

Conservation Developments (Updated: 2016.11.04)

Itasca County Environmental Services

Courthouse

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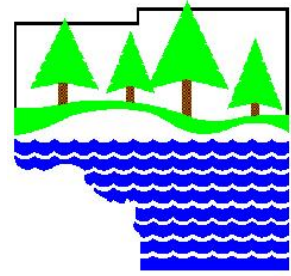
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Article 15 CONSERVATION DEVELOPMENTS

Section 15.1 Purpose

In accordance with the Itasca County Comprehensive Land Use Plan, the purpose of this Article is to allow for the following:

- Greater flexibility and creativity in the design of residential subdivisions;
- To facilitate the construction of streets, utilities, and public services in a more economical and efficient manner; and
- To promote conservation subdivisions to ensure that citizens in residential developments prosper from the conservation of natural features of the land, including wetlands, forests, shorelines, steep slopes, plants, wildlife, historic sites, and scenic areas.

Conservation Developments provide incentives for developers to encourage the use of conservation development methods over traditional methods of subdivision and development. Criteria, standards, and processing for traditional methods of subdivisions, such as, ‘metes and bounds’ conveyances, Minor Subdivisions, and Major Subdivisions are set forth in the Itasca County Subdivision Ordinance. The number of units or lots in a Conservation Development determines whether the Conservation Development is a Minor Conservation Development or Major Conservation Development. The various types of Conservation Developments are as follows:

- 15.1.1 Common Interest Communities (CIC) – A type of residential development that provides a relationship between buildings and site that cannot be accomplished by the one building-one lot application of the land use provisions of this Ordinance. The purpose of CICs is to encourage well-designed building groups for the development of more than one structure upon a single lot or tract and the integral development of one or more lots as a single tract. CICs are allowed for new projects on undeveloped land, redevelopment of previously built sites or conversions of existing buildings and land in accordance with and created under Minn. Stat. Chaps. 505, 508, 508A, 515, 515A, and 515B; the CIC Plat Manual of Minimum Guidelines; and requirements set forth in this Ordinance.
- 15.1.2 Residential Planned Unit Developments (PUD) – A type of use where the nature of residency is non-transient and the major or primary focus of the development is not service oriented. Examples are residential apartments, long-term timeshare condominiums, townhouses, cooperatives, and full-fee ownership residences.
- 15.1.3 Manufactured Home Parks or Developments – A type of residential development that contains two or more occupied manufactured homes harbored for long-term occupancy upon a tract of land. To include any building structure or enclosure used or intended for use as part of the equipment of the park or development.
- 15.1.4 Conversions – A type of development when existing Resorts or other land uses and facilities are converted to residential Conservation Developments provided applicable standards outlined in Article 15A and density requirements in Article 15 are met.

Section 15.2 Geographic Scope

Residential Conservation Development is allowed in Farm Residential, Rural Residential, and Shoreland Overlay Zoning Districts. Residential Conservation Developments shall be the default form of subdivision development in the Shoreland Overlay Zoning District of Natural Environment lakes and Natural Environment classed areas as set forth in Section 5.5.3. If the applicant can demonstrate that a project of superior design can be achieved or that greater compliance with the Comprehensive Land Use Plan goals and objectives can be attained through the use of the conventional development process, then the Planning Commission may approve conventional developments in these areas.

Section 15.3 Permits Required

Permits required for Conservation Developments are as set forth below:

- 15.3.1 Minor Conservation Developments require Conservation Development Permits;
- 15.3.2 Noncompliant Minor Conservation Developments require Conditional Use Permits and Conservation Development Permits; and
- 15.3.3 Major Conservation Developments require Conditional Use Permits.

Section 15.4 Pre-Application Meeting Encouraged

Before submitting a Permit Application, applicants are encouraged to meet with the Environmental Services Department to discuss the permit application process and to demonstrate that the Conservation Development concepts and that the design process set forth in Section 15.8.1 was used to determine the layout of proposed streets, dwelling unit lots, and open space. The Department may invite other agencies to take part in this pre-application meeting.

Section 15.5 Minor Conservation Development Permit Application Process

- 15.5.1 Permit Application. Applicant shall submit a Conservation Development Permit Application, which shall include a Site Plan, to the Environmental Services Department. Twenty (20) copies of the Site Plan must be provided to the Department. Site Plans shall include a map or maps of the proposed development including, but not limited to, the information set forth in Section 15.5.1.A-N unless otherwise required by the Department and documents that include calculations establishing open space and densities. CIC site plans must also include the information set forth in the CIC Plat Manual of Minimum Guidelines and Minn. Stat. Chpts. 505, 508, 508A, 515, 515A, and 515B. (Note: Some of the Manual information may duplicate statute requirements.)
 - A. A scale of not less than 1 inch equals 200 feet;
 - B. Name of development;
 - C. Legal description of property, total acreage, and any proposed unit or lot divisions with a boundary survey;
 - D. Names and addresses of applicant and owner, licensed land surveyor, and designer of the Site Plan;
 - E. Graphic scale and north arrow;
 - F. Date of preparation;
 - G. Existing conditions within 300 feet surrounding the boundaries of the development;
 - H. A layout of the development **by tiers** locating conditions that includes, but is not limited to:
 - 1. Topographic contours at ten feet intervals at a minimum, but staff may require closer contours depending on the topography of the development;
 - 2. All surface water features;
 - 3. Delineations of wetlands and ordinary high water level;
 - 4. Flood elevations;
 - 5. Bluffs and steep slopes;
 - 6. Existing and proposed roads with right-of-way widths;
 - 7. Existing structures and other facilities;
 - 8. Proposed structures, dwelling units and sites, septic systems, and water supply systems (where public

- systems will not be provided);
- 9. Existing and proposed utilities and easements;
- 10. Lake accesses;
- 11. Outdoor lighting; and
- 12. Percent of impervious surface coverage;
- I. Erosion control, drainage, and stormwater management plan to address proposed land alterations and buffering or screening of adjacent properties. To the maximum extent possible, land-disturbing activities should not occur within the shore impact zone;
- J. A property owners' association agreement with mandatory membership;
- K. Deed restrictions, covenants, permanent easements, or other instruments that ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 15.8. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
- L. A master plan drawing describing the development and the floor plan for any and all residential structures.
- M. Any additional documents requested by the Zoning Official that are necessary to explain how the CIC will be designed and will function.
- N. A title binder indicating marketable title.

15.5.2 Review of Permit Application.

- A. Reviewing entities. Upon receipt of a completed Conservation Development Permit Application, the Environmental Services Department shall refer copies of the Site Plan to the following entities for their review and recommendations that will be forwarded to the Planning Commission.
 - 1. Five copies to the Planning Commission;
 - 2. One copy to the County Director of Transportation / Highway Engineer;
 - 3. One copy to the County Surveyor;
 - 4. One copy to the County Auditor / Treasurer;
 - 5. One copy to the County Assessor;
 - 6. One copy to the Town Clerk of the organized township or the Commissioner of the unorganized township in which the proposed development is located;
 - 7. One copy to the Itasca County Soil and Water Conservation District (SWCD);
 - 8. If the proposed development abuts a trunk highway, one copy to the Minnesota District Highway Headquarters;
 - 9. If the proposed development abuts public water, one copy to the Commissioner of the Minnesota Department of Natural Resources or designee;
 - 10. If the proposed development is within a two-mile radius of a municipality, one copy to the municipality;
 - 11. If the development lies within a Shoreland Overlay Zoning District, one copy to the organized lake association. If there is not an organized lake association, the copy shall be sent to the Itasca Coalition of Lake Associations;
 - 12. If the development lies along the designated scenic portion of Highway 38, one copy to the Highway 38 Board;
 - 13. If the development lies within the Big Fork River Management Plan Corridor or the Mississippi Headwaters Corridor, one copy to the Big Fork River Board or the Mississippi Headwaters Board; and
 - 14. If the proposed development is within the Iron Mining Overlay Zoning District, one copy to the Western Mesabi Mine Planning Board.
- B. Time period. Within 20 days of receipt of the Permit Application and Site Plan, the reviewing

entities shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revisions. If any reviewing entity disapproves the Site Plan as submitted, then the reasons for disapproval shall be fully stated in its report. Also in its report, the reviewing entity shall give recommendations, modifications, or revisions requested for its approval. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections to the Site Plan as submitted.

- 15.5.3 Decision by Planning Commission. At the first regular meeting following the receipt of the complete Permit Application and the time periods for review have elapsed, the Planning Commission shall determine whether such Permit Application conforms to design standards and requirements set forth in this Ordinance. The Planning Commission may then approve the Permit Application subject to certain revisions, if appropriate. If in the judgment of the Planning Commission the reviewing entity's report of disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, then the Planning Commission may still approve the Permit Application if in their judgment it will achieve the purposes of this Ordinance.

Section 15.6 Major Conservation Development and Noncompliant Minor Conservation Development Permit Application Process

- 15.6.1 Preliminary Permit Applications. Applicant shall submit a Conservation Development Permit Application, which shall include a Site Plan, and a Conditional Use Permit Application in accordance with Article 21 to the Environmental Services Department. A separate fee for the Conditional Use Permit Application shall not be required. The Conditional Use Permit shall be procured simultaneous to preliminary approval of the Conservation Development Permit. Twenty (20) copies of the Site Plan must be provided to the Department. Site Plans shall include a map or maps of the proposed development including, but not limited to, the information set forth in Section 15.6.1A-N unless otherwise required by the Department and documents that include calculations establishing open space and densities. CIC site plans must also include the information set forth in the CIC Plat Manual of Minimum Guidelines and Minn. Stat. Chpts. 505, 508, 508A, 515, 515A, and 515B. (Note: Some of the Manual information may duplicate statute requirements.)
- A. A scale of not less than 1 inch equals 200 feet;
 - B. Name of development;
 - C. Legal description of property, total acreage, and any proposed unit or lot divisions with a boundary survey;
 - D. Names and addresses of applicant and owner, licensed land surveyor, and designer of the Site Plan;
 - E. Graphic scale and north arrow;
 - F. Date of preparation;
 - G. Existing conditions within 300 feet surrounding the boundaries of the development;
 - H. A layout of the development by tiers locating conditions that includes, but is not limited to, the following:
 1. Topographic contours at ten feet intervals at a minimum, but staff may require closer contours depending on the topography of the development;
 2. All surface water features and delineation of wetlands;
 3. Flood elevations and ordinary high water level delineation;
 4. Bluffs and steep slopes;
 5. Existing and proposed roads with right-of-way widths;
 6. Existing structures and other facilities;
 7. Proposed structures, septic systems and water supply systems (where public systems will not be provided);
 8. Existing and proposed utilities and easements;
 9. Lake accesses;
 10. Outdoor lighting; and
 11. Percent of impervious surface coverage;
 - I. Erosion control, drainage, and stormwater management plan to address proposed land alterations and buffering or screening of adjacent properties. To the maximum extent possible, land-disturbing activities

should not occur within the shore impact zone.

- J. A property owners' association agreement with mandatory membership.
- K. Deed restrictions, covenants, permanent easements, or other instruments that ensure the long-term preservation and maintenance of open in accordance with the criteria and analysis specified in Section 15.8. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited;
- L. A master plan drawing describing the development and the floor plan for any and all residential structures;
- M. Any additional documents requested by the Zoning Official that are necessary to explain how the CIC will be designed and will function; and
- N. A title binder indicating marketable title.

15.6.2 Preliminary review of Permit Applications.

- A. Reviewing entities. Upon receipt of completed Permit Applications, the Environmental Services Department shall refer copies of the Site Plan to the following entities for their review and recommendations that will be forwarded to the Planning Commission.
 - 1. Five copies to the Planning Commission;
 - 2. One copy to the County Director of Transportation / Highway Engineer;
 - 3. One copy to the County Surveyor;
 - 4. One copy to the County Auditor/Treasurer;
 - 5. One copy to the County Assessor;
 - 6. One copy to the Town Clerk of the organized township or the Commissioner of the unorganized township in which the proposed development is located;
 - 7. One copy to the Itasca County Soil and Water Conservation District (SWCD);
 - 8. If the proposed development abuts a trunk highway, one copy to the Minnesota District Highway Headquarters;
 - 9. If the proposed development abuts public water, one copy to the Commissioner of the Minnesota Department of Natural Resources or designee;
 - 10. If the proposed development is within a two-mile radius of a municipality, one copy to the municipality;
 - 11. If the development lies within a Shoreland Overlay Zoning District, one copy to the organized lake association. If there is not an organized lake association, the copy shall be sent to the Itasca Coalition of Lake Associations;
 - 12. If the development lies along the designated scenic portion of Highway 38, one copy to the Highway 38 Board;
 - 13. If the development lies within the Big Fork River Management Plan Corridor or the Mississippi Headwaters Corridor, one copy to the Big Fork River Board or the Mississippi Headwaters Board; and
 - 14. If the proposed development is within the Iron Mining Overlay Zoning District, one copy to the Western Mesabi Mine Planning Board.
- B. Time period. Within 20 days of receipt of the Permit Application and Site Plan, reviewing entities shall submit reports to the Planning Commission expressing recommendation for approval, disapproval, or revisions. If any reviewing entity disapproves the Site Plan as submitted, then the reasons for disapproval shall be fully stated in its report. Also in its report, the reviewing entity shall give recommendations, modifications, or revisions requested for its approval. If no report is received within 20 days, it will be assumed by the Planning Commission that there are no objections to the Site Plans as submitted.

15.6.3 Preliminary decision by Planning Commission.

- A. Notice of public hearing. At least ten days prior to the preliminary review of the Permit Applications by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the preliminary review by the Planning Commission.
- B. Written notice. Written notice shall be sent to property owners of record as set forth in Section 18.2.4.
- C. Public hearing. The Planning Commission shall conduct a public hearing on the Permit Applications and Site Plan. At the first regular meeting following the receipt of the complete Permit Applications and the time periods for review have elapsed, the Planning Commission shall determine whether such Permit Applications and Site Plan conform to design standards and requirements set forth in this Ordinance and applicable Minnesota Statutes. If in the judgment of the Planning Commission the reviewing entity's report of disapproval, modifications, or revisions are unreasonable, impractical, and would result in substantial hardship or injustice to the applicant, then the Planning Commission may still approve the Permit Applications if in their judgment it will achieve the purposes of this Ordinance.
 - 1. Permit Applications. The Planning Commission may then approve the Permit Application subject to certain revisions, if appropriate.
 - 2. Site Plan. Final Site Plan approval still required. Preliminary approval of the Site Plan by the Planning Commission assures the general acceptability of the layout.

15.6.4

Final Site Plan. Within one year of Permit Applications approvals, the applicant shall submit a Final Site Plan to the Environmental Services Department. Ten (10) copies of the Final Site Plan must be provided to the Department. The Final Site Plan must be updated to include any conditions made by the Planning Commission during the preliminary approval and the additional information in Section 15.6.4.A. Failure of the applicant to provide the additional information shall indicate applicant's agreement to a delay in scheduling final plan review.

- A. Long-term management plan of open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means must be provided to ensure perpetual preservation and maintenance of open space. The instruments must include the following protections:
 - 1. Vegetation and topographic alterations shall conform to the land alteration and intensive vegetation removal standards of this Ordinance;
 - 2. Construction of additional buildings or storage of vehicles and other materials prohibited;
 - 3. Uncontrolled beaching prohibited; and
 - 4. Dumping, storage, processing, burning, burying, or landfill of solid or other wastes prohibited.
- B. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all CICs must use an owners' association with the following features:
 - 1. Membership must be mandatory for each unit or lot purchaser and any successive purchasers;
 - 2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or lots;
 - 3. Assessments must be adjustable to accommodate changing conditions;
 - 4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities; and
 - 5. The organization documents shall contain the provision that the Itasca County Planning Commission must review and approve proposed amendments to the documents prior to amendment.
- C. Proof of title insurance coverage in an amount equal to one and one-half times the market value of the developed property naming the owner and Itasca County as insured.
- D. Results of septic system suitability.

- 15.6.5 Final review of Final Site Plan.
- A. Reviewing entities. Upon receipt of the Final Site Plan as per Section 15.6.4, the Environmental Services Department shall refer one copy of the Final Site Plan to the County Surveyor and one copy to the reviewing entities whose reports were incorporated in the Planning Commission’s preliminary approval of the Site Plan.
 - B. Time period. Reviewing entities are to review Final Site Plans in a timely manner to ensure conformance to the Site Plan as approved.
 - C. Zoning Official approval. Before final approval can be granted, the applicant shall have received approval from the Zoning Official that the Final Site Plan demonstrates that adequate provisions have been developed that permanently preserve and maintain all open spaces and common facilities and the final plan is in conformance to the preliminary plan as approved.
- 15.6.6 Final decision by Planning Commission.
- A. Notice of public hearing. At least ten days prior to the final review of the Conservation Development Permit Application by the Planning Commission, a notice shall be published in the County newspaper and in a newspaper of general circulation in the area concerned stating the applicant's name, property location, type of development, and time of the review by the Planning Commission.
 - B. Public hearing. The Planning Commission shall conduct a public hearing on the Final Site Plan. At the first regular meeting following the receipt of the complete Final Site Plan and the Zoning Official’s approval as per Section 15.6.5.C, the Planning Commission shall determine whether the Final Site Plan conforms to design standards and requirements set forth in this Ordinance and applicable Minnesota Statutes. The Planning Commission may then approve or disapprove the Final Site Plan.
- 15.6.7 Minor changes after final approval. During the development of an approved Conservation Development, the Zoning Official may approve minor changes in the location, placement, and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time the Final Site Plan was approved.

Section 15.7 Development Density

The density standards found in this Article are the maximum allowed densities and the Planning Commission by considering land use, environmental impacts, and sensitive lake issues, if known, may decrease the permitted densities.

15.7.1 Shoreland areas.

A. Suitable area.

- 1. Tiers. Within shoreland areas the proposed development must be divided into two tiers. The first tier shall consist of all land lying between a line approximately parallel to a line that identifies the ordinary high water level (OHWL) at the intervals proceeding landward noted in Table 16. The second tier shall consist of all remaining area of the development parcel within the shoreland areas.

Table 16. *Shoreland Tier Depth Requirements – Conservation Developments*

Lake Class	First Tier Depth (Ft.)
General Development	218
Recreational Development 2	327
Natural Environment 2	363
Recreational Development 1	436
Natural Environment 1	436
Natural Environment 3	436

River Class	First Tier Depth (Ft.)
Remote, Forested, Tributary	Underlying Zoning District
Big Fork	500
Mississippi - Scenic	500
Mississippi - Wild	1,000

2. Suitable area calculation. The suitable area within each tier is calculated by excluding all wetlands, bluffs, major utility easements greater than 30 feet in width, and land below the OHWL of public waters from the tier area. This suitable area and the proposed development are then subjected to the density evaluation steps to arrive at an allowable number of units or lots.

B. Density. The density is calculated by dividing the suitable area by the appropriate unit or lot size standard as in Table 17. Calculations must be applied by tier as in Table 17. Allowable densities may be transferred to a tier farther from the water body. Structures that straddle tiers shall be rated as part of the tier closer to the OHWL.

Table 17. Density Calculation Standards for Shoreland Areas – Conservation Developments

Density Calculation Standards for Shoreland Areas – Conservation Developments				
	First Tier	Second Tier	First Tier	
	Minimum Sq. Ft. per Unit or Lot	Minimum Sq. Ft. per Unit or Lot	Structure Setbacks (Ft.)	Sanitation Setbacks (Ft.)
Lake Class				
General Development	27,770	37,026	75	Tank Treatment 50 100
Recreational Development-2	55,539	74,052	100	Tank Treatment 100 150
Recreational Development-1	74,052	92,565	100	Tank Treatment 100 150
Natural Environment-1	74,052	92,565	200	Tank Treatment 100 150
Natural Environment-2	92,565	111,078	100	Tank Treatment 100 150
Natural Environment-3	111,078	129,591	100	Tank Treatment 100 150
Phosphorus Sensitive	See Underlying Lake Classification			Tank Treatment 100 150
Rivers				
Tributary	See Underlying Zoning District		100	75
Forested			150	100
Remote			200	150
Big Fork	157,335		100	150
Mississippi - Scenic	157,335		150	125
Mississippi - Wild	314,755		200	150

15.7.2 Non-shoreland areas.

- A. Suitable area. The suitable area is calculated by excluding all wetlands, bluffs, and major utility easements greater than 30 feet in width from the proposed development area.
- B. Density. A minimum area of 56,000 square feet per unit or lot shall be required. The minimum suitable area shall be 10,000 square feet of the required 56,000 square feet per unit or lot. The median average unit or lot size shall not exceed 30,000 square feet.
- C. All other applicable requirements pertaining to processing procedures and plan layouts in this Article shall apply to non-shoreland area Conservation Developments.

15.8 Design Criteria for Residential Conservation Developments

15.8.1 Design process. Applicants are required to demonstrate that the following design process was used to determine the layout of proposed streets, dwelling unit lots, and open spaces as shown on the site plan:

- A. Step One: Identify conservation areas.
 1. Primary conservation areas such as wetlands, bluff impact zones, and lake or river setback areas and secondary conservation areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmlands, meadows, wildlife habitats, and cultural features such as historic and archeological sites and scenic view shall be identified and delineated.
 2. 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.
- B. Step Two: Calculate the number of dwelling units allowable under Section 15.7 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 Comprehensive Land Use Plan. The number of homes enjoying the amenities of the development should be optimized.
- C. Step Three: Align streets and trails 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.
- D. Step Four: Draw in the lot lines.
- E. Step Five: Identify on a site plan all parts of the project parcel to be permanently protected as part of the open space.

15.8.2 Open space requirements.

- A. The appearance of common open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means and a willing party for receiving easements must be declared;
- B. At least 50 percent of the total development area shall be permanently preserved as common open space. For Resort conversions, at least 25 percent of the lot width at the structure setback line shall be left as open space;
- C. At least 33 percent of the common open space shall be retained in a contiguous area;
- D. The following developed areas shall not be included in the computation of minimum common open space:
 1. Units or lots;
 2. Road right-of-ways;
 3. Land covered by road surfaces;
 4. Land covered by impervious surfaces; and
 5. Parking areas or structures, except water-oriented accessory structures or facilities.
- E. If areas with physical characteristics unsuitable for development in their natural state or areas containing significant historic sites or unplatted cemeteries are present, then such areas must be included in the common open space;
- F. Common open space may include outdoor recreation facilities for use by owners of the units or lots or the public;
- G. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
- H. Shoreland areas.
 1. No more than 25 percent of the required common open space may consist of wetlands in the Shoreland Overlay Zoning District not abutting public waters;
 2. Shore and bluff impact zones must be included as common open space. A shore impact zone

management plan shall be addressed in the long-term management plan;

- a. Existing developments shall preserve at least 50 percent of the shore and bluff impact zones in their natural state or restored to a natural state.
 - b. New developments shall preserve at least 70 percent of the shore and bluff impact zones in their natural state or restored to a natural state.
3. There shall be at least one access corridor to the shore impact zone. The corridor shall meet the following requirements:
- a. Be accessible to all residents of the Conservation Development;
 - b. Have a minimum width of 50 feet;
 - c. Provide upland access to the area without impacting wetlands; and
 - d. Have a trail and vegetation management plan addressed in the long-term management plan;
4. Clearly visible permanent monuments shall be placed at the corners of units or lots; and
5. Common open space may contain water-oriented accessory structures or facilities.

15.8.3 Road and access requirements.

- A. Roads within and serving Conservation Developments shall be constructed according to American Society of Civil Engineers (ASCE) standards (Residential Streets, 2001, 3rd edition or later, ASCE) and the development plan approved by the Planning Commission, and the local road authority, if applicable.
- B. Access in the form of dedicated right-of-way or easement, as appropriate, shall be created for connection to adjacent undeveloped properties or public lands that do not have direct access to a public road. Developers or subsequent owners may be entitled to compensation for providing such access.

15.8.4 Water supply. Development must be connected to a public water supply, if available. Where a public water supply is not available, a development shall establish dedicated areas for on-site water supplies that must be centralized when feasible and shall be installed to meet or exceed applicable rules of the Minn. Rule, Chapt. 4725, to serve the entire development. A covenant must be established among participating owners of units or lots within the development regarding the maintenance of any centralized on-site water supply.

15.8.5 Sewage treatment. Development must be connected to a public sewer system, if available. Where a public sewer system is not available, a development shall establish dedicated areas for individual sewage systems that must be centralized when feasible and shall be designed, installed, and operated to meet or exceed applicable rules of the Minn. Rule, Chaps. 7080-7083, and Itasca County Sanitation Ordinance to serve the entire development. A covenant must be established among participating owners of units or lots within the development regarding the maintenance of any centralized sewage system. Additional sewage system requirements are as follows:

- A. Systems shall be located on the most suitable areas of the development. Sufficient area free of limiting factors must be provided for a replacement soil dispersal system for each system;
- B. Developments that produce 10,000 gallons of sewage per day require an MPCA State Disposal System permit;
- C. The potential person capacity of a dwelling unit shall be used to determine the potential gallons generated which, in turn, shall dictate the appropriate systems that should be utilized by the proposed development. County and State standards and regulations apply and should be consulted.
- D. All new units or lots must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage-generating appliances.
- E. No occupancy of any unit or lot of any development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

- 15.8.6 Siting of structures and facilities.
- A. Units or lots design. Units or lots must be clustered into one or more groups and located on suitable areas.
 - B. Structure design and location. Structures must be designed and located to meet the following criteria. Accessory structures may be permitted as allowed in this Ordinance. Accessory structures, except water-oriented accessory structures, shall meet the principal structure setbacks and they shall be centralized.
 - 1. Setbacks.
 - a. Shoreland areas. Structure and sanitation setbacks from OHWL are set forth in Table 17. Road setbacks are set forth in Section 3.8.
 - b. Non-shoreland areas. Setbacks shall be the same as required for the particular zoning district in which the Conservation Development is located.
 - 2. Elevation. Requirements set forth in Section 3.17.4.
 - 3. Height.
 - a. Shoreland areas. Requirements are set forth in Table 7.
 - b. Non-shoreland areas. Requirements shall be the same as required for the particular zoning district in which the Conservation Development is located.
 - 4. Visibility. 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, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Earth tone colors are preferred.
 - C. Recreation facility siting.
 - 1. Riparian recreation facility siting. Riparian recreation facilities, including but not limited to swimming areas, common docks, watercraft mooring areas, and launching ramps must be clustered in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, and other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable unit or lot in the first tier. Individual docks shall not be allowed. If a water body does not have a public access boat launching facility, then launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units in the same Conservation Development without continuous watercraft mooring spaces provided their watercrafts are stored outside the structure setback area such that they are not visible from the public water.
 - 2. Non-riparian recreation facility siting. Non-riparian recreation facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the facility.
 - D. Lighting. All outdoor lighting shall be minimized, designed, and installed so that light does not fall within setback areas or on neighboring properties. Lights shall be covered to direct light downward. Lights shall be directed away from public waters.
- 15.8.7 Erosion control and stormwater management.
- A. Design and construction. An erosion control and stormwater management plan shall be designed by an engineer and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Erosion control and stormwater management shall be designed using the best management practices found in the Pollution Control Agency's Minnesota Stormwater Manual. To the maximum extent possible, land-disturbing activities should not occur within the shore impact zone.
 - B. Stormwater permit. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.
 - C. Shoreline buffer mitigation plan. A shoreline buffer consisting of trees, shrubs, and ground cover of native plants and understory shall be required as set forth in Section 21.2.4.B.2. This plan shall

be approved by Itasca County SWCD.

- D. Impervious surface limits. All Conservation Developments within the shoreland areas are limited to a maximum of 25 percent of impervious surface unit or lot coverage in any tier. Unit or lot impervious surface coverage shall not exceed 25 percent, except on units or lots less than 10,000 square feet for which the impervious surface coverage shall not exceed 35 percent.

15.8.8 Other maintenance requirements.

- A. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective means must be provided to ensure long-term preservation and maintenance of open space.
- B. 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 the 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 or individual property owners who make up a homeowners' association and may include administrative costs.

Section 15.9 Manufactured Home Park or Development

- 15.9.1 Purpose. It is the purpose of this regulation to permit the development of manufactured home parks in a manner that will promote and improve the general health, safety, convenience, and welfare of the citizens by minimizing any adverse effects of such development. Mobile home parks shall be approved only after careful review, including strict interpretation of all existing laws, ordinances, and regulations. Before approval will be granted, consideration will be given to the effect the proposed development will have on the general welfare of the community and to provision for appropriate natural buffers and screening.
- 15.9.2 Minnesota Department of Health. The applicant shall be responsible to obtain the necessary license from the Minnesota Department of Health including approval of the sanitation systems.
- 15.9.3 Minnesota Pollution Control Agency. The applicant shall be responsible to obtain a stormwater permit, prior to construction, if the construction activity (clearing, grading and excavation activities) will result in the disturbance of one acre or more.
- 15.9.4 General requirements. It shall be unlawful for any person to construct, alter, or extend any manufactured home park, structures, or uses within the park unless the person holds a valid permit issued by the Zoning Official upon compliance with all provisions of this Ordinance. In addition to all other requirements imposed by law, the following regulations shall be observed.
- 15.9.5 Area and yard requirements. Manufactured home parks shall comply with all area and yard requirements prescribed for such uses in the zoning district in which it is located. Only buildable land shall be considered in the total acreage to be used.
- 15.9.6 Submission of plans. A Conditional Use Permit Application for the establishment of the manufactured home park shall be filed with the Environmental Services Administrator and must include the information set forth in Sections 15.3 and 15.9.8.

- 15.9.7 Review of the Conditional Use Permit Application and preliminary Site Plan and Final Site Plan review and approval. The procedures set forth in Section 15.3 shall be followed for preliminary and final approval of a manufactured home park.
- 15.9.8 Additional requirements. Manufactured home parks shall be designed and maintained in accordance with the following requirements:
- A. Lot Area: The minimum lot area per manufactured home unit site within the park shall be 8,400 square feet, with a minimum width of 70 feet, providing central water and sewer are installed; provided, however, the total number of units in the park shall not exceed the applicable zoning units/acreage requirements. The plan shall include the number, location and size of all manufactured homes;
 - B. Lot Area Occupancy: The buildings or manufactured homes in any park, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than 20 percent of the area of the lot;
 - C. Manufactured Home Siting: Manufactured homes shall be located at least 35 feet from any public street right-of-way or highway right-of-way and at least 50 feet from the mobile park boundary line. There shall be a minimum distance of 20 feet between an individual manufactured home and the right-of-way of a park street or common parking area or other common areas. Manufactured homes and their additions shall be separated from each other and from other buildings and structures by at least 20 feet;
 - D. Utilities: No building, plumbing, heating, and electric requirements other than those adopted pursuant to Minn. Stats. 327.31-327.34 shall be required. A sanitary sewer or septic system and water system shall be installed in accordance with County and State specifications;
 - E. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of the unit parking spaces, and the number of square feet therein—together with dimensions thereof;
 - F. The location of electric power or gas distribution system, water mains or wells or water supply outlets for domestic water users, location of sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, fire hydrants and other buildings, structures or uses contemplated for use by the applicant;
 - G. Sanitation: The sewage disposal system shall have a minimum setback of not less than 100 feet from the manufactured home park's property lines. Said sanitation system design shall be submitted and approved by the Minnesota Department of Health;
 - H. Interior Streets: The minimum road right-of-way width of interior streets shall be 50 feet;
 - I. Fire Protection: Unless it is possible to provide adequate fire protection from fire hydrants on public streets, the developer shall locate the water supply for fire protection within the manufactured home park;
 - J. Maintenance: The park owner shall maintain the park in a clean and orderly condition. Each manufactured home lot shall be landscaped or maintained in grass. No unused building materials, debris or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums or trailer equipment unless it is effectively screened or concealed.
 - K. Vehicle Storage: No more than three motor vehicles shall be stored or kept on any mobile home lot. No vehicle shall be dismantled nor shall mechanical work except of a minor repair nature be done on any automotive vehicle that is not in an operable condition be parked, stored or kept on a lot or in a park, except a vehicle that became inoperable when it was in the mobile home park and then it shall not be parked in that condition for a period of more than seven days.
 - L. Any other requirements as set forth by the Minnesota Department of Health and Minnesota Pollution Control Agency.