into compliance; and

B. **Small increases.** Up to three, cumulative for the life of the campground, new campsites that comply with the provisions of Articles 26.8 and 26.9 may be added to the number of sites existing at a campground on the effective date of this Ordinance. A permit shall be approved by Department before any new campsites are constructed.

26.8 MINIMUM CAMPSITE SIZE

New campsites shall be at least 4,000 square feet in size with the following exceptions:

A. Seasonal use.

1. A modern facility campground for seasonal use may provide campsites of 3,000 square feet or more.
2. **Recreational Vehicles, Travel trailers, and motor homes.** A modern facility campground for seasonal use exclusively for travel trailers and motor homes may provide:
    a) **Size.** Campsites of 2,250 square feet or more with a minimum lot width of 30 feet at the midpoint where a recreational vehicle is set.

b) **Reduction for common areas.** The Planning Commission/Board of Adjustment may reduce the square footage requirements by 10 percent if the campground operator utilizes some land in the site area for some common recreation area such as shuffleboard, playground equipment, recreational hall, swimming pool, horseshoe court, etc. No recreational use in a shore impact zone, setback areas, or on internal roads shall be construed as meeting the requirements to reduce camping lot size.

B. **Part time use.** A primitive facility campground for part time use may provide campsites of 2,000 square feet or more.

26.9 ADDITIONAL REQUIREMENTS FOR CAMPSITES AND CAMPGROUNDS

A. **Campsite Setbacks.** New campsites shall comply with the following requirements:

1. **Roads.** Setbacks from the right-of-way line of principal and minor arterials shall be at least 500 feet. Setbacks from the right-of-way line of all other public roads shall be at least 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 35 feet from the right-of-way line of all roads.
2. **Lakes and rivers.** Setbacks from the Ordinary High-Water Level of public waters shall be at least 200 feet. Setbacks from the water's edge of any other body of water shall be at 100 feet, except that a modern facility campground for seasonal use for only travel trailers and motor homes shall be setback at least 75 feet from a General Development Lake, 100 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.
3. **Property lines.** Setbacks from all property lines shall be at least 75 feet, except 10 feet for a modern facility campground for seasonal use for only travel trailers and motor homes.

B. **Campground setback near residences.** No campground for part time use or combination time use shall be allowed within one-eighth (1/8) mile of any residence without approval in writing from the owner of such residence.

C. **Boundary marking.** All campgrounds shall require a simple method of signage, simple fencing, vegetative screening, or a combination of same in order to show clearly where the boundaries of the campground are located to minimize inadvertent trespass.

D. **Utilities.** A modern facility campground for seasonal use for only travel trailers and motor homes shall require a centralized sewage disposal and water supply system with individual sewer, water, and electrical hookups to each site.

E. **Specifications and approval for utility plans.** All plans for installation, alteration, or extension of any such sewage disposal or water supply system shall meet those specifications so designated by the Minnesota State Department of Health and the Department. Prior to commencement of any construction, all plans must be reviewed and approved by the Department with final review and approval to be made by the Minnesota State Department of Health.

F. **Sanitary facilities setbacks.** No supporting sanitary facility for the campground can have a lesser setback from the property lines than allowed for a campsite. Sewage disposal beds or trenches shall be setback 60 feet from a General Development Lake, 85 feet from a Recreational Development Lake and 150 feet from a Natural Environment Lake.

G. **Screening.** Each campsite shall be screened from view from beyond the campground property lines by solid fence, trees or plantings which are at least 85 percent effective under 100 feet of setback, are at

least 60 percent effective for 101 to 175 feet of setback and are at least 30 percent effective for setbacks of 176 feet or more.

H. **Campsite identification.** Every separate campsite available for use on every campsite shall be identified by a number. Campgrounds which provide for a rotational use must remove such identifying signs on campsites temporarily removed from use.

I. **Campsite rotation.** Except for Part Time Use Campgrounds or Part Time Use portion of a combination time use campground, all other campground plans for operation must include a plan to rest campsites or rotate the use of campsites to protect the individual campsites from overuse.

ARTICLE 27—GUEST COTTAGE/GUEST QUARTERS

27.1 SHORELAND DISTRICTS

A guest cottage or guest quarter in the Shoreland District, where listed as allowed or permitted in Article 10.3, shall comply with the following standards:

A. All required setbacks shall be met.

B. The maximum impervious surface limits for the lot shall not be exceeded.

C. The maximum building footprint and livable area for a guest cottage does not exceed 700 square feet.

D. The building footprint for an accessory structure containing a guest quarter is limited by impervious surface limits according to Article 11.10 B and the livable area shall not exceed 700 square feet.

E. Construction complies with all provisions of Articles 11 (Shoreland Management Standards) and 41 (Stormwater Management) of this ordinance.

F. A guest cottage shall not exceed 15 feet in building height.

G. A guest quarter shall not exceed 30 feet in building height.

H. It is located or designed to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, or color, assuming summer leaf-on conditions.

~~I. Analysis of existing shoreland vegetation according to the Crow Wing Shoreline Rapid Assessment Model and development of a shoreland vegetation restoration plan, if applicable, as set forth in Article 11. At a minimum all new guest quarters and guest cottages shall provide for a no maintenance buffer between the structure and the lake.~~ A buffer meeting Article 11.20 C of this ordinance shall be required to be implemented on the shoreline.

J. Lots which contain a two-, three-, four- or multi-family dwelling shall not be allowed a guest cottage or guest quarter.

27.2 NON-SHORELAND DISTRICTS

A guest cottage or guest quarter shall comply with the following standards:

A. All required setbacks shall be met.

B. The maximum impervious surface limits for the lot shall not be exceeded.

C. The maximum building footprint and livable area for a guest cottage does not exceed 900 square feet.

D. A guest quarter shall not exceed 30 feet in building height.

E. No more than one (1) guest cottage or guest quarter shall be allowed per single-family residential lot.

F. Lots which contain a two-, three-, four- or multi-family dwelling shall not be allowed a guest cottage or guest quarter.

ARTICLE 28-- TWO-, THREE- AND FOUR-FAMILY (DUPLEX, TRIPLEX AND QUAD) DWELLINGS

28.1 SHORELAND DISTRICTS

A duplex or triplex dwelling may be permitted on a residential lot in the Shoreland District provided it meets the standards listed in Table 11.1 of this Ordinance. Quads are not allowed within the Shoreland District.

Travel trailers used as dwelling units shall not be allowed on a lot containing a duplex, triplex, quad or multi-family dwelling for longer than 14 consecutive days in a calendar year.

28.2 NON-SHORELAND DISTRICTS

A duplex, triplex or quad dwelling may be permitted in non-shoreland districts as identified in Article 10.3 provided it meets the following standards:

A. The dwelling is located on a lot that meets the minimum size requirements of the district in which it is located. Existing legal lots which are nonconforming to current lot size requirements shall not be eligible for placement of a duplex, triplex or quad.

B. Individual dwelling units within a duplex, triplex or quad must be attached by a common wall(s) such that no unit is a freestanding structure. Each building shall have conforming sewage treatment and water systems.

C. The parcel and all construction shall comply with all provisions of Article 41 (Stormwater Management) of this ordinance.

Travel trailers used as dwelling units shall not be allowed on a lot containing a duplex, triplex, quad or multi-family dwelling for longer than 14 consecutive days in a calendar year.

ARTICLE 29--EXTRACTIVE USE

The standards in this Article shall apply to extractive uses in all land use districts where such uses are allowed.

29.1 POLICY

Extractive Use mining is an important industry in Crow Wing County and contributes directly and indirectly to the economy of the County. Construction sand and gravel are used in concrete, aggregates, concrete products, asphalt, road base, fill, snow and ice control and other miscellaneous uses. Peat, black dirt, rock, and other soils are used extensively for landscaping. Other extractive uses are or may be used to a lesser degree in Crow Wing County.

29.2 GRAVEL EXTRACTION PERMIT CLASSIFICATIONS:

G1. Topsoil Removal for Commercial purposes.

- Temporary borrow sites incidental to construction.
- No processing of materials or stockpiling of recyclable bituminous or demolition materials.

- Extraction and reclamation to occur in same construction season.
- Peat and humus extraction.

G2. All G1 uses.

- Natural material removal only, no processing with exception for screening equipment.
- Site may be used for many years and developed in phases.
- Site may be used for stock piling of screened materials.

G3. All G1 and G2 uses.

- Site may include crushing, screening, washing, and processing of bituminous and demolition materials.
- Stock piling of recyclable demolition and bituminous can occur.

G4. All G1, G2 and G3 uses.

- Site may include hot mix operations and bituminous reprocessing.

G5. All G1, G2, G3, G4 uses.

- Site may include a ready-mixed concrete plant.

29.3 INTERIM USE PERMIT REQUIRED

Extractive uses shall only be allowed as an interim use in those districts indicated in the use classification list in Article 10.3. In addition to the general conditions that may be imposed by the Planning Commission/Board of Adjustment, the specific conditions in this Article shall apply to an interim use permit.

29.4 APPLICABILITY

All forms of extractive use shall be subject to the provisions of this Article including, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface in-situ leach extraction, petroleum and any other similar uses in which material is removed from the ground, except for the following:

A. **Personal, non-commercial use.** Personal non-commercial extractive use by the owner of the land on which the extractive use takes place is exempt from permitting requirements but are subject to restoration requirements in Article 29.6 F within one year of suspension of extraction activities if the site is visible from the public road.

29.5 ADDITIONAL INTERIM USE PERMIT INFORMATION AND REVIEW CRITERIA

As stated in Article 29.3, above, an interim use permit is required for all new extractive uses, with the exception of the owner's extractive use for personal/non-commercial purposes. In addition to the application, information, and review criteria for a general interim use permit in Article 7, the following specific requirements shall be met for an extractive use interim use permit:

A. **Specific evaluation criteria.** In addition to the general criteria for evaluating an interim use permit in Article 7, the following specific criteria shall be used in evaluating an application for an extractive use interim use permit:

1. The ability of roads to handle extractive related traffic.

2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA Standards.
3. Groundwater protection.
4. Property controlling access.
5. Control of erosion and sedimentation.
6. Impact within watershed.
7. In harmony with the Crow Wing County Comprehensive Plan, using Township Comprehensive Plans as advisory documents.
8. Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.

B. **Notification of township.** The Environmental Services Manager will notify officials in the township in which the extractive use is located in at the time an application is made for an extractive use.

C. **Application information.** In addition to the general application information for an interim use permit in Article 7, the following specific application information shall be provided by the applicant for an extractive use interim use permit:

1. A written description of the extractive use and operation thereof, including GPS coordinates;
2. Amount of truck activity at highest and average levels; ADT (Average daily total) counts;
3. Dust control measures;
4. Buffer area, on all sides of the operation;
5. Hours of operation, along with duration of proposed activity;
6. Truck routes to and from site;
7. Types of barriers established if necessary for safety of people and livestock by the active area of excavation;
8. Property line location; and full legal description of the site and easement documentation;
9. Reclamation plans;
10. Plans for screening from adjacent properties;
11. Plans for drainage from the site;
12. Long range plans for the site; phase development and reclamation;
13. Anticipated vegetative and topographic alterations;
14. Proposed mitigation of effects on wildlife;
15. Erosion and Storm water control plan;
16. Proposed mitigation for cultural and/or archaeological sites;
17. Noise abatement plan; and
18. A description of all land uses within one mile radius of the proposed extraction site.

D. **Site plan.** In addition to the general application information for an interim use permit in Article 7, the following site plan information shall be provided by the applicant for an extractive use interim use permit:

1. Location of all extractive use operations;
2. Horizontal and vertical dimensions of the extractive site;
3. All setbacks from roads and adjacent property lines;
4. Location, size and use of all structures on the parcel;
5. Location of all adjacent structures and their uses within 1/4 of a mile;
6. Area of excavation or phases of proposed excavation;
7. Extent of vegetation in buffer area;
8. All lakes, streams, and wetlands on property;
9. Location of proposed stock piles or slag piles;
10. Location of reclamation materials;
11. Depth to saturated soil and average water table depth;
12. All wells, both proposed and existing, all water sources and discharge sites; and
13. USGS topographical map of the area delineating the site boundaries and access road.

E. **DNR permit.** The applicant is responsible for obtaining any applicable permits from the Minnesota Department of Natural Resources or other statutory regulatory agencies, including permits required under Minnesota Statutes103G.245 (Work in Public Waters) and 103G.265 (Water Appropriation). A copy of such DNR-approved permit shall be on file prior to commencement of operations.

29.6 REQUIRED CONDITIONS FOR EXTRACTIVE USES

In addition to the general conditions that may be imposed on an interim use permit in Article 7, the following specific conditions shall be imposed on interim use permits for extractive uses:

A. **Buffer area.** A 50-foot buffer area, and additional area needed to maintain a 3:1 slope, shall be established between the extractive use site and the property line containing the extractive use. This buffer area may be altered through a written agreement with the adjacent property owner. Proof of the agreement shall be filed with the Department and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such agreement the buffer area may be used under the following circumstances:

1. The buffer area may contain the haul road if it is determined by the County that for safety purposes the extractive site access needs to be within the buffer area.
2. The haul road may also be placed in the buffer area to avoid wetlands.

B. **Depth to groundwater separation.** The applicant must indicate depth to groundwater table in plan.

a) Boring may be required. A minimum separation of one foot above the groundwater table must be maintained unless permit is on file.

C. **Reclamation during operation.** All slopes shall be stabilized, equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded, and other reclamation actions completed on an ongoing basis.

1. Slope the banks at a minimum of 3:1 and otherwise properly guard and keep any pit or excavation in such condition so as not to be dangerous from caving or sliding banks.
   a) The tops of banks shall be rounded to conform to the surrounding topography.
   b) Properly drain, fill, or level any excavation, after created, so as to make the same safe and healthful as the Planning Commission/Board of Adjustment shall determine.
2. All trees, brush, stumps, and any other debris removed for the sole purpose of operation of an extractive use site, shall be disposed of in a manner acceptable to the fire warden and the local Solid Waste Department. A copy of the letter of acceptance shall be filed with the Department. In no case shall vegetation from over a 10-acre area be kept on the property unless it is burned or buried.
3. Keep any extractive use, excavation, or impounded waters within the limits for which the particular permit is granted.
4. **Closing reclamation plan.** Before any permit is issued, the applicant must submit a reclamation plan for approval by the County. The plan shall meet the following minimum reclamation standards:
   a) Reclamation of the site within one year of the expiration of the Operator Permit. All buildings, structures, and plants incidental to such operation shall be dismantled and removed by, and at the expense of the extraction operator last operating such buildings.
   b) The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a topography in generally substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed a 3:1 slope ratio.
   c) Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to be seeded with compatible plants.
   d) Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. Such planting shall adequately retard soil erosions and be based on SWCD recommendations.
   e) Extractive use sites may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done pursuant to a plan approved by the Department.
   f) Reclamation must occur within one year of the cease of operation.
5. **Permit review.** Interim use permits for extractive uses shall be reviewed by staff for compliance with the approved conditions every two years at no additional cost to the applicant.
6. **Mississippi River corridor.** No extractive use, processing plant, crushing plant, wash plant, asphalt plant, concrete plant or other extractive use shall be located within the Mississippi River corridor.

7. **Water quality.** The extractive use operation shall not adversely affect the quality or quantity of surface or subsurface water resources as defined by MPCA, DNR, USACOE or MDH. Surface water originating outside and passing through the extraction district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.
8. **Facilities setback.** No processing equipment, such as screening, crushing, washing plants etc. may operate closer than 1000 feet to a residence in existence at time of application unless the written consent of the resident is on file with the Department.
9. **Hours of operation**. Hours of operation shall be set by the Planning Commission/Board of Adjustment.

29.7 PERFORMANCE SECURITY

The Planning Commission/Board of Adjustment shall require performance security, as specified in Article 3.6 of this ordinance, in an amount sufficient to pay all costs associated with restoration of the extractive use site.

ARTICLE 30--HOME OCCUPATION /HOME BUSINESS STANDARDS

The standards in this Article shall apply to home occupation/home business uses in all land use districts where such uses are allowed.

30.1 HOME OCCUPATION STANDARDS

A. A home occupation is allowed without a permit in all land use districts.

B. The home occupation shall be incidental and secondary to the use of the single-family dwelling for residential purposes.

C. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted within the primary residence, or within accessory structures.

D. No person other than the occupants of the primary dwelling may be employed in the business enterprise.

30.2 HOME BUSINESS STANDARDS

A. A home business requires a conditional use permit in all land use districts.

B. The home business shall be incidental and secondary to the use of the single-family dwelling for residential purposes.

C. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise shall be conducted within the primary residence, outside, or within accessory structures.

D. Persons other than those that occupy the primary dwelling may be employed in the business enterprise.

E. There may only be one sign, with a permit, on the parcel advertising the business which shall not be illuminated and shall not measure greater than 70 square feet in area.

F. The outdoor storage of those items not generally considered to be retail display items shall be screened from view from public roads, abutting residences, public surface water and public recreational facilities.

G. The Planning Commission/Board of Adjustment may impose conditions on home businesses such as, but not limited to, number of employees, hours of operation, parking provisions, and equipment storage.

30.3 EXEMPTIONS

The following exemptions apply to this Article:

A. Commercial businesses or operations that store vehicles, products and materials required for the business or operation are exempt from this Article provided that the business or operation activity does not occur at the property.

ARTICLE 31--MOBILE HOME AND MOBILE HOME PARK STANDARDS

The standards in this Article shall apply to mobile homes and mobile home parks in all land use districts where such uses are allowed.

31.1 POLICY

The policy of this Standard shall be to set requirements for Mobile Home Development and Mobile Home Parks as well as to regulate the placement of individual mobile homes in such manner as will not impede other growth and planning for various land use districts.

31.2 CONSTRUCTION PROJECT USES

A. Mobile homes may be used:

1. For office space on construction sites for up to 1 year.
2. To house workers on construction sites for up to 1 year.

B. These uses of mobile homes shall require permits and meet all setbacks in this ordinance.

31.3 STORAGE ALLOWED

Mobile homes not used for residential purposes may be located and stored in mobile home sales yards without permit for mobile home.

31.4 MOBILE HOME PARKS

A Mobile Home Park shall meet all laws and regulations of the State as well as the requirements of the Zoning Ordinance.

31.5 INDIVIDUAL LOT SIZE

The individual lots within a Mobile Home Park shall be at least 50 feet wide and at least 6,000 square feet in size.

31.6 INFORMATION FOR APPLICATION

The applicant shall submit a plan addressing the requirements of this Article with their application.

31.7 CONDITIONS

The Planning Commission/Board of Adjustment may impose conditions in conjunction with approvals mobile home parks.

31.8 COMPLIANCE

All structures shall comply with the standards in this Land Use Ordinance and any conditions required by the Planning Commission/Board of Adjustment.

31.9 WATER SUPPLY AND SEWAGE SYSTEMS

All sewer and water systems shall receive local and State approval before construction begins.

ARTICLE 32--PARKING AND OFF-STREET LOADING STANDARDS

The standards in this Article shall apply to parking and off-street loading uses in all commercial land use districts or where such commercial uses occur.

32.1 ADDITIONAL REQUIREMENTS

Additional requirements are or may be applicable and may be found within the other Standards of the Crow Wing County Land Use Ordinance.

32.2 OFF-STREET LOADING

A. Space for off-street loading and unloading of service vehicles shall be provided for every building.

B. One such space shall be provided for every 10,000 square feet of floor area, or fraction thereof, on a premises.

C. For industrial buildings, such spaces shall measure at least 10 feet in width and 60 feet in length.

D. For commercial buildings in Commercial Districts, such spaces shall measure at least 10 feet in width and 35 feet in length.

E. For all other buildings, such spaces shall be as necessary in size. The space provided therefore shall be such as will not hinder normal traffic flow on or off the premises concerned.

32.3 PARKING AREAS PERFORMANCE STANDARDS

A. **General parking standards.** All land use permit applications for commercial uses or commercial buildings shall include provisions for off-street parking according to table 32.1 unless approved for alternative parking standards in Article 32.3D below.

B. When a commercial structure is enlarged, off-street parking spaces shall be added to meet the minimum parking space requirements in Table 32.1

C. If the use of a commercial structure is changed to a different use requiring additional spaces, the additional parking spaces shall be provided.

D. Alternative parking standards:

1. The Environmental Services Manager may approve alternative parking standards if it is determined that alternative standards as set forth in this article achieve the purposes of this ordinance. An application for alternative parking standards may be submitted if:
   a) A new business or use wishes to defer construction of a portion of the required parking spaces until a future date or,
   b) A parking study indicates that fewer parking spaces are required, or,
   c) Maximum parking capacity is needed only on a seasonal or special event basis and overflow parking can be accommodated using a designated pervious vegetated area, or,
   d) Parking spaces are shared with another business or group of businesses.
2. An application for alternative parking standards shall include:
   a) For deferred parking construction, a site plan indicating the area reserved to meet the minimum parking space requirements in Table 32.1 along with a parking construction schedule indicating when the total number of required parking spaces will be completed.
   b) For reduced parking space requirements, a parking study indicating the actual history of past parking use or parking use by similar businesses. An area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 32.1 shall be preserved as open space.
   c) For overflow parking, a site plan indicating the vegetated area that is reserved for parking, stabilization treatment of the parking area (geo-grid, etc.) if any, and how stormwater is to be managed.
   d) For shared parking, a plan indicating the minimum parking requirements for all businesses, the number of parking spaces to be shared, and the location of shared spaces relative to the businesses.
3. Alternative parking performance standards:
   a) Total parking spaces required in table 32.1 shall be used when calculating impervious surfaces, measuring setbacks, and determining other requirements for parking areas.
   b) For deferred parking construction applications, a minimum of 50% of the required parking spaces shall be constructed within two years of permit approval unless the standards for reduced parking are met.
   c) For reduced parking space requirement applications, an area to accommodate additional parking spaces to meet the minimum parking space requirements in Table 32.1 shall be preserved as open space for future parking. Within 3 years from the date of permit approval, the

applicant shall submit a follow up report on parking usage. If, after reviewing the follow up report, the Environmental Services Manager finds that additional parking area is required, such parking spaces shall be added.

d) For vegetated overflow parking applications, the total parking area must meet the minimum parking space requirements in Table 32.1. A maximum of 40% of the total required parking spaces may be vegetated overflow parking. Overflow parking areas must be preserved as open space. No sediment from vegetated overflow parking areas shall be transported onto public roads or streets.

e) For shared parking applications, an easement, or in the case of shared wall construction a party wall easement or planned community agreement, between the participating property owners shall be recorded in the office of the County Recorder and a copy submitted to the Department specifying the number and location of shared parking spaces, who is authorized to use the shared spaces and under what conditions, how access to those spaces is achieved from a public street or road, and a plan indicating how the shared parking spaces will be managed and maintained. Within 3 years from the date of permit approval, the applicant(s) shall submit a follow up shared parking report. If, after reviewing the follow up report, the Environmental Services Manager finds that additional parking area is required, such parking spaces shall be added.

Table 32.1 Minimum Required Parking Spaces

FACILITY OR USE	MINIMUM REQUIRED PARKING SPACES
Auto body or repair shop, vehicle sales—automobile, boat, recreational equipment	1 space for each 300 square feet of gross floor area
Bed and breakfast residence	2 spaces plus one additional space for each rented room
Bowling lanes	5 spaces for each alley, plus additional spaces as may be required herein for related uses such as a restaurant
Carwash	3 spaces
Church, funeral home, theater, auditorium, athletic field, arena, racetrack, or other places of gathering	1 space for each 4 seats based on maximum design capacity
Community center, post office, studio, library, club, lodge, museum, or public building	10 spaces plus 1 for each 350 square feet of floor area in excess of 2,000 square feet in the principal building
Daycare facility	4 spaces plus 1 for each 500 square feet in excess of 1,000 square feet of floor area in the principal building
Assisted care home, rest home, or nursing home	1.9 spaces per bed, plus 1 space per 300 square feet of gross floor area for any outpatient medical facilities
Gas station, convenience store w/fuel sales	4 spaces plus 2 spaces for each fueling stall
Home business or home occupation	2 spaces in addition to those required for the residence
Hotel, motel	1.4 spaces per unit
Manufacturing-- fabrication, or processing of a product or material, assembly; contractor services, machine shop	1 space for each 400 square feet of floor area

Medical, dental, or veterinary clinic	1 space for each 300 square feet of gross floor area
Multispecialty outpatient clinic	1 space for each 200 square feet of gross floor area
Multi-family residence	2 spaces per unit
Office—business or professional, office building, bank, or financial institution	1 space for each 300 square feet of gross floor area
Open sales lot	3 spaces for each 5,000 square feet of the open sales lot area
Public auction house, golf driving range, miniature golf, and similar uses	15 spaces plus 1 for each square foot of floor area over 2,000 square feet
Restaurant, cafe, bar, tavern, nightclub	1 space for each 2.5 seats for restaurant area; 1 space for each 2.0 seats in bar area
Retail sales and service establishment, light equipment repair shop, rental equipment sales and service, adult use, and convenience store	1 space for each 250 square feet of gross sales floor area
School	1 space for each 7 students based on design capacity, plus 2 additional spaces for each classroom
Skating rink, amusement park, or dance halls	100 spaces plus 1 for every 200 square feet of floor area in the principal building
Speculative building (use not known) for industrial	1 space for every 700 square feet of floor area
Uses not specifically noted	Determined by the Environmental Services Manager
Warehouse/storage handling of bulk goods, wholesaling	1 space for each 1,000 square feet of floor area plus 1 for each truck loading bay

32.4 HANDICAPPED ACCESSIBLE PARKING REQUIREMENTS

A. The Minnesota Accessibility Code, as may be amended, shall govern and regulate all accessible parking standards and improvements within the unincorporated areas in the county. The scoping requirements are found in the International Building Code (IBC), chapter 11-2006; the ICC/ANSI A117.1-2003 technical criteria; state amendments found in Minn. Rules Chapters. 1341-2007; and the International Residential Code (IRC), including, but not limited to, section R322.1.

B. The number of accessible parking spaces to be provided shall be determined by the following table:

Table 32.2 Minimum Number of Accessible Spaces

Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100, or fraction thereof, over 1,000

32.5 SCREENING OF PARKING AREAS

A. Off-street commercial parking areas, for six or more vehicles, shall be screened according to Article 36 of this ordinance.

32.6 ACCESS

A. **PARKING AREAS.** Parking areas, used to serve a building and containing provision for six or more parking spaces, must use a restricted access between the parking area and an adjacent road.

B. **Access**. In situations where access is shared between multiple commercial property owners, an easement, or in the case of shared wall construction, a party wall easement or planned community agreement, between the participating property owners shall be recorded in the office of the County Recorder and a copy submitted to the Department specifying where the shared access is located, who is authorized to use the shared access and under what conditions, and a plan indicating how the shared access will be managed and maintained.

ARTICLE 33--RESIDENTIAL DEVELOPMENT STANDARDS

33.1 POLICY

Residential developments in Crow Wing County should provide a choice of housing types and a variety of recreational opportunities. These standards address the policies and strategies from the Crow Wing County Comprehensive Plan:

33.2 PURPOSE AND APPLICABILITY

A. The purpose of this part is to allow for greater flexibility and creativity in the design of residential subdivisions; facilitate the construction of streets, utilities, and public services in a more economical and efficient manner; and promote conservation subdivisions to ensure that citizens in residential developments and the public benefit from the conservation of natural features of the land, including wetlands, forests, shorelines, steep slopes, plants, wildlife, historic sites, and scenic areas.

B. Applicability. These standards shall apply to all subdivisions of real estate in the unincorporated areas of Crow Wing County creating four or more lots, except for minor boundary line corrections, resolution of encroachments, and additions to existing lots of record.

C. Options. This Article provides for flexibility in designing new subdivisions and establishes procedures and criteria for evaluating new subdivisions by allowing two forms of development--conventional developments and conservation developments.

1. Conservation developments and conventional developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings.
2. Conservation developments on riparian parcels shall have a minimum of three (3) contiguous acres of suitable area and a minimum lot width of 400 feet.
3. All lots within a conventional development shall meet the minimum lot size and width requirements applicable to the zoning district in which they are located.
4. Lots within a conservation development may be allowed lots which do not meet the minimum lot size and width requirements applicable to the zoning district in which they are located, provided the reduced lot sizes are consistent with the purpose of a conservation development as defined by this ordinance.
5. An applicant shall choose whether they want their development to be regulated as a conservation development or a conventional development.
    a) Conservation developments shall, in addition to the requirements of Articles 33.3 through 33.7 and 33.14, adhere to the requirements of Articles 33.8 through 33.11.
    b) Conventional developments shall, in addition to the requirements of Articles 33.3 through 33.7 and 33.14, adhere to the requirements of Articles 33.12 through 33.13.

33.3 DEVELOPMENT APPLICATION PROCESS

Development applications shall follow the procedures established in the Crow Wing County Subdivision Ordinance.

33.4 ENVIRONMENTAL REVIEW

Environmental review shall be conducted pursuant to the procedures and standards in Article 3.10 of this ordinance.

33.5 CRITERIA FOR EVALUATION

Before the Planning Commission/Board of Adjustment recommends approval of a development proposal, they shall find that the following criteria are satisfied:

A. The development complies with all county ordinance standards.

B. The development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.

C. The development will not create an excessive burden on parks, schools, streets and other public facilities and utilities that serve or are proposed to serve the development.

D. Access in the form of dedicated right-of-way or easement, as appropriate, shall be provided to adjacent undeveloped properties that do not have direct access to a public road. Developers or subsequent

owners may be entitled to compensation for providing such access.

33.6 DESIGN CHANGES

Changes made after final plat approval shall be approved as follows:

A. During construction of the development, the Department may approve minor changes in the location of buildings, design of roads, or other circumstances not foreseen at the time the development was approved.

B. Changes in uses, rearrangement of lots, blocks, dwelling unit lots, or any changes in the provision of common open space shall require re-approval by the Planning Commission/Board of Adjustment and Townships if applicable.

33.7 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

To ensure the continued existence and functioning of common open space and the development as a community, the following administrative requirements shall be met when common open space is created as part of a development:

A. **Development organization and functioning for developments of ten (10) or more lots or dwelling unit lots.** Unless an equally effective alternative community framework is approved by the Planning Commission/Board of Adjustment and established, when there is common open space or any other common element, all residential developments of ten (10) or more lots or dwelling unit lots shall include an owners' association with the following features:

1. Membership shall be mandatory and automatic for each lot or dwelling unit lot owner and any successive owners.
2. Require that each owner in the development have an undivided ownership in the common open space and other common elements.
3. Each member shall pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
4. Assessments shall be adjustable to accommodate changing conditions.
5. The association shall be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities, and shall enforce covenants, deed restrictions, and easements.
6. The association shall develop a Long-Term Management Plan for any common open space and shall administer the plan pursuant to the terms of Crow Wing County's conservation easement (see Article 33.7.B) on the open space.
7. **Amendments or revisions to covenants or deed restrictions**. Before establishing or recording any common interest community, the developer shall submit documents, including all covenants, conditions, restrictions, easements, and operating rules and procedures associated with the development, for review and approval by the Planning Commission/Board of Adjustment pursuant to Minnesota Statutes, section 515 B.1-106. Such documents shall provide that no amendments or revisions of covenants or deed restrictions may be made unless approved in advance by the Department and the Planning Commission/Board of Adjustment. Any such amendments or revisions made without such approval shall not be effective.

B. **Common open space preservation**. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

1. Commercial uses (for residential PUD's);
2. Vegetation and topographic alterations other than routine maintenance;
3. Construction of additional buildings or storage of vehicles and other materials; and
4. Uncontrolled beaching of watercraft.

C. **Other common elements**. Common elements such as areas designated for storage of vehicles and personal property may be designated, provided that open space requirements are met, pursuant to the Long-Term Management Plan.

D. **Residential developments of nine or less lots or dwelling unit lots with common open space.** The common open space may be retained by the property owner, owner's association and/or the developer and may be sold to any subsequent property owner, provided:

1. The common open space boundaries are documented with a Certificate of Survey; and
2. Common open space preservation shall comply with the provisions of Article 33.7.B.
3. The property owner, owner's association and/or the developer which owns the common open space shall be responsible for insurance, taxes, and maintenance of all common open space, property and facilities, and shall enforce covenants, deed restrictions, and easements.
4. The property owner, owner's association and/or the developer shall have and administer a Long-Term Management Plan for any common open space, property, and facilities.

E. In the event the person or entity responsible for administration of the Long-Term Management Plan fails to administer and perform all or any portion of the plan relating to common open space, the County may serve written notice upon such person or entity setting forth the manner in which such person or entity has failed to administer and perform the plan. Such notice shall set forth the nature of corrections required and a reasonable time within which to complete corrective action. If corrective action is not completed within a reasonable time, the County may, but the County is not required to, assume responsibility for administration and performance of the plan with respect to such failures, and in furtherance of such action the County may enter the premises and take all corrective action as may be reasonable, including extended maintenance. The costs of such corrective action may be charged to the person or entity responsible for administration of the Long-Term Management Plan or individual property owners who make up a homeowners' association and may include administrative costs. Such costs shall become a lien upon and assessed against the properties that have the right of enjoyment of the common open space.

33.8 CONSERVATION DEVELOPMENT STANDARDS

Conservation development standards are intended to provide a relationship between buildings, and between buildings and sites, that cannot be accomplished by the one building-one lot application of the land use provisions of this ordinance. In order to encourage well designed building groups, this section provides for the development of more than one structure upon a single lot or tract as well as the integral development of

one or more lots as a single tract. Conservation developments shall require an approved conditional use permit and must be platted before construction commences.

33.9 CONSERVATION DEVELOPMENT DESIGN PROCESS AND CRITERIA

A. Before submitting an application, applicants are required to demonstrate to the Planning Commission/Board of Adjustment that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open space as shown on the site plan:

1. Step One: Identifying conservation areas:
   a) First, identify and delineate the primary conservation areas including wetlands, bluff impact zones, cultural features such as historic and archeological sites, and structure setback areas; and secondary conservation areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and scenic views.
   b) Second, the developable area shall be identified and shall consist of land completely outside primary conservation areas, and, to the maximum extent feasible, outside secondary conservation areas.
2. Step Two: Calculate the number of dwelling unit lots allowable under Article 33.10 and locate the approximate sites of individual houses within the developable area. Include the delineation of private yards and shared amenities so as to reflect an integrated community, with emphasis on consistency with the County's Comprehensive Plan.
3. Step Three: Aligning the streets and trails. Align streets in order to access the dwelling unit lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
4. Step Four: Draw in the lot lines.
5. Step Five: Identify on a design plan map all parts of the project parcel to be permanently protected as part of the open space.

B. Conservation development design criteria.

1. At least fifty percent (50%) of the total project area shall be permanently preserved as common open space. Common open space shall include structure setbacks and bluff impact zones, areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
   a) To the maximum reasonable extent all open space shall be part of a larger continuous and integrated open space system within the parcel being developed. Areas shall be considered contiguous if they are within 100 feet of each other and there are no impediments to access between the areas.
   b) Natural features included in open space shall generally be maintained in their natural condition, but may be managed to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with the Long-term Management Plan approved by the County. Permitted management activities may include:
      1) Woodland management.
      2) Reforestation.

3) Meadow management.

4) Wetlands management.

5) Water body bank protection.

6) Buffer area landscaping.

7) Wildlife management

8) Recreation management

c) The common open space shall maximize common boundaries with existing or future open space on adjacent lands.

d) Common open space shall serve and enhance all dwelling unit lots, cluster groups, and other common facilities.

2. Dwelling unit lot areas, structures and all road rights-of-way shall not be included in the computation of common open space.

3. Dwelling unit lots may be clustered into one or more groups located on suitable areas of the development and must meet all external property line, road, and structure setbacks.

4. Dwelling unit lot impervious surface coverage shall meet the standards in Article 41.

5. There shall be at least one access corridor to the shore impact zone common open space as approved by the Planning Commission/Board of Adjustment. The corridor shall:

a) Be accessible to all residents of the conservation development.

b) Have a minimum width of 50 feet.

c) Provide upland access to the shore impact zone common open space without impacting wetlands.

d) Have a trail and vegetation management plan addressed in the Long-Term Management Plan.

6. New developments and redevelopments of existing developments shall meet vegetation management standards in Article 27 of this ordinance.

7. No impervious surfaces shall be allowed within the shore impact zone, except stairways, lifts, or landings. Those portions of boat launching ramps greater than 10 feet landward from the OHWL shall be constructed of pervious materials.

8. Roads within and serving conservation developments shall be constructed according to American Society of Civil Engineers (ASCE) standards (Residential Streets, 2001, 3rd edition or later, ASCE) and the development plan approved by the Planning Commission/Board of Adjustment, and the local road authority, if applicable.

9. The boundaries of the permanent conservation easement area and the common open space shall be clearly and visibly marked.

10. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for future road connection to adjacent undeveloped properties or public lands that do not have direct access to a public road or may be required when deemed necessary for avoiding a disconnected road network by the County in the approval of the conservation development. Developers or subsequent owners may be entitled to compensation for providing such access.

33.10 CONSERVATION DEVELOPMENT DENSITY EVALUATION

A. Shoreland District:

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

Lake or River Class	First Tier Landward in Feet
General Development	200
Recreational Development	267
Natural Environment	400
All river classes	300

   b) The second tier shall consist of all remaining area in the project parcel located within the shoreland district.
2. The number of dwelling unit lots allowable in each tier is calculated by dividing the suitable area in square feet within each tier by the density factor for the shoreland class in Table 33.1:

Table 33.1 Conservation Development Density Factors-Shoreland District			
	Conservation Development Structure Setback in Table 11.2	Conservation Development Density Incentive Structure Setback in Table 11.2	
Classification	First Tier	First Tier	Second Tier
General development lakes and rivers	27,000	24,000	22,500
Recreational development lakes	34,000	32,000	30,000
Natural Environment lakes and rivers	68,000	64,000	60,000
Cold water rivers	72,000	67,500	67,500

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

B. Non Shoreland Districts:

1. The number of dwelling unit lots allowable is calculated by dividing the total project parcel area in square feet by:
   a) 43,560 in the Rural Residential-1 District; or,
   b) 108,900 in the Rural Residential-2.5 District; or,
   c) 217,800 in the Rural Residential-5 District; or,

d) 435,600 in the Rural Residential-10 District; or,

33.11 CENTRALIZATION AND DESIGN OF FACILITIES

A Long-Term Management Plan shall be submitted to and approved by the Planning Commission/Board of Adjustment. In addition to other required provisions, the plan must include or provide for:

A. Conservation developments shall be connected to publicly owned water supply and sewer systems, if available. Sewage treatment systems may be centralized and shall have an operating plan and third-party manager.

B. A lake use and access area plan including:

1. The location and configuration of pathways, launching ramps, dock configuration and location, and other facilities within the structure setback area, if any.
2. Provisions that allow all residents of the conservation development to use the shore recreation area, exclusive of the dedicated continuous mooring spaces.
3. The size, location, and configuration of the shore recreation area, including but not limited to swimming areas, docks, launching ramps, and watercraft mooring areas, if any.
   a) The total width of the shore recreation area(s) shall not exceed the greater of 50 feet or a distance equal to 10% of the lot width, riparian. The depth of the shore recreation area may extend to the structure setback line, subject to the stormwater plan approved by the Planning Commission/Board of Adjustment.
   b) All such facilities shall be centralized and located in areas most suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, upland and aquatic vegetation, presence of wetlands, soils, depth to groundwater, or other relevant factors.
   c) Identification of potential safety issues created by and addressing conflicts among the uses permitted under the plan,
   d) All such facilities may be used by all occupants of the conservation development, subject to the provision of Article 33.11, B., 4, 5 and 6.
4. Prohibit shore recreation facilities or uses outside of the designated lake use and access area and adjacent littoral areas.
5. The number of allowable continuous watercraft mooring spaces for conservation developments abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed.
6. Unless prohibited by the conservation easement created under Article 33.7, B. launching ramp facilities, including a dock for loading and unloading equipment may be used by all occupants of the conservation development, provided that all watercraft, other than those afforded continuous mooring spaces, are stored outside the structure setback area such that they are not visible from the public water.

C. Accessory structures, parking areas, storage and other facilities shall meet the required principal structure setback and be centralized, be treated to reduce visibility as viewed from Public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the Department, assuming summer, leaf-on conditions. Vegetative and topographic screening shall be preserved, if existing, or may be required to be provided.

D. Prohibit commercial uses.

33.12 CONVENTIONAL DEVELOPMENT STANDARDS, DESIGN PROCESS, AND CRITERIA

Conventional development standards are intended to provide a one primary residence per lot application of the land use provisions of this ordinance.

A. Conventional developments shall use the design procedures established in the Crow Wing County Subdivision Ordinance as well as the residential lot area standard for the respective land use district classifications in this ordinance.

B. All roads within conventional developments, whether public or private, shall be constructed to meet specifications in the Article 35 of this ordinance.

~~C. A shoreland vegetation buffer plan shall be designed and implemented meeting the standards in Article 27 of this ordinance.~~

D. No impervious surfaces shall be allowed within the shore impact zone, except, stairways, lifts, or landings, water oriented accessory structures and patios. If permitted under Article 11, those portions of boat launching ramps greater than 10 feet landward from the OHWL shall be constructed of pervious materials.

E. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for future road connection to adjacent undeveloped properties or public lands that do not have direct access to a public road or may be required by the County when deemed necessary for avoiding a disconnected road network in the approval of the conventional development.

F. Common Elements. Common elements such as areas designated for storage of vehicles and personal property may be designated.

33.13 CONVENTIONAL DEVELOPMENT DENSITY EVALUATION – SHORELAND AND NON-SHORELAND AREAS.

The number of lots allowable is calculated:

A. In the Shoreland District, according to the standards in the Crow Wing County Subdivision Ordinance, as well as the residential lot area standard for the respective land use district classification in Article 11.3 of this ordinance.

B. Outside the Shoreland District, according to the standards in the Crow Wing County Subdivision Ordinance, as well as the residential lot area standards for the respective land use district classifications in Articles 12 and 14 of this ordinance.

33.14 EROSION CONTROL, STORMWATER MANAGEMENT, AND SEDIMENT CONTROL

All developments shall comply with the provisions of Article 41 of this Ordinance.

ARTICLE 34--RESORT STANDARDS

34.1 PURPOSE

It is the purpose of this Article to provide standards for new resorts, structure replacement within an existing resort, expansions to existing resorts and resort conversions. Resorts are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land.

34.2 PROCESSING OF APPLICATIONS FOR RESORTS

Applications for resort developments shall be processed according to the following provisions:

A. **Permitted use**: Applications for:

1. Structure replacement pursuant to Article 34.10.
2. Resort expansion pursuant to Article 34.11 (A).

B. **Conditional use:** Other than permitted uses listed in 34.2 (A) above, all other applications regarding resorts shall be processed as a conditional use as provided for in Article 7 in this ordinance.

C. **Environmental review:** All environmental reviews of resort applications shall be conducted pursuant to the standards in Article 3.10 of this ordinance.

D. **Additional studies or information**. In considering a resort development application, the Planning Commission/Board of Adjustment or County Board may request a report by the Environmental Services Manager or other County staff, a consultant; additional information from the applicant; input from any affected public service facility provider or special service district; and input from contiguous, affected, or potentially affected jurisdictions. If so required, the applicant shall bear the full cost of meeting this requirement.

34.4 STAFF REVIEW OF APPLICATION

The Department shall conduct the following reviews of applications.

A. **Initial Conference & Sketch Plan**. In order to ensure that all applicants for resorts are informed of the application process and procedure, as well as the requirements of this ordinance and related ordinances, the applicant is required to consult with the Environmental Services Manager at the initial conference. At the time of this initial conference the applicant shall present a sketch plan for review.

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

B. **Review of application for completeness**. After the initial conference has been conducted, the applicant may submit an application based on Article 34.4 below. The Environmental Services Manager shall review the application and shall determine if the application is complete pursuant to the requirements of this Ordinance. If the Environmental Services Manager determines the application is not complete, then the application shall be returned to the applicant, and the applicant shall be informed in writing as to the additional information needed.

C. **On-site review by staff**. Within 15 working days of receipt of a completed application, Department staff will conduct an on-site review of the property to gather information and photographs to aid in review of the application and to ensure there are no violations of County Ordinances on the property. Prior to the on-site review by staff, the applicant shall locate and identify all proposed lot and exterior boundary corners and the boundaries of the primary access drive with flags or stakes. The applicant shall also flag the location of any water-based recreation and access sites.

34.4 APPLICATION REQUIREMENTS FOR RESORTS

The applicant for new resort development, resort expansion, structure replacement, or resort conversions shall submit an application with the Environmental Services Manager that meets all of the following requirements:

A. **Forms:** Completed application for the proposed project on forms provided by the County.

B. **Fee:** A fee in the amount listed in the fee schedule adopted by the County Board shall be paid upon determination by the Environmental Services Manager that the application is complete.

C. **Density calculation:** Calculations showing all information necessary to determine conformance with the density standards in Article 34.6, below, shall be included. Applications exceeding the allowed density shall not be accepted.

D. **Site plan:** A site plan meeting the requirements of Article 34.5.

E. **Plat:** A subdivision plat meeting the requirements of the Crow Wing County Subdivision Ordinance if any land division is proposed.

F. **Owners association:** A property owner's association agreement with mandatory membership, and all pursuant to the requirements of Article 34.8 of this Article.

G. **Restrictions:** Deed restrictions, covenants, permanent easements, or other instruments that:

1. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching and mooring of watercraft;
2. Ensure the long-term preservation and maintenance of open space pursuant to the criteria and analysis specified in Article 34.7 of this Ordinance including the perpetual renewal of the covenants and deed restrictions; and

~~3. Rental requirements for shared capital resorts including restrictions on personal use of "establishment".~~

H. **Master plan:** A master plan/drawing describing the project.

I. **Floor plans:** Floor plans for all structures including heights of buildings.

J. **Additional documents.** Any additional documents as requested by the Planning Commission/Board of Adjustment necessary to explain how the resort will be designed and function.

34.5 SITE PLAN REQUIREMENTS

Certificates of survey are required for new resort development applications, expansions and conversion and shall include the following information:

A. Name of Resort.

B. Legal description of property involved.

C. Name and address of owner, applicant, registered land surveyor, and designer of plan.

D. North arrow.

E. Date of plan preparation.

F. All current and proposed property boundaries and lot lines, including dimensions.

G. Boundary, dimensions, and area of all shoreland tiers.

H. Total acreage of property involved.

I. Existing soil conditions and topographic contours at 10-foot intervals except areas of slopes over 12 percent shall be shown at two foot intervals.

J. All roads, existing and proposed, showing right of way widths.

K. Location and design of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply.

L. All structures, recreational and/or accessory facilities, both existing and proposed, including but not limited to: cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses, etc.

M. All surface water features, including, but not limited to, lakes, rivers, streams, floodplains, ponds, and wetlands, including the location of the Ordinary High-Water Level.

N. Existing or proposed marinas, harbors, permanent mooring sites, docking facilities, and other related implements, including rafts and buoys, markers delineating swimming and bathing areas, beaches, and other facilities.

O. Lake study showing aquatic vegetation in the water, water depth in one-foot intervals to a depth of six feet, and bottom substrate type and conditions. (For new resorts or resorts expanding shoreland property).

P. Grading and drainage plans which meet the requirements of Article 34.7 (D).

Q. All easements and rights-of-way, including document number.

R. Existing zoning classification for property and land abutting property.

S. Percent of impervious surface existing and proposed.

34.6 RESORT DENSITY CALCULATION

A**. Tiers.** The tract of land occupied by the establishment shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high-water level. The following table indicates the first tier width for each lake classification:

Table 34.1 First Tier Width Standards

Public Waters Classification	Feet
General Development Lakes – First Tier	200
Recreational Development Lakes – all tiers	267
Natural Environment Lakes	400
All River Classes – All Tiers	300

1. The second tier is all the remaining area in the parcel outside the first tier and within the shoreland district.

B. Select the appropriate ratio to determine the land surface area that can be covered by structures from the following table:

Table 34.2 Resort Floor Area Ratios		
Public Waters Classes	**First Tier**	**Second Tier**
General Development Lakes	0.125	0.075
Recreational Development Lakes	0.075	0.075
Natural Environment Lakes	0.038	0.038
All River Classes – All Tiers	0.038	0.038

C. Multiply the area within each tier, excluding all wetlands, bluffs, and land below the ordinary high-water level of public waters, by the ratio in Article 34.6 B above, to yield the total land surface area that can be covered by structures in each tier. For resort camp sites, each site shall be minimally set to 500 square feet. However, overall impervious surface limits cannot be exceeded.

D. Allowable densities may be transferred from any tier to any other tier further from the shoreline of the lake or river but must not be transferred to any other tier closer to the shoreline.

E. All numbers calculated are rounded down to the nearest whole number.

34.7 RESORT DESIGN CRITERIA

Proposed resort developments shall meet all of the design criteria in the following provisions.

A. **Minimum development area required:** The minimum area for consideration of a new resort development is three contiguous acres of buildable area and 400 feet of lot width.

B. **Access:** Any such development, which fronts on a Principal arterial, minor arterial, or collector roads shall be served by a frontage/backage road as determined by the Planning Commission/Board of Adjustment based on information by the County Highway Department.

C. **Open Space Requirements:** New resorts must contain open space meeting all of the following criteria:

1. At least 50 percent of the total project area must be permanently preserved as open space; however, 25 percent of the open space must be suitable area for recreational use. Creation of stormwater ponds or rain gardens on area originally considered upland shall not be deducted from the buildable area.
2. The land area of all dwelling units/sites and accessory structures, the space between buildings in a cluster, and areas of 25 feet around each structure, all road right-of-way and all land covered by impervious surfaces, road surfaces, parking areas or structures, are developed areas and shall not be included in the computation of minimum open space;
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, areas containing significant historic sites or unplatted cemeteries;
4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in units or sites and by the general public;

5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
6. The appearance of open space areas, including topography, vegetation and allowable uses, shall be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance or equally and permanent means;
7. The shore and bluff impact zones, based on normal structure setbacks, shall be included as open space. At least 60 percent of the shore impact zone area must be preserved in its natural state; and
8. A shoreland vegetation buffer plan designed and implemented meeting the standards in Article ~~27.~~ 11.20 A or C, whichever is more restrictive

D. **Stormwater Management**: A stormwater management plan designed by a Minnesota-licensed professional engineer meeting the standards in Article 41 of this ordinance shall be submitted to the Department and implemented.

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

1. Resorts shall be connected to both publicly owned water supply and sewer systems, if available. On- site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, MPCA and Article 11.7 and Article 37 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the Ordinary High-Water Level, elevation above the surface water features and maximum height.
3. Shore recreation facilities, including but not limited to swimming areas, docks and watercraft mooring areas must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, aquatic and shoreland vegetation, soils, depth to groundwater and bedrock or other relevant factors. Boating facilities shall be located adjacent to the deepest water available. The number of allowable continuous watercraft mooring spaces abutting public waters shall not exceed the number of allowable dwelling unit lots in the first tier. Individual docks are not allowed. Continuous docking spaces shall only be used by transient lodgers at the resort, except for the allowance of one dock for the primary service provider. Launching ramp facilities including a small dock for loading and unloading equipment may be provided for use by occupants of dwelling units/sites. Non-moored watercraft shall be stored so they are not visible from the lake.
4. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the Planning Commission/Board of Adjustment, assuming summer leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
5. Roads and cul-de-sacs must be wide enough to meet current Fire Code widths of 20 feet wide and 66 feet in diameter at the cul-de-sac, or approved by the local fire authority.

6. Accessory structures and facilities must meet the required principal structure setback and must be centralized.

F. **Water supply and sewage systems:** No sewage treatment system shall be installed or modified without approval by the Department.

34.8 MAINTENANCE AND ADMINISTRATION REQUIREMENTS

All new resort development, resort expansions and resort conversions, if applicable, shall meet all of the following maintenance and administration requirements:

A. **Open space protection:** Before final approval, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the establishment. A one-time fee for purposes of monitoring and enforcing terms and conditions of any open space governing instruments may be assessed.

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

   a) Vegetation and topographic alterations other than to prevent personal injury or property damage and for restoration efforts based on an approved shoreland vegetation buffer plan shall be prohibited;

   b) Construction of additional buildings, impervious surfaces, or storage of vehicles and other materials shall be prohibited;

   c) Uncontrolled beaching of watercraft shall be prohibited; and

   d) Dumping, storage, processing, or landfill of solid or other wastes shall be prohibited.

~~B. **Development organization and functioning:** Unless an equally effective alternative community framework is established, all shared capital resorts shall use an owner's association with the following features:~~

~~1. Membership shall be mandatory for each dwelling unit or site purchaser and any successive purchasers;~~

~~2. Each member shall pay a pro rata share of the association's expenses and unpaid assessments can become liens on units or sites;~~

~~3. Assessments shall be adjustable to accommodate changing conditions;~~

~~4. The resort shall be responsible for insurance, taxes and maintenance of all commonly owned property and facilities;~~

~~5. The resort is responsible for the enforcement of all rules, regulation, restrictions, and easements, and must notify the County of all violations immediately. Any changes to management documents must be filed with the Department;~~

~~6. The shared capital resort must file by March 1st annual reports with the Department detailing all use of the facility and all dwelling units. The report shall separately break out personal use and rental use on a dwelling unit basis. Failure to do so will result in suspension and permit revocation of all applicable permits;~~

~~7. No shared capital camp sites, dwelling sites, or camping facilities, etc. shall be allowed; and~~

~~8. Proposed shared capital resorts which exceed resort density allowances in Article 34.6 shall identify within their management documents which dwelling units are to be abated upon failure to qualify as a resort.~~

34.9 NEW RESORTS

The creation of new resorts is allowed provided they meet all of the requirements of Article 34 and the Land Use ordinance in addition to the following standards:

A. Structure setbacks and maximum height must meet the following standards:

1. Minimum structure setbacks for new structures must be at least:

Table 34.3 New Resort Minimum Structure Setbacks

Public Waters Lakes Classes	**OHWL setback (feet)**
General Development Lakes	125
Recreational Development Lakes	150
Natural Environment Lakes	200
Public Waters River Classes	**OHWL setback (feet)**
General Development Rivers	100
Natural Environment Rivers	150
Cold Water Rivers	200

2. **Height.** Maximum height of any structure cannot exceed 35 feet in height.

34.10 STRUCTURE REPLACEMENT WITHIN AN EXISTING RESORT

Resorts are allowed to maintain and replace any non-conforming structures, so long as the establishment continues to operate as a resort and provided all the following standards are met:

A. Pursuant to Minnesota Statutes, Chapter 103F.227, Subd. 3, resort owners may:

1. Maintain structures, including the replacement of aging or outdated components or systems of the structure, while not increasing the structure's footprint on the land; and
2. Replace structures damaged or lost to fire or natural disaster.
   a) This applies only when an application for a building permit is made within 180 days of the damage or loss.
   b) Structural replacement under this Article must not result in a structure that is any larger than the original structure or any closer to the shoreline of a public water.

B. Pursuant to Minnesota Statutes, Chapter 103F.227, Subd. 4, a resort owner may increase a structure footprint to minimally meet federal, state, or local dwelling standards or codes. To "minimally meet" the standards or codes means that the replacement structure does not add new architectural elements, such as more bedrooms, that did not exist in the original structure. Structural expansion under this subdivision must not result in a structure that is any larger than required to meet standards or codes or a structure or any portion that is any closer to the shoreline of a public water than prior to the expansion.

C. A sketch plan complete with proposed scope of work shall be submitted with any permit application.

D. A shoreline buffer meeting the standards in Article -11.20 C of this ordinance shall be approved by the Department and implemented.

34.11 RESORT EXPANSION

A resort may expand so long as it continues to operate as a resort, the information required in Article 34.4 and 34.5 is provided, and the following criteria are met:

A. Resorts licensed by, and in good standing with, the State of Minnesota as of August 15, 2005, will be allowed to expand up to 6 dwelling units during the life of the resort (not per owner) provided that the resort has not gone through the conditional use permit process and consists of less than 20 dwelling units.

1. There is available additional density as calculated in Article 34.8, and the impervious surface limits provided in Article 41 are not exceeded.
2. At least 60 percent of the shore impact zone shall be preserved in or restored to its natural state or, alternatively, in front of each structure for its entirety, a buffer strip consisting of native vegetation of trees, shrubs, understory and forbs extending from the shoreline landward 35 feet shall be created according to a plan approved by the local government.
3. For those resorts created after August 15, 2005, structure setbacks and maximum heights shall meet the standards in Article 34.9 A. For those resorts established prior to August 15, 2005, structure setbacks and maximum heights shall meet the standards in Articles 11.2 and 11.6.
4. On-site water supply and sewage treatment systems shall be designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, and those in Article 37. On-site sewage treatment systems shall be located on the most suitable areas of the development, and sufficient area free of limiting factors must be provided for a replacement soil treatment system for each sewage system. Alternative onsite sewage treatment processes, such as the use of aerobic treatments systems to prolong the life of drainage fields, may be allowed if they meet the standards listed in Minnesota Rules 7080.
5. Erosion control and stormwater management for resorts must meet the standards in Article 41 of this ordinance.
6. If required, a marina permit must be obtained from the DNR as under DNR Rules part 6115.0211 for the development.

B. Except as provided in Article 34.11 A, all expansions of resorts shall meet the standards in Article 34.11.

34.12 RESORT CONVERSIONS

Resorts may be converted to a residential development, ~~or shared capital resort~~ if all of the following standards are met:

A. For conversions to residential developments, proposed conversions shall be evaluated using the same procedures and standards in Article 33. All inconsistencies between existing features of the development and these standards shall be identified and there shall be no minimum lot size or width requirement for lots created to contain existing dwellings or dwelling units.

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

C. Shore and bluff impact zone deficiencies shall be corrected as part of the conversion. Where applicable, these improvements must include the following:

1. Removal of extraneous buildings, docks, boat launching areas and ramps, or other facilities located in shore or bluff impact zones;

2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water to meet shoreland vegetation buffer standards Article 36 of this ordinance; and

~~3. For conversions to shared capital resorts all pertinent requirements of Article 34 and the subdivision ordinance, if applicable, shall be met.~~

D. Existing dwelling unit or dwelling site densities that exceed standards in Article 33 of this ordinance may be allowed to continue but must not be allowed to be increased in size, area, volume, or height either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

ARTICLE 35--ROAD, STREET, HIGHWAY AND ROADSIDE STANDARDS

The standards in this Article shall apply to road, street, and highways in all land use districts.

35.1 ROAD RIGHTS-OF-WAY

The right-of-way of all public roads, streets or highways shall be used only for:

A. The purpose of providing the way for roads, streets, and highways thereon.

B. For the placement of signs thereon by the authority or government agency concerned with each right-of- way.

C. For the placement of public utilities thereon or thereunder.

35.2 RAILROAD RIGHTS-OF-WAY

The right-of-way of all railroad property shall be used for:

A. The purpose of providing for such railroad track as placed thereon together with such other railroad facilities necessary for the operation and maintenance of such tracks;

B. Such signs as railroad authority shall place thereon and used for the operation of such railroad or to preclude trespassers thereon; or

C. For the placement of public utilities thereon or thereunder.

35.3 RAILROAD CROSSINGS

All railroad crossings shall provide for a line of sight on any approach road lane of traffic which will:

A. At a point 50 feet from the center line of the closest railroad track, an open line of sight will extend at least 50 feet in either direction down the track; and

B. At a point 100 feet from the center line of the closest railroad track, an open line of sight extends at least 250 feet in either direction down the railroad track.

35.4 RAILROAD CROSSING SIGNAGE

All railroad crossings shall be marked by appropriate warning signs.

35.5 DRIVEWAY ENTRANCES

Driveway access to private property from a public road or highway shall be subject to the requirements and standards of the local road authority.

35.6 ROAD RIGHT-OF-WAY WIDTHS

The right of way width of all public roads, streets, or highways shall be pursuant to accepted industry standards which establish the right of way widths for roads or highways at not less than 66 feet and for streets at not less than 60 feet. Such widths shall be considered minimum requirements and shall not preclude greater widths that are required due to topography, drainage, or other related engineering concerns in satisfying industry standards and good engineering practice.

35.7 SHORELAND DISTRICT ROAD STANDARDS

A. Private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters. They must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.

B. Roads, driveways, and parking areas must meet public water structure setbacks and must not be placed within bluff and shore impact zones.

C. Water-oriented parking areas and approach roads must not be placed within bluff and shore impact zones when other reasonable and prudent placement alternatives exist. Water-oriented accessory structures, related parking areas, ramp approach roads and access paths shall not be placed within a bluff but may be placed in shore impact zones 1 and 2 but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.

D. Trails providing access to or vistas of the water may be placed within the bluff and shore impact zone but must be designed and constructed to control runoff and erosion to public waters consistent with best management practices.

ARTICLE 36--SCREENING AND FENCING STANDARDS

The standards in this Article shall apply to screening and fencing in all land use districts.

36.1 POLICY

It shall be the policy of the County to require the use of screening and fencing practices to aid in the visual and audio separation of commercial land use districts or commercial uses from residential.

36.2 SCREENING PERFORMANCE STANDARDS

A. **Residential Areas:** Commercial and industrial uses shall be screened from residential areas and shall screen the business activity on a commercial property from adjacent residential areas. Screening shall be provided where a business or industry is across the street from a residential use, but not on any side of a business or industry considered to be the frontage as determined by the Environmental Services Manager, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance. Screening shall be equally effective in the winter and summer and may be accomplished by the use of one or more of the following:

1. The placement of the building on the lot or the placement of a building on an adjacent lot.
2. The use of berms and landscaping.
3. Planting of vegetative screens.
4. Construction of walls or fences.

B. Screening Design Standards:

1. Vegetative screens shall consist of healthy, hardy plant materials that provides effective visual screening year round.
2. A minimum of a 6-foot wall or fence may be utilized as an alternative to vegetative screening.
3. Screening and fences shall be maintained and repaired.

C. Screening between adjacent commercial uses. No screening is required between adjacent commercial uses, unless specifically required as part of a conditional use permit or as otherwise required by this ordinance.

36.3 FENCES

Partition fences in all land use districts shall not require a permit but shall meet the following standards:

A. Construction and maintenance of partition fences shall comply with the requirements of Minnesota Statutes, Chapter 344.01-344.20

B. Fences shall not exceed 4.5 (four and one-half) feet in height in shore impact zones 1 and 2. Where a fence is constructed on a commercially zoned land use district within the shore impact zone for the

purposes of meeting the screening requirements in Article 36.1, the maximum height of the fence shall still be a maximum of 4.5 (four and one-half) feet in height.

C. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway

ARTICLE 37—SUBSURFACE SEWAGE TREATMENT SYSTEMS-TECHNICAL STANDARDS AND CRITERIA

37.1 PURPOSE AND AUTHORITY

The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and the County Comprehensive Plan and the County Land Use Ordinance.

37.2 INTENT

It is intended by the County that this Ordinance will promote the following:

A. The protection of lakes, rivers and streams, wetlands, and groundwater in Crow Wing County essential to the promotion of public health, safety, welfare, socioeconomic growth, and development of the County.

B. The regulation of proper SSTS construction, reconstruction, repair, and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.

C. The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.

D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

37.3 JURISDICTION

The jurisdiction of this Ordinance shall include all lands of the County except for incorporated areas that administer a Subsurface Sewage Treatment System (SSTS) program by Ordinance within their incorporated jurisdiction, which is at least as strict as this Ordinance.

37.4 EFFECTIVE DATE

The provisions set forth in this Ordinance shall become effective on February 26, 2014.

37.5 SCOPE

This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the County's applicable jurisdiction including but not necessarily limited to individual SSTS and cluster or community SSTS. All sewage generated in unsewered areas of the County shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

37.6 COUNTY ADMINISTRATION

A. The Crow Wing County Land Services Department shall administer the SSTS program and all provisions of this ordinance.

B. The County's duties and responsibilities include, but are not limited to, the following:

1. Review all applications for SSTS;
2. Issue all permits required in this Article;
3. Inspect all work regulated in this Article;
4. Investigate all complaints regarding SSTS;
5. Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable;
6. Enact enforcement provisions of this Article as necessary;
7. Refer unresolved violations of this Article to the County Attorney;
8. Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents;
9. The County shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program; and
10. Submit annual reports to MPCA as required.

37.7 STATE ADMINISTRATION

The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part 7081.0110. The highest calculated value of the various methods in Table I under part 7081.0130, subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

37.8 CITIES AND TOWNSHIPS ADMINISTRATION

Any jurisdiction within the County that regulates SSTS must comply with the standards and requirements of this Ordinance. The standards and ordinance of the jurisdiction may be administratively and technically more

restrictive than this Ordinance.

37.9 LIABILITY

The County's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the County or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

37.10 ALL SSTS

Except as explicitly set forth in Article 37.12, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

37.11 EXISTING PERMITS

Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

37.12 SSTS ON LOTS CREATED AFTER JANUARY 23, 1996

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200 to 7080.2230 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable

37.13 UPGRADE, REPAIR, REPLACEMENT AND ABANDONMENT

A. SSTS Capacity Expansions

Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.

B. Addition to a Structure

1. Bedrooms: Any addition to a structure that includes bedroom(s) that requires a land use permit from the County and causes a net increase in total number of bedrooms in the structure shall require that the soil absorption area and sewage tanks be upgraded to accommodate for the additional bedroom(s) within two years of the land use permit for the addition. In such cases, the soil absorption area and sewage tanks shall meet the minimum size prescribed for the proposed total number of bedrooms in the applicable rule adopted in Article 37.18 in addition to the requirements in Article 37.19 A 4 & 5. Dwelling classification I sizing shall be used for all upgrades.
2. Commercial Establishments –If the design flow is increased because of a permitted addition to a commercial establishment, the soil absorption area and sewage tanks shall be upgraded to accommodate for the additional flow within three years of the land use permit for the addition. In such cases, the soil absorption area and sewage tanks shall meet the minimum size prescribed for the proposed total design flow of the establishment in the applicable rule adopted in Article 37.18 in addition to the requirements in Article 37.19 A 4 & 5.

C. Failure to Protect Groundwater

An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule7080.1500, Subp.4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Classification I sizing requirements according to Minnesota Rule7080.1860.

D. Imminent Threat to Public Health or Safety

An SSTS posing an imminent threat to public health or safety in accordance with Minnesota Rule 7080.1500, Subp. 4(A) shall be pumped within 24 hours and managed as a holding tank and said SSTS shall be upgraded, repaired, replaced, or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.

E. Abandonment

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

F. Any upgrades of SSTS that are not noncompliant shall meet Classification 1 sizing.

37.14 SSTS IN FLOODPLAINS

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

37.15 CLASS V INJECTION WELLS

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

37.16 SSTS PRACTITIONER LICENSING

A. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, operation or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.

B. An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling or seasonal dwelling for that individual pursuant to Minnesota Rule7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required. It shall be required that a portion of the soil treatment area be uncovered and that any sewage tank be uncovered for inspection.

37.17 PROHIBITIONS

A. Occupancy or Use of a Building without a Compliant SSTS

It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance unless a land use permit and SSTS design have been approved by the Department to replace the noncompliant SSTS.

B. Sewage Discharge to Ground Surface or Surface Water

It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.

C. Sewage Discharge to a Well or Boring

It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.

D. Discharge of Hazardous or Deleterious Materials

It is unlawful for any person to discharge into any SSTS regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the SSTS or groundwater quality.

37.18 ALTERNATIVE LOCAL STANDARDS ADOPTED BY REFERENCE

A. Adoption of Rule by Reference

1. The County hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Article 37.18(B), except as otherwise expressly modified by this Ordinance.
2. When "2006 version of Minnesota Rules Chapter 7080" is utilized, the reference is to the rules effective April 3, 2006, otherwise the County is referencing the current rules in effect.
3. All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.

B. Alternative Local Standards for New and Existing SSTS

1. The County hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K). SSTS that exceed 2,500 gallons of water per day are not eligible for alternative local standards.

C. Soil Observation Requirements

1. All soil observations must be performed in an open pit or by hand augering or probing. The use of flight augers is not allowed.

a) For SSTS being designed and installed using the alternative local standards adopted in this section, 7080.0170 subpart 2, C, 1 b Tables V or Va (2006 version of Minnesota Rules Chapter 7080) shall be used for sizing of soil treatment and dispersal areas.
b) For SSTS being designed and installed without the alternative local standards adopted in this section, 7080.2150 subpart 3, item E, Tables IX or IXa shall be used for sizing of soil treatment and dispersal areas.

37.19 DIFFERENCES IN STANDARDS

A. List of Different Adopted Standards

1. A current Certificate of Compliance or Certificate of Installation that has not expired according to Article 37.26 C of this ordinance is required as follows:
   a) In all land use districts:
      1) For all public hearing applications, not including Land Use Map Amendments;
      2) For all property transfers;
      3) For administrative subdivisions – one certificate for all systems involved in the subdivision
      4) For living space additions to a dwelling; (Bedroom Addition/conversion/net increase)
      5) For accessory structures which contain sewage-generating fixtures; and
      6) For the construction or placement of a dwelling unit for periods of longer than 14 cumulative days.
   b) In the shoreland district:
      1) For any permit application
2. At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.
3. Classification I sizing is required on all new dwelling construction. New dwelling construction will be defined as placement of a new dwelling structure or replacement dwelling structure that is served by pressurized water.
4. Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized septic tank, multiple septic tanks in series, or a single existing 1,500-gallon septic tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the septic tank is not allowed. The first septic tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTS. All other septic tank sizing shall follow Minnesota Rule 7080.1930 with 1,500-gallon septic tank sizing replacing 1,000-gallon septic tank sizing for 3 bedrooms or less according to Table V.
5. Pump tank sizing shall follow Minnesota Rule 7080.2100.
6. Soil pits shall be required to verify soils prior to the issuance of a certificate of installation. The soil pit shall be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are

verified. Soils may be verified by a licensed and certified inspector. The inspector may not share the same license as the person who designed or installed the system. The soil profile must be submitted to the county inspector or its designee on the county approved form at or before the time of the installation inspection. If the soil profile is not provided by the installation inspection, county staff will verify the soils via a soils pit during the installation inspection.

7. All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

37.20 COMPLIANCE CRITERIA FOR EXISTING SSTS

For an SSTS built before April 1, 1996, and outside of areas designated as "SWF" – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

37.21 HOLDING TANKS

Holding tanks may be allowed for the following applications: as replacements for existing noncompliant SSTS and SSTS that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTS or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

37.22 VARIANCE REQUESTS

A property owner may request a variance from the standards as specified in this ordinance pursuant to Article 8 of this Ordinance.

37.23 STATE AGENCY VARIANCE REQUESTS

Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to the requirements of the State Agency. No permits will be issued by the County until all required State Agency variances have been approved.

37.24 PERMIT REQUIREMENTS

A. Activities Not Requiring a Land Use Permit
   1. A land use permit is not required for rejuvenation or remediation of a system, minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.

B. Activities Requiring a Land Use Permit

1. A land use permit shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify, or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.

C. Permit Requirements
   1. Land Use Permit applications shall be made on forms provided by the Department and signed by the applicant or applicant's agent, and must include the following information and documentation:
      a. Applicant name, mailing address, telephone number, and email address.
      b. Property Identification Number, property address and legal description of property location.
      c. Site Evaluation Report, as defined by Article 37.18, and shall be made on form provided by the Department.
      d. Design Report, as defined by 37.18, and shall be made on form provided by the Department.
      e. A management plan, as defined by Minnesota Rule 7082.0600.
      f. All site evaluation and design reports and management plans shall be based on work completed within a five (5) year period of when the design is approved unless the use or site conditions have changed. If more than five (5) years has passed, a new site evaluation report, design report and management plan shall be submitted and consistent with local and state regulations in effect at the time of submittal.

D. Application Review and Response
   1. The Department shall review a permit application and supporting documents according to Article 3 of this Ordinance.

E. Appeal
   1. The applicant may appeal any decision of the Department in accordance with Article 8.7 of this Ordinance.

F. Permit Expiration
   1. A Land Use Permit for a new SSTS is valid for a period of no more than two years from its date of issue. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A Land Use Permit for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.

G. Transferability
   1. A Land Use Permit may be transferred to a new owner provided there are no proposed changes to the SSTS design.

H. Suspension or Revocation

1. The Department may suspend or revoke a Land Use Permit issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.

I. SSTS Assessment Requirements
   1. For those SSTS without a management plan according to the provisions of this Article, the following provisions apply:
      a. The owner of an ISTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
      b. All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

37.25 OPERATING PERMIT

A. An Operating Permit shall be required for the following SSTS:
   1. SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
   2. SSTS serving three or more connections;
   3. Type 4 and Type 5 SSTS;
   4. SSTS that exceed a daily flow of 2,500 gallons per day; or

B. Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.

C. A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit. Regardless of this section, a certificate of compliance is required for the addition of any permitted bedrooms.

D. Prior to approving a permit application for new holding tanks, the Department shall be provided a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents

an illegal discharge in accordance with Minnesota Rule 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, subd. 2(b)(3).

E. Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.

F. An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Article 37.13(E).

G. Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Article 37.25. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a compliance inspection of the treatment system certified by a licensed inspector or qualified employee.

H. A report shall be prepared and certified by a licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.

I. The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.

J. If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.

K. At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

37.26 COMPLIANCE INSPECTION PROGRAM

A. Department Responsibility

B. It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTS or upgrades of SSTS to assure that the requirements of this Ordinance are met.

1. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.

2. The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system. As used in this paragraph, "property" does not include a residence or private building.

3. No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.

4. A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers and permit applications by the Department generally between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the

Department by June 1. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.

C. New Construction or Replacement

1. New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
2. It is the responsibility of the SSTS owner or the owner's agent to contact the department to schedule an inspection at least 24 hours prior to the installation inspection. It shall be required that a portion of the soil treatment area be uncovered and that any sewage tank be uncovered for inspection.
3. If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
4. A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 15 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
5. The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
6. No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
7. Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.

D. Existing Systems

1. Compliance inspections shall be required when any of the following conditions occur:
   a. In all land use districts:
      (1) For all public hearing applications, not including Land Use Map Amendments;
      (2) For all property transfers;
      (3) For administrative subdivisions – one certificate for all systems involved in the subdivision.
      (4) For living space additions to a dwelling; (Bedroom Addition/conversion/net increase)
      (5) For accessory structures which contain sewage-generating fixtures; and
      (6) For the construction or placement of a dwelling unit for periods of longer than 14 cumulative days.

b. In shoreland district:

(1) For any permit application

c. Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.

d. Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.

e. At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.

2. The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.

3. The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.

4. Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.

E. Transfer of Property

1. Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:

a. A current Certificate of Compliance or current Certificate of Installation or,

b. A winter agreement, as provided by Article 37.26 B.

F. Commercial SSTS

1. Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.

2. Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall not require a certificate of compliance.

3. An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.

G. Vertical Separation Reduction

1. Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Article 37.20.

37.27 ENFORCEMENT

Enforcement of this Article shall follow the standards in Article 3 of this Ordinance.

37.28 STATE NOTIFICATION OF VIOLATION

The Department shall notify the MPCA of any inspection, installation, design, construction, alteration, or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

37.29 RECORD KEEPING

The County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, as-builts, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the County sorted by licensed installation businesses, and other records the County deems relevant to a particular system.

37.30 ANNUAL REPORT

The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

37.31 FEES

From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

37.32 DISPUTE RESOLUTION

Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonally saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

ARTICLE 38--SHOOTING RANGE STANDARDS

The standards in this Article shall apply to shooting range uses in all land use districts where such uses are allowed.

38.1 PERFORMANCE STANDARDS

Shooting ranges shall meet the noise and performance standards in Minnesota Statutes 87A.

38.2 NONCONFORMING SHOOTING RANGES

Shooting ranges that do not meet the performance standards in Minnesota Statutes 87A shall be considered nonconforming shooting ranges. Nonconforming shooting ranges shall be allowed to continue and conduct

shooting activities within the range's lawful property boundary as of May 28, 2005, provided that the shooting range remains in compliance with the noise and shooting range performance standards in Minnesota Statutes 87A.

38.3 AUTHORIZED ACTIVITIES

Shooting ranges that meet the performance standards in Minnesota Statutes 87A shall be allowed to engage in the following authorized activities within the property boundaries of the range:

A. **Discharge of firearms.** Operate the range and conduct activities involving the discharge of firearms.

B. **Membership.** Expand or increase its membership or opportunities for public participation related to the primary activity as a shooting range.

C. **Meet standards.** Make those repairs or improvements desirable to meet or exceed requirements of shooting range performance standards.

D. **Activities.** Increase events and activities related to the primary activity as a shooting range.

E. **Time of operations.** Conduct shooting activities and discharge firearms daily between 7:00 a.m. and 10:00 p.m.

F. **Purchase additional land.** Acquire additional lands to be used for buffer zones or noise mitigation efforts or to otherwise comply with this chapter.

38.4 MITIGATION AREA

A mitigation area is established for a distance of 750 feet from the perimeter property line of an outdoor shooting range. Within the mitigation area, the following provisions apply:

A. **Development prohibited.** No change in use, new development, or construction of a structure shall be approved for any portion of property within the mitigation area.

B. **Exemption for existing development.** Uses, development and structures in existence or for which approval has been granted by October 1, 2005 are exempt from the mitigation area requirements.

C. **Exemption if mitigation provided.** A change in use, new development, or construction of a structure may occur within the mitigation area if the person seeking the approval agrees to provide any mitigation necessary to keep the shooting range in compliance with the performance standards. The mitigation agreement shall be signed by the person seeking approval and the shooting range. If no mitigation is required to keep the shooting range in compliance with the performance standards, an agreement shall be signed by the person seeking approval and the shooting range stating that mitigation is not required. Agreements required under this section shall be in written form and subject to approval by the Crow Wing County Board. Failure to obtain an agreement required under this section shall exempt the shooting range from being found out of compliance with the performance standards in relation to the property or person where the agreement was not obtained if the failure to provide mitigation is the sole reason for the shooting range being out of compliance with the performance standards.

ARTICLE 39--WETLAND PROTECTION STANDARDS

39.1 POLICY

Crow Wing County hereby serves as the local government unit for the implementation of the Minnesota Wetland Conservation Act (WCA) and adopts the most current versions of Minnesota Statutes, Chapter 103G, and Minnesota Rules, Chapter 8420 by reference. Except as noted in this Article, the provisions of Minnesota Statutes, Chapter 103G, and Minnesota Rules, Chapter 8420, as they may be amended, will govern the manner in which Crow Wing County processes applications submitted in accordance with the Wetland Conservation Act. This Article supersedes and replaces any prior ordinance or resolution governing the County's implementation of the Wetland Conservation Act and its corresponding rules.

39.2 APPLICABILITY AND PERMITS

A. The standards in this section shall apply to all activities that impact wetlands by draining or filling in the unincorporated areas of Crow Wing County and in incorporated areas by written agreement. The Minnesota Wetland Conservation Act requires that persons proposing to impact wetlands by draining or filling have demonstrated that the activity impacting a wetland has complied with all of the following principles in descending order or priority:

1. Avoid direct or indirect impacts to the wetland that may destroy or diminish the wetland;
2. Minimize the impact to the wetland by limiting the degree or magnitude of the wetland activity and its implementation;
3. Rectify the impact by repairing, rehabilitating, or restoring the affected wetland;
4. Reduces or eliminates the impact to the wetland over time by preservation and maintenance operations; and
5. Replaces unavoidable impacts to the wetland by restoring or, if wetland restoration opportunities are not reasonably available, creating substitute wetland areas having equal or greater public value.
6. Pursuant to Minnesota Rules Chapter 8420.0420, Exemption Standards are exempt from this section of the ordinance.

B. Crow Wing County, in fulfillment of its responsibilities as the local government unit, shall make exemption, no-loss, replacement plan, and banking determinations and decisions, as well as making other determinations specified by the Wetland Conservation Act and the Wetland Conservation Act Rules.

1. Pursuant to Minnesota Rule 8420.0200, subpart 2C, the County's Environmental Services Manager responsible for Environmental Services and Programs is delegated the authority to make decisions on the following matters:
   a) Exemption and no-loss determinations;
   b) Sequencing and replacement plan decisions; and
   c) Decisions involving the approval of wetland bank plans, the certification of wetland bank deposits, and the monitoring and enforcement of banked wetlands.
2. All wetland exemption activities as scoped in Minnesota Rules 8420.0420 shall require a written notice of decision from Crow Wing County prior to the beginning of the proposed project.

C. In addition to the requirements of the Minnesota Wetland Conservation Act, activities that impact wetlands under the jurisdiction of this Article may also require permits under Article 11 of this Ordinance

39.3 APPEALS

a) All decisions by the county to approve, approve with conditions or deny a wetland conservation act application are final if not appealed to the Board of Water and Soil Resources within 30 days after the date on which the decision is sent to those required to receive notice of the decision pursuant to Minnesota Rules Chapter 8420.0905 Subpart 3.

ARTICLE 40—SIGNS

The standards in this Article shall apply to signs in all land use districts where signs are allowed.

40.1 PURPOSE AND INTENT

A. **Purpose**. The purpose of this section is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs in areas under the jurisdiction of this ordinance in order to:

1. Balance the right of individuals to identify their businesses and convey messages with the community rights against unregulated billboard or sign construction or placement;
2. Further the objectives of the comprehensive plan;
3. Protect the public health, safety and welfare;
4. Reduce traffic hazards;
5. Facilitate the creation of an aesthetically pleasing and harmonious community and preserve the characteristics of the commercial, rural and residential character of the community;
6. Protect property values; and
7. Promote economic development.

40.2 PROHIBITED SIGNS

After the adoption of this ordinance:

A. **Traffic safety**. No sign shall be erected or maintained which purports to be or resembles an official traffic control device, sign or signal, or railroad sign or signal, or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign or signal, or railroad sign or signal, or which obstructs or interferes with the drivers' view of approaching, merging or intersecting traffic on a public or private road for a distance of at least 500 feet, not including private residential name plate signs;

B. **Prohibited words**. No sign shall be erected or maintained which prominently displays the word "stop" or "danger".

C. **Signs in right-of-way restricted**. No sign shall be erected or maintained on any right-of-way, except as otherwise provided by law or allowed by the Commissioner of the Department of Transportation,

Commissioner of the Department of Natural Resources, as outlined in Minnesota Statutes, County Highway Department or local Township Board.

D. **Property owner consent required**. No sign shall be erected or maintained on private land without the consent of the owner or person with legal authority thereof.

E. **Flashing or moving lights prohibited**. No sign shall be erected or maintained which has distracting flashing or moving lights that create a traffic hazard.

F. **Maintenance and safety required**. No sign shall be erected or maintained that is structurally unsafe, in disrepair, or is abandoned.

40.3 RURAL RESIDENTIAL AND AGRICULTURE FORESTRY DISTRICTS

A. **Sign standards**. The following standards shall apply within these districts:

1. The following signs shall be prohibited:
   a) Off-premises Sign
   b) Illuminated Sign
   c) V-Sign
   d) Changing Message Sign
   e) Inflatable Sign
2. The following on-premises signs will be allowed without a permit, but shall meet the requirements of Article 40.6:
   a) Government Sign
   b) Real Estate Sign
   c) Incidental Sign
   d) Rummage or Garage Sale Sign
   e) Political Sign
   f) Home Occupation Sign
3. The following on-premises signs shall require a permit within residential land use districts and meet the requirements of Article 40.6:
   a) Area Identification Sign
   b) Business Identification Sign

40.4 SHORELAND DISTRICT

A. **Sign standards**. The following standards shall apply within these districts:

1. The following signs shall be prohibited:
   a) Off-premises Sign
   b) Illuminated Sign
   c) V-Sign

d) Changing Message Sign

e) Inflatable Sign

2. The following on-premises signs shall be allowed without the need for permit, but shall meet the requirements of Article 40.6:

a) Government Sign

b) Real Estate Sign

c) Incidental Sign

d) Rummage or Garage Sale Sign

e) Political Sign

f) Window Sign

g) Home Occupation Sign

h) Nameplate Sign

i) Construction Sign

j) Area Identification Sign

3. The following on-premises signs shall require a permit:

a) Business Identification Sign

40.5 COMMERCIAL/INDUSTRIAL

A. For the purpose of this section the following land use districts shall be defined as commercial/industrial districts:

1. Waterfront Commercial
2. Commercial
3. Commercial -Industrial

B. The following standards shall apply within these districts:

1. The following signs shall be prohibited within commercial/industrial land use districts:

a) None

2. The following signs will be allowed without a permit within commercial/industrial land use districts, but shall meet the requirements of Article 40.6:

a) Government Sign

b) Real Estate Sign

c) Incidental Sign

d) Rummage or Garage Sale Sign

e) Home Occupation Sign

f) Political Sign

g) Nameplate Sign

h) Window Sign

i) Inflatable Signs

3. **Construction permit required**. The following signs shall require a permit within commercial/industrial land use districts, subject to the requirements of Article 40.6:

a) Area Identification Sign

b) Illuminated Sign

c) Construction Sign

d) Business Identification Sign

e) Wall Sign

f) Changing Message Sign

40.6 ON-SITE SIGN GENERAL PROVISIONS

A. **Setbacks.** The following setbacks shall be required:

1. **Side lot**. No sign shall be placed closer than 15 feet from side lot lines in all districts.
2. **Public waters setbacks**. All signs shall meet structure setbacks from the Ordinary High-water Level of public waters.
3. **Right of way setbacks**. No sign shall be placed within road right-of-way or easement. In areas designated by an approved comprehensive plan as having future frontage roads, setbacks shall be a minimum of 50 feet from existing road right-of-way.
4. **Wetlands protected**. No sign shall be placed within a Type 3, 4 and 5 wetland.
5. **Residential uses protected**. A Changing Message or Illuminated Sign shall not be located closer than 100 feet from any private single family residence.

B. **Size.** Signs shall meet the following size limitations.

1. **Size to frontage ratio**. On a parcel where the primary use is commercial or industrial, the cumulative total of all exterior signage on the property shall not exceed the lesser of one square foot per lineal foot of frontage along the public roadway or 1,000 square feet per frontage including off-premises sign areas.
2. **Free-standing sign size limit on commercial or industrial properties**. No single free standing sign on a parcel where the primary use is commercial or industrial shall exceed 200 square feet in area per face.
3. **Residential sign size limit**. On residentially zoned property, the total of all sign area shall not exceed 16 square feet per lot.
4. **Identification signs**. The size for area identification signs shall not exceed 32 square feet.
5. **Wall sign**s. A wall sign shall not exceed 25 percent of the square footage of the wall of the building facing the public roadway on commercially zoned property.

C. **Height Standards.** Signs shall not exceed the following height limits:

1. **Height above existing grade**. No sign within Rural Residential and Shoreland Districts shall exceed 10 feet in height above the existing grade.
2. **Commercial height above existing grade**. No free standing on-site advertising sign in commercial/industrial land use districts shall exceed 25 feet above the existing grade.
3. **Height above structure**. No sign attached to structures in commercial/industrial land use districts shall project more 25 feet above the finished grade or 10 feet above the height of the structure to which it is than attached, whichever is less.

D. **Number of Signs.** The number of signs on any lot shall be limited as described below.

1. **Commercial zones**. A commercially zoned parcel of land shall not be allowed more than two free standing signs advertising the business or operation on that parcel, not including legally existing off-premises signs.
2. **Residential zones**. No more than two residential identification signs shall be allowed per residential lot.
3. **Identification signs per entrance**. The number of area identification signs shall not exceed one per entrance.
4. **Non-conforming signs**. All signs not meeting the provisions of this ordinance amendment shall be considered non-conforming signs and shall be subject to the provision of Article 5 of this ordinance.
5. **Political Signs.** The placement and maintenance of political signs used during a campaign shall be regulated by the provisions in Minnesota State Statutes.
6. **Window Signs**. The placement of window signs within a structure or building shall be permitted in all land use districts without a permit.
7. **Signs for watercraft**. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
   a) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
   b) Other informational or public service signs within public or government zones shall be allowed within the shore impact zone provided the primary use is not commercial in nature and no sign shall not exceed 32 square feet in area; and
   c) Signs in commercial or waterfront commercial zones may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
8. **Inflatable Signs**. Inflatable signs shall be allowed on commercially zoned property for a period not to exceed 72 continuous hours. No inflatable sign shall be allowed for more than one 72-hour period in any 30 day period. The use of inflatable signs not attached to structures, or the ground shall meet all Federal Aviation Administration regulations pertaining to height and flight patterns.

E. **Calculation of Area.** The area of a sign shall be calculated as the area within the outside framing of the sign. If the sign does not have an outside framing, the dimensions for calculating square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof, unless exact dimensions can be provided by the applicant. The area of a sign with more than one visible sign face will be calculated as the sum of the area of each sign face divided by two (2).

40.7 OFF-PREMISES SIGN GENERAL PROVISIONS

Policy: On July 25, 1995, the Crow Wing County Board placed a limit on the number of off-premises advertising signs that would be allowed along local and state highways. That number shall not exceed the number of such devices that existed, were approved by the zoning authority, or were pending review at 2:00 p.m. on July 25, 1995. Only in the event that an existing off-premises advertising sign is removed within the county, shall another off-site advertising sign be allowed to replace it or be erected. For the purposes of this ordinance, off-premise signs that are removed must be located where the County has jurisdiction over regulation of off-premise signs. This means that signs cannot be removed from cities or townships that have ordinances regulating off-premise signs separate from the County. The Department shall maintain a current record of all legally existing off-premises advertising signs located within the county.

A. **District Locations.** An off-premises sign shall be located only in districts listed in Article 10.3.

B. **Size Limitations.** No off-premises sign shall exceed 350 square feet per direction of visibility. No stacked signs shall be allowed. Off-premise signs may consist of one sign face, or a V sign as defined by this ordinance.

C. **Changing Messages.** Nothing in this amendment shall be construed to limit the ability of off-premises sign owners/leasers to change the sign messages or alter the facing of an off-premises sign. This provision shall also apply to all legally existing non-conforming signs.

D. **Separation Requirements.** Separation From Off-premises and On-site Advertising Signs/Road Setbacks

1. No off-premises sign or billboard shall be located closer than 600 feet to any other off-premises sign or billboard;
2. All off-premises signs or billboards shall meet setbacks from the Ordinary High-Water Level of public waters;
3. No off-premises sign shall be placed within road right-of-way or easement. In areas designated by an approved comprehensive plan as having future frontage roads, setbacks shall be a minimum of 50 feet from existing road right-of-way;
4. No off-premises sign shall be erected or constructed within 300 feet of an intersection of two public roadways;
5. No off-premises sign shall be placed within a Type 3, 4 and 5 wetland;
6. No off-premises sign shall be located closer than 500 feet from park/playground, school building or church building or private residence on adjoining parcels of property.

E. **Height Restrictions**. No billboard shall be constructed so as to exceed 35 feet in height from existing road grade, not including temporary sign extensions.

F. **Digital/LED Sign Restrictions**. Digital/LED faced off-premise signs are prohibited on all County and Township roads.

ARTICLE 41--STORMWATER MANAGEMENT

41.1 PURPOSE AND INTENT

A. The purpose of this part is to protect surface waters and private property from damage resulting from storm water runoff and erosion, ensure the annual storm water runoff rates and volumes from post-development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions, ensure site development minimizes the generation of storm water and maximizes storm water treatment and infiltration, and protect water quality from nutrients, pathogens, toxins, debris, and thermal stress.

B. The Department shall evaluate the storm water management needs of each lot in doing all reviews, approvals, and permit issuances.

C. Treated storm water runoff shall use existing natural drainage ways and vegetated soil surfaces to convey, store, further filter, and retain storm water runoff before discharge to public waters. Preference shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

41.2 IMPERVIOUS SURFACE STANDARDS

A. Shoreland District--Shoreland Protection Zone. Impervious surface coverage shall not exceed the limits as set forth in Table 41.1:

1. On lots with total impervious surface coverage that does not exceed 15%, a stormwater management plan shall not be required for permit approval except as required under Article 41.3, and the following:
   a) The Department shall consider proper stormwater management and recommend to applicant's best management practices as set forth in the Minnesota Stormwater Manual.
2. On lots with total impervious surface coverage that exceeds 15% but does not exceed 20%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the provisions of Article 41.3, and the following:
   a) Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
   b) The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.
   c) The Environmental Services Manager shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Environmental Services Manager that an engineered stormwater plan is necessary shall be made in writing on a form approved by the County Board for this purpose. The form shall specifically set forth the facts

upon which the determination was made, and a copy of said form, signed by the Environmental Services Manager, shall be forwarded to the County Administrator.

3. On lots with total impervious surface coverage that exceeds 20% a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented, subject to the provisions of Article 41.3, and the following:
   a) A no maintenance shoreline buffer shall be created on riparian lots pursuant to Article 11.20 C of this ordinance.
   b) A permitted path not exceeding 15 feet and a new shoreline recreation use area shall be allowed pursuant to Article 11.20 of this ordinance.
   c) Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.
   d) The Department shall conduct an on-site inspection of stormwater management systems to ensure compliance with the approved stormwater management plan.
   e) The Environmental Services Manager shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Environmental Services Manager that an engineered stormwater plan is necessary shall be made in writing on a form approved by the County Board for this purpose. The form shall specifically set forth the facts upon which the determination was made, and a copy of said form, signed by the Environmental Services Manager, shall be forwarded to the County Administrator.
4. Maximum impervious surface coverage in the Shoreland Protection Zone shall not exceed the following:

Table 41.1 Shoreland Protection Zone Impervious Surface Limits (see "Shoreland Protection Zone" as defined in Article 46)

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with no stormwater plan required as per Article 41.2 A 1	15%	Total lot area above the OHW
Residential lots with stormwater plan as per Article 41.2 A 2	20%	Total lot area above the OHW
Residential lots with stormwater plan & shoreline buffer as per Article 41.2 A 3	25%	Total lot area above the OHW
New Conservation Developments with stormwater plans as per Article 33*	30%	Entire SPZ
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	60%	Average Dwelling unit lot
Resorts with stormwater plans as per Article 34.7	25%	Total project area and any tier above the OHW

Commercial with stormwater plans as per Article 16.3	30%	Total lot area above the OHW

*Provided that a minimum of 50% of the total project area is common open space.

B. **Shoreland District--Shoreland Buffer Zone**. Impervious surface coverage shall not exceed the limits in table 41.2.

1. The Department shall consider proper stormwater management for all permits in the shoreland buffer zone and recommend to applicant's best management practices as set forth in the Minnesota Stormwater Manual.

Table 41.2 Shoreland Buffer Zone Impervious Surface Limits (see "Shoreland Buffer Zone" as defined in Article 46)

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots with BMP's per Article 41.2 B	25%	Total lot area
New Conservation Developments with stormwater plans as per Article 41.3*	30%	Entire SBZ
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	60%	Average Dwelling unit lot
Resort with stormwater plans as per to Article 34.7	30%	Total project area and any tier
Commercial with stormwater plans as per Article 16.3	35%	Total lot area

*Provided that a minimum of 50% of the total project area is common open space.

C. **Non-Shoreland Districts**. Impervious surface coverage outside the Shoreland District shall not exceed the limits in table 41.3:

Table 41.3 Non-Shoreland Impervious Surface Limits

Development or Use	Maximum Impervious Surface	Applicable Area
Residential lots	25%	Total lot area
New Conservation Developments with stormwater plans as per Article 41.3*	40%	Entire portion of project area not in shoreland
Existing Planned Unit Developments with stormwater plans as per Article 41.3*	75%	Average dwelling unit lot
Resort with stormwater plans as per Article 34.7	40%	Total project area and any tier
Commercial with stormwater plans as per Article 16.3	60%	Total lot area

*Provided that a minimum of 50% of the total project area is common open space.

41.3 GENERAL STANDARDS

A. All Stormwater plans shall be designed for permanent on-site treatment of one inch of stormwater runoff on all impervious surface coverage on the lot. This means that a volume of water equal to one inch multiplied by the area of impervious surface must be treated. Preference should be given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, soil amendments, bioretention, and other approved volume reduction techniques. The plan shall be approved by the Department and effectively implemented.

B. For approved permits that create over 10,000 square feet of new impervious surface on a lot in the Shoreland District and for all plats, the Department shall require the applicant to submit a plan for permanent on-site treatment of one inch of stormwater runoff designed by a Minnesota-licensed professional engineer.

C. All stormwater management systems shall be capable of safely passing a 100 year-24-hour storm event, including grassed swales, grit chambers, vegetated filter strips, bioretention areas, off-line retention areas, and natural depressions for infiltration, is required before the runoff leaves the project site or enters surface waters. Constructed storm water outfalls to public waters and non-incidental wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge into said waterbody or basin.

D. All management technologies must be consistent with the most current version of the Minnesota Stormwater Manual, which is incorporated herein by reference.

E. Performance security as specified in Article 3.6 may be required to assure implementation of stormwater plan recommendations or designs. For engineered designs, certification that installation meets the design standards must be received from the design engineer before the performance security will be released.

F. A minimum 12-foot wide driveway from the nearest road right-of-way to the principal structure must be included in the impervious surface coverage calculation. The Department shall use actual on-site driveway dimensions if such data is provided by the applicant.

G. The Department may give credit for up to 100% of the area covered by a permeable surfacing system as pervious surface if it is designed and inspected by a Minnesota-licensed professional engineer and is certified annually to the Department that it is functioning as a pervious surface. Best management practices shall be followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual, subject to the following standards:

   1. No credit may be given for a permeable pavement system in a shore impact zone 1 or a bluff impact zone, except as otherwise allowed for watercraft access ramps;
   2. The base of the installed permeable pavement system must have a minimum of three feet separation from the seasonally saturated soils or from the bedrock; and
   3. The design of a permeable pavement system must allow the infiltration of one inch of stormwater on the pavement surface.
   4. Permeable surfacing systems for projects 400 square feet in size or smaller shall not require an engineered design provided that the manufacturer's specifications, industry standards, the Minnesota stormwater Manual and all other aspects of this ordinance are followed.

41.4 MANAGEMENT OF STORMWATER FACILITIES

A. All storm water management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. All storm water management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management facilities for inspection and maintenance purposes. The Board may require a developer to enter into a contract providing for access to perform maintenance and inspection to public or private storm water management facilities.

B. Newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse grained material as specified by the Department. Such basins shall be cleaned when sediment or other material has accumulated to occupy 25% percent of the basin's original volume.

41.5 MINNESOTA POLLUTION CONTROL AGENCY PERMIT

Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency (MPCA). Construction activity that results in the disturbance of less than one acre may also require a MPCA permit depending on the nature of the activity. Permit applicants are responsible to contact MPCA to determine if a permit is required.

ARTICLE 42—RENEWABLE ENERGY SYSTEMS

42.1 PURPOSE

A. This article is established to set forth processes for permitting Renewable Energy from eligible energy technology as described in Minnesota Statutes 216B.1691, or successor statutes, to promote the health, safety, and general welfare of the citizens of the county, and shall include, but not be limited to, the following:

1. Wind Energy Conversion Systems (WECS) with a rated capacity of less than 5,000 kilowatts (kW) or five (5) megawatts (MW), and to regulate the installation and operation of WECS within the county not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216I, or successor statutes
2. Large and small Solar Energy Systems with a rated capacity of less than 50,000 kilowatts (kW) or fifty (50) megawatts (MW), and to regulate the installation and operation of a Solar Energy System within the county not otherwise subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes Chapters 216I, or successor statutes.

B. Where a project within the County is subject to siting and oversight by the State of Minnesota pursuant to Minnesota Statutes, Chapter 216I, or successor statutes, Crow Wing County reserves the right to comment on such application and may recommend consistency with the terms of this Article or other applicable local regulations that may relate, including those relating to road maintenance and damage to public right-of-way.

42.2 PERMIT APPLICATION FOR WECS

A. An application to the County for a permit under this section is not complete unless it contains the following:

1. If required, a letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes 216I, or successor statutes, indicating whether or not a project is subject to siting and oversight by the State of Minnesota.
2. The name(s) and address(es) of project applicant(s).
3. The name(s) and address(es) of the project owner(s) and any anticipated or known future project owners.
4. The legal description(s) and address(es) of the land that is the site of the project.
5. A description of the project including: Number, type, total name plate generating capacity (in both DC and AC measurements), tower height, rotor diameter, total height of all wind turbines, and means of interconnecting with the electrical grid.

1. Site layout, drawn to scale, which includes the location of project area boundaries (wind rights purchased, leased, or acquired by easement), property lines, roads, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site plan shall also indicate the location of:

a) Any fencing or screening proposed around the wind generator(s) or associated facilities.

b) The location of access roads or drives.

c) The planned location of underground or overhead electrical lines connecting the system to the building, substation or other electrical load.

d) Any new electrical equipment other than at the existing building or substation that is the connection point for the system.

e) The location of any battery or other energy storage system equipment and related facilities that is part of the current project or anticipated in the future.

6. Documentation of land ownership or legal control of all property within a project boundary and current land use on the site and surrounding area.
7. Adequate documentation that the power will be utilized on-site or a signed copy of the Power Purchase Agreement or other suitable evidence indicating agreement to take generated power from the relevant utility company or electric power wholesaler..
8. Manufacturer's or engineering specifications and recommended installation methods representative of all major equipment, including turbines, airfoils, solar panels, support systems and foundations
9. Maintenance plan for grounds surrounding the system(s) to prevent noxious or invasive weeds or other vegetation, the spread of fire and to otherwise maintain the area in a safe and orderly manner.
10. The latitude and longitude of all individual wind turbines and Meteorological towers.
11. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
12. Location of wetlands, scenic, and natural areas including bluffs within 1,320 feet of the proposed WECS.
13. Copies of all permits or documentation that indicate compliance with all other applicable State and Federal Regulatory Standards, or studies as deemed necessary by the County to show compliance with applicable industry or regulatory standards to ensure public safety, including, but not limited to those relating to:

    a) Uniform Building Code, as amended.

    b) The National Electrical Code, as amended.

    c) Federal Aviation Administration (FAA).

    d) Federal Communications Commission (FCC).

    e) Minnesota Department of Transportation.

    f) Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA),.

    g) Microwave Beam Path Study

    h) Preliminary Acoustical Analysis

    i) Noise Abatement Mitigation Plan.

    j) Flicker Analysis.

    k) Ice Throw Analysis

    l) Blade Failure Analysis to address the potential for blades falling from a turbine hub and potential hazards to persons or livestock.

m) Minnesota Pollution Control Agency, Minnesota Rules Chapter 7030, Noise Standards, as amended.

n) Wake Loss Study, if proposed project boundary is within a one (1) mile radius of another WECS project boundary.

14. Location of all known communications towers and microwave beam paths within a five (5) mile radius of the proposed WECS.

15. Location of all known public or private Airports or Heliports within five (5) miles of the proposed WECS.

16. Detailed Decommissioning Plan according to Article 42.8 of this Ordinance.

17. Emergency Response Capability Analysis prepared by a qualified and independent third party. Identification of potential emergency situations that may arise from the operation, maintenance, decommissioning or failure of a WECS and capabilities and plans of the project operator to manage such emergencies on its own and the readiness of local emergency responders to provide supplemental or additional response as needed. Analysis shall include potential emergency situations relating both to failures or malfunctioning of components and to medical or other emergencies for maintenance personnel or the general public, including situations where small- or large-scale evacuations of the public or livestock would be necessary.

18. Identification of any public or private ditches or drainageways to be impacted or potentially impacted by construction or maintenance activities.

19. Identification of any existing or proposed drain tiles that may be impacted by the construction or maintenance of the site.

20. Identification of all potential haul routes to be utilized for material transportation and construction activities including state, federal, county, township or private roads within the County. Must provide written documentation prior to construction commencement that all haul routes have been approved by each of the road authorities with jurisdiction through a signed Road Use Agreement and a Development Agreement.

21. Locations and site plans for all temporary, non-residential construction sites and staging areas.

22. Additional information, that due to the unique nature or characteristics of the specific project, the County deems necessary or desirable to properly process the application.

23. A survey according to Article 44 is also required for interim use permits.

42.3 PERMIT APPLICATION FOR SOLAR ENERGY SYSTEMS

A. An application to the County for a permit under this section is not complete unless it contains the following:

2. If required, a letter from the State Agency responsible for size determination of a project, pursuant to Minnesota Statutes 216I, or successor statutes, indicating whether or not a project is subject to siting and oversight by the State of Minnesota.

3. The name(s) and address(es) of project applicant(s).

4. The name(s) and address(es) of the project owner(s) and any anticipated or known future project owners.

5. The legal description(s) and address(es) of the land that is the site of the project.
6. A description of the project including: Location and number of collectors to be installed and all related battery energy storage systems and accessory structures, name plate generating capacity (in both DC and AC measurements), total height of all solar collectors and means of interconnecting with the electrical grid (written confirmation from the affected electrical utility company required).
7. Site layout, including the location of proposed solar collectors and components or battery energy storage system components and distances to other existing or proposed structures on the applicant's property as well as those on neighboring properties within 100 feet of the proposed system, property lines, septic systems, wells and wetlands or waterways. The site plan shall also indicate the location of:
    a) Any fencing or screening proposed around the solar collectors.
    b) The location of access roads or drives.
    c) The planned location of underground or overhead electrical lines connecting the system to the building, substation or other electrical load.
    d) Any new electrical equipment other than at the existing building or substation that is the connection point for the system.
    e) The location of any battery or other energy storage system equipment and related facilities that is part of the current project or anticipated in the future.
8. Documentation of land ownership or legal control of all property within a project boundary and current land use on the site and surrounding area.
9. Adequate documentation that the power will be utilized on-site or a signed copy of the Power Purchase Agreement or other suitable evidence indicating agreement to take generated power from the relevant utility company or electric power wholesaler.
10. Manufacturer's specifications and recommended installation methods representative of all major equipment, including solar collectors, mounting systems and foundations for poles or racks.
11. Maintenance plan for grounds surrounding the system(s) to prevent noxious or invasive weeds or other vegetation, the spread of fire and to otherwise maintain the area in a safe and orderly manner.
12. A plan outlining the use, storage, and disposal of chemicals used in the cleaning of the collectors and/or reflectors.
13. Detailed Decommissioning Plan according to Article 42.8 of this Ordinance.
14. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
15. Location of wetlands, scenic, and natural areas including bluffs within 1,320 feet of the proposed WECS.
16. Copies of all permits or documentation that indicate compliance with all other applicable State and Federal Regulatory Standards, or studies as deemed necessary by the County to show compliance with applicable industry or regulatory standards to ensure public safety, including, but not limited to those relating to:
    a) Uniform Building Code, as amended.

b) The National Electrical Code, as amended.

c) Federal Aviation Administration (FAA).

d) Federal Communications Commission (FCC).

e) Minnesota Department of Transportation.

f) Minnesota Pollution Control Agency (MPCA)/Environmental Protection Agency (EPA),.

g) Microwave Beam Path Study

h) Preliminary Acoustical Analysis

i) Noise Abatement Mitigation Plan.

j) Minnesota Pollution Control Agency, Minnesota Rules Chapter 7030, Noise Standards, as amended.

17. Location of all known communications towers and microwave beam paths within a five (5) mile radius of the proposed WECS.

18. Location of all known public or private Airports or Heliports within five (5) miles of the proposed WECS.

19. Detailed Decommissioning Plan according to Article 42.8 of this Ordinance.

20. Emergency Response Capability Analysis prepared by a qualified and independent third party. Identification of potential emergency situations that may arise from the operation, maintenance, decommissioning or failure of a Solar Energy System or Battery Energy Storage System and capabilities and plans of the project operator to manage such emergencies on its own and the readiness of local emergency responders to provide supplemental or additional response as needed. Analysis shall include potential emergency situations relating both to failures or malfunctioning of components and to medical or other emergencies for maintenance personnel or the general public, including situations where small- or large-scale evacuations of the public or livestock would be necessary.

21. Identification of any public or private ditches or drainageways to be impacted or potentially impacted by construction or maintenance activities;

22. Identification of any existing or proposed drain tiles that may be impacted by the construction or maintenance of the site;

23. Identification of all potential haul routes to be utilized for material transportation and construction activities including state, federal, county, township or private roads within the County. Must provide written documentation prior to construction commencement that all haul routes have been approved by each of the road authorities with jurisdiction through a signed Road Use Agreement and a Development Agreement.

24. Locations and site plans for all temporary, non-residential construction sites and staging areas.

25. Additional information, that due to the unique nature or characteristics of the specific project, the County deems necessary or desirable to properly process the application.

26. A survey according to Article 44 is also required for interim use permits.

42.4 WECS GENERAL STANDARDS

A. All towers shall adhere to the setbacks established in the following table and subject to the general regulations of this Ordinance.

Table 42.1

Setbacks	Micro WECS (up to 99 ft in height)	Non-Commercial (100-199 ft in height)	Commercial 200 ft or greater in height)	Meteorological Tower
Property Boundary/Property Lines (multiple parcels under common ownership shall be considered one parcel for the purpose of property boundary setbacks)	1.1 times total height	1.1 times total height	For participating properties: 5 rotor diameters (RD) in the prevailing wind direction 3 RD in the non-prevailing wind direction; For non-participating properties: 5 RD in the prevailing wind direction and 4 RD on the non-prevailing wind direction.	1.1 times total height, minimum 250 feet
Dwelling(s), schools, churches, health care facilities, and campgrounds :	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	500 feet from a dwelling school, church, health care facility, or campground on a non-participating property; Or a sufficient distance to meet state noise standards if greater.	500 feet from a dwelling school, church, health care facility, or campground on a non-participating property; Or a sufficient distance to meet state noise standards if greater.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Noise Standard	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended	Minnesota Rules, chapter 7030, as amended	N/A
Road Rights-of-Way*	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.

Other Rights-of-Way (recreational trails, power line easements, pipelines, railroads, etc.)*	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Streams/Ditches	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height, minimum 250 feet
City Boundaries	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	2 miles	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Airports	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	2 miles (public airports) 1 mile (private airports licensed by MN DOT)	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Public Conservation Lands	1.1 times total height	600 feet or 1.1 times total height, whichever is greater.	1.1 times total height	600 feet or 1.1 times total height, whichever is greater.
Wetlands, USFW Type III, IV and V, greater than 10 acres	1.1 times total height	1.1 times total height	1.1 times total height	1.1 times total height, minimum 250 feet
Other Structures	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.	1.5 times total height, or as determined by an Ice Throw Analysis, whichever is farther.
Other existing WECS and Internal Turbine spacing**	N/A	3 RD on the secondary wind axis and 5 RD on the primary wind axis	3 RD on the secondary wind axis and 5 RD on the primary wind axis	N/A

B. ADDITIONAL SETBACK REQUIREMENTS FOR WECS

1. Sand and Gravel Operations – WECS and associated facilities shall be prohibited in active sand and gravel operations.
2. Aviation (public and private airports) – No WECS or associated facilities shall be located to create an obstruction to navigable airspace of public and private airports in the County. Setbacks or other limitations determined in accordance with MnDOT Department of Aviation and Federal Aviation Administration (FAA) requirements.
3. Setbacks – Substations, accessory facilities, and power lines associated with the WECS must meet the requirements of the Land Use Ordinance relating to setbacks, height, impervious coverage or other applicable requirements when determined by the County.
4. The setback for dwellings, schools, churches, health care facilities, and campgrounds shall be reciprocal other than those owned by the project owner.
5. No wind turbines shall be allowed within the Buffer Zone of the Shoreland District, except Micro WECS may be allowed through the interim use permit process and only in areas where connection to the electrical grid is not presently available.
6. Guy wires are only allowed for meteorological (MET) towers and must meet the same setbacks of the district that apply to structures.

C. WECS SAFETY DESIGN STANDARDS

1. Engineering Certification. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
2. Clearance. At all times, rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and grade/ground surface.
3. Warnings.
   a) For all WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the turbine or at another suitable point.
   b) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above grade/ground surface. Four marker balls shall be placed sixteen (16) feet above grade and at fifty (50) foot intervals along the guy wires from grade/ground surface. Visible, anti-climbing fencing shall be installed around anchor points of guy wires and tower base.
   c) All WECS and Meteorological towers more than one hundred (100) feet in overall height shall be required to have safety lighting.

D. WECS HEIGHT STANDARDS

1. WECS shall not exceed 199 feet in height

E. WECS TOWER CONFIGURATION STANDARDS

1. All WECS must use self-supporting towers. The base for such towers shall be designed to anchor and support the tower for the site and shall be guarded against unauthorized climbing. The first

twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high unclimbable fence with a secured access.

2. Meteorological towers may be guyed.
3. Color and finish. All wind turbines and towers that are part of a WECS shall be white, grey or another non-obtrusive color. Blades may be black to facilitate deicing. Finishes shall be matte or non-reflective.
4. Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Aircraft Detection Lighting Systems may be used in accordance with FAA regulations.

G. OTHER STANDARDS

1. Stormwater Management and Erosion and Sediment Control shall meet the requirements of Crow Wing County and MPCA Construction Stormwater Permit requirements.
2. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the WECS are within accepted professional standards, given local soil and climate conditions.
3. Ground Cover. Ground cover around the base of a WECS may be grazed or farmed or shall consist of perennial vegetation and incorporate pollinator friendly species. Noxious or invasive weeds or other vegetation shall be removed when present.
4. Other standards and codes. All WECS shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
5. Power and communication lines. Power and communication lines to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Board in the following instances:
   a) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
   b) When required by the utility company.
   c) Unless otherwise determined by the Board.

42.5 STANDARDS FOR LARGE SOLAR ENERGY SYSTEMS

1. Solar energy systems are the primary land use for the parcel on which the system is located and are distinguished from solar systems that are a secondary or accessory use. Solar energy systems are composed of multiple solar collectors on multiple mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than forty (40) kilowatts.
2. All components of a large solar energy system, except internal service roads, collector lines and fencing, must meet the structure setback for the zoning district or the following setbacks, whichever is more restrictive:
   - 100 feet from the right of way of all roads

- 50 feet from all other property lines
- For power conversion equipment: 400 feet from a residential dwelling that is occupied or suitable for being occupied unless the applicant presents a sound attenuation plan to the County to ensure that the operation of such equipment does not violate MN Rules 7030, as amended, governing noise.

Fencing must be located entirely on the property of the project and completely outside of the right of way or easement area of all roads.

3. Ground - or pole-mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, unless otherwise allowed by the Environmental Services Manager to allow for livestock grazing beneath the solar energy system.
4. Stormwater Management and Erosion and Sediment Control shall meet the requirements of the MPCA Construction Stormwater Permit requirements.
5. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar collectors are within accepted professional standards, given local soil and climate conditions.
6. Ground Cover. Ground cover around and under solar panels may be grazed or farmed or shall consist shall consist of perennial vegetation and incorporate pollinator friendly species. Noxious or invasive weeds or other vegetation shall be removed when present.
7. The County may require vegetative or other visual screening of a solar energy system as viewed from nearby properties or public rights-of-way.
8. Other standards and codes. All solar energy systems shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
9. Power and communication lines. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar modules. Power and communication lines to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Board in the following instances:
   a) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
   b) When required by the utility company.
   c) Unless otherwise determined by the Board.

42.6 STANDARDS FOR SOLAR ENERGY SYSTEMS, ACCESSORY

A. Solar energy systems are a permitted accessory use in all zoning districts, subject to the following standards:

1. Accessory Building Limit. Solar energy systems, either roof or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits, as set forth in this Ordinance.

2. Building - or roof-mounted solar energy systems shall not exceed the maximum allowed height in the designated zoning district.
3. Ground- or pole- mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt, unless otherwise allowed by the Environmental Services Manager to allow for livestock grazing beneath the solar energy system.

B. Solar energy systems must meet the accessory structure setback for the land use district.
1. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems may not extend into the side-yard, rear, or road right-of-way setback when oriented at minimum design tilt.
3. Large Ground-mounted Solar Energy Systems. Ground-mounted solar energy systems that result in the creation of one (1) or more acres of impervious surface, must comply with the MPCA Construction Stormwater Permit Requirements.
4. Ground-mounted Solar Energy Systems: Ground-mount systems are exempt from impervious surface standards if the ground under the collector is maintained in vegetation and not compacted.

C. The County may require vegetative or other visual screening of a solar energy system as viewed from nearby properties or public rights-of-way.

D. Approved Solar Components. Electric solar system components must have an Underwriters Laboratory (UL) listing or equivalent.

E. Compliance with all other applicable State and Federal Regulatory Standards, including, but not limited to: Uniform Building Code, and the National Electric Code, as amended.

F. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

42.7 OTHER APPLICABLE STANDARDS

A. No signage shall be allowed on equipment, buildings or structures related to a Renewable Energy System or Battery Energy Storage System except that of the manufacturer's or owner's company name and/or logo or as required by state or federal law.

B. All power lines associated with the Renewable Energy System subject to Crow Wing County Authority equal to or less than 34.5 kV in capacity shall be buried and located within the right-of-way, subject to prior approval of the road authority. Power lines installed as part of a Renewable Energy System shall not be considered an essential service. If not buried, the applicant/owner must apply for a variance and shall follow Article 32 of the Land Use Ordinance for variance procedures.

C. Waste Disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

D. Upon issuance of an interim use permit, all Renewable Energy Systems, as defined by Minnesota Statute 216I, 216C.25, 500.30, or successor statutes, and/or Minnesota Rule 1325.1100, as amended, if applicable shall notify the Minnesota Public Utilities Commission (PUC) Energy Facilities Permitting Program Staff of the project location and details on the survey form specified by the PUC.

E. All Renewable Energy Systems and accessory equipment and facilities shall comply with Minnesota Rules 7030, as amended, governing noise.

F. All Renewable Energy Systems and accessory equipment and facilities shall comply with the National and Minnesota Electrical Codes and other applicable standards, as amended.

G. All WECS shall comply with FAA standards and permits.

H. All Renewable Energy Systems shall comply with applicable County, State and Federal requirements relating to erosion control and stormwater management as they are constructed, maintained and decommissioned.

I. The MnDOT Aeronautics shall complete an analysis of a solar project when said project is located within two (2) miles of an airport using the MnDOT Solar Glare Hazard Analysis Tool. A copy of the results shall be submitted to the Environmental Services Manager who shall determine which mitigation practices as recommended by the analysis shall be implemented.

J. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s), that serve the project area. The Applicant shall coordinate with local emergency services to develop and implement an emergency response plan for the project. A copy of the plan shall be submitted to the County upon request.

K. In the review, monitoring and enforcement of any provision in this Article the County, at its discretion, may hire an independent third party to develop and/or review any information required by this Ordinance or otherwise submitted by the applicant or other interested parties to ensure independence in the provision of such information. If the County agrees that a third party hired by the project applicant, operator or landowner is sufficiently independent, it shall do so only after conducting its due diligence to satisfy itself that there is not a financial conflict of interest by the hired third party.

42.8 ABANDONMENT AND DECOMMISSIONING

A Renewable Energy System shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Environmental Services Manager outlining the steps and schedule for returning the Renewable Energy System to service.

A. Abandonment and Decommissioning Plan.

1. Description of how the project will be disconnected from the grid.

2. A detailed description of how the physical components will be removed, transported off-site, and disposed of. The description shall include the stepwise process of removal (e.g. how will the blades be removed, what components need to be broken down on site, what can be salvaged, and what and where it will be landfilled).

3. If any of the land is leased, a description of decommissioning, abandonment, and removal conditions included in landowner leases (e.g. how is it decided whether roads remain).
4. A statement of the restoration goal and a detailed description of how restoration will be accomplished.
    a. All components and accessory facilities shall be physically removed to four (4) feet below grade level or as otherwise required by the County.
    b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    c. Stabilization or re-vegetation of the site as necessary to minimize erosion.

B. A detailed estimate of decommissioning costs. This estimate should detail cost assumptions (e.g. number of days of crane rental, transportation costs, disposal fees, scrap value, etc.) and a timeline for updating the costs. The estimate shall be prepared by a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The cost estimate for removal shall include an adjustment for inflation over the expected life of the project.

C. A plan for decommissioning security, including the type of instruments being considered, , a description of how the amount of money available will be reconciled with the changing cost estimates, and the proposed beneficiary of the security. The plan must be reviewed and updated every five (5) years with a copy of the updated plan submitted to the Crow Wing County Planning Commission. The Board may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning. When such financial security is required, the full amount shall be posted prior to commencement of project construction.

D. The plan shall also address road maintenance during and after completion of the decommissioning in compliance with this Ordinance.

E. Failure to adequately fund or maintain funding in the financial security account shall be grounds for rescinding a Renewable Energy System interim use permit.

42.9 REPOWERING

A. All repowering of existing Renewable Energy Systems, whether full or partial, must follow the same permitting procedures as that of new, according to Article 6 of this Ordinance.

42.10 INTERFERENCE

A. The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or MnDOT microwave transmissions.

42.11 AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE

A. Applicants shall:

1. Identify all public roads to be used for the purpose of transporting Renewable Energy components, such as but not limited to, WECS, substation parts, materials, and/or equipment for construction, operation or maintenance of the Renewable Energy System and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
2. Contact the road authority for road closures, road signage removals, road signage re-locating, road signage restoring, moving permits, culverts, access/driveway permits, tile outlet permits, widening road intersections, standard utility permits and any other road activities that may require permits. The road authority must approve any such modifications or activities within their right-of-way.
3. Contact the County Dispatch prior to any road closures for the re-routing of emergency vehicles during the closure. The County must approve any such road closures or re-routing.
4. Contact the road authority to conduct an inspection of the road conditions of the haul routes on or prior to pre-construction meeting and after construction. The applicant must not begin hauling activities until approved by the appropriate road authorit(ies).
5. The applicant must provide a Performance Bond to be held by the county throughout the life of the project and until the Township and/or County road authority(ies) have provided the County with a written release that all haul routes within their jurisdiction in the County have been returned to pre-construction condition.

B. The Applicant shall be responsible for immediate repair of damage to public and private drainage systems stemming from construction, operation, maintenance, or decommissioning.

42.12 BATTERY ENERGY STORAGE SYSTEM (BESS)

A. If the Renewable Energy System consists of some form of energy storage, adequate design must be provided to ensure all local, state, and federal requirements regulating energy storage have been met.

B. All battery energy storage systems and associated accessory buildings, equipment or structures must meet the required setbacks for the relevant zoning district that apply to any structure.

C. Setbacks. Battery Energy Storage Systems (BESS) which exceed 100kW of storage capacity shall meet the minimum setbacks listed below except that the County, in the approval of an Interim Use Permit, may establish greater minimum setbacks as determined necessary to protect public health, safety and welfare.

Setbacks for all structures, electrical equipment, and fencing, excluding power lines for interconnection, related to a Utility-Scale Battery Energy Storage System that exceeds 100kW of storage capacity must adhere to the following minimum setbacks.

a. Dwellings. ofFive hundred (500) feet from dwellings, unless the dwelling owner waives the setback. The waiver must be in writing, notarized and recorded.
b. Streams/Ditches. Two hundred (200) feet from the centerline of all stream corridors and open ditches containing ephemeral flow throughout the majority of the growing season.
c. Right of way. One hundred (100) feet from all public road rights-of-way. If there is no established right-of-way the setback shall be one hundred fifty (150) feet from the centerline of the traveled road surface.

d. Property lines. Three hundred and thirty (330) feet from all other property lines if the storage technology used in the BESS is prone to catching fire or creating conditions for explosion. For other storage technologies, the minimum setback shall be no less than one hundred fifty (150) feet.

e. Airports. BESS shall be kept back a distance no less than the area beneath the airport's landing pattern plus one (1) mile, to ensure aviation safety and operational integrity.

f. Cities. Two (2) miles from the city limits of any incorporated city within the County, unless specifically approved otherwise by the ~~County Board.~~ Planning Commission/Board of Adjustment

D. Height. Battery energy storage systems shall not exceed the maximum height for the zoning district in which it is located.

E. Interior Layout. If the battery energy storage system is to be installed in conjunction to a new utility-scale solar facility, the battery energy storage system shall be sited so as to be located within the interior of said facility, with the banks of solar panels lying between the battery energy storage system and the edges of the facility, unless otherwise approved by the County in the issuance of an Interim Use Permit. The setbacks required above to property lines, right of way, etc. shall still apply.

F. Fencing Requirements. Utility-scale battery energy storage systems including all mechanical equipment, shall be enclosed in fencing, with a self-locking gate, and shall consist of a primarily woven wire or agricultural style fencing. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site. The warning signage shall include the type of technology associated with the battery energy storage system, any special hazards associated, the type of suppression system installed in the area of the battery energy storage system, and 24-hour emergency contact information, including reach-back phone number. Security fences, gates and warning signs must be maintained in good condition until the installation is dismantled and removed from the site.

G. Screening and Vegetative Management. All Battery Energy Storage Systems that exceed 100 kW of storage capacity sites shall be screened, unless specifically exempted or modified by the County in the approval of a permit or in subsequent statements from the County. Except for any vegetation or fencing around the perimeter of the utility-scale battery energy storage system planted for visual screening or noise-reduction purposes, there shall be a minimum 20-foot clear zone around the storage system enclosure and its surrounding screening vegetation/fencing that is maintained free of combustible vegetation or materials taller. This clear zone requirement may be modified as part of a comprehensive emergency management plan approved by the County Board and local fire departments and shall meet all applicable fire and safety code requirements, if more restrictive.

H. Labeling. Utility-scale battery energy storage system components shall be labeled with the manufacturer’s name and address, model number, and serial number.

I. Safety Data Sheets: The County shall be provided with a copy of all safety data sheets for all solar farm components utilized in the project. Such information shall be updated as the updates occur.

J. Utility connections. All exterior electrical or other service lines shall be buried underground. The collection system may be placed overhead near substations or points of interconnection to the electrical grid. Exceptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or where the County Board otherwise grants an exception. No connections or service lines shall be located within public right of way without the approval of the relevant right of way authority.

K. Not an essential service. Electrical service and feeder lines shall not be considered an essential service.

L. Grading plan. For all Battery Energy Storage Systems that exceed 100 kW of storage capacity a grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).

M. Compliance with local, state and federal regulations. Battery Energy Storage Systems shall comply with all applicable local, state and federal regulations, including applicable building and electrical codes.

N. Appurtenant structures. All appurtenant structures shall be subject to bulk, impervious coverage limits, and height regulations of structures in the underlying zoning district.

O. Shoreland and Floodplain considerations. Battery Energy Storage Systems that exceed 100 kW of storage capacity are not permitted within the Shoreland Buffer Zone or floodplain as defined in the Shoreland (Article 11) and Floodplain Ordinance (Article 21).

P. Proof of Operation. The owner/operator of a Battery Energy Storage Systems that exceeds 100 kW of storage capacity shall provide the County with evidence that the system is functioning properly. This shall be provided at any time deemed necessary by the County.

Q. Decommissioning. All Battery Energy Storage Systems that exceed 100 kW of storage capacity are subject to the requirements of Article 42.8 of this Ordinance.

ARTICLE 43--TOWER FACILITY STANDARDS

The standards in this Article shall apply to Commercial Use towers in all land use districts where such uses are permitted.

43.1 INTENT AND PURPOSE

The unique and diverse landscapes of Crow Wing County are among its most valuable assets. Destroying these assets risks undermining the very characteristics responsible for our economic vitality and future potential. Protecting these assets will require that location and design of tower facilities be sensitive to, and in scale and harmony with, the aesthetics of Crow Wing County. This article will provide standards for the proper placement and design of tower facilities in order to ensure their compatibility with surrounding aesthetics and development. The purpose of this article is to provide predictable and balanced standards for the siting and screening of tower facilities on both public and private property within the jurisdiction of Crow Wing County. These standards will protect the health, safety, and general welfare of persons in the area surrounding such tower facilities from possible adverse effects related to the placement, construction, or modification of such tower facilities. Leasing of public buildings, publicly owned structures, and/or public rights-of-way for the purposes of locating wireless telecommunication services facilities and/or equipment is encouraged. In cases where a facility is proposed on County property, specific locations and compensation to the County shall be negotiated in lease agreements between the County and the provider on a case-by-case basis and would be subject to all of the review criteria contained in this section. Such agreements would not provide exclusive arrangements that could tie up access to the negotiated site(s) or limit competition and must allow for the possibility of "co-locating" (sharing of facilities) with other providers. Specifically, the Telecommunication Act of 1996 affirms local government's right to control the site, construction, and modification of cellular and other wireless telecommunication facilities. The permitting process of this article

will not discriminate among providers of functionally equivalent services and will not prohibit the provisions of personal wireless services.

43.2 APPLICABILITY

It shall be unlawful for any person, firm, or corporation to erect, construct in place, or place any tower facility without first receiving permit(s) from Department. Nor may any person, firm, or corporation alter, modify, transform, add to, or change in any way an existing tower facility without first receiving permit(s) from Department.

43.3 TOWER FACILITIES GENERALLY ALLOWED

The following tower facilities will be generally allowed within Crow Wing County without having to make application or meeting the general standards of this article:

A. Antenna(s) incidental to residential use;

B. Routine maintenance of existing tower facilities or modification of lighting to meet the standards in Article 43.13. Routine maintenance shall include, but not be limited to:

1. The replacement or addition of no more than 2 generators or electrical accessory structures less than 160 sq. feet in size in a 3 year period;
2. Replacing existing antennas that result in no net-addition in the overall number of antennas, provided they do not increase in the height of the tower, meet all setbacks, and comply with lighting standards;
3. Replacing existing wires or cables attached to towers.

43.4 ADMINISTRATIVE PERMIT

The following tower facilities may be given an administrative permit from the Department after completing the application requirements and meeting the standards of this article:

A. Tower facilities that are located outside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not exceed 99 feet above the average ground level;

B. The addition of antenna(s) on existing structures such as but not limited to buildings, flagpoles, church steeples, cupolas, ball field lights, power line support device that does not require modifications to the structure; and

C. The addition of antenna(s) to an existing tower facility which does not increase the height of the tower facility accept as allowed by a co-location according to Article 43.9 B.

43.5 CONDITIONAL USE PERMIT

The following tower facilities require a conditional use permit approved by the Planning Commission/Board of Adjustment and may be granted a conditional use permit after completing the application requirements, having conditions placed on the tower facility, and findings of fact that support the tower facility:

A. Tower facilities that are located inside Shoreland and Residential Districts, unlit, camouflaged, monopole tower, and do not exceed 99 feet above the average ground level, whichever is less;

B. Tower facilities that are located outside Shoreland and Residential Districts, unlit, from 100 feet 199 feet in height and are designed to accommodate several levels of antennae.

43.6 GENERAL STANDARDS

A. **SETBACK.** The tower facility shall have a minimum distance to all parcel lines and or recorded easement boundary, equal to the height of the tower plus 10 feet unless written evidence has been provided by a structural engineer identifying the engineered fall zone radius of the tower, which may be less than the height of the tower. A tower must be at least 10 feet from a property line if it is designed to have a fall zone radius as mentioned in this provision.

B. **FENCING.** The tower facility shall be protected by a security fence a minimum of six feet in height to prohibit access by unauthorized persons.

C. **SIGNAGE**. The owner's name, telephone number and site ID number shall be posted on the gate of a perimeter fence. No other advertising or identification sign of any kind is permitted on the tower facility, except applicable warning and equipment information as required by the manufacturer or by Federal, State, or local authorities.

D. **LIGHTING.** The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries that ensure there is no spillage of illumination off the parcel or easement boundary.

43.7 PERMIT APPLICATION REQUIREMENTS

A. The Department may contract with an independent technical expert to review technical materials submitted by the applicant, and/or to determine if additional information is necessary. The tower facility applicant shall pay the cost of such review and/or independent analysis.

B. Name and address of the tower facility owner, record property owner of parcel and any duly appointed agents of the parties.

C. A visual study depicting where within a one-mile radius any portion of the proposed tower facility will be visible.

D. Site plan(s) drawn to a scale of one inch equals 20 feet or less, specifying the location of tower facility, support structures, transmission buildings and/or other accessory uses, access, parking, fences, signs, lighting, and all adjacent land uses within 240 feet of the base.

E. Elevation drawings of "before" and "after" simulating and specifying ground levels, the location and height of antenna(s), support structures, equipment buildings and/or other accessory uses, fences, and signs of the tower facility.

F. Map showing the search radius for the antenna location and the proposed broadcast coverage obtained by the tower facility, including a narrative describing a search radius of not less than one mile for the requested site, clearly explaining why the site was selected, identifying and locating landing and takeoff areas of aircraft within the search radius, locating all existing tower facilities, and identifying all other structures that may be potential co-location sites. In addition, the applicant must demonstrate that the selected site will meet gaps in service that cannot be addressed by existing sites and that the service gaps exist due to unique topographic, land ownership or other environmental issues that can only be resolved by construction of a higher tower. In addition, the applicant shall demonstrate whether there will be a reduction of the number of towers required to gap service if a higher tower is approved.

G. A letter that requires the tower facility owner and successors to allow co-location of antenna on the tower facility if an additional user(s) agrees in writing to meet reasonable industry terms and conditions for shared use.

H. A copy of the FAA determination or a signed statement that the proposed tower facility has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or that no compliance with Part 77 is required, and the reasons, therefore.

I. A copy of the FCC's license or a signed statement from the proposed operator of the tower facility attesting to the fact that the tower facility complies with current FCC regulations, including compliance with the regulations of the FCC with regard to maximum radio frequency and electromagnetic frequency emissions, or a statement from the applicant that no such compliance is necessary, and the reasons therefore.

J. Tower design and their antennas shall be certified by a licensed professional engineer to ensure that they conform to applicable state structural building standards.

K. The applicant shall submit proof, in the form of a signed affidavit, demonstrating a good faith effort to lease or purchase space on an adjacent existing tower facility. The affidavit shall state why space is not available such as:

L. The planned tower facility would exceed the structural capacity of the tower facility and the structural capacity cannot reasonably be increased;

M. The planned tower facility would cause interference with the usability of other existing or planned equipment at the tower facility; and/or

N. Existing tower facility cannot accommodate the planned antenna at a height necessary to function reasonably.

O. The owner of the tower facility shall provide performance security as specified on Article 3.6 to the County in an amount equal to one and one-half times the cost to remove the tower facility and restore the site. This amount shall be determined by the Crow Wing County Planning Commission/Board of Adjustment based on input from an independent technical expert.

P. All wetlands within 50 feet of the proposed infrastructure related to tower construction and access shall be delineated. A letter or report shall be submitted to Crow Wing County by the wetland professional performing the work which describes the presence or absence of wetlands.

43.8 FACTORS CONSIDERED IN GRANTING A CONDITIONAL USE PERMIT

The Crow Wing County Planning Commission/Board of Adjustment shall consider the following factors in determining whether to issue a Conditional Use Permit.

A. Height of the proposed tower facility;

B. Capacity of the tower structure for additional antenna equipment to accommodate expansion or to allow for co-location of another provider’s equipment;

C. Proximity of the tower to residential structures and residential land use district boundaries;

D. Nature of uses on adjacent and nearby properties;

E. Surrounding topography;

F. Surrounding tree coverage and foliage;

G. Design and siting of the tower with particular reference to design characteristics and location that have the effect of reducing or eliminating visual obtrusiveness;

H. Proposed ingress and egress;

I. Availability of suitable existing towers and other structures as discussed in Article 43.7 G; and

J. Impact to the existing aesthetics and character of the surrounding area.

K. Level of adherence to the provisions set forth in 43.1 of this article.

43.9 EXISTING TOWER FACILITIES

A. Existing tower facilities may continue in use and perform routine maintenance for the purpose now used and may not alter, convert, modify, transform, vary, add to or change in any way the approved use or form of the tower except as allowed in Article 43.9 B.

B. Existing tower facilities shall be allowed for the co-location of antenna(s). The following are not considered substantial changes for co-location of antenna(s) and shall be allowed with a permit:

1. For towers outside of public rights-of-way, an increase in height by more than 20 feet or 10 percent, whichever is greater;
2. For towers in public rights-of-way, an increase in height of the tower by 10 percent or 10 feet, whichever is greater;
3. For towers outside of public rights-of-way, protrudes are allowed from the edge of the tower more than 20 feet or more than the width of the tower at the level of the appurtenance;
4. For towers inside the public rights-of-way and all base stations, protrudes are allowed from the edge of the structure more than six feet;

43.10 ROUTINE MAINTENANCE

All tower facilities shall be maintained in a safe and clean manner. The tower facility owner shall be responsible for maintaining a graffiti, debris, and litter free site. The landscape plan shall be maintained for the life of the tower facility. Trimming the tops of trees on site shall be allowed, only to maintain the average height of the canopy used to establish tower facility height. All tower facilities shall be subject to periodic inspection to ensure continuing compliance with all conditions of the application submitted and approval requirements.

43.11 TIME LIMIT ON TOWER FACILITY CONSTRUCTION

Construction of an approved tower facility must be completed within two years following the date of the approval. Landscaping must be installed within the first growing season immediately following construction.

43.12 ABANDONMENT AND REMOVAL

Tower facilities that are not in use for 180 consecutive days shall be considered abandoned and shall be removed by the owner within 180 days. Removal includes the complete tower facility including related infrastructures, footings, and other underground improvements to a depth of 36 inches below existing grade, and restoration to pre-existing vegetative cover. Failure to do so shall be just cause for Crow Wing County to

seek legal avenues that will remove the tower facility and restore the site.

43.13 LIGHTING STANDARDS FOR TOWER FACILITIES

A. The tower facility owner shall provide a lighting plan and photometric study indicating the size, height, location, and wattage of all tower facility lighting sources. This study must also include a graphic indicating the spread and degree/intensity of light from each source/fixture.

B. Tower facility owner shall reduce the impact of current and future obstruction lighting requirements, as much as technology and FAA and FCC rule will allow. Visual impact shall be reduced by the use of techniques such as, but not limited to, directional lighting, tilting, shields, etc. Maximum intensity of lighting, if necessary, shall be the minimum required by FAA and/or FCC in order of preference, a tower facility shall have:

1. Only incandescent red lighting at night, both side and beacon lights;
2. Minimum required intensity white strobe lighting daytime; red incandescent nighttime lighting;
3. Minimum required intensity white strobe lighting daytime; minimum required intensity red strobe nighttime lighting; then
4. Minimum required intensity white strobe daytime lighting; minimum required intensity white strobe nighttime lighting.

C. The light source for any necessary security lighting shall feature down-directional, sharp cut-off luminaries to direct, control, screen, or shade in such a manner as to ensure that there is no spillage of illumination off-site.

43.14 SEVERANCE CLAUSE

If any part of this Article is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Article unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Article.

ARTICLE 44--CERTIFICATES OF SURVEY/PRELIMINARY PLAT

44.1 REQUIRED INFORMATION

Whenever a Certificate of Survey or preliminary plat drawing is required by this Ordinance, the following information shall be required to be depicted on the certificate of survey or preliminary plat drawing.

SURVEY REQUIREMENT TYPE	LAND USE PERMIT	BOUNDARY LINE ADJUSTMENT	ADMINISTRATIVE SUBDIVISION	PRELIMINARY PLAT	CONDITIONAL/ INTERIM USE PERMIT	VARIANCE
EXISTING PARCEL LINES AND THEIR DIMENSIONS	X	X	X	X	X	X
PROPOSED PARCEL LINES AND THEIR DIMENSIONS	X	X	X	X		
EXISTING PARCEL DESCRIPTION(S), INCLUDING SECTION, TOWNSHIP AND RANGE	X	X	X	X	X	X

SURVEY REQUIREMENT TYPE	LAND USE PERMIT	BOUNDARY LINE ADJUSTMENT	ADMINISTRATIVE SUBDIVISION	PRELIMINARY PLAT	CONDITIONAL/ INTERIM USE PERMIT	VARIANCE
LOT #, BLOCK#, PLAT NAME (IF PLATTED)	X	X	X	X	X	X
PLS FRACTION (IF METES AND BOUNDS)	X	X	X	X	X	X
PROPOSED PARCEL DESCRIPTION(S), INCLUDING SECTION TOWNSHIP AND RANGE	X	X	X	X		
EXISTING STRUCTURES/IMPROVEMENTS AND THEIR DIMENSIONS/AREAS	X	X	X	X	X	X
BUILDING HEIGHTS EXIST. & PROPOSED	X				X	X
PROPOSED STRUCTURES/ADDITIONS AND THEIR DIMENSIONS/AREAS	X	X			X	X
SETBACKS/BUILDABLE AREA-NUMERIC	X		X	X	X	X
BUILDING ENVELOPE LINES	X				X	X
EXISTING AND PROPOSED STRUCTURE SETBACKS BETWEEN STRUCTURES/IMPROVEMENTS AND EXISTING AND PROPOSED PROPERTY BOUNDARY LINES, INCLUDING THOSE LOCATED ON ADJACENT PROPERTIES WITHIN 50 FEET.	X	X	X	X	X	X
EXISTING PARCEL ID NUMBERS	X	X	X	X	X	X
EXIST. WELL/SUBSURFACE SEWAGE TREATMENT SYSTEM COMPONENTS WITHIN OR ADJACENT TO ANY AFFECTED LOTS;	X	X	X	X	X	X
LAND USE CLASSIFICATION	(*)	X	X	X		
ROADS, RIGHT OF WAYS WITHIN OR ADJACENT TO ANY AFFECTED LOTS;	X	X	X	X	X	X
EXISTING EASEMENTS WITHIN OR ADJACENT TO ANY AFFECTED LOTS;	X			X	X	X
PARCEL(S) AREA(S) EXISTING & PROPOSED	(*)	X	X	X	X	X
DELINEATED WETLANDS, NAME LIC.#, DATE	(*)		X	X	X	X
O.H.W./SHORELINE(RIPARIAN)	X	X	X	X	X	X
OWNERS NAME, ADDRESS	X	X	X	X	X	X
SOIL SURVEY DATA	(*)			X		
ADJOINING OWNERS	(*)			X		

SURVEY REQUIREMENT TYPE	LAND USE PERMIT	BOUNDARY LINE ADJUSTMENT	ADMINISTRATIVE SUBDIVISION	PRELIMINARY PLAT	CONDITIONAL/ INTERIM USE PERMIT	VARIANCE
SCALE, NORTH ARROW, DATE OF SURVEY	X					
ALL UTILITIES	(*)			X		
TRANSMISSION LINES, PIPELINE MARKERS	(*)		X	X		
2 FOOT CONTOURS	(*)			X	X	X
DRIVEWAYS	X			X	X	X
BLUFFS W DIMENSIONS/STEEP SLOPES	X		X	X	X	X
IMPERVIOUS SURFACE CALCULATIONS	X				X	X
FEMA FLOOD ZONE	X			X	X	X
BEARING/COORDINATE SYSTEM	X					
DATE OF PREPARATION	X					
NONCONFORMING STRUCTURE SETBACKS	X				X	X
(*) AS DETERMINED BY THE ENVIRONMENTAL SERVICES MANAGER						

ARTICLE 45--JUNK/SALVAGE

45.1 POLICY AND PURPOSE

A. **Policy.** The County Board of Commissioners acknowledge the necessity for firm management of un-permitted and permitted Junk/Salvage Facilities and similar activities in Crow Wing County. It incorporates recent changes to pertinent statutes, rules, ordinances, and manuals that provide specific guidance to owners, prospective owners, and operators of facilities and those required to regulate such activities.

1. It has been determined that if not regulated, Junk/Salvage Facilities will proliferate and if not properly managed will become a threat to human health and the environment. The impacts of unregulated junk/salvage facilities can be minimized or eliminated by comprehensive planning, proper zoning, educational and training opportunities, minimal and updated regulatory and enforcement authority.
2. The County Board of Commissioners assumes, in the absence of regulatory activity by the State, the responsibility for overall permitting, regulation, and enforcement of all Junk/Salvage facilities within the County.
3. The department is responsible for regulation, education, training, and enforcement of this ordinance.

B. **Purpose**. This Ordinance is intended to apply controls to un-permitted or illegal and existing junk/salvage facilities and the establishment, licensing, location and operation of junk and/or salvage yards or similar activities in the unincorporated area of Crow Wing County or in the absence of rules, in the incorporated areas of the County.

1. The Minnesota Pollution Control Agency (MPCA) Motor Vehicle Salvage Facility Environmental Compliance Manual to include all subsequent changes is hereby adopted by reference.
2. The following Statutes, Rules and Ordinances are adopted by reference to include all subsequent changes: MN Statutes 88.171; 115.061; 115A.90-908;115A915-9152; 115.916; 115A932; 115E.02116.66; 116.731; 116.92; 161.242; 168B.03; 168B.011; 168.27, subd 3a & 3b; 325E.10-113; 325E.115-12; 325E.32; 609.675; 1103.3.6. MN Rules: 7001.1035; 7001.3050; 7027.1100; 7045.125; 7045.0205; 7045.0208; 7045.0221; 7045.0275; 7045.0685; 7400.4000; 9220.0230. Ordinances: Crow Wing County Land Use Ordinance and the Crow Wing County Solid Waste Ordinance.
3. All junk and salvage or similar operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998; or successor manual.*

C. Location. Junk/Salvage facilities must be located in Agricultural or Commercial - Industrial land use districts. Those Junk/Salvage facilities in existence prior to adoption of the Crow Wing County Land Use Ordinance (prior to January 4, 1972) or for which a conditional use permit has been granted shall be considered compliant with the intent of this Ordinance insofar as location is concerned but subject to the performance standards contained within this Ordinance.

45.2 GENERAL PROVISIONS

A. **MPCA Motor Vehicle Salvage Facility Compliance Manual**--This manual is incorporated by reference as a requirement for all Motor Vehicle Salvage Facilities (Junk/Salvage Facilities) within the unincorporated geographic boundaries of the County. The manual provides guidance for:

1. General Operating Procedures
2. Draining, Dismantling and Storage Practices
3. Waste Handling, Storage and Disposal Practices,
4. General Information on Water, Hazardous Waste, Oil Related Wastes and Fuels, Batteries, Spills, Refrigerants, Solvents, Waste Tires and Miscellaneous information.

B. **Jurisdiction--**The jurisdiction of this Ordinance shall apply to all areas of Crow Wing County outside the incorporated limits of municipalities. The Minnesota Department of Transportation (MNDOT) shall have jurisdiction over all junk/salvage facilities within one-half (½) mile of any state or trunk highway and interstate highway.

C. **Application--**It shall be unlawful for anyone to operate a junk/salvage facility or similar activity without a permit and not in compliance with the standards identified in this ordinance and other relative ordinances in any location in the unincorporated area of Crow Wing County. The provisions of this Ordinance shall be held to be the minimum requirements for the protection of public health, safety and welfare and the lands and waters of the State. Where conditions imposed by any provision of this Ordinance and supporting Ordinances are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the standards which are more restrictive, or which impose higher requirements shall prevail. In addition to the conditions set forth in this Ordinance, compliance with State and Federal standards are required.

D. The Department's designated staff has the necessary authority and power to implement and carry out the provisions of this Ordinance including but not limited to the following:

1. To review and evaluate all applications and supporting materials referred to the Department for facilities and similar activities and operations within the areas of the County to which this Ordinance applies.
2. To enter upon property, facilities and or operations to investigate complaints about potential violations of this Ordinance and/or to conduct inspections.
3. To recommend to the County Attorney that legal proceedings be initiated against a person or group of persons to compel compliance within the provisions of this Ordinance.
4. To conduct studies, investigations and research relating to Junk/Salvage facility management, including but not limited to methodology, chemical and physical considerations engineering and rule changes.
5. To advise, consult and cooperate with the public and other governmental agencies in furtherance of the purpose of this Ordinance.
6. To enforce the provisions of this ordinance by issuance of criminal citations and cease and desist orders; to require performance bonds and remediation or restoration procedures.

45.3 VEHICLES

A. **Abandoned Vehicles--**Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the county in that such vehicles can harbor noxious diseases; furnish shelter and breeding places for vermin; and present physical dangers to the safety and well-being of children and others. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the county and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes the waste of a valuable source of useful metal and the improper management of fluids and other waste. It is therefore in the interest of public health, safety and welfare that the present accumulation of abandoned motor vehicles, associated fluids, hazardous waste and other scrap metals be eliminated; that future abandonment of motor vehicles and other scrap metals be prevented; that the expansion of existing scrap recycling facilities be developed; and that other acceptable and economically useful methods for the disposal of abandoned motor vehicles and other forms of scrap metal be developed. For the purposes of this Ordinance an abandoned motor vehicle includes the following:

1. Has remained illegally for a period of more than 48 hours on any property owned or controlled by a local unit of government or more than 4 hours on a property when it is properly posted;
2. Has remained on private property for a period of time without the consent of the property owner or person in control of the property;
3. Lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with its usual functions; it may be kept in an enclosed garage or storage building.
4. A classic or pioneer car is not considered an abandoned vehicle.
5. Vehicles on the premises of permitted and licensed junk/salvage facilities are not considered abandoned vehicles.

6. A vehicle held for storage by agreement or held under police authority or pursuant to a writ or court order is not considered abandoned nor may it be processed as abandoned while a law enforcement agency/department hold, writ or court order is in effect.

B. Authority to Impound Vehicles

1. The County may take into custody and impound any unauthorized vehicle. A vehicle may also be impounded after it has been left unattended in a public location or on a county or township road or in a manner so as to constitute an accident or traffic hazard to the traveling public or that is left in a parking facility or other public property owned or controlled by the County.
2. The County may also cause an abandoned motor vehicle to be taken into custody and impounded if it is left on private property that is: a single family or duplex residential property; is a private, nonresidential property; or is any residential property properly posted.

C. **Sale Waiting Period; Notice of Taking and Sale; Right to Reclaim**. The sale waiting period, notice of taking and sale and right to reclaim are governed by Minnesota Statute 168B.051; .06, and .07

45.4 PERMITTING, LICENSING, AND FEES

A. It shall be unlawful for anyone to operate a junk/salvage facility or similar activity in any location in the unincorporated area of Crow Wing County except when in possession of the required permits and are located in Agricultural/Forestry or Commercial - Industrial Districts.

B. Those Junk/Salvage Facilities or similar activities currently licensed by the County shall be considered an operational facility as permitted under the previous ordinance. Any junk/salvage facility regardless of its operational date must conform to the requirements of this amended ordinance. The permit application shall include when the facility was initially permitted and its zoning classification.

C. Those Junk/Salvage activities not currently permitted and not located in an Agricultural/Forestry or Commercial – Industrial District are considered in violation of this ordinance and Solid Waste Ordinance and subject to enforcement actions.

D. The owners of the land on which these junk/salvage or similar activities are occurring must make application pursuant to established procedures; have the application reviewed by staff; request a zoning change to Agricultural/Forestry or Commercial - Industrial and must make application for a Conditional Use permit to operate said Junk/Salvage Facility or similar activities. Should the requested zoning change and/or conditional use be denied, the junk/salvage yard shall be considered in violation of this Ordinance and be required to be removed and/or otherwise dispose of all materials by the owner in a manner satisfactory to the County within 180 calendar days of denial. Should the zoning change and conditional use be approved, the owner shall apply for a permit to operate the junk/salvage facility within 30 days after the zoning change has been granted. If the owner fails to apply for a license within the 30 days, the conditional use will be considered revoked, and the owner will be considered in violation of this and all other relevant ordinances or rules.

E. A permit will not be issued until an existing facility is in compliance with all appropriate planning and zoning and solid waste rules and requirements of this ordinance.

F. An annual fee will be paid by the property owner for annual operation before issuance or re-issuance of the license. All other requirements must be met before issuance of the license.

45.5 INSPECTIONS

A. Right of Inspection

An applicant for any permit under this Ordinance or supporting Ordinances does thereby give the Department the right of access to the premises concerned for inspection and enforcement of this Ordinance. Additionally, the Department is authorized to enter upon lands within the unincorporated area of the County for the purpose of carrying out the duties and functions imposed under this and all other supporting ordinances and/or make investigations of any violations of this Ordinance and/or cause proceedings to be instituted if any action so warrants.

B. Inspections

The Department may inspect all facilities as needed. Owners and operators may be present for the inspection. Minnesota Pollution Control Agency staff may also be present. There may be unannounced inspections at any time.

1. The areas of inspection shall include but not be limited to permits, licenses, insurance, employee training, reports, plans, and operation of the facility. The Department will complete a standard inspection form. One copy of the inspection results shall be provided the owner and/or operator; a copy will be kept on file at the Department Offices and a copy may be forwarded to the Minnesota Pollution Control Agency's Regional Office in Brainerd. The results of the inspection will be provided the facility owner or operator within 15 days following the inspection. The facility owner may request a meeting to further review items listed on the inspection form.
2. The owner or operator shall have 30 days to correct any faults found during the inspection and submit by mail, proof of correction to the Department. The Department may conduct a follow-up inspection to determine if corrections have been satisfactorily completed.

45.6 REQUIREMENTS AND REGULATIONS

A. Operational Requirements

The operation of a junk/salvage facility or similar activity must conform to the tenants of Minnesota Statute, MPCA Rules, Crow Wing County Ordinance and the MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual for day-to-day operation and done in a manner that the operation does not have a negative effect on the general safety, health and welfare of the public. Further, operation of a junk/salvage facility or similar activity must adhere in its daily operations to standards set forth in this Ordinance.

B. Performance Standards

New junk and salvage operations shall be subject to the administrative provisions of this ordinance and the Solid Waste Ordinance. Both new and existing junk and salvage operations are subject to the following performance standards:

Upon approval of a conditional use or other permit application, the Department and/or the Planning Commission/Board of Adjustment may require a surety bond, cash escrow or cash deposit prior to issuing a land use permit or initiation of work on a proposed facility or clean-up of an existing junk/salvage facility. Said security shall guarantee conformance and compliance with conditions imposed by the Planning Commission/Board of Adjustment and within a specified period of time.

1. The facility shall be served by a minor collector or higher functional classification of roadway.

2. The use shall comply with all applicable Federal, State statute and rules, County Ordinances, and policies.
3. Buildings or structures of any kind must meet the setback requirements presented in this ordinance. Any exterior storage including but not limited to: vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal and all other items or materials shall meet a minimum of a 35 foot buffer zone along all property lines except when a fence has been established up to and parallel to a property line and pursuant to the provisions of this Ordinance.
4. Parking shall meet the requirements of Article 16 of this ordinance.
5. A transportation management plan shall be submitted by existing facilities by January 1 of the year following the adoption of this Ordinance. New facilities must include a transportation management plan accompanying the application for a permit. This plan must address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
6. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
7. The junk/salvage yard shall be screened on all sides from public view by a solid fence or dense planting of not less than eight feet in height. In meeting this requirement, the junk/salvage yard shall either be solidly fenced or shall have approved plantings planted within one calendar year after the date of the initial junk/salvage yard operating license. Should plantings be unable to meet this requirement, such plantings shall be approved by the County and be of such type and planting density so as to provide a solid screening of the junk/salvage yard within three calendar years after planting. Other types of screening may be acceptable if approved by the Planning Commission/Board of Adjustment.
8. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of 12 feet above grade.
9. Hazardous materials and waste stored at the facility must be stored in a manner consistent with Federal and State statutes. The facility owner or operator shall inform the County's Solid Waste Coordinator of the type and amount of hazardous materials and waste stored at the facility.
10. An environmental management plan, including: an emergency management plan which should be coordinated with the local fire chief, storm water and drainage plan addressing the impact of the facility on the environment must be submitted to the Department. These plans must be submitted by existing and permitted facilities no-later-than January 1 of the year following adoption of this ordinance. Facilities applying for a permit to operate must include these plans in the application. The plan will be reviewed by staff and approved or returned for corrections within 30 days of receipt.
11. Signs and lighting shall conform to Article 16 of this ordinance.
12. Any new or existing Junk/Salvage Facilities or activities located along a corridor of ¼ mile on either side of Highway 371 in the First Assessment area extending from the current municipal boundaries of the cities of Baxter/Brainerd and Nisswa will comply with Article 16 – Commercial Corridor Standards as well as all requirements in this ordinance.
13. One owner/operator residence may be allowed at a permitted Junk/Salvage Facility. The residence is to be used only for the owner or operator and his/her family members. This residence must meet all the performance standards of this ordinance.

14. The facility must meet all performance standards for MPCA Rules, Chapter 7080, Individual Sewage Treatment Systems and Article 37 of this ordinance.

15. The junk/salvage facility owner or operator shall keep a written record of all fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants, and window washing fluids. Fluids must be removed from the vehicle within 10 days of receipt of the vehicle and managed in a manner consistent with Minnesota State Statute and Minnesota Pollution Control Agency Rules and all applicable Ordinances. Un-permitted, illegal junk/salvage facilities or similar activities will be required to remove all such waste types as directed in the enforcement action.

16. All lead acid batteries; mercury containing devices, fluids etc., and hazardous materials must be removed from the vehicle within 30 days of receipt of the vehicle at the facility and managed in a manner consistent with Minnesota State Statute and Minnesota Pollution Control Agency Rules and all applicable Ordinances. Un-permitted, illegal junk/salvage facilities or similar activities will be required to remove all such waste types as directed in the enforcement action.

17. Vehicles that are not to be used for salvage and are kept intact for resale and recorded in the facility records for such purposes are exempt from the requirements listed in parts xv and xvi above. However, each vehicle retained for resale must be examined for leaking fluids and such steps taken to prevent fluids from contaminating soils and water.

18. Onsite disposal or burning of trash, refuse, garbage, or other waste materials is prohibited. Salvage of materials by fire, burning, explosives or chemical decomposition is prohibited.

19. All tires not left on vehicles will be managed by the Crow Wing County Solid Waste Ordinance.

20. Owners or operators of a junk/salvage facility or similar activity shall submit a written report to the Department by March 1 of each year. The report shall include the number of vehicles stored onsite for salvage, vehicles stored onsite for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in Section V of this Ordinance shall be attached to the report. Failure to submit reports may result in suspension of the permit to operate, criminal or civil actions.

21. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for a maximum of 85 vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight inches lower in elevation than the lowest edge of the holding or staging area.

22. A good neighbor policy will be established for the benefit of all existing and newly permitted junk/salvage facilities or similar activities and all adjacent property owners notified of the establishment of such land use activities.

C. Education and Training

1. Junk/Salvage Facility owners and operators are required to insure all employees receive initial and, at a minimum, annual training according to the concepts and principles in the Motor Vehicle

Salvage Facility Environmental Compliance Manual for the operation of the facility. Additional training may be required by other agencies and is the responsibility of the owner or operator.

2. Education and training requirements may be changed as technology changes.

D. Reports

Each Junk/Salvage Facility or similar activity is required to record data that will be used as an Annual Facility Report to the Department and submit necessary reports to the Minnesota Pollution Control Agency. All information except amounts and types of waste will be considered proprietary and not released to the public. The following information must be included in the annual report to the County including, type of waste; manner in which the material is stored and location; disposal location and licensed waste hauler transporting the waste material.

1. Record of all incoming vehicles
2. Record use and/or reuse of fluids
3. Amount and type of fluids
    a) Oil
    b) Antifreeze
    c) Refrigerants
    d) Fuel
    e) Sodium Azide (airbag propellant)
4. Solids
    a) Oil filters
    b) Oil Absorbents
    c) Lead acid batteries
    d) Lead parts
    e) Solvent rags
    f) Mercury switches
    g) Tires
    h) Catalytic converters
5. Major Appliances
6. Any other waste materials by type and amount
7. Amounts and type of recyclable material

45.7 PLANS AND MAPS

A. **Site map.** A site map is required of all junk or motor vehicle salvage facilities or similar activities and must include at a minimum:

1. Overview of the entire facility with property lines and structure setbacks

2. Location, title and dimensions of all structures and equipment in the facility
3. Description of activities and mechanical components of the facility
4. Listed description of all potential pollutants

B. **Plans.** Plans required of all junk or motor vehicle salvage facilities and similar activities must include at a minimum the following:

1. Spill Prevention Plan
2. Spill Response Plan
3. Waste Fluid Management Plan
4. Storm Water Management Plan (NPDES/SDS)
5. Emergency Response Plan (Fire, Explosion, and Injury)
6. Record Keeping Plan
7. Permits, Licenses and Training
8. Tire Storage Plan
9. Major Appliance Collection, Storage and Disposal Plan

45.8 REGULATED WASTES

Regulated wastes include but are not limited to: major appliances, electronics, household hazardous waste, tires and any other waste materials having the potential to negatively impact health, safety and general welfare of the public or affect the water and lands of the State. All such waste types must be managed according to applicable statutes, rules and ordinances and may require special permits in order for a facility to accept, handle and manage such waste types.

ARTICLE 46--DEFINITIONS

46.1 PURPOSE

For the purposes of this Ordinance, certain terms and words are hereby defined. The word PERSON indicates a firm, association, organization, partnership, trust, company, or corporation as well as the individual. The present tense includes the future tense, and the singular number shall include the plural and plural shall include the singular. The words MUST and SHALL are mandatory and the word MAY is permissive; the words USED or OCCUPIED include the words INTENDED, DESIGNED or ARRANGED TO BE USED OR OCCUPIED. The words LOT, PLOT, or PARCEL are interchangeable. Specific definitions used within the Ordinance, unless another meaning is clearly given, are listed below:

46.2 DEFINITIONS

1. **ABANDONED MOTOR VEHICLE -** The same as a junk vehicle and meets the criteria as identified in this Ordinance.
2. **ACCESS LOT, ALTERNATIVE -** Parcels of land that provide access to public waters for owners of riparian lots within subdivisions. These shall be used where the Planning Commission/Board of

Adjustment determines that direct riparian access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat.

3. **ACCESS LOT, CONTROLLED -** Any lot, tract, or parcel of land, however designated or described, intended to be used to provide accesses to public waters for owners of non-riparian lots.
4. **ACCESS PATH -** An area designated to provide ingress and egress to public waters.
5. **ACCESSORY USE OR STRUCTURE -** A use or structure which is incidental and subordinate to and on the same lot as the principal structure and does not include living quarters. Such structures include sheds, storage shelters, pole buildings, detached garages, cargo containers, in-ground pools, and similar structures.
6. **ACCESSORY USE -** A use incident and subordinate to the main use of the premises. An accessory use cannot, by definition, exist without the establishment of a primary use.
7. **ADJACENT PROPERTY, ADJOINING PROPERTY -** Any portion of a lot or larger tract of land that is not over one-quarter (1/4) mile from the concerned premises or has common property line with the concerned premises. A lot or larger tract of land that is squarely across a road, other than a Principal or minor arterial, from the concerned premises, shall be construed as having a common property line. A lot or larger tract of land that corners the concerned property shall be considered as having a common property line at such cornering point.
8. **ADMINISTRATIVE FEE -** A fee charged by the Department as set by the Board to compensate for time spent involving the investigation and prosecution of violations, including other additional expenses incurred during the investigation.
9. **ADMINISTRATIVE SUBDIVISION -** A division of land that does not require a plat but is subject to department approval meeting the requirements of Articles 9.5 & 9.6.
10. **ADMINISTRATOR -** The Crow Wing County Land Services Department Supervisor for Environmental Services, or their authorized representative, who is responsible for administering this ordinance.
11. **ADULT USES -** Adult body painting studios, adult book stores, adult car washes, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult sauna/steam room/bathhouses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcade, adult modeling studios and other premises, enterprises or establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation or display, depiction or description of "specified sexual activities" or "specified anatomical areas" which the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state licensed or registered persons. Activities classified as obscene, as defined by Minnesota Statutes Section 617.241, are not lawful and are not included in the definition of adult uses.
12. **ADULT USES – ACCESSORY -** The offering of goods and/or services classified as adult uses on a limited scale that are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
13. **ADULT USES – PRINCIPAL -** The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:
14. **ADULT BODY PAINTING STUDIO -** An establishment or business that provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron

when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.

15. **ADULT BOOK STORE -** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, video tapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items bartered, rented or sold are distinguished or characterized by an emphasis on the depiction of description of "specified sexual activities" or "specified anatomical areas.
16. **ADULT CABARET -** A building or portion of a building which provides exotic dancing, striptease or other live entertainment if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".
17. **ADULT CAR WASH -** A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of "specified anatomical areas".
18. **ADULT COMPANIONSHIP/CONVERSATION/RAP ESTABLISHMENT -** A companionship, conversation, or rap establishment which excludes minors by reason of age, or which provides customers the service of engaging in or listening to conversation, talk or discussion that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
19. **ADULT ENTERTAINMENT FACILITY -** A building or space in which an admission is charged for the entrance or where food or non-alcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
20. **ADULT ESTABLISHMENT -** An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices, either:
    a. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operator of such business: or,
    b. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to "specified sexual activities" or "specified anatomical areas". Specifically included in the term, but without limitation, are adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels and adult body painting studios.
21. **ADULT HEALTH CLUB/SPORT CLUB/ MASSAGE PARLOR -** A health club, sports club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
22. **ADULT HOTEL OR MOTEL -** A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

23. **ADULT MINI-MOTION PICTURE THEATER -** A building or portion of a building with a capacity for less than fifty (50) persons used for presenting of still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
24. **ADULT MODELING STUDIO -** An establishment whose business is the provision to customers of figure models who are provided with the intent of giving sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas", while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.
25. **ADULT MOTION PICTURE ARCADE -** A building or portion of a building wherein coin or slug operated, or electronically, electrically or mechanically controlled, or operated still or motion-picture machines, projectors, or other image-producing devices show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".
26. **ADULT MOTION PICTURE THEATER -** A building or portion of a building with a capacity of fifty (50) or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
27. **ADULT NOVELTY BUSINESS -** A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing or paraphernalia designed or used in connection with the presentation, display depiction, or description of "specified sexual activities" or "specified anatomical areas".
28. **ADULT SAUNA/STEAM ROOM/BATHHOUSE -** Means a sauna, steam room or bathhouse which excludes minors by reason of age, or which provides a sauna, steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, which utilizes steam water, or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
29. **AGENCY -** The Minnesota Pollution Control Agency or MPCA
30. **AGENT -** Any person acting on behalf of a property owner in dealing with activities under the jurisdiction of the Ordinance, including but not limited to realtors, contractors, or attorneys.
31. **AGGREGATED PROJECT** - Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
32. **AGRICULTURAL/FORESTRY DISTRICT (AGF) -** A land use district established to promote and protect those portions of the county where agricultural and/or forestry activities are dominant and are expected to continue to be vital elements of the local economy or where there is a pattern of large tract ownership or extensive recreational use of property.
33. **AIRCRAFT DETECTION LIGHTING SYSTEMS (ADLS)** - Sensor-based systems designed to detect aircraft as they approach an obstruction or group of obstructions; these systems automatically activate the appropriate obstruction lights until they are no longer needed by the aircraft. This technology reduces the

impact of nighttime lighting on nearby communities and migratory birds and extends the life expectancy of obstruction lights.

34. **AIRPORT -** An area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any
35. **AIRPORT: HANGER -** An accessory structure used for storage, maintenance, and repair of aircraft
36. **AIRPORT: PUBLIC -** Any airport, whether privately or publicly owned, where the public use for aeronautical purposes is invited, permitted, or tolerated by the owner or person having right of access and control.
37. **AIRPORT: PRIVATE -** Any restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility
38. **ALLEY -** A public way used primarily as a service access to the rear or side of a property which abuts on a road.
39. **AMUSEMENT PARK -** Establishments engaged in providing entertainment for a fee including such activities as games of chance or skill, rides, dance halls, theatrical productions; bands and other musical entertainment; and coin operated amusement devices.
40. **ANIMAL BREEDING AND/OR BOARDING FACILITY -** Any lot or premises on which dogs, cats and other household pets are kept, boarded, or raised for breeding or sale.
41. **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 a regular basis by a slaughter steer or heifer. Animal units are calculated by dividing the average animal weight for a species by 1,000 pounds. For purposes of these regulations, the following equivalents apply:

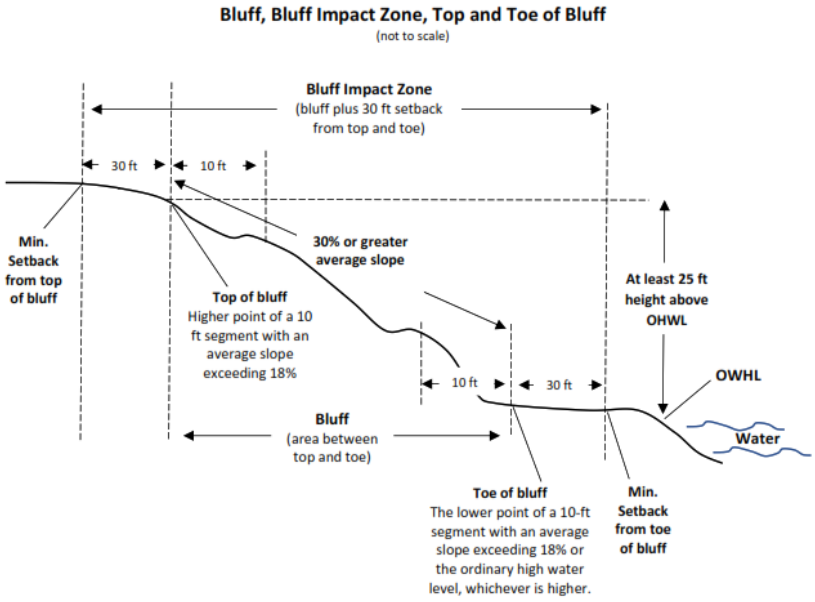
	Animal Unit (A.U)
1 mature dairy cow	1.4
1 slaughter steer or heifer	1.0
1 horse	1.0
1 swine over 55 lbs.	0.4
1 sheep	0.1
1 swine under 55 lbs.	0.05
1 turkey	0.018
1 chicken	0.01

42. **ANTENNA -** Any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennae such as whip- antennae.
43. **APARTMENT -** A room or suite of rooms that is designed for, intended for, or occupied as a residence by a family or individual.

44. **APPLIANCE** - Washers, dryers, electric and gas ranges or stoves, refrigerators, freezers, dehumidifiers, water heaters, residential furnaces, dishwashers, garbage disposal trash compactors, microwave ovens, air conditioners and heat pumps.
45. **AREA, BUILDING** - The entire area of ground covered by a structure.
46. **ARRAY (SOLAR)** - Any number of solar photovoltaic modules or collectors connected together to provide a single electrical output.
47. **ATHLETIC FIELD** - A parcel prepared and equipped for playing a game(s).
48. **ATTORNEY** - The County Attorney for Crow Wing County, Minnesota.
49. **AUDITOR - TREASURER** - The County Auditor-Treasurer for Crow Wing County, Minnesota
50. **BASE FLOOD** - The flood having a one percent change of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in this ordinance and Minnesota Rules, part 6120.5000.
51. **BASE FLOOD ELEVATION** - The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.
52. **BASE FLOOD ELEVATION** - The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.
53. **BASEMENT** - Any area of a structure, including crawl spaces or any sunken room or sunken portion of a room, having its floor base subgrade (below ground level) on all four sides regardless of the depth of excavation below ground level.
54. **BED AND BREAKFAST RESIDENCE** - A dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.
55. **BEDROOM** - A room or unfinished area within a dwelling that might reasonably be used as a sleeping room as determined by the local unit of government.
56. **BERM** - A hill of land that acts as a visual barrier between a lot and adjacent properties, alleys, or streets, or that provides a barrier to the flow of stormwater from one property to another property or a waterway.
57. **BEST MANAGEMENT PRACTICES** - Erosion and sediment control and water quality management practices that are the most effective and practical means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction- phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices.
58. **BIORETENTION** - Areas that capture sheet flow runoff from impervious surfaces and treat the stormwater using a combination of microbial soil processes, infiltration, evapotranspiration, and plants.
59. **BLUFF** - A topographical feature such as a hill, cliff or embankment having all of the following characteristics:
    a. Part or all of the feature is located in a shoreland area;
    b. The slope rises at least 25 feet above the toe of the bluff;
    c. The grade of the slope from the toe of the bluff to the top of the bluff averages 30 percent or greater; and

d. The slope must drain toward the water body.

60. **BLUFF IMPACT ZONE** - A bluff and land located within 30 feet of the top and toe of a bluff.



61. **BLUFF, TOE** - For the purpose of measuring setbacks, the point at the bottom of a bluff that is the lower end of a 10 foot segment with an average slope of 18 percent or is the OHWL, whichever is higher.

62. **BLUFF, TOP** - For the purpose of measuring setbacks, the point at the upper end of a bluff that is the higher end of a 10 foot segment with an average slope of 18 percent.

63. **BOARD OR COUNTY BOARD** - The Crow Wing County Board of Commissioners

64. **BOARD OF ADJUSTMENT** - The Board of Adjustment for Crow Wing County, Minnesota, as created by this ordinance.

65. **BOARDWALK –** A temporary or permanent above-grade constructed linear walkway, located above the OHW, not to exceed 6 feet in width and used to cross wetlands for the purposes of accessing shorelines/public waters.

66. **BOATHOUSE** - A structure designed and used solely for the storage of boats or boating equipment.

67. **BOAT SLIP** - A space adjacent to a dock or between two docks or piers where one boat may be moored.

68. **BOUNDARY LINE ADJUSTMENT:** - A procedure for changes in property lines through the attachment of land to a contiguous lot, tract, or parcel. A boundary line adjustment is intended to modify or correct the location of a boundary line or to remedy adverse topographical features or encroachments. A boundary line adjustment may be allowed provided any residual tract of land or any existing structures does not become noncompliant with the provisions of this ordinance.

69. **BROADCAST** - To convey, generate, transmit or receive electromagnetic signals regardless of frequency, power level or communications use.

70. **BUFFER** - Land that is used to protect adjacent lands and waters from development and more intensive land uses. The land is kept in a natural state of trees, shrubs, and low ground cover and understory of plants and functions to filter runoff, control sediment and nutrient movement, and protect fish and wildlife

habitat. In areas of agricultural use, the land may be used for less intensive agricultural purposes provided its function as a buffer remains intact.

71. **BUILDABLE AREA** - The minimum required area remaining on a newly created parcel of land or platted lot after all, public road rights-of- way, road easements, setbacks, and wetlands are subtracted. In the Shoreland District, all land below the ordinary high-water level (OHWL) of public waters, bluffs, areas with slopes greater than 25%, and floodways shall also be subtracted.
72. **BUILDING ENVELOPE:** - A drawing showing the outline of where structures can be built meeting setbacks to public waters, road-right-of way, easements, bluffs, lot lines, wetlands, and subsurface sewage treatment systems.
73. **BUSINESS – COMMERCIAL RETAIL** - Any establishment, employment, or enterprise wherein merchandise is manufactured, exhibited, stored, or sold, or where services are offered for compensation.
74. **BUILDING LINE** - A line parallel to a lot line or the Ordinary High-Water Level at the required setback beyond which a structure may not extend.
75. **CAMOUFLAGE** - A covering or disguise of any kind to hide or conceal.
76. **CAMP, TRANSIENT OR CHURCH** - A parcel upon which an organization, religious or otherwise, offers group accommodations and organized recreation and/or instruction.
77. **CAMPER** - A structure capable of providing shelter and mounted on a self-propelled vehicle.
78. **CAMPGROUND OR RECREATIONAL CAMPING VEHICLE PARK** - A development that is used for the purpose of providing five or more sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.
79. **CANNABIS CULTIVATION:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
80. **CANNABIS RETAIL BUSINESS:** A retail location and the retail location(s) of a mezzobusiness with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.
81. **CANNABIS RETAILER**: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
82. **CARGO CONTAINER** - A sealed metal box receptacle of size and type commonly used for shipping items via railroad or water vessels. A cargo container must be free of visible rust and in overall good repair to be used as an accessory structure.
83. **COMMUNITY-BASED ENERGY DEVELOPMENT PROJECT (C-BED)** - Based on the total name plate generating capacity, C-BED Projects are considered to be (1) Micro-WECS, (2) Non-Commercial WECS or (3) Commercial WECS as defined in this Article.
84. **CEASE AND DESIST ORDER** - A document issued upon discovery of a potential violation or actual violation to prevent additional violations or a continuation of a violation.
85. **CEMETERY** - An area set apart for or containing graves, tombs, or funeral urns; a burial ground or graveyard.

86. **CERTIFICATE OF COMPLIANCE** - A document written after a compliance inspection, certifying that an existing sewage treatment system is in compliance with applicable MPCA 7080 requirements at the time of inspection.

87. **CERTIFICATE OF INSTALLATION** - A document issued by Crow Wing County after the initial inspection and certifying that a new septic system meets the performance standards of MPCA 7080.

88. **CERTIFICATE OF SURVEY** - A drawing completed by a Registered Land Surveyor licensed in the State of Minnesota and meeting the requirements of this Ordinance.

89. **CHANNEL** - A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

90. **COLLECTOR ROAD, MAJOR/MINOR** - A road that serves as a principal connection between a minor arterial or principal arterial and minor roads.

91. **COMBINATION TIME USE CAMPGROUND** - A campground with part of its campsites available for seasonal use and part of its campsites available for part-time use. A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.

92. **COMMERCIAL** - Any use or establishment pertaining to commerce or mercantile for the sale, lease, rental or trade of products, goods, and services.

93. **COMMERCIAL DISTRICT (C)** - A land use district established to provide adequate areas for general retail, wholesale, office, and service activities. Commercial districts shall be located along federal, state, county, or township roads.

94. **COMMERCIAL-INDUSTRIAL DISTRICT (CI).** A land use district to accommodate industrial uses that may produce off-site impacts such as noise, odor or vibration and may require performance standards such as buffering or increased setbacks.

95. **COMMERCIAL STORAGE YARD:** Land exceeding a cumulative total of 250 square feet per parcel which is used for the regular display of goods for sale, rent, lease or trade, or which is used for the outdoor storage of boats, vehicles, recreational vehicles or other items which are not the personal property of the property owner on which it is stored. The growing or temporary storage of agricultural products, including trees, shall not be considered a commercial sales/storage lot.

96. **COMMERCIAL STORAGE FACILITIES:** a use of land for storage buildings that may be leased or sold individually. Said buildings cannot be used as dwellings or contain livable area.

97. **COMMERCIAL WECS** - A WECS with a maximum height of 200 feet or greater.

98. **NON-COMMERCIAL STORAGE YARD –** A use of land for the outside storage of equipment and materials of building, plumbing, painting, heating, landscaping, septic system or other contractors in the building trades that perform their work primarily off-site and where the equipment and materials are being stored only temporarily until used at an off-site job location.

99. **COMMISSIONER, (DNR)** - The Commissioner of the Department of Natural Resources or his/her authorized representative.

100. **COMMON INTEREST COMMUNITIES -** Contiguous or noncontiguous real estate 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.

101. **COMMON OPEN SPACE** - A portion of a development that:

a. Is permanently set aside to preserve elements of the natural landscape for public or private use;

b. Will not be developed or subdivide; and

c. Is generally owned in common by the individual owners in the development or by a permanently established management entity.

102. **CONDITIONAL USE** - A land use that would not be generally appropriate in a land use district, but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

a. Certain conditions as detailed in the ordinance exist, and

b. The use or development conforms to the comprehensive land use plan and

c. Is compatible with the existing neighborhood.

103. **CONDOMINIUM** - A common interest community in which:

a. Portions of the real estate are designated as units,

b. The remainder of the real estate is designated for common ownership solely by the owners of the units, and,

c. Undivided interests in the common elements are vested in the unit owner.

104. **CONFORMING** - To be, act, use or exist pursuant to this ordinance and any regulations or standards promulgated hereunder, and with any special conditions or requirements imposed hereunder, and with any special conditions or requirements imposed in the issuance of any permits hereunder

105. **CONSERVATION DEVELOPMENT** - A method of subdivision characterized by common open space, compact residential structure unit lots that may or may not be clustered, and the flexibility to create lots with reduced size and width than what is otherwise required by this ordinance and/or in a conventional subdivision. The purpose of a conservation development is to create greater community value through open space amenities for homeowners and protection of natural resources, while allowing for the residential densities consistent with prevailing densities.

106. **CONTOUR LINE** - A line connecting points that are at the same elevation. Contour interval is the vertical height between contour lines.

107. **CONVENTIONAL DEVELOPMENT** - A method of subdivision characterized by lots that are spread evenly throughout a parcel in a lot and block design, and which meet the minimum required lot size and width required by this ordinance. Conventional developments have a one primary residence per lot configuration.

108. **CORRECTIVE ACTION** - The steps taken to return a development, structure, or use to a condition that complies with the standards of this ordinance and any conditions required by the Department or the Planning Commission/Board of Adjustment, or no longer poses a threat to human health and the environment; or is no longer a public nuisance.

109. **COUNTY** - Crow Wing County, Minnesota.

110. **COUNTY COMPREHENSIVE PLAN** - The plan for the orderly growth of Crow Wing County as adopted and amended by the Planning Commission/Board of Adjustment and the County Board. This

includes the group of maps, charts and texts that make up the comprehensive long range plan for Crow Wing County.

111. **COUNTY RECORDER** - The County Recorder and Registrar of Titles for Crow Wing County, Minnesota

112. **CRITICAL FACILITIES** - Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

113. **CUL-DE-SAC** - A permanent road terminating at one end, which is circular in design, without connecting with another road

114. **DECK** - A horizontal, unenclosed platform, which is attached or functionally related to a dwelling, and may or may not have attached railings, seats, trellises, or other features.

115. **DATA CENTER -** A facility exceeding 2,000 square feet which houses one (1) or more networked computer servers as the principal use of the building for the purpose of storing, managing, computing, or processing digital data, and which requires various infrastructural elements such as power distribution units, electrical panels, backup generators, cooling equipment such as fans and ducts to distribute cool air, or immersion cooling equipment. For the purpose of this definition, crypto mining is included as a data center.

116. **DECOMMISSIONING PLAN** - The planned and orderly removal of the physical components of a renewable energy system and all accessory facilities, and restoration of the site.

117. **DEDICATION TO THE PUBLIC:** - **Parks:** All property in a plat dedicated to the public as parkland shall operate to convey fee title to the property to the designated political subdivision for the use and purposes named or intended.

118. **DEPARTMENT** - The Crow Wing County Land Services.

119. **DEVELOPMENT** - Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

120. **DEVELOPMENT REVIEW TEAM (DRT)** - A committee to provide preliminary review of applications for variances, conditional uses, and development proposals.

121. **DIRT MOVING** - Any movement, excavation, grading, or filling of dirt on a lot.

122. **DISPOSAL OR DISPOSE** - The discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

123. **DOCK -** A narrow platform or structure extending waterward from the shoreline (below OHW) intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

124. **DNR** - Minnesota Department of Natural Resources.

125. **DRIVEWAY** - A road, easement or strip of land serving as vehicular access to not more than two (2) residential lots or parcels and which is not dedicated to nor maintained by a public agency.

126. **DUMP** - An area used for disposal of wastes.

127. **DUPLEX RESIDENTIAL LOT** - A lot meeting the size and width requirements of Article 28 for a duplex.

128. **DWELLING, SINGLE-FAMILY** - A detached residence designed for or occupied by one family only.

129. **DUPLEX, TRIPLEX, AND QUAD** -A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

130. **DWELLING SITE** - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

131. **DWELLING UNIT** - Any structure or portion of a structure or other shelter, designed as short or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

132. **EASEMENT** - A non-possessory interest held by one person in the land of another whereby the non-possessory person is given partial use of the land for a specified purpose.

133. **ELIGIBLE ENERGY TECHNOLOGY** - As defined in Minnesota Statutes 216B.1691.

134. **EMERGENCY SERVICE AGENCY (PUBLIC OR PRIVATE)** - Any agency providing police, fire, rescue, or emergency medical services; whose service boundaries are established by Minnesota State Statute, local governing authorities, or the Commissioner of Public Safety, and are to be included as part of an emergency service zone (ESZ) for Enhanced 911.

135. **EMERGENCY SERVICE ZONE (ESZ)** - A specified area served by public or private Emergency Service Agencies.

136. **ENERGY STORAGE SYSTEMS** - Mechanism(s) to contain useful energy which can then be used at some later time in the future. Acceptable methods and technologies used to store various forms of energy include, but are not limited to, Batteries (Lithium ion, lead acid, lithium iron. Or other battery technologies), Flow Batteries, Flywheels, Compressed Air, Pumped Hydro-power, and Thermal.

137. **ENGINEER** - The Crow Wing County Highway Engineer or authorized agent.

138. **ENVIRONMENTAL SERVICES MANAGER** – The Crow Wing County Environmental Services Manager, or other County employee with primary responsibility for administration of this Ordinance.

139. **ESSENTIAL SERVICES** - Essential Services or Essential Service Systems shall be above ground or underground electrical, gas, communication, steam, liquid or sewer systems for collection, distributing or transmission purposes, used by governmental departments, or commissions or by public utilities (including cooperatives) each having the power of eminent domain, as are required for protection of the public health, safety, or general welfare. Such systems shall include, but not be limited to, towers, poles, pole mounted appurtenances, wires, cables, conduits, pipes, sewers, drains manholes, fire alarm boxes, police call boxes, public telephone booths and accessories thereto. Electrical substations, communication repeater stations, pipeline pumping or metering stations, sewer lift stations, water wells

and accessories thereto, including buildings that are an integral and protective part thereof, shall be considered as structures which are parts of such Essential Service Systems.

140. **EQUAL DEGREE OF ENCROACHMENT** - A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

141. **EVENT CENTER -** A commercial or not-for-profit facility or operation that makes use of land and/or buildings for non-industrial recreational or tourist-related activities and is secondary or related to a primary rural, shoreland or agricultural use or setting of the property. Examples include, but are not limited to farms, orchards or wineries or other properties which hold festivals or fairs; petting zoos; corn mazes; wedding, meeting, party or retreat venues; wine or food tasting events; brew pubs; or concerts. An event center may include food, liquor, and retail sales.

142. **EXPANSION** - Any increase in a dimension, size, area, volume, or height, or increase in the area of use, or placement of a structure.

143. **EXTRACTIVE USE** - All forms of, but not limited to, gravel, sand, topsoil, quarry rock, mineral, peat, humus, sub-surface in-situ leach extraction, petroleum and any other similar uses in which material is removed from the ground.

144. **FAA** - Federal Aviation Administration.

145. **FALL ZONE** - The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure.

146. **FAMILY** - One or more persons, each related to the other by blood, marriage, adoption or foster care, or a group of no more than three persons not so related but maintaining a common household and using common kitchen facilities.

147. **FARM BUILDINGS** - Agricultural buildings are structures designed for farming and agricultural practices, including but not limited to: growing and harvesting of crops and raising livestock and small animals. Specific examples of farm buildings include: barns, greenhouses, storage buildings for farm equipment, animal supplies or feed storage buildings for equipment used to implement farming and/or agricultural practices, storage buildings for crops grown and raised on site (cold storage), and horticultural nurseries.

148. **FARMLAND** - Land specifically used for agricultural purposes in the raising of crops or livestock.

149. **FEEDER LINE** - Power lines that transport electrical power from one or more wind turbines to the point of interconnection with a high voltage transmission line.

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

151. **FEMA** – Federal Emergency Management Agency.

152. **FENCE** - An artificially constructed barrier on or within 5 feet of a property boundary. An open type fence of posts and wire is not considered to be a structure under this ordinance.

153. **FINANCIAL ASSURANCE** - Assurance in the form of a surety bond, cashier's check, or cash to guarantee conformance and compliance with ordinances and conditions of the county.

154. **FLICKER -** The moving shadow cast by the rotating blades of a WECS, or any intermittent, repetitive, or rhythmic lighting effect that is a direct result of rotating WECS blades.

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

156. **FLOOD FREQUENCY** - The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

157. **FLOOD FRINGE** - The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Crow Wing County, Minnesota.

158. **FLOOD INSURANCE RATE MAP** - An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

159. **FLOOD INSURANCE STUDY** - The study referenced in Article 21 of this ordinance, which is an examination, evaluation, and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

160. **FLOOD PLAIN** - The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

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

162. **FLOOD PRONE AREA** - Any land susceptible to being inundated by water from any source.

163. **FLOODWAY** - The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

164. **FOOTING PLACEMENT INSPECTION** - An inspection conducted after a permit for a structure has been issued but before construction begins when there is evidence on the ground (such as footing forms or footing trenches) as to where the structure will be located so as to verify that all required setbacks will be met.

165. **FOREST LAND** - Land covered with forest or reserved for the growth of forests.

166. **FOREST LAND CONVERSION** - The clear cutting of forested lands to prepare for a new land use other than re-establishment of a subsequent forest stand.

167. **FRONTAGE/BACKAGE ROAD** - A local road parallel to and adjacent to a principal or minor arterial, designed to provide direct access to land in lieu of direct access from a principal or minor arterial.

168. **GARBAGE** - Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

169. **GENERAL FLOODPLAIN** -Those floodplains designated on the Flood Insurance Rate Maps referenced in Article 21 of this ordinance, but that do not have a delineated floodway.

170. **GENERATOR NAMEPLATE CAPACITY** - The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.

171. **GOLF COURSE** - An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards. A golf course may include food, liquor, and retail sales.

172. **GROUND WATER** - The water contained below the surface of the earth in the saturated zone including and without limitation all waters whether under confined, unconfined, or perched conditions in near surface unconsolidated sediment or region or in rock formations deeper underground. The term ground water shall be synonymous with underground water.

173. **GROUP CARE FACILITY** - A facility which provides residential services for individuals that are handicapped, aged, disabled, or undergoing rehabilitation. This includes uses such as homes for the physically handicapped, intellectually disabled, chemically dependent, foster children, maternity shelters, and half-way houses.

174. **GROUP HOME** - A facility which provides residential services for individuals that are handicapped, disabled, or undergoing rehabilitation and that is not required to be regulated as a single- or multi-family home by MN Statutes 245A. This includes uses such as homes for the physically handicapped, intellectually disabled, chemically dependent, foster children, maternity shelters, and half-way houses, assisted living, and supportive care.

175. **GROUP HOUSING** - A housing project consisting of a group of three or more buildings or family unit spaces constructed on a parcel of ground of one acre or more in size.

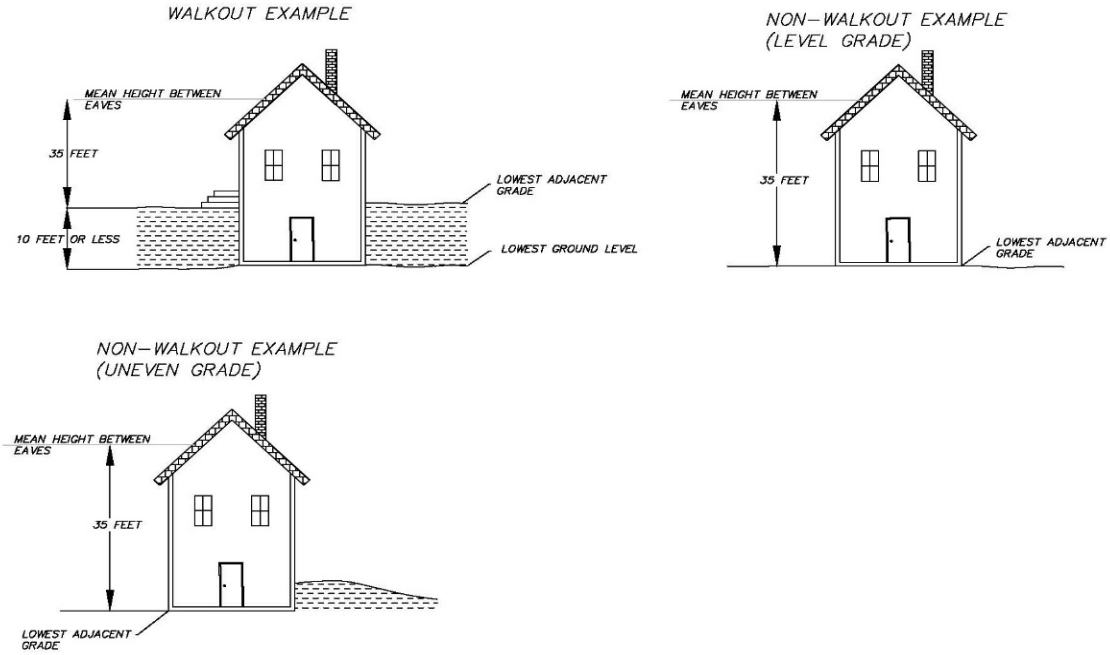
176. **GUEST COTTAGE** - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

177. **GUEST QUARTERS** - An accessory structure that contains a dwelling unit that may contain sleeping spaces and/or kitchen and/or bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

178. **HAULER** - Any person who owns, operates, or leases vehicles for the purpose of collection and transportation of junk, salvageable material, appliances, snowmobiles, four-wheelers, garden tractors, automobile parts or automobiles.

179. **HAZARDOUS WASTE** - Any refuse, sludge or other waste material or combinations of refuse, sludge or other waste materials in solid, semi- solid, 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.

180. **HEIGHT OF BUILDING** - The vertical distance between the lowest adjacent grade at the structure or ten feet above the lowest ground level whichever is lower, and the highest point of a flat roof or mean height between the eaves and the ridge for gable, hip, mansard, gambrel, or other pitched or hipped roofs.



181. **HIGH-VOLTAGE TRANSMISSION LINE** - A conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of one hundred (100) kilovolts or more and is greater than 1,500 feet in length.

182. **HOME BUSINESS** - A use of a commercial nature conducted by an occupant of a single family dwelling and/or employees which may be conducted inside as well as outside the dwelling or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

183. **HOME OCCUPATION** - A use of a commercial nature conducted within a single family dwelling entirely within the dwelling, or accessory buildings, where the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

184. **HOTEL** - A building containing five or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts, or halls.

185. **HUB HEIGHT-** The distance from the ground to the center axis of the turbine rotor.

186. **ICE RIDGE, ANNUAL** - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

187. **ICE RIDGE, HISTORIC** - A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

188. **IMPERVIOUS SURFACE** - A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; sidewalks; patios; parking lots; storage areas; concrete, asphalt, or gravel driveways; and other similar surfaces.

189. **INDUSTRIAL** - Manufacturing rather than commercial or agricultural pursuits; in general, meaning the use of the land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items, but where the sale or use thereof is not generally conducted on the premises concerned.

190. **INDUSTRIAL PARK** - An area of land subdivided and developed for the use of several industrial businesses simultaneously and in close proximity, providing the necessary infrastructure and access to transportation while reducing environmental and social impacts.

191. **INOPERABLE MOTOR VEHICLE -** A motor vehicle that cannot move under its own power and does not have a current license registration.

192. **INTERIM USE PERMIT -** A permit that allows a use that is neither a permitted, allowed or conditional use, for a limited period of time subject to conditions set forth in this Ordinance.

193. **INTENSIVE VEGETATION CLEARING** - The complete removal of trees, shrubs or ground cover in a contiguous patch, strip, row, or block.

194. **INTERIOR ROAD** - A roadway located within a subdivision.

195. **JUNK** - Old or scrap hazard signs, copper, brass, rope, rags, batteries, paper; synthetic or organic, trash, rubber debris; waste or junked, dismantled or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

196. **JUNK VEHICLE** - A vehicle that is extensively damaged including such things as broken or missing wheels, motor, drive train or transmission; is apparently inoperable; and does not have a valid and current registration plate.

197. **JUNK YARD, SALVAGE YARD** - Any premises where ten or more inoperable motor vehicles not containing current license registration are stored outside within the Agricultural/Forestry or Commercial/Industrial Land Use Districts. For the purposes of this Section, a motor vehicle with a license plate which has been expired for less than six months shall be construed as having a current plate.

198. **LAND USE DISTRICT** - An area or areas within the limits of the County for which the regulations and requirements governing use are uniform. District boundaries are shown on the official land use district map.

199. **LAND USE DISTRICT MAP** - The map showing the various land use districts into which the unincorporated areas of the County are divided.

200. **LAND USE PERMIT** - A permit issued by the County authorizing certain works to be done pursuant to the standards of the Ordinance.

201. **LEAD ACID BATTERIES** - Typically but not limited to those used in an automobile, boat or other recreational vehicle and lawn, garden, and farm tractors.

202. **LICENSED FAMILY DAY CARE, LICENSED GROUP FAMILY DAY CARE, LICENSED CHILD CARE CENTER** - A facility holding a license pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

203. **LICENSED PREMISES**: - That physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be licensed under this Ordinance, and which is specifically identified in the license granted to the Sexually Oriented Business.

204. **LIQUOR SALES, OFF SALE** - A retail establishment that sells prepackaged alcoholic beverages intended to be consumed off-premises.

205. **LIQUOR SALES, ON SALE** - A licensed establishment such as a bar, tavern, nightclub, or restaurant which offers the sale of alcoholic beverages intended for consumption on-premises.

206. **LIVABLE AREA** - An enclosed area in an accessory structure that is suitable for year-round use with walls, ceilings, and floors that are similar to a dwelling that includes but is not limited to bedrooms, bathrooms, kitchens, living rooms and dining areas.

207. **LOCAL ROAD OR STREET** - A road which serves primarily to provide access to adjacent lands and provides service to travel over relatively short distances as compared to collectors or other roads.

208. **LOT** - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other accepted means and separated from other parcels or portions by said description for the purpose of use, occupancy, sale, lease, or separation.

209. **LOT AREA** - Square footage or acreage included within the boundaries of a parcel or platted lot. For riparian lots, land above the Ordinary High-Water Level.

210. **LOT, RIPARIAN** - A lot that abuts public waters.

211. **LOT, NON-RIPARIAN** - A lot that does not abut public waters.

212. **LOT AREA** - Square footage or acreage included within the boundaries of a parcel or platted lot.

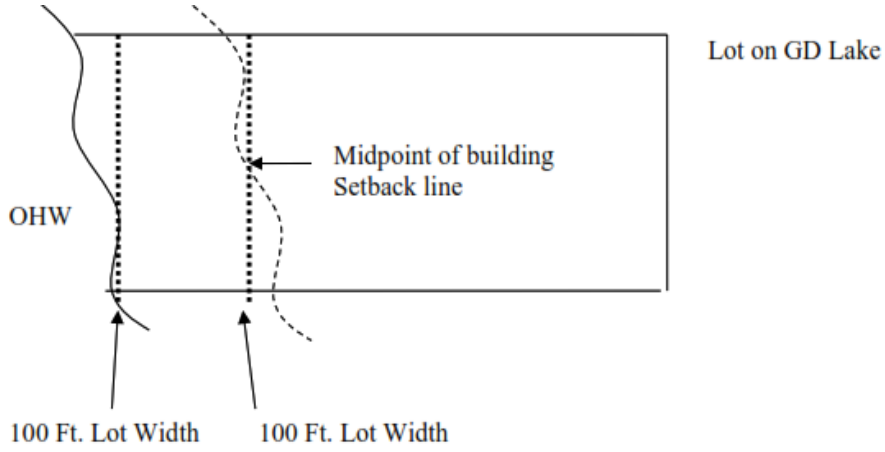
213. **LOT OF RECORD** - A lot which is part of a subdivision as recorded in the Office of the Register of Deeds or the Registrar of Titles in and for the County; or a tract of land described by metes and bounds and on record in the Office of the Register of Deeds or the Registrar of Titles in and for the County in existence prior to January 6, 1970.

214. **LOT WIDTH, NON-RIPARIAN** - The shortest distance between side lot lines as measured at the midpoint of the longest axis of the lot.

215. **LOT WIDTH, RIPARIAN** - The minimum distance between:

a. Side lot lines measured at the midpoint of the building setback line; and

b. The minimum distance between side lot lines at the ordinary high-water level



216. **LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

217. **MAINTENANCE** - Normal upkeep of a structure including but not limited to the replacement of windows, siding, external roof surfaces, or exterior finish such as paint or stain.

218. **MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

219. **MANUFACTURED HOME PARK** - Any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

220. **MANUFACTURING, LIGHT** - Uses that include fabrication, welding, machining, assembly, or processing of materials that are produced elsewhere, packaging of parts and finished products.

221. **MANUFACTURING, HEAVY** - Uses that include manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing, and trucking. These uses are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire, or explosion hazards.

222. **MARINA, COMMERCIAL** - Either an inland or offshore commercial mooring facility for the concentrated mooring of more than 2 watercraft or seaplanes, wherein commercial ancillary services common to marinas are provided including, but not limited to, rental or leasing of mooring slips or watercraft, vehicle parking areas or services, gasoline or retail sales related to water use, and watercraft repair services, etc.

223. **MASTER STREET ADDRESSING GUIDE (MSAG)** - The official listing maintained by the County Land Services and GIS Department depicting names and address ranges of all roads on the Official County Map.

224. **METEROLOGICAL TOWER** - For the purposes of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. Meteorological towers do not include towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.

225. **METES AND BOUNDS** - A description of real property which is not described by reference to a lot or block shown on a map but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property, or a description which delineates a fractional portion of a section, lot or area by described lines or portions thereof.

226. **MERCURY (Hg)** - A heavy, silver-white metallic chemical element in a liquid or gaseous state and often used in thermometers and switches.

227. **MICRO-WECS -** A WECS which is less than one hundred (100) feet in total height.

228. **MINOR** - A natural person under the age of eighteen (18) years.

229. **MNDOT**- Minnesota Department of Transportation.

230. **MOBILE HOME** - A factory-built dwelling that is not a manufactured home and used generally for year-round occupancy as a single family dwelling constructed for movement from place to place occasionally; generally, less than 17 feet wide; generally requiring a special tow vehicle together with a special towing permit for travel on public highways; also used as temporary office space.

231. **MOBILE HOME PARK/DEVELOPMENT** - A residential area permitted by Conditional Use Permit which has been planned and improved for the rental placement of two or more mobile homes and licensed by the State of Minnesota.

232. **MODERN FACILITY CAMPGROUND** - All sanitary facilities are modern, hook-ups for sanitary and electrical use are provided to some campsites, and telephone service is available to the campground.

233. **MOTEL** - A building or series of detached, semi-detached or attached buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

234. **MOTOR HOME** - A portable, temporary dwelling equipped with cooking, water, and toilet facilities, designed for travel, recreational and vacation uses and constructed as an integral part of a self-propelled vehicle. A Pickup Camper with facilities as described above shall be allowed.

235. **MOTOR VEHICLE** - An automobile, truck or any other vehicle that is self-propelled or driven otherwise than by human power, not including railways.

236. **MPCA** - Minnesota Pollution Control Agency.

237. **MULTI-FAMILY DWELLING** - A building containing more than four dwelling units, including units that are located one over the other.

238. **NAMEPLATE CAPACITY -** The total maximum rated output of a solar energy system.

239. **NEW CONSTRUCTION** - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

240. **NO MAINTENANCE BUFFER** - A strip of land on a riparian parcel adjacent to a public water upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed shorter

than 8 inches in height and is consistent with the standards set forth in ~~the Department's Shoreline Rapid Assessment Model.~~ Article 11.20 C of this ordinance.

241. **NONCOMMERCIAL WECS -** A WECS equal to or greater than one hundred (100) feet in total height, but less than 200 feet in total height.

242. **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.

243. **NPDES** - National Pollution Discharge Elimination System authorized by Section 402 of the Federal Water Pollution Control Act Amendment of 1972.

244. **NUDITY** - The showing of the human male or female genitals or pubic area with less than fully opaque covering, the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the depiction of or showing of the covered male genitals in a discernibly turgid state.

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

246. **OFFICE, BUSINESS AND PROFESSIONAL** - A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted.

247. **OFFICE OF CANNABIS MANAGEMENT**: Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

248. **OFFICIAL COUNTY MAP** - The County map maintained by the County Land Services and GIS Departments which depicts all public and private roads, which service more than two residences or businesses.

249. **ONE HUNDRED YEAR FLOODPLAIN** - Lands inundated by the "Regional Flood" (see definition).

250. **OPEN BURNING** - Burning of any matter whereby the resultant combustion products are emitted directly to open atmosphere without passing through a stack, duct or chimney that meets MPCA standards.

251. **OPEN SPACE** - A portion of a development site that is permanently set aside for public or private use and will not be developed.

252. **OPERATOR** - The person responsible for the overall operation of a facility or business.

253. **ORDINARY HIGH-WATER LEVEL (OHWL)** - The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the Ordinary High-Water Level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the Ordinary High-Water Level is the operating elevation of the normal summer pool.

254. **OUTLOT** - A lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to

comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development.

255. **OWNER** - Any individual, firm, association, syndicate, partnership, public or private corporation, trust or other legal entity having sufficient property interest in a property to commence and maintain proceedings under this Ordinance, or the owner of record or the person or persons who own a facility or part of a facility.

256. **PARK MODEL** - A travel trailer that lacks holding tanks and dual-voltage appliances, requiring to be connected to water, sewage, and electrical facilities in order to function as a dwelling.

257. **PARKING SPACE, OFF-STREET** - Parking area not within a public way but accessible from a public way.

258. **PART TIME USE** - A campground open and intended for use not to exceed four days at one time and not to exceed 20 days in any calendar year.

259. **PATIO** - An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.

260. **PERFORMER**: - An individual, including but not limited to employees, independent contractors, and patrons of a sexually oriented business, who personally presents, displays, depicts, or describes "specified sexual activities" or "specified anatomical areas".

261. **PERMIT** - Authorization issued by Crow Wing County under the standards of this Ordinance permitting the construction of a structure, or a parcel of land to be used for a prescribed purpose.

262. **PERMITTEE** - A person who has received an approved permit from the Department to carry out any of the activities for which a permit is required under the provisions of this Ordinance.

263. **PERSON** - Any human being, municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association or other organization, any receiver, trustee, assignee, agent, or other legal entity.

264. **PERVIOUS SURFACE** - A surface that allows inflow of rainwater into the underlying construction or soil.

265. **PHOTOVOLTAIC METER** - A meter used for the planning and maintenance of solar energy systems to identify the best location and to check modules for efficiency.

266. **PLANNING COMMISSION/BOARD OF ADJUSTMENT** - The Planning Commission and Board of Adjustment for Crow Wing County, Minnesota, created by this Ordinance.

267. **PLACE OF PUBLIC ACCOMODATION:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

268. **PLACES OF WORSHIP**- A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes church, synagogue, temple, mosque, or other such place for worship and religious activities.

269. **PLAT** - A map or drawing, conforming to Minnesota State Statutes 505 and 515, which graphically delineates the boundaries and dimensions of land parcels for the purpose of identification and record or title.

270. **PLAT MANUAL** - The Manual of Standard Procedures for Subdivision Plats adopted by Crow Wing County.

271. **POLLUTANT** - The meaning given in Minnesota Statutes, Chapter 115A.

272. **POWER PURCHASE AGREEMENT** - A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

273. **POWER CONVERSION EQUIPMENT (PCE): Any electrical apparatus used to convert, regulate, or transform the electrical characteristics of power generated on-site. This includes, but is not limited to, inverters (DC-to-AC), converters (DC-to-DC or frequency-adjusting), and step-up transformers. PCE includes the primary electronic components, their weather-proof enclosures, and any integrated cooling or ventilation systems.**

274. **PRACTICAL DIFFICULTY** - As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the property owner is due to circumstances unique to the property not created by the property owner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

275. **PRELIMINARY LICENSE APPROVAL:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

276. **PREMISES** - A structure or structures or part of a structure, together with its attendant real estate. May cover one store in a shopping center or the entire shopping center, depending on the subject of discussion; may apply to one apartment within an apartment house or the entire apartment house; may apply to part of a tract of real estate or a whole tract, or several tracts considered together, with or without structures on any part thereof.

277. **PRESENTATION:** - The display, depiction, or description of "specified sexual activities" or "specified anatomical areas".

278. **PRINCIPAL ARTERIAL ROAD** - A road or highway which is part of a system which consists of a connected network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or inter- regional travel.

279. **PRINCIPAL USE OR STRUCTURE** - The primary purpose for which land or a structure is arranged, designed, intended, or used.

280. **PRIMITIVE FACILITY CAMPGROUND** - An area that consists of individual remote campsites accessible only by foot or water.

281. **PRIVATE ROAD** - A road, easement or strip of land serving as vehicular access to more than two (2) residential lots or parcels and which is not dedicated to nor maintained by a public agency.

282. **PROPERTY BOUNDARY/PROPERTY LINE (WECS)** The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

283. **PUBLIC BUILDING** - A structure or building that is owned and managed for public purposes by any department or branch of government, or non-governmental organization.

284. **PUBLIC NUISANCE** - A condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of the neighborhood or any considerable number of members of the public.

285. **PUBLIC PLACE**: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

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

287. **RACETRACK** - An area devoted to the racing of motor and non-motorized vehicles or animals for non-personal use, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed racetrack, but excluding gambling facilities or activities.

288. **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.

289. **REAR LOT ZONE (RLZ)** - Land located between the structure setback line and the landward boundary of the shoreland district.

290. **RECREATIONAL VEHICLE** - A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

291. **REDOXIMORPHIC FEATURES** - Features formed in saturated soils by the process of reduction, translocation and oxidation of iron and manganese compounds or other soil, landscape, or vegetative indicators. Redoximorphic features are commonly known as mottling.

292. **REFUSE** - Putrescible and non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

293. **REGIONAL FLOOD** - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

294. **REGISTERED LAND SURVEY** - A method of surveying Torrens, or Registered land following the procedures in Minnesota Statutes § Chapter 508.47, as amended.

295. **REGULATORY FLOOD PROTECTION ELEVATION** - An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

296. **RENEWABLE ENERGY SYSTEM** - A collection of energy from sources that are not easily depleted such as moving water (hydro, tidal and wave power), biomass, geothermal energy, solar energy, wind energy, and energy from solid waste treatment plants.

297. **REPETETIVE LOSS:** - Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

298. **REPOWERING** - Rebuilding a renewable energy system on a previously impacted site, preserving the existing compatible land uses.

299. **REPOWERING, FULL** A full decommissioning and repowering of a renewable energy system on a previously impacted site.

300. **REPOWERING, PARTIAL** - A partial rebuilding of a renewable energy system where existing components are retrofitted or replaced to improve efficiency and extend the life of the system (e.g. replacing, refurbishing or retrofitting turbines, blades, gearboxes, generators, switchgears, panels, etc.)

301. **RESIDENTIAL TREATMENT FACILITY:** As defined under Minn. Stat. 245.462 subd. 23.

302. **RESORT, TRADITIONAL** - A commercial establishment that includes lodges, dwelling units, dwelling sites, structures, or enclosures kept, used, maintained or advertised as, or held out to the public to be, a place where sleeping accommodations are furnished to the public, and having for rent three or more cabins, rooms, dwelling units or enclosures. Resorts must be primarily service-oriented for transient occupancy for guests seeking recreation. All cabins, rooms, dwelling units, or enclosures must be included in the resort rental business and rates set by resort. The entire parcel of land must be owned, controlled, and managed by the single business entity which comprises the commercial establishment. In order to qualify as a resort pursuant to this definition, the commercial establishment shall also be fully licensed and permitted under the appropriate state and local regulation. All cabins, rooms, dwelling units, or enclosures must also be available for rent more than 50% of the days while in operation during the year.

303. **RESPONSIBLE GOVERNMENT UNIT (RGU)** - The local unit of government with the authority to conduct environmental review processes.

304. **RESPONSIBLE PERSON:** - An individual appointed by the licensee who is responsible for the conduct of the sexually oriented business when the licensee is not present.

305. **RESTRICTED ACCESS** - A driveway between a road and a parking area.

306. **RETAIL REGISTRATION, COMMERCIAL CANNABIS USE**: An approved registration issued by Crow Wing County to a state- licensed cannabis retail business.

307. **RIGHT-OF-WAY** - Land dedicated for public use including, but not limited to, streets, pedestrian ways, and authorized utilities.

308. **RIPRAP** - Coarse stones randomly and loosely placed along the shoreline meeting the standards of this Ordinance.

309. **ROAD** - A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or other designation. For E911 purposes only, a road is considered any public or privately owned road, which accesses more than two addressed structures or sites.

310. **ROTODIAMETER (RD)** - The diameter of the circle described by the moving rotor blades.

311. **RUBBISH** – Non-putrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

312. **RUNOFF** - That portion of precipitation draining from an area as surface flow.

313. **RUN-ON** - That portion of precipitation draining onto an area as surface flow.

314. **RURAL RESIDENTIAL DISTRICT (RR-2.5, RR-5, RR-10)** - Residential land use districts having 2.5, 5 or 10, acre minimum lot sizes respectively and established to promote low-density rural development in those portions of the County outside the shoreland zone and beyond areas of anticipated municipal growth where less development is desired and most suitable**.**

315. **SALVAGEABLE MATERIAL** - Any item or substance that can be recycled or reused

316. **SCHOOL** - A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

317. **SEASONALLY SATURATED SOIL** - The highest elevation in the soil that is in a reduced chemical state due to the soil pores filled with water causing anaerobic conditions. Saturated soil is determined by the presence of redoximorphic features in conjunction with other established indicators and determined by other scientifically established technical methods or empirical field measurements acceptable to the permitting authority in consultation with the commissioner of the MPCA.

318. **SEASONAL USE** - A campground open and tended over an entire camping season.

319. **SEMIPUBLIC USE** - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

320. **SENSITIVE RESOURCE MANAGEMENT** - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

321. **SETBACK** - The minimum horizontal distance between a structure, sewage treatment system or other facility and the Ordinary High-Water Level, sewage treatment system, top of bluff, road, highway, property line or other facility.

322. **SEWER SYSTEM (SEWERED)** - Common or publicly owned pipelines, conduits, pumping stations, force mains and all other construction devices, appliances or appurtenances used for conducting sewage or industrial waste or other wastes to a point of common, approved off-site disposal.

323. **SEXUAL CONTACT:** - Touching between a patron, performer, or employee involving contact by or with a patron's, performer's, or employee's specified anatomical areas, whether covered or not, or kissing, when such contact can reasonably be construed as being for the purpose of sexual arousal or sexual gratification of either party or any observer.

324. **SEXUALLY-ORIENTED BUSINESS** - Any business or enterprise where the primary or dominant theme is the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities; or 2) Any business or enterprise where the sum total of floor, wall, or shelf area devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, for more than seven (7) days per year, exceeds forty (40) square feet. This term includes, but is not limited to, adult body painting studios, adult cabarets, adult companionship/conversation/rap establishments, adult health/sport clubs, adult massage parlors, adult modeling studios, adult sauna/steam room/bathhouse facilities, adult mini-motion picture theatres, adult motion picture arcades, adult motion picture theatres, adult bookstores, and adult novelty businesses. This term does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy,

or podiatry by state registered or licensed individuals, nor does it include businesses which engage in uses or activities that are obscene and, therefore, prohibited by law.

325. **SHOOTING RANGE, PUBLIC OR PRIVATE** - A facility designed to provide a confined space for safe target practice with firearms, archery equipment or other weapons whether open to the public, open only to private membership, open to organizational training such as law enforcement personnel, or any combination thereof.

326. **SHORE IMPACT ZONE 1 (SIZ 1)** - Land located between the ordinary high-water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.

327. **SHORE IMPACT ZONE 2 (SIZ 2)** - Land located between shore impact zone 1 and the structure setback line.

328. **SHORELAND DISTRICT** - Land located within the following distances from the ordinary high-water level (OHWL) of public waters:

a. 1,000 feet of a lake or pond; or

b. 300 feet of a river or stream or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.

This land use district is established to allow low to medium density seasonal and year-round residential uses on lands suitable for such uses within the shoreland district. It is also intended to regulate the establishment of commercial, industrial, and other uses in these areas that have the potential to cause conflicts with residential uses.

329. **SHORELAND BUFFER ZONE (SBZ)** - The area between:

a. 500 and 1000 feet from the ordinary high-water level (OHWL) of protected waters lakes, or

b. 150 and 300 feet from the ordinary high-water level (OHWL) of protected waters rivers or streams (except the Mississippi River).

c. 250 and 500 feet from the Mississippi River, in areas covered by the Mississippi Headwaters Board Comprehensive Plan, unless such area is considered to be part of the shoreland protection zone (see below).

330. **SHORELAND PROTECTION ZONE (SPZ)** - The area between the ordinary high-water level (OHWL) of a public water and a line parallel to the OHWL at:

a. 500 feet from a lake or pond; or

b. 150 feet of a river or stream (except the Mississippi River) or the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.

c. 250 feet from the Mississippi River, in areas covered by the Mississippi Headwaters Board Comprehensive Plan, or the landward side of a floodplain delineated by ordinance on the Mississippi River, whichever is greater.

331. ~~**SHORELINE RAPID ASSESSMENT MODEL (SRAM)** - A process and criteria incorporated herein by reference and used by the Department to determine the extent of natural vegetation present on a lot, the degree of natural protection that a shoreline has, and options for property owners to bring their shoreline into compliance in conjunction with permit or variance applications.~~

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

333. **SIGN, ABANDONED** - A sign that advertises an activity no longer available on the premises where the sign is displayed, has not been available for a continuous period of at least six months, and may have been for a business, lessor, owner, use, or product.

334. **SIGN AREA** - The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border, not including support posts. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices.

335. **SIGN, AREA IDENTIFICATION** - Shall mean any free-standing sign allocated within 50 feet of the entrance to a neighborhood, a residential subdivision, a multiple residential complex, a shopping center or area, an industrial area, an office complex or any combinations of the above involving three or more principal buildings.

336. **SIGN, BUSINESS IDENTIFICATION** - Shall mean an on-premises sign located on the same property as a retail, commodity, service or other business.

337. **SIGN, CHANGING MESSAGE** - A commercial sign that uses movement of or change of lighting to depict action create a special effect or rapidly change the message of the sign, including signs that provide public service messages such as time, temperature or notices.

338. **SIGN, CONSTRUCTION** - A sign placed at a construction site identifying the project or the name of the project, engineer, contractor, developer, financier, or other involved parties.

339. **SIGN EXTENSION** - A temporary addition or enlargement on a sign face that extends beyond the approved sign dimensions.

340. **SIGN FACE** - That part of a flat surface advertising device on which advertising is displayed and which provides visibility from one geographic direction.

341. **SIGN, FREESTANDING** - Any self-supporting sign which is placed in the ground and not affixed to any part of any building.

342. **SIGN, GOVERNMENT** - Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, street, property, facility or recreational trail.

343. **SIGN, HOME OCCUPATION** - Shall mean a sign designating a home business operated from residential property.

344. **SIGN, ILLUMINATED** - Shall mean a sign illuminated in any manner by an artificial light source.

345. **SIGN, INCIDENTAL** - Shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot which the sign is located shall be considered incidental.

346. **SIGN, INFLATABLE** - Shall mean any sign which uses helium, air, or other gases as the primary support for the sign structure.

347. **SIGN, NAMEPLATE** - Shall mean a sign indicating the name, address, and other non-commercial messages on residentially zoned property.

348. **SIGN, OFF-PREMISES** - Shall mean a sign which advertises or directs attention to a product, service, business or event that is not available or does not take place on the same premises as the sign, including billboards. A sign related to an abandoned or discontinued use on the same property shall be considered an off-premises sign.

349. **SIGN, ON-PREMISES** - Shall mean a sign which advertises or directs attention to a product, service, business, or event that is available or takes place on the same premises as the sign.

350. **SIGN, POLITICAL** - Shall mean a temporary sign advertising election issues or the candidacy of person running for office.

351. **SIGN, REAL ESTATE** - Shall mean a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

352. **SIGN, RUMMAGE OR GARAGE SALE** - Shall mean the infrequent, temporary display and sale of used personal property by a tenant or owner on his residential premises.

353. **SIGN, "V"** - Shall mean a commercial sign consisting of two essentially equal faces, positioned at an angle extending less than 90 degrees which are essentially connected (maximum eight foot separation at closest point).

354. **SIGN, WALL** - Shall mean a commercial sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

355. **SIGN, WINDOW** - Shall mean a sign painted, stenciled, or affixed on a window or door, which is visible from a right-of-way.

356. **SIGNIFICANT HISTORIC SITE** - Any archaeological site, standing structure or other property that meets the criteria for eligibility the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A Historic Site meets these criteria if it is presently listed on either Register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are considered to be Significant Historic Sites.

357. **SITE(s)** - For E911 purposes, a site is considered any designated area within a campground, R V Park or resort used for the purpose of permanent or temporary camping including vacant property used for similar purposes.

358. **SITE PLAN** - A detailed drawing indicating the current and intended use of a particular parcel or group of parcels of property.

359. **SOIL AND WATER CONSERVATION DISTRICT (SWCD)** - The Soil and Water Conservation District for Crow Wing County, MN

360. **SOLAR COLLECTOR** - A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

361. **SOLAR ENERGY** - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

362. **SOLAR ENERGY DEVICE** - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Said systems may also have the capacity to store energy for future utilization. Passive solar energy systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely part of a normal structure, such as a window.

363. **SOLAR ENERGY EASEMENT** - A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system as defined in Minnesota Statutes 216C.06, Subdivision 17, or successor statutes, to solar energy. Required contents of a Solar Easement are defined in Minnesota Statutes 500.30, or successor statutes.

364. **SOLAR ENERGY SYSTEM** - A set of devices and associated facilities, including energy storage systems, whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

365. **SOLAR ENERGY SYSTEM, ACCESSORY USE** - A solar energy system that is secondary to the primary use of the parcel on which it is located, and which is directly connected to or designed to serve the energy needs of the primary use. Excess power may be sold to a power company.

366. **SOLAR ENERGY SYSTEM, ACTIVE** - A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

367. **SOLAR ENERGY SYSTEM, BUILDING INTEGRATED** - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Such systems include, but are not limited to, solar energy systems that function as roofing materials, windows, skylights, and awnings.

368. **SOLAR ENERGY SYSTEM, GRID-INTERTIE** - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

369. **SOLAR ENERGY SYSTEM, GROUND-MOUNTED** - A solar collector(s) located on the surface of the ground. The collector(s) may or may not be physically affixed or attached to the ground. Ground-mounted systems include pole-mounted systems.

370. **SOLAR ENERGY SYSTEM, LARGE** - A solar energy system with a nameplate capacity of forty (40) kilowatts or more.

371. **SOLAR ENERGY SYSTEM, OFF-GRID** - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

372. **SOLAR ENERGY SYSTEM, PASSIVE** - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the heat via a heat exchanger.

373. **SOLAR ENERGY SYSTEM, PRIMARY USE** - A solar energy system which is the primary land use for the parcel on which it is located, and which generates power for sale to a power company, or other off-premise consumer.

374. **SOLAR ENERGY SYSTEM, ROOF MOUNTED** - Solar collector(s) located on the roof of a building or structure. The collector(s) may or may not be physically affixed or attached to the roof.

375. **SOLAR ENERGY SYSTEM, SMALL** - A solar energy system with a nameplate capacity of less than forty (40) kilowatts.

376. **SOLAR ENERGY SYSTEM, WALL MOUNTED** - Solar collector(s) located on the wall of a building or structure.

377. **SPECIAL FLOOD HAZARD AREA** - Special Flood Hazard Area – a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

378. **SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, anus, or female breast(s) below a point immediately above the top of the areola or any combination of the foregoing; and exposed or opaquely covered human male genitals in discernibly turgid state.

379. **SPECIFIED SEXUAL ACTIVITIES** - Activities consisting of the following: Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock, or female breast, flagellation or torture in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or Presentation, display, depiction, or description of human genitals in the state of sexual stimulation, arousal, or tumescence; or Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus or masturbation; or Fondling or touching of human genitals, pubic regions or pubic hair, buttocks, or female breasts; or Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or Human excretion, urination, menstruation, vaginal or anal irrigation; or Any combination of the above.

380. **STAGE INCREASE** - Any increase in the water surface elevation during the one percent annual chance flood caused by encroachments on the floodplain.

381. **STATE LICENSE, COMMERCIAL CANNABIS USE**: An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

382. **START OF CONSTRUCTION** - Includes substantial improvement and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building ~~the actual start of construction, repair, reconstruction, addition, or other improvement that occurred before the permit's expiration date.~~

383. **STEEP SLOPE** - Land located in the Shoreland District having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more that is not a bluff and drains to a public water.

384. **STORAGE BUILDING, COMMERCIAL** - A building or group of buildings on a property where space is rented, leased, or sold to others for the storage of items.

385. **STORAGE BUILDING, NON-COMMERCIAL** – A building that is used for non-commercial purposes. This includes those buildings used by employees to store equipment and materials of building, plumbing, painting, heating, landscaping, septic system or other trades that perform their work primarily off-site.

386. **STRUCTURE** - Anything constructed, placed, or erected on the ground or to the ground or on-site utilities by humans, including but not limited to homes, cabins, buildings, factories, sheds, detached garages, accessory buildings, manufactured housing, recreational vehicles left on a site for 14 consecutive days, signs, storage buildings, decks, patios, fences, pergolas, ground-mounted solar energy systems, fish houses and other similar items. For E911 purposes a structure can also include a physical point (i.e. bridge, telephone booth, tower, etc.), which is addressed for the purpose of location in emergency situations.

387. **STRUCTURE (FLOODPLAIN ONLY)** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 21.9, shall be considered a structure for the purposes of this ordinance.

388. **SUBDIVIDER** - The property owner or authorized agent who submits an application to the department requesting to subdivide land.

389. **SUBDIVISION OF LAND AND SUBDIVIDE** - The division of a tract of land into two or more lots for the purpose of transfer of ownership, or for lease, or for building development. Transfers of interest in land pursuant to Court Order shall not be deemed a subdivision.

390. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

391. **SUBSTANTIAL IMPROVEMENT** - Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

   a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

   b. (b)Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

392. **SUBSTATION** - Any electrical facility containing power conversion equipment designed for interconnection with power lines.

393. **SUITABLE AREA –** The area remaining on a parcel of land after all floodways, wetlands, bluffs, road rights-of-way, road and utility easements, and land below the ordinary high-water level of public waters are subtracted. Suitable area is used to calculate the allowable number of parcels within a conservation design subdivision.

394. **SURVEY COORDINATOR** - The Crow Wing County Surveyor or authorized agent.

395. **TEMPORARY STRUCTURE** - The placement of a structure that is limited to 14 days in a calendar year and that complies with setbacks and other regulations of the land use district in which the lot is located.

396. **TOTAL HEIGHT (SOLAR/WECS)** - The distance between the ground level at the base of a structure and its tallest vertical extension including any attachment thereon.

397. **TOWER HEIGHT** - The vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

398. **TOWER, MONOPOLE** - A tower consisting of a single pole, constructed without guy wires and/or ground anchors.

399. **TOTAL NAME PLATE CAPACITY** - The total of the maximum rated output of the electrical power production equipment for a WECS project.

400. **TOWER, RENEWABLE ENERGY** - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

401. **TOWER, TELECOMMUNICATION** - Structures 35 feet or more in height and that may include a tower, antenna(s), equipment building(s), anchor points and other related equipment used by broadcast services and/or wireless telecommunications services.

402. **TRACKING SOLAR SYSTEM** - A solar system that follows the path of the sun during the day to maximize the solar radiation it receives.

403. **TRACT OF LAND** - For the purposes of this Ordinance, a tract of land is a parcel of ground which a subdivider desires to subdivide, examples of which include but are not limited to:

a. A 40-acre tract which is a quarter of a quarter section of land;

b. A government lot;

c. A platted lot per a duly recorded plat which is of record in the Office of the County Recorder: or

d. A metes and bounds description recorded in the Office of the County Recorder

404. **TRAILER, TENT** - A trailer towed by a motor vehicle; provides primitive living accommodations with folding tent shelter which folds up into the trailer for moving from place to place.

405. **TRAILER, TRAVEL** - A recreational vehicle built on a single chassis with a rigid walled shelter, mounted on wheels and have a gross trailer area not exceeding 400 square feet. For the purposes of this ordinance, the term travel trailer is synonymous with the term “recreational vehicle.”

406. **TRANSMISSION LINE** - 35KV or larger electric lines; Telephone lines between exchanges served on an open wire basis; Any pipeline not defined as a distribution line; and other communication lines not defined as distribution lines.

407. **TRANSMISSION SYSTEM** - A Transmission System includes Transmission lines and such other structures which are used together to make such a system.

408. **USED GOODS; USED EQUIPMENT SALES YARD** - Any premises where used goods or equipment, including motor vehicles, are bought and sold and stored prior to sale in other than enclosed buildings and where such business constitutes over 25 percent of the dollar volume of the business conducted on the premises or where the space such goods or equipment is stored amounts to over 25 percent of the portion of the premises used for the entire business.

409. **UTILITIES** - All utility service providers whether the same is government owned facilities or furnished by private utility companies to include, but not limited to, landline telephone, gas and electric.

410. **VARIANCE** - means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 394.27, Subd. 7.

411. **VEHICLE, BOAT, RECREATIONAL EQUIPMENT SALES/SERVICE** - Any person, firm, or corporation who engages in the business of selling, offering for sale, repairing or servicing, buying or taking in trade for the purpose of resale, or exchanging any vessel or vessels, or recreational vehicles and receives or expects to receive money, profit, or any other item of value.

412. **VICINITY MAP** - Also known as a key map or location map. A map or sketch which shows the area proposed to be platted in relation to known geographical features, i.e. town centers, lakes, roads.

413. **WALKWAY** - A continuous path no wider than four feet created of a material other than natural groundcover vegetation at grade level.

414. **WASTE** - Solid waste, demolition debris, sewage sludge, household hazardous waste and hazardous waste.

415. **WASTE DISPOSAL** - The handling and disposing of Solid Wastes as defined within the regulations of the Pollution Control Agency (PCA) of the State of Minnesota.

416. **WASTE FACILITY** - Includes junk and salvage yards. A waste facility is all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facilities include but are not limited to junk/salvage yards, transfer stations, processing facilities and disposal site and all other facilities.

417. **WASTE OIL** - Any used oil in or from a motor vehicle or any other mechanism.

418. **WASTE TIRE** - A tire or tires no longer suitable for their original intended purpose because of wear, damage, or defect.

419. **WASTE TIRE STORAGE FACILITY** - A licensed waste facility used for the collection of waste tires. This includes the retreading of waste tires, shredding, slicing, processing, or manufacturing of usable materials from waste tires and may include retreading of tires.

420. **WATER COURSE** - Any perennial or intermittent stream, river, or drainage flow in which surface water drains from surrounding land or another water course. The term applies to either natural or artificially constructed channels.

421. **WATER MONITORING SYSTEM** - A system of wells, lysimeters or other mechanisms used to obtain representative samples of both underground water and surface water where required in the vicinity of a licensed junk/salvage facility.

422. **WATERFRONT COMMERCIAL DISTRICT** - A land use district established to accommodate commercial uses in the shoreland zone where access to and use of a surface water feature is an integral

part of the business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

423. **WATER ORIENTED ACCESSORY STRUCTURE** - A small, above ground building or other improvement, except stairways, fences, docks, pergolas attached to a deck or patio and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

424. **WATER-ORIENTED COMMERCIAL USE** - The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

425. **WATER SUPPLY WELLS** - Any public or private water well which when constructed meets County and/or State of Minnesota standards.

426. **WETLAND** - Wetlands" means lands 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:

a. Have a predominance of hydric soils; and,

b. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and,

c. Under normal circumstances support a prevalence of such vegetation.

427. **WETLAND IMPACT ACTIVITY** - A loss in the quantity, quality, or biological diversity of a wetland caused by draining or filling of wetlands, wholly or partially, or by excavation in the permanently and semi-permanently flooded areas of type 3, 4, or 5 wetlands, and in all wetland types if the excavation results in filling, draining, or conversion to non-wetland.

428. **WIND EASEMENT** - A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or air space for the purpose of ensuring adequate exposure of a wind power system to the winds. Required contents of a Wind Easement are defined in Minnesota Statutes Section 500.30, or successor statutes.

429. **WIND ENERGY CONVERSION SYSTEM (WECS)** - An electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on site or distributed into the electrical power grid.

430. **WIND TURBINE** - Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

431. **WINDMILL, FUNCTIONAL** - A structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located.

432. **WINDMILL, ORNAMENTAL** - A non-functional windmill used for decoration.

433. **WIRELESS TELECOMMUNICATION** - 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. For all sections of this ordinance, wireless telecommunication shall not be considered a public utility.

434. **YARD** - A required open space occupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level of the graded lot upward; a yard may allow for the placement of structures as otherwise specified within the Ordinance.

ARTICLE 47--ADOPTION

BE IT ORDAINED THAT:

The Crow Wing County Land Use Ordinance is hereby adopted by the Crow Wing County Board of Commissioners on this ____ day of _____ 2026.

_____

Chairman, Crow Wing County Board of Commissioners

ATTEST:

_____

Crow Wing County Administrator

EFFECTIVE DATE: _____

MEMO

TO: County Board of Commissioners
FR: Chris Pence, Environmental Services Manager
DT: May 27, 2026
RE: Land Use Ordinance – PCBOA

PCBOA Summary

The Planning Commission/Board of Adjustment (PCBOA) made a recommendation at their meeting on May 21, 2026 to adopt the ordinance as submitted with one minor change. Article 42.12 C (f) requires a setback of 2 miles to any city limit within the county unless otherwise approved by the County Board. The PCBOA recommended that the PCBOA be allowed to reduce the 2-mile setback and not the County Board since the PCBOA is the final decision maker for the interim use permit.

Process Summary

The County Board authorized the start of a comment period from March 17 to April 17, 2026 related to updates to the land use ordinance.

One comment was received – a letter dated April 17, 2026 from Eden Renewables of Troy, NY. That letter identified several concerns relating to proposed setbacks for Battery Energy Storage Systems ("BESS") that they suggest "are disproportionate to any demonstrable public safety need, are inconsistent with nationally recognized industry standards, and will function as a de facto prohibition on BESS co-location".

The following represents a summary of the changes made to the draft edits of Article 42 after the public comment period and consideration of the comments received. While the proposed setbacks have been reduced in some cases, the most current proposed setbacks are imposed with the intent to protect public safety and health relating to the potential hazards that could occur from "thermal runaway" fires that can occur with BESS and isolation zones recommended by the US EPA in responding to BESS fires.

Article 42.5 (2) has been modified as follows:

- Clarify what setbacks are for components of a large solar energy system

Article 42.12 - Battery Energy Storage System (BESS) – has been modified as follows:

- Wording has been modified generally to increase clarity and eliminate possible contradictions.
- For BESS which exceed 100kW of storage capacity, the setbacks have been modified as follows:
- The setback required to dwellings has been decreased from 1,320 feet (1/4 mile) to 500 feet. Dwelling owners continue to be allowed to waive the setback requirement with a written and notarized statement.
- The setback required to property lines (not including road rights-of-way) have been reduced from 1,320 feet (1/4 mile) to 330 feet if the storage technology is prone to fire or explosion and to 150 feet if the storage technology is not prone to fire or explosion.

Article 21- Floodplain Ordinance

DNR notified staff on May 4, 2026 that there are 3 issues with Article 21 – County Floodplain Ordinance. We are required to make the following changes:

- Article 21.2 needs to be revised to state each FIRM Panel Number
- Article 21.4 B 1 and B 2 needs to be revised to state that any activities in the floodway cannot cause a stage increase – the current ordinance allows a 1.5 stage increase in the floodway.
- Update start of construction definition

CROW WING COUNTY MINNESOTA

MEMO

TO: County Board of Commissioners
FR: Gary Griffin, Land Services Director
Chris Pence, Environmental Services Manager
DT: May 27, 2026
RE: Land Use Ordinance Updates

Policy Change
Housekeeping Item
DNR Requirements

Land Use Ordinance Summary

- Ordinance Wide – Replaced Zoning Administrator with Environmental Services Manager
- Article 1.5 – Repeal existing ordinance
- Article 4.3– Delete Sensitive Shoreland
- Article 4.4 – Clarify publishing requirements for ordinances
- Article 8.1 – Deleting Article that does not apply
- Article 8.5 - Deleting Article that does not apply
- Article 9.8 C – Delete Shared Capital Resort
- Article 10.2 – Delete Sensitive Shoreland
- Article 10.3 – Delete Sensitive Shoreland
- Article 10.3 – Delete Sensitive Shoreland from the Land Use Tables
- Article 10.3 – Add datacenter as interim use in Commercial/Industrial
- Article 10.3 – Delete current solar/wind energy designations
- Article 10.3 – Add solar/wind energy system designations
- Article 11.3 – Delete minor and add administrative
- Article 11.3 – Delete Sensitive Shoreland
- Article 11.4 – Delete Sensitive Shoreland
- Article 11.5 – Delete Shoreline Rapid Assessment Model
- Article 11.5 – Delete footing inspection requirements
- Article 11.17 - Delete Shoreline Rapid Assessment Model
- Article 11.19 – Delete Shoreline Rapid Assessment Model
- Article 11.20 – Replace SRAM with Lake/River Buffer Width
- Article 21.2 – Update FIRM Panel Numbers
- Article 21.4 B1 & B2 – State no stage increase in floodway
- Article 27.1 – Delete Shoreline Rapid Assessment Model
- Article 33.10 –Delete Sensitive Shoreland from Conservation Design
- Article 33.12 - Delete Shoreline Vegetation Buffer Requirement from conventional plat
- Article 34.1 – Delete old Comprehensive Plan policy statement
- Article 34.5 – Delete Shared Capital Resort
- Article 34.8 – Clarify shoreline buffer requirements for resorts
- Article 34.9 – Delete Shared Capital Resort
- Article 34.10 – Clarify shoreline buffer requirements for resorts replacing structures
- Article 34.12 – Remove reference to shared capital resorts

Article 34.13 – Delete Shared Capital Resort
Article 42 – Add Renewable Energy Systems
Article 44 – Survey requirements for land use permits and interim use permits
Article 46 – Definitions

- Aggregated Project (new)
- Aircraft Detection Lighting System (new)
- Array (Solar) (new)
- Community Based Energy Development Project (new)
- Commercial WECS (new)
- Data Center(new)
- Decommissioning Plan (new)
- Eligible Energy Technology (new)
- Energy Storage Systems (new)
- Environmental Services Manager (new)
- FAA (new)
- Fall Zone (new)
- Feeder Line (new)
- Flicker (new)
- Generator Nameplate Capacity (new)
- High-Voltage Transmission Line (new)
- Hub Height (new)
- Meteorological Test Station (deleted)
- Meteorological Tower (new)
- Micro-WECS (new)
- MNDOT (new)
- Nameplate Capacity (new)
- No Maintenance Buffer (modify)
- Noncommercial WECS (new)
- Photovoltaic Meter (new)
- Power Purchase Agreement (new)
- Property Boundary/Property Line (WECS) (new)
- Renewable Energy System (new)
- Repowering (new)
- Repowering, Full (new)
- Repowering, Partial (new)
- Rotodiameter (new)
- Sensitive Shoreland District (delete)
- Shoreline Rapid Assessment Model (delete)
- Start of Construction (Modify)
- Solar Energy System (delete)

- Solar Energy System, Accessory (delete)
- Solar Collector (new)
- Solar Energy (new)
- Solar Energy Device (new)
- Solar Energy Easement (new)
- Solar Energy System (new)
- Solar Energy System, Accessory Use (new)
- Solar Energy System, Active (new)
- Solar Energy System, Building Integrated (new)
- Solar Energy System, Grid-Intertie (new)
- Solar Energy System, Ground Mounted (new)
- Solar Energy System, Large (new)
- Solar Energy System, Off-Grid (new)
- Solar Energy System, Passive (new)
- Solar Energy System, Primary Use (new)
- Solar Energy System, Roof Mounted (new)
- Solar Energy System, Small (new)
- Solar Energy System, Wall Mounted (new)
- Substation (new)
- Total Height (Solar/WECS) (new)
- Tower Height (new)
- Tower, Monopole (new)
- Total Name Plate Capacity (new)
- Tower, Renewable Energy (new)
- Tracking Solar System (new)
- Wind Easement (new)
- Windmill, Functional (new)
- Windmill, Ornamental (new)

CROW WING COUNTY MINNESOTA

MEMO

TO: County Board of Commissioners
FR: Chris Pence, Environmental Services Manager
DT: March 17, 2026
RE: Land Use Ordinance Update Timeline

- March 17, 2026 - COTW
- March 17-April 17, 2026 - 30 Day Comment Period
- April 16, 2026 – PCBOA Work Session
- May 21, 2026 – PCBOA Public Hearing
- June 16, 2026 - COTW
- June 23, 2026 – County Board Meeting -Final Approval

Ordinance Comment spreadsheet		
Name	Date	Comment/ Question
Megan Madden	3/31/2026	Hi Chris, We have reviewed the draft ordinance and would like clarification on the following points: 1. Section 42.5, Point 2 mentions a 400-foot inverter setback and a 200-foot converter setback. Does the term "converter" pertain only to wind projects? If not, could you please provide a definition for a converter? 2. How would our solar project be categorized within your application fee schedule? 3. What specific components or structures are subject to the 50-foot setbacks?
Tom Cosby	4/17/2026	Dear Crow Wing County Land Services Department, Please find attached a letter of comment from Eden Renewables, a Renewable energy developer with solar interests in the County. Whilst we thank the County for the implementation of a solar ordinance, which we think does a great job at governing solar, we have identified some Battery Energy Storage System (BESS) provisions which are prohibitive and pose a concern to any future BESS projects in the County. Our current solar interest does not incorporate a BESS, but we know the value that BESS can bring to utilities and infrastructure and think that now is the best time for the County to address these provisions to ensure that future BESS opportunities remain possible and that the County, residents and utilities have the opportunity to benefit from BESS in the future. We hope that we have addressed our concerns thoroughly in our letter, but welcome any further questions or comments on the topic. We have also brought in experience from BESS regulations from other markets that we think are sensible and science-backed, and could make for a great addition to the ordinance, ensuring BESS standards are upheld. Please reach out to me with any questions or comments. We thank you for your consideration of our comments. Kind regards, Tom Cosby

DEPARTMENT OF NATURAL RESOURCES

Minnesota Department of Natural Resources - Ecological & Water Resources
1601 Minnesota Drive
Brainerd, MN 56401

April 20, 2026

Chris Pence
Environmental Services Manager
Crow Wing County Land Services Department 322 Laurel Street, Suite 15
Brainerd, MN 56401

Re: Conditional Approval of Crow Wing County Shoreland Ordinance Amendments

Dear Mr. Pence:

Thank you for sending your proposed shoreland ordinance amendments to the DNR for review. A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat and shoreland aesthetics of Minnesota's public waters. We have reviewed your proposed amendments received March 17, 2026, for compliance with the state shoreland rules (MR 6120.2500 – 6120.3900). I am pleased to inform you that the proposed ordinance amendments are substantially compliant with statewide rules and are hereby approved, provided all the conditions of approval in this letter are met.

Conditions of Approval
The following conditions must be met before the DNR will issue final approval:

1. Return the attached "Ordinance Processing Checklist" and documents identified on the checklist.

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

1. Hold a public hearing to consider the ordinance amendments. The DNR's conditional approval is read and/or entered into the hearing record.
2. The county board adopts the amendments.
3. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of county board decision to:
    a. DNR Area Hydrologist Jacob Frie at Jacob.frie@state.mn.us
    b. ordinance.review.dnr@state.mn.us

We will review the amendments adopted by the county board for consistency with this conditional approval letter. If the adopted amendments are consistent with provisions in this letter, we will send you a "final approval" letter. The ordinance will not be effective until the DNR provides final approval.

We appreciate the opportunity to work with you in developing Crow Wing County's shoreland ordinance amendments. Jake Frie will continue to be available to help the county administer the ordinance and to consult with you on other water-related projects and plans, and their implementation.

Sincerely,

Darrin Hoverson Digitally signed by Darrin Hoverson
Date: 2026.04.20 08:21:55 -05'00'

Darrin Hoverson
Region 2 West District Manager

Attachments:
- *2026-03-17-CWCDraftSLOrd*
- *Ordinance Processing Checklist*

cc:

Jacob Frie, DNR Area Hydrologist
Ordinance.review.dnr@state.mn.us

Eden Renewables
1801 6th Ave # 205,
Troy, NY 12180

April 17, 2026

Crow Wing County Land and Services Department

322 Laurel Street

Brainerd, MN 56401

Re: Written Comment on Proposed Land Use Ordinance — Draft V2, 2026 (CWC_LUO_01_2026)

Dear Members of the Crow Wing County Planning Commission and Land Services Department,

Eden Renewables is a renewable energy developer with active solar project interests in Crow Wing County. We respectfully submit these written comments during the public comment period for the proposed Land Use Ordinance Draft V2, 2026 (the "Ordinance"). Our comments focus specifically on Article 42.12 governing Battery Energy Storage Systems ("BESS") and, in particular, the setback requirements applicable to utility-scale systems exceeding 100 kW of storage capacity. Whilst our current solar interest in the County does not plan on the inclusion of BESS, we believe that it is in the County's best interest to address the provisions of Article 42.12 now to prevent future missed opportunities for the County, its residents, and utilities.

We commend the County for establishing a regulatory framework for BESS co-located with solar energy facilities. Energy storage is a critical component of the transition to reliable, low cost, home-grown clean energy and would deliver direct benefits to Crow Wing County residents through grid stability, security and reduced infrastructure costs. However, as drafted, Article 42.12 imposes setback requirements that are disproportionate to any demonstrable public safety need, are inconsistent with nationally recognised industry standards, and will function as a de facto prohibition on BESS co-location across the vast majority of the County's developable land. We respectfully urge the County to revise these provisions before adoption and offer

evidence from the American Planning Association (APA) to support the reasonable reduction of setback requirements associated with BESS.

1. The BESS setback requirements are not calibrated to actual safety risk

The Ordinance imposes the following key setbacks on BESS systems over 100kW (Art. 42.12(C)):

- 1,320 feet (one quarter mile) from all property lines — with no waiver mechanism
- 1,320 feet from off-site residential dwellings — waivable only by individual notarized, recorded consent of each affected dwelling owner
- 2 miles from the city limits of any incorporated city in the County
- The area beneath the airport's landing pattern plus 1 mile from any public or private airport
- 200 feet from the centreline of all stream corridors and open ditches with ephemeral flow

These distances are not grounded in recognized fire safety, emergency response, or risk assessment standards. The nationally applicable benchmarks for BESS siting are set out in NFPA 855 (“Standard for the Installation of Stationary Energy Storage Systems”) and the International Fire Code (“IFC”) Section 1207. Neither standard requires setback distances approaching 1,320 feet. NFPA 855 and the IFC focus on indoor/outdoor installation clearances measured in tens of feet, fire suppression system requirements, and emergency access provisions, not quarter-mile exclusion zones. The County has not identified, and we are not aware of, any peer-reviewed study, incident data, or emergency management analysis that supports a 1,320-foot setback as necessary to protect public safety.

By contrast, utility-scale BESS facilities are routinely permitted and operated adjacent to communities throughout Minnesota and across the United States at setbacks that are a fraction of those proposed here. The Minnesota Public Utilities Commission has approved numerous BESS facilities as part of utility-integrated resource plans without imposing setback standards of this magnitude. The APA recommends setbacks of 50 to 150 ft as being the standard for authorities that impose setback requirements beyond standard district setbacks.

2. The 1,320-foot property line setback is a practical prohibition on most parcels

A 1,320-foot setback from all property lines on all sides means that, before any other constraint is applied, a BESS must be sited within a buildable interior zone that is at a minimum of 2,640 feet wide in every direction. This equates to a minimum parcel size of approximately 160 acres of clear interior space to accommodate the setback geometry alone, before the BESS footprint, solar array layout, access roads, or other site infrastructure are considered.

The property line setback under Article 42.12(C)(d) is absolute and cannot be waived, reduced by IUP condition, or modified by the County in any form described in the Ordinance. This is in direct contrast to other setback provisions in the same article, where the County retains discretion (Art. 42.12(C), first paragraph). The effect is to make the property line setback a hard prohibition on BESS co-location for the overwhelming majority of rural parcels in Crow Wing County, regardless of actual proximity to sensitive receptors.

3. The 2-mile city limits setback lacks a defined technical basis

Article 42.12(C)(f) requires a 2-mile setback from the city limits of every incorporated city in the County. No technical justification for this distance is provided in the Ordinance. The stated purpose of Article 42 is to protect “the health, safety, and general welfare of the citizens of the County.” A 2-mile exclusion around city limits is not calibrated to any identified hazard. Battery energy storage systems emit limited noise, do not emit odour, or airborne pollutants under normal operating conditions that would necessitate a 2-mile buffer from an urban boundary.

The American Planning Association has noted that energy storage infrastructure already exists throughout communities across the United States in many familiar forms. An example is the gas station, a land use that stores and dispenses highly flammable fuel in close proximity to residences, schools, and businesses, and that is permitted in Crow Wing County's Commercial district with standard structure setbacks and no special dwelling buffer. The National Fire Protection Association estimates that gas stations are responsible for an average of approximately 4,150 fires per year in the United States, resulting in an average of three civilian fatalities, 43 injuries, and $30 million in property damage annually. By contrast, the Fire & Risk Alliance in an independent analysis commissioned by the American Clean Power Association, published in August 2025, documented 35 utility-scale BESS fire incidents across the entire United States over twelve years, between 2012 and 2024. Those 35 incidents

resulted in a single injury, sustained by a firefighter due to an incorrect door-opening procedure during active battery off-gassing. That specific procedure has since been expressly prohibited under updated BESS firefighting guidance. No civilian has ever been killed or injured by a utility-scale BESS fire in the United States. The County's proposed Article 42.12 setback regime, imposing a mandatory 1,320-foot buffer from all property lines and a 2-mile setback from City limits, is not proportionate to this risk profile and would impose regulations on BESS significantly greater than those applied to a demonstrably more hazardous land use that the County permits.

4. The proof of operation provision creates an undefined ongoing compliance obligation

Article 42.12(P) requires the owner/operator to provide the County with evidence that the BESS is functioning properly "at any time deemed necessary by the County." No trigger criteria, frequency limit, evidentiary standard, or cost allocation is provided. This provision, as drafted, creates an unlimited discretionary compliance demand with no procedural safeguards. It should be replaced with a defined annual reporting requirement tied to objective performance metrics, with a clear evidentiary standard and an obligation on the County to give reasonable advance notice.

5. Proposed revisions

We respectfully request that the County revise Article 42.12 before adoption as follows:

1. Recalibrate BESS setbacks to reflect actual fire safety and emergency response risk, using NFPA 855 and IFC Section 1207 as the baseline. Considering a setback as proposed by the American Planning Association of 50 - 150 ft
2. Introduce a waiver or variance mechanism for the property line setback to allow the County to exercise discretion on a site-specific basis, consistent with the County's general IUP authority under Article 7.
3. Remove the 2-mile city limits setback in favour of the property line setback, and sensible zoning requirements (e.g. Industrial, Agricultural, Rural Residential, and commercial zones) which already provide separation from sensitive neighbouring uses.
4. Delete or substantially revise the interior layout requirement of Article 42.12(E) to address legitimate visual impact and emergency access concerns without mandating a specific facility geometry.

6. Replace Article 42.12(P) with a defined annual compliance reporting requirement with objective performance criteria, reasonable notice obligations, and a clear evidentiary standard.

Effective January 1, 2026, New York State's updated 2025 Fire Code (FCNYS) mandates strict safety standards for Battery Energy Storage Systems (BESS), including mandatory independent peer reviews for large projects, 24/7 remote monitoring, and site-specific emergency response plans. These rules, covering both indoor and outdoor systems, ensure fire safety through enhanced, standardized, science-based protocols.

Incorporation of the following provisions would make for a reasonable, safety-conscious yet science-backed set of regulations for future BESS projects for Crow Wing County to consider:

- Industry-funded expert reviews are required for BESS projects exceeding specific capacity thresholds (e.g., 100kW and greater) to verify code compliance, including UL 9540 listing and NFPA 855 standards.
- BESS must have 24/7 monitoring by a Remote Operations Center (ROC). Qualified personnel must be available for immediate consultation and able to respond quickly to site emergencies.
- Every facility must have a comprehensive, site-specific Emergency Response Plan, including training for local fire departments.
- Rules require improved explosion mitigation (NFPA 68/69), smoke detection, fire suppression and increased safety signage on perimeter fencing.

6. Conclusion

Crow Wing County has an opportunity to establish a BESS regulatory framework that protects public safety and welfare while enabling the development of clean energy infrastructure to benefit county residents, utilities, and pave the way for future electric grid stability. As drafted, Article 42.12 goes well beyond what safety considerations require and will prevent co-located BESS development across the county. The revisions proposed above would align the Ordinance with recognised national standards, provide the County with meaningful case-by-case discretion, and support Minnesota's renewable energy objectives under Minn. Stat. § 216B.1691.

We would welcome the opportunity to discuss these comments with County staff and the Planning Commission and to provide any additional technical information that would be helpful.

Respectfully submitted,

Thomas Cosby

Eden Renewables

April 17, 2026

+1 (518) 326-0259 Tom.Cosby@edenrenewables.com www.edenrenewables.com

Eden Renewables is the trading name of Eden Renewables LLC, a Delaware incorporated company with a place of business at 1801 6th Avenue, Suite 205, Troy, NY, 12180.

References

Srinivasan, Lakshmi, Stephanie Shaw, and Eula Billaut. Insights from EPRI's Battery Energy Storage Systems (BESS) Failure Incident Database: Analysis of Failure Root Cause. EPRI Report No. 3002030360. Electric Power Research Institute, Pacific Northwest National Laboratory, and TWAICE. Palo Alto, CA. May 10, 2024. Available at: https://www.epri.com/research/products/000000003002030360

Ahrens, Marty. Service or Gas Station Fires. NFPA No. PKG15. National Fire Protection Association. Quincy, MA. December 2020. (Data period: 2014–2018.) Available at: https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/service-or-gas-station-fires

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New York State Energy Research and Development Authority (NYSERDA). *New York State Inter-Agency Fire Safety Working Group.* Albany, NY. Updated July 2025. Available at: https://www.nyserda.ny.gov/All-Programs/Energy-Storage-Program/New-York-Inter-Agency-Fire-Safety-Working-Group

New York State Energy Research and Development Authority (NYSERDA). *Battery Energy Storage System Guidebook*. Albany, NY. Available at: https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook

Eden Renewables

1801 6th Ave.

Suite 205

Troy, NY 12180

Crow Wing County Board of Commissioners

326 Laurel St

Suite 13

Brainerd, MN 56401

Subject: Support for Adoption of a Renewable Energy Ordinance that Enables Responsible Solar Development in Crow Wing County

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Dear Chair Franzen and Commissioners of Crow Wing County,

As some of you may be aware, Eden Renewables has been working with Crow Wing County staff, Brainerd Public Utility, and a local landowner on a potential 10 MW solar project located in Crow Wing County. We would like to thank the Crow Wing County staff for their hard work drafting and work towards implementing a new Renewable Energy ordinance for the County. Eden would also like to thank the County's cooperation and openness to feedback through the drafting process. Eden hopes that the Crow Wing County Board votes to implement the proposed ordinance to allow development of this exciting project in Crow Wing County to continue.

I write in support of the adoption of a renewable energy ordinance that establishes a clear, balanced, and predictable framework for solar development in Crow Wing County.

Minnesota's energy landscape is changing. Electricity demand is rising, grid infrastructure is under increasing strain, and energy costs remain volatile and linked to international disruptors. Local governments have an opportunity to shape their energy future and a well-crafted solar ordinance is one of the most effective tools available to do so. It enables local oversight, attracts private investment, and ensures that development reflects community priorities.

The benefits to Crow Wing County are tangible and lasting. Based on Eden's ambition to develop a 10MW project, the project would bring the following benefits to Crow Wing County:

- **Economic investment** - A 10 MW solar project represents a multimillion-dollar private investment in Crow Wing County, supporting the local economy during construction and operation.
- **Generate long-term solar production tax revenue** supporting county and township services through MN Statute § 272.0295 - Minnesota Solar Energy Production Tax. Based on projected production, the project is expected to generate just under **$1 million** in Minnesota solar production tax revenue over its operating life, providing long-term revenue for Crow Wing County and the local township.
- **Create local construction jobs in the construction phase and ongoing maintenance contracts**
- **Significant rate payer savings -** preliminary analysis by BPU indicate that the project could bring up to **$10 Million** in savings to local Crow Wing County ratepayers
- **Landowner income** - Participating landowners gain stable, long-term supplemental revenue.
- **Grid resilience** - Local generation strengthens energy security and reduces dependence on distant supply.
- **Environmental stewardship** - Well-designed projects incorporate pollinator-friendly vegetation and conservation practices that benefit the land over the long term. Solar development is a temporary land use. At the end of a project's life, the land can be returned to agricultural production, often after decades of reduced soil disturbance and improved soil health.

Predictable regulations serve everyone's interests. They allow projects to be reviewed consistently, ensure community concerns are addressed transparently, and give developers, landowners, and county staff alike a clear path forward.

We appreciate the time and effort that Crow Wing County staff and the Board have invested in developing this ordinance. We believe the proposed framework strikes an appropriate balance between local oversight, responsible development, and private property rights. We respectfully encourage the Board to adopt the ordinance and allow projects such as this one to continue moving forward.

Respectfully,

Thomas Cosby
Development Manager
Eden Renewables

BRAINERD PUBLIC UTILITIES
8027 Highland Scenic Rd • P.O. Box 373 • Brainerd, Minnesota 56401
Business Office: 218.829.8726 ■ ***Repair Service:*** 218.829.2193
www.bpu.org

To Whom It May Concern,

On behalf of Brainerd Public Utilities (BPU), I would like to express our support for the responsible consideration and development of solar energy projects within Crow Wing County.

As Minnesota continues to implement its carbon-free electricity and renewable energy standards, local utilities will need access to additional renewable generation resources to meet these requirements while maintaining reliable and affordable service for our customers. Local solar development can play an important role in helping achieve these statewide goals.

From BPU's perspective, renewable energy projects located near the communities they serve can offer several advantages. Potential benefits include investment in local infrastructure, support for economic development, growth in the county tax base, and temporary construction employment. Local projects may also provide utilities with additional opportunities to access renewable energy resources within the region.

Crow Wing County is well-positioned to participate in Minnesota's clean energy transition. When appropriately sited and developed, solar projects can complement existing land uses while providing potential long-term benefits to local residents, businesses, and public utilities. These projects can help diversify local and regional energy resources while allowing communities to play a direct role in meeting the state's carbon-free and renewable energy standards.

BPU supports a balanced approach that encourages responsible renewable energy development while addressing local concerns and maintaining appropriate safeguards. Local renewable energy projects can provide communities and utilities with opportunities to participate directly in Minnesota's evolving energy landscape while helping address future energy needs and regulatory requirements. We appreciate the thoughtful consideration being given to these important issues and thank you for your continued efforts on behalf of our community.

Sincerely,

Trent Hawkinson
Electric Director
Brainerd Public Utilities
Brainerd, Minnesota

REQUEST FOR BOARD ACTION

Meeting Date

Tuesday, June 23, 2026

Administration	Amber Berent
ORIGINATING DEPARTMENT	PRESENTER

AGENDA ITEM: 06/23/26 Correspondence

PREVIOUS ACTION:

COMMENTS:

RECOMMENDED BOARD ACTION:

Approximate length of presentation:

SUMMARY OF COUNTY BOARD
CORRESPONDENCE FOR MEETING OF
June 23, 2026

1. Letter from City of Brainerd to CWC HRA.

6/19/2026

Crow Wing County HRA
Board of Commissioners
324 E River Rd
Brainerd, MN 56401

The Mayor and City Council of Brainerd recognize Level Contracting's extensive experience in residential development and redevelopment projects throughout Crow Wing County, including successful projects within the City of Brainerd.

Level Contracting has successfully advanced developments in Brainerd, including Brainerd Oaks, which is scheduled for completion this year, along with the completion of Dal-Mar Estates and Serene Pines developments. These projects have added significant housing opportunities and economic value to the region. According to public statements made by the Crow Wing County HRA, these developments added approximately $28 million in estimated market value and generate more than $250,000 annually in local property taxes.

These developments were awarded through competitive processes that allowed multiple developers to participate. Competitive selection processes help ensure transparency and provide the greatest benefit to taxpayers.

Given the significance of the proposed redevelopment involving more than 50 tax-forfeited properties in Baxter, we encourage the Crow Wing County HRA Board to utilize a competitive process that allows all qualified and interested developers an opportunity to participate. When only a single developer is permitted to advance through the process, taxpayers lose the benefit of competing proposals and potential increases in lot sale revenues and overall public benefit.

Making these development opportunities available through an open and competitive process has the potential to increase public benefit, maximize value for Crow Wing County taxpayers, and support responsible housing and economic development throughout the region. The benefits of a successful redevelopment effort extend beyond Baxter and positively impact Brainerd and communities throughout Crow Wing County.

Sincerely,



Dave Badeaux
Mayor
City of Brainerd, Minnesota