
WASHINGTON COUNTY

DEVELOPMENT CODE

Pursuant to MSA Ch 394, Washington County has adopted official controls for the purposes of regulating the physical development of land in the unincorporated areas of the County. These official controls are compiled into and hereafter known as the Washington County Development Code and consists of the following chapters each adopted by Ordinance.

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| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Individual Sewage Treatment System Regulations |
| (5) | Chapter Five | Lower St. Croix River Bluffland and Shoreland Management Regulations |
| (6) | Chapter Six | Shoreland Management Regulations |
| (7) | Chapter Seven | Mining Regulations |
| (8) | Chapter Eight | 201 Sewer Use Regulations |
| (9) | Chapter Nine | Flood Plain Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SIX
SHORELAND MANAGEMENT REGULATIONS

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WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SIX

SHORELAND MANAGEMENT REGULATIONS

This Chapter of the Washington County Development Code shall be known as the Washington County Shoreland Management Regulations and may be referred to in this Chapter as "this Chapter" or the "Shoreland Management Regulations". This shoreland regulation is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103 A-I, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

SECTION 1. INTENT AND PURPOSE

- 1.2** The uncontrolled use of shorelands of Washington County, Minnesota affects the public health, safety and general welfare by contributing to pollution of public waters, and potentially decreasing property value. It is the intent and purpose of these regulations to:
- (1) Designate suitable land use districts for each body of public water.
 - (2) Regulate the placement of sanitary and waste treatment facilities on lots.
 - (3) Regulate the area of a lot and the length of water frontage suitable for building sites.
 - (4) Regulate the alteration of shorelands of public waters.
 - (5) Regulate alterations of the natural vegetation and the natural topography along shorelands.
 - (6) Conserve natural resources and maintain a high standard of environmental quality.
 - (7) Preserve and enhance the quality of surface water.
 - (8) Preserve the economic and natural environmental values of shorelands.
 - (9) Provide for the utilization of water and related land resources.
 - (10) Maintain water quality, reduce flooding and erosion and to provide sources of food and habitat for a variety of fish and wildlife.

SECTION 2. SCOPE AND APPLICABILITY

- 2.1** The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 5 of this regulation and unclassified water bodies where applicable.
- 2.2** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structure on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this regulation and other applicable regulations.
- 2.3** If any section, clause, provision, or portion of this ordinance is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 2.4** The regulations contained in this chapter of the Washington County Development Code are in addition to and not in lieu of other regulations contained in other chapters of the Washington County Development Code where the standards contained in any other chapters of the Development Code are inconsistent with standards of this ordinance. The standards contained in Chapter Two or other applicable chapters shall be followed except that the standards pertaining to lot size, width, permitted uses and open space design contained in this chapter shall apply.

SECTION 3. DEFINITIONS

- 3.1** For the purpose of this Chapter, certain terms and words are hereby defined as follows:
- (1) **Access Corridor.** An area where vegetation is cut or removed through the buffer to provide access to a lake, stream or wetland.
 - (2) **Bluffline.** A line along the top of a slope connecting the points at which the slope, proceeding away from the waterbody or adjoining watershed channel, becomes less than eighteen percent (18%) and it only includes slopes greater than eighteen percent (18%) that meet the following criteria:
 - (A) Part or all of the feature is located in a shoreland area.
 - (B) The slope rises at least 20 feet above the ordinary high water level of the water body.
 - (C) The slope must drain toward the water body.
 - (3) **Bluff Impact Zone.** Bluff and land located within 20 feet from the top of a bluff.
 - (4) **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.

- (5) Buffer Strip. Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.
- (6) Buffer Width, Minimum. The least buffer distance allowable measured perpendicular to the delineated wetland edge or ordinary high water mark of the lake or stream.
- (7) Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (8) Commissioner. The commissioner of the Department of Natural Resources.
- (9) Controlled Access Lots. Lots intended to provide access to the lake for residents of a particular development.
- (10) Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than six (6) inches above ground.
- (11) Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- (12) Hardship. “Hardship” as used in connection with the granting of a variance means:
 - (A) The property in question cannot be put to a reasonable use if used under conditions allowed by the Official Controls; and
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
 - (C) The variance, if granted, will not alter the essential character of the locality.
 - (D) Economic conditions alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the Development Code.
 - (E) The Board may consider the inability to use solar energy systems a “hardship” in granting of the variance.
- (13) Height of Building. The vertical distance between the highest adjoining ground level at the building and the highest point of the roof.
- (14) Impervious Surface. The percentage of the lot covered with buildings including all appurtenances, driveways and sidewalks.
- (15) Intensive Vegetation Clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

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- (16) Lake - General Development. Generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common.
- (17) Lake - Natural Environment. Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.
- (18) Lake - Recreational Development. Generally medium-sized lakes of varying depths and shapes with a variety of land form, soil, and groundwater situations on the lakes around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreational oriented commercial uses.
- (19) Lot Width. The horizontal distance between the side lot lines of a lot measured at the ordinary high water mark, setback line, and road right-of-way.
- (20) Ordinary High Water Level. 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 flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an established ordinary high water level by the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.
- (21) Public Waters. Any waters as defined in Minnesota Statutes, Section 103.G.005 (15).
- (22) Riparian Lot. A lot with frontage on the lake.
- (23) River - Transition. A river designated as such by the Minnesota Department of Natural Resources.
- (24) River - Tributary. Consist of watercourses mapped in the Protected Waters Inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

- (25) 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.
- (26) Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- (27) Shore Impact Zone. Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback.
- (28) Shoreland. Land which meets all of the following criteria:
- (A) A portion of the lot must be located within one thousand (1,000) feet of the ordinary high water level of any public body of water.
 - (B) A portion of the lot must fall within a shoreland zoning district as delineated on the zoning map (tier one lots).
 - (C) The lot must have lake frontage or be in the next tier of lots landward that has primary access from the same township road that serves the lake lots (tier two lots).
- (29) Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.07. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (30) Steep Slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with provisions of this ordinance. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- (31) Tier One. A lot or parcel of land with frontage on a waterbody regulated by the Washington County Shoreland Management Ordinance.
- (32) Tier Two. A lot or parcel of land which is across the street from a township road that serves the lake lots.

- (33) Toe of the Bluff. The lower point of a bluff with an average slope exceeding eighteen percent (18%).
- (34) Top of the Bluff. The highest point of a bluff with an average slope exceeding eighteen percent (18%).
- (35) Tributary Stream. A stream classified as such by the Minnesota Department of Natural Resources.
- (36) Unclassified Body of Water. Unclassified body of water means any lake, pond, backwater, swamp, marsh, wetland, stream, drainage way, flowage, river, floodplain or other water oriented topographical features not designated as being a natural environment lake, recreational development lake, general development lake, or transition river or tributary stream on the zoning map.
- (37) Variance. The same as the term as defined in Chapter 1 - Administration, Section 6.4 - Variances, provided that when a variance to any of the standards contained in this chapter are applied for, the Board of Adjustment & Appeals shall also consider whether the existing sewage treatment systems on the property need upgrading before additional development is approved and whether the properties are used seasonally or year around.
- (38) Wetland. 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 the Development Code, wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and c) under normal circumstances, support a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

SECTION 4. ADMINISTRATION

- 4.1** Administration of this Chapter, including issuance of variances, shall be in accordance with Chapter 1 of the Washington County Development Code.

SECTION 5. SHORELAND CLASSIFICATION SYSTEM

- 5.1** Protected Waters Inventory Map. The public waters of Washington County have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Washington County, Minnesota.
- 5.2** Official Zoning Map. The shoreland area for the water bodies listed in Section 5.3 and 5.4 shall be as defined in Section 3.1 (30) and as shown on the Official Zoning Maps adopted in Chapter 2, Section 1.1 of the Washington County Development Code..
- 5.3** Lakes.

(1) Natural Environment Lakes.

Protected Waters Inventory ID#	Name	Township
2	O’Connors	Denmark
9	Cloverdale	Baytown
10	McDonald	Baytown
14	Little Carnelian	Stillwater
15	Loon	Stillwater
16	Silver	Stillwater
17	Carol (McGuire)	Stillwater
18	North Twin	Stillwater
19	South Twin	Stillwater
25	Louise	Stillwater
26	Mud	May
28	Staples	May
30	Long	May
31	Terrapin (North Terrapin)	May
33	Mays (South Terrapin)	May
34	East Boot	May
35	Bass	May
36	Turtle	May
38	Unnamed (Maple Marsh)	May
41	-----	May
42	Lynch	May
44	West Boot	May
45	Clear (Mays)	May
Protected Waters Inventory ID#	Name	Township

53	Sea	New Scandia
55	Nielson (Nielsen)	New Scandia
56	Unnamed (German)	New Scandia
59	Goose	New Scandia
64	Fish	New Scandia
64	Hay	New Scandia
67	Sand	New Scandia
68	Long	New Scandia
72	White Rock	New Scandia
74	Horseshoe	West Lakeland
76	Barker	May
78	Clear	New Scandia
160	-----	Forest Lake
161	Cranberry	Forest lake
162	Shields	Forest Lake
168	Mud	Forest Lake
25-17	U.S. Lock & Dam - No. 2 Pool	Denmark
19-5	U.S. Lock & Dam - No. 3 Pool	Grey Cloud Island

(2) Recreational Development Lakes.

Protected Waters Inventory ID#	Name	Township
21	Long	Stillwater
46	Square	May
49	Big Carnelian	May
52	Big Marine	New Scandia
Protected Waters Inventory ID#	Name	Township

54	Bone	New Scandia
63	-----	New Scandia
80	Sylvan	Forest Lake

(3) General Development Lakes.

Protected Waters Inventory ID#	Name	Township
159	Forest	Forest Lake
163	Clear	Forest Lake

5.4 Rivers and Streams.

(1) Wild & Scenic Rivers.

St. Croix River. Lower St. Croix River Bluffland and Shoreland Management Regulations requirements must be followed.

(2) Transition Rivers.

Mississippi River

(3) Tributary Streams.

Browns Creek - Stillwater Township and tributaries in Section 18 and 19

Silver Creek - Stillwater Township

Trout Brook - Denmark Township

Unnamed - Denmark Township, Section 30

Unnamed - Denmark Township, Sections 20, 27 & 28

Unnamed - Denmark Township, Section 7, 8, 9, 10 & 16

Unnamed - West Lakeland Township, Section 30 & 31

Unnamed to Sunrise River - Forest Lake Township, Section 6

Unnamed to Hardwood Creek - Forest Lake Township, Section 26, 27 & 34

Unnamed to Big Carnelian Lake - May Township, Section 5, 8, 17, 20, 21, 27, 28, 34 & 35

Unnamed to St. Croix River - May Township, Section 19

Unnamed to St. Croix River - New Scandia Township, Section 1, 6, 7, 12, & 19

SECTION 6. LAND USE DISTRICTS

6.1 Land Use Districts for Lakes. All lands within shoreland areas of lakes in the unincorporated areas of Washington County shall be designated as Residential Use Districts.

- (1) Permitted Uses:
 - (A) Single family residential
 - (B) Parks and historic sites
 - (C) Agricultural: cropland and pasture
- (2) Uses Permitted With A Certificate of Compliance:
 - (A) Home occupation in accordance with Chapter Two, Section 2.13 of the Development Code
- (3) Uses Permitted with a Conditional Use Permit:
 - (A) Open space residential development in accordance with Section 20.2 of this Chapter
 - (B) Bed and Breakfast in accordance with Chapter Two, Section 2.5 of the Development Code.
 - (C) Accessory Apartment in accordance with Chapter Two, Section 2.1 of the Development Code.
- (4) Uses Permitted with a Planned Unit Development Permit:
 - (A) Townhouse developments on lakes served with public sewer (Clear Lake & Forest Lake, Forest Lake Township) providing the following standards are met:
 1. Density shall not be increased over that which would be allowed if the property were developed into single family residential lots.

2. All requirements and procedures are met for a Planned Unit Development as specified in Chapter Two, Section 5 of the Washington County Development Code.

6.2 Land Use Districts for Rivers. All lands within shoreland areas for rivers covered by this regulation shall be designated as Residential Use Districts.

(1) Permitted Uses:

- (A) Single family residential
- (B) Parks and historic sites
- (C) Agricultural: cropland and pasture

(2) Uses Permitted with a Certificate of Compliance:

- (A) Home occupation in accordance with Chapter Two, Section 2.13 of the Development Code.

(3) Uses Permitted with a Conditional Use Permit:

- (A) Open space residential developments in accordance with Section 20.2 of this Chapter
- (B) Bed and Breakfast in accordance with Chapter Two, Section 2.5 of the Development Code.
- (C) Accessory Apartments in accordance with Chapter Two, Section 2.1 of the Development Code.

6.3 Tributary Streams. All lands abutting tributary streams covered by this Chapter shall be governed by the underlying zoning district as it pertains to minimum lot size and permitted uses. Setback and lot width requirements shall be as contained in this Chapter.

SECTION 7. LOT REQUIREMENTS

7.1 Lot Area and Width Standards. The lot area (land above the normal ordinary high water mark) and lot width standards (at road, shoreline and building setback line) for single residential lots created after the date of enactment of this ordinance for lake and river/stream classifications are the following:

(1) Unsewered Lakes.

	Area (Acres)	Width (Feet)
Recreational Development	1 ½	150
General Development	1 ½	150
Natural Environment	5	200

(2) Sewered Lakes.

	Area (Square Feet)	Width (Feet)
General Development	15,000	75

- (3) River/Stream Standards. Property fronting on rivers and streams shall meet underlying zoning density restrictions. The lot width standards for single family residential developments for river/stream classifications is 250 feet.

7.2 Additional Special Provisions

- (1) Only land above the ordinary high water level of public waters can be used to meet lot area standards. Lot width standards must be met at the ordinary high water level, road and at the building setback line. Lot area dimensions in Section 7.1(2) can only be used if public urban type sewer service is available to the property. The 201 collector sewer system does not qualify as public urban type sewer service under this provision.
- (2) In any new subdivision lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible, providing all of the following standards are met.
- (A) The lot must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
- (B) If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/mile)	Percent of Required Increase in Frontage
Less than 100 to 1	25% per additional watercraft
100 to 200 to 1	20% per additional watercraft
201 to 300 to 1	15% per additional watercraft
301 to 400 to 1	10% per additional watercraft
Greater than 400 to 1	5% per additional watercraft

- (C) The lot/lots must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
 - (D) A development agreement is entered into between the developer and Washington County specifying which lots owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The development agreement must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, stored over water, or parked on the property, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions. No structures are allowed to be constructed on these lots except for docking facilities as approved by the Minnesota Department of Natural Resources and Washington County..
- (3) Any individual lot or lots which do not contain a seasonal or permanent home may have one dock with the capacity to accommodate up to three watercraft. No other temporary or permanent structures or recreational vehicles are allowed.

SECTION 8. STRUCTURE AND SEWER SETBACK AND OTHER DESIGN CRITERIA

8.1 Placement of Structures on Lots. When more than one setback applies to a site, all structures and facilities must be located to meet all setbacks.

(1) Structure and On-Site Sewage System Setbacks (in feet) from Ordinary High Water Level:

CLASSES OF PUBLIC WATERS	SETBACKS		
	STRUCTURES		SEWAGE TREATMENT SYSTEMS
LAKES	UNSEWERED	SEWERED	
Natural Environment	200	150	150
Recreational Development	100	75	75
General Development	75	50	75
Unclassified Waterbodies	75**	50	75
* Lake McDonald and Cloverdale Lake may have structure setbacks of 150 feet from the normal ordinary high water level.			
** Or 20' from the delineated wetland line whichever is greater.			
RIVERS/STREAMS			
Transition	200	150	150
Tributary	200	150	150

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

SETBACK FROM:	SETBACK (IN FEET)
(a) top of bluffline	30
(b) unplatted cemetery	50
(c) arterial road	150 from centerline or 75' from road right-of-way whichever is greater
(d) right-of-way line of town road, public street, or other roads or streets not classified	40 without sewer 30 with sewer
(e) sideyard setback	10 Recreational & General Development Lakes 20 Natural Environment Lakes, Rivers/Streams

- 8.2** High Water Elevations. The lowest floor including basement of any structure constructed in a shoreland area must be 2 feet above the 100 year flood elevation or 3 feet above the highest known water level whichever is greater.
- 8.3** Height. No structure shall exceed 35' in height.
- 8.4** Lot Coverage. A maximum of 25% of the lot may be covered with impervious surface. This includes all structures, decks, patios, walks, and surfaced or unsurfaced driveways..
- 8.5** Stairways, Lifts, and Landings. Stairways and lifts are the only permitted alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet all of the following design requirements:
- (1) Stairways and lifts must not exceed four (4) feet in width on residential lots;
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area;
 - (3) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - (4) Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - (5) Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems 1 to 5 are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
 - (7) A certificate of compliance is required.
- 8.6** Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- 8.7** Steep Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. If necessary, conditions must be attached to permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

SECTION 9. SHORELAND ALTERATIONS

9.1 Vegetation Alterations.

- (1) No cutting or removal of trees over six (6) inches in diameter measured at a point two (2) feet above ground level within the required building setback shall be permitted unless the trees are dead, diseased, or pose a documented safety hazard. A certificate of compliance must be obtained prior to the removal of any trees.
- (2) Selective removal of natural vegetation shall be allowed, provided sufficient vegetative cover remains to screen cars, dwellings and other structures, piers, docks and marinas, when viewed from the water.
- (3) In order to retard surface run-off and soil erosion, natural vegetation shall be restored insofar as feasible after any construction project is completed.
- (4) The provisions of this section shall not apply to normal maintenance of trees such as pruning or removal of limbs or branches that are dead or pose safety hazards.
- (5) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas under validly issued construction permits are exempt from these vegetation alteration standards.

9.2 Topographic Alterations/Grading and Filling.

- (1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit, provided the building plan included with the permit address all issues and meets all requirements and provisions of Section 9.2(3).
- (2) Public roads and parking areas are regulated by Section 9.3 of this ordinance.
- (3) Grading or filling is prohibited within the bluff impact zone or shore impact zone. Grading/filling outside these areas shall require a grading permit. Standards for land alteration and grading contained in Chapter 2, Part 3, Section 1.6 of the Washington County Development Code must be followed.
- (4) The filling of any wetland or below the normal ordinary high water mark must be permitted by appropriate Federal, State, and local units of government with jurisdiction.
- (5) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors will be allowed only after the Department of Natural Resources has approved the proposed connection to public waters.

- (6) Placement of natural rock rip rap including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the ordinary high water mark, and the height of the rip rap above the ordinary high water level does not exceed three feet. If needed, a permit must be obtained from the Minnesota Department of Natural Resources and a grading permit is obtained from the Zoning Administrator.

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

- (1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. All roads and parking areas must be designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- (2) All new roads, driveways, and parking areas must meet the lake setback requirements and must not be placed within bluff and shore impact zones.
- (3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met and a certificate of compliance is issued by the Zoning Administrator. Grading and filling provisions of Chapter 2, Part 3, Section 16 of this Development Code must also be met.

9.4 Buffer Strips. In order to maintain water quality, reduce flooding and erosion and to provide sources of food and habitat for a variety of fish and wildlife, a buffer strip shall be provided and maintained around all natural environment lakes and streams and type 3, 4 and 5 wetlands.

- (1) Lake, Wetland, Stream Buffer Widths.
 - (A) The minimum buffer width shall apply to all buffer widths including those that are restored, replaced or enhanced.
 - (B) The County may require a variable buffer width to protect valuable adjacent habitat when considering variances for building setbacks.
 - (C) The following buffer widths shall be maintained:

Lake/Wetland Type	NE Lake	Type 3,4,5 Wetland	Stormwater Pond
Minimum Buffer Width	50 feet	50 feet	10 feet
Building Setback from outer edge of buffer	10 feet	10 feet	10 feet

- (2) An access corridor 50' wide is permitted to gain access to the waterbody.

SECTION 10. STORMWATER MANAGEMENT

- 10.1** Stormwater Management. Standards for stormwater management as contained in Chapter Two, Part 3, Section 1.6 of the Washington County Development Code and the Washington County Subdivision Ordinance, Chapter Three, Section 10.3, shall apply.

SECTION 11. STANDARDS FOR NON-RESIDENTIAL USES

- 11.1** Standards for Non-Residential Uses. Any permitted use of land adjacent to public water which needs to have access to and use of public waters must meet the following standards in addition to any other requirements of this chapter or the Washington County Development Code:

- (1) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Development Code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
- (2) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
- (3) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (A) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
 - (B) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey the location and name of the establishment and the general type 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 six (6) feet above the ground, and must not exceed 16 square feet in size. The sign shall not be lighted and shall be of an earthen tone color. A sign permit must be obtained from the Zoning Administrator.
 - (C) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or

otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

SECTION 12. AGRICULTURAL USE STANDARDS

12.1 Agricultural Use Standards. 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 Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

SECTION 13. FOREST MANAGEMENT STANDARDS

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

SECTION 14. CONDITIONAL USES

14.1 Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to review and approval procedures, and criteria and conditions for review of conditional uses established in the Washington County Development Code: A thorough evaluation of the waterbody and the topographic, vegetative, and soils conditions on the site must be made to ensure:

- (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- (2) Limited visibility of structures and other facilities as viewed from public waters.
- (3) The site is adequate for water supply and on-site sewage treatment.
- (4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

14.2 Conditions Attached to Conditional Use Permits. The Washington County Planning Advisory Commission, upon consideration of the criteria listed above and the purposes of the chapter, shall

attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:

- (1) Increased setbacks from the ordinary high water level.
- (2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
- (3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

SECTION 15. CERTIFICATE OF ZONING COMPLIANCE

- 15.1** The Washington County Zoning Administrator shall issue a certificate of compliance for each activity requiring a building permit or grading permit. The certificate will specify that the use of land conforms to the requirements of this chapter. Any use, arrangement, or construction at variance with that authorized permit shall be deemed a violation of this chapter.

SECTION 16. WATER SUPPLY

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

SECTION 17. SEWAGE DISPOSAL

- 17.1** Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment in accordance with the Washington County Individual Sewage Treatment System (Chapter 4 of the Washington County Development Code) and meet appropriate setback requirements as contained in Section 8.1 of this chapter.
- 17.2** Non-conforming Sewage Treatment Systems. Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 7.1 of this chapter and the Washington County Individual Sewage Treatment System Ordinance (Chapter 4 of the Washington County Development Code). A sewage treatment system not meeting the requirements of the Washington County Individual Sewage Treatment System Ordinance must be upgraded at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property, with the exception of nonhabitable spaces.

SECTION 18. FENCES

- 18.1** In addition to the standards contained in Chapter 2, Part 3, Section 1.5 of the Washington County Development Code, the following standards must also be met on shoreland property.
- 18.2** No fence shall exceed 4' in height unless all required building setbacks are met. If the fence is located so as to meet required building setbacks, a 6' high fence is permitted.
- 18.3** No fence shall be constructed closer to the lake than the required lake setback requirement unless the existing home is located closer to the lake than the required setback in which case the fence may be constructed even with the lake side of the home.

SECTION 19. NONCONFORMING SITUATIONS

Non-conforming situations shall be regulated in accordance with Chapter 1 Section 13 of the Washington County Development Code with the following exceptions:

19.1

- (1) A lot or parcel of land which was of record as a separate lot or parcel in the Office of the Washington County Recorder or Registrar of Titles, on or before January 1, 1973 which is in a residential or agricultural district, and is not a contiguous lot or parcel as that term is described and regulated under Chapter One, Section 13.4 (2) of the Washington County Development Code, may be used for single family detached dwelling purposes, without a variance, provided that:
 - (A) Area and width thereof are within sixty percent (60%) of the minimum requirements of Section 7.1 of this chapter.
 - (B) Provided all setbacks requirements of this chapter can be maintained.
 - (C) Provided it can be demonstrated that either two (2) safe and adequate sewage treatment systems can be installed to service such permanent dwelling or the dwelling is served by public sanitary sewer.
 - (D) On Natural Environment Lakes, any separate lot or parcel of record legally created and recorded prior to the adoption of this ordinance may be used for single family detached dwelling purposes without a variance if it is at least 1.5 acres in size, is 120 feet in width, and meets items (B) and (C) above (19.1 (1) (B) and (C)).
- (2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - (A) The structure existed on the date the structure setbacks were established.

- (B) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
- (C) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.
- (D) No deck on a nonconforming structure shall exceed 10 feet in width.
- (E) The deck is constructed primarily of wood, and is not roofed or screened.
- (F) A certificate of compliance is obtained from the Zoning Administrator.

SECTION 20. SUBDIVISION PROVISIONS

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

20.2 Cluster Developments/Open Space Design Subdivisions

- (1) Open Space design will be permitted in the Shoreland Management District as a conditional use.
- (2) The standards, application requirements and other conditions for this type of development will remain the same as stated in the Washington County Development Code, Chapter Two, Part 3, Section 4 with the exception of the following standards outlined below pertaining to density and yield plan, uses, performance standards and open space design.
- (3) Yield Plan. The applicant shall submit a yield plan showing the maximum number of dwelling units that would be permitted given the minimum lot size and width requirements for conventional subdivisions and other requirements of the Development Code and subdivision regulations.

The yield plan shall be predicated on the following minimum standards for each shoreland classification:

A) Unsewered Lakes

Lake Class	Minimum Lot Size (acres)	Minimum Lot Width
NE	refer to underlying zoning district density requirements	200'
RD	1.5	150'
GD	1.5	150'

B) Sewered Lakes

Lake Class	Minimum Lot Size	Minimum Lot Width
GD	15,000 sf	75'

C) Natural Environment Lake/River/Stream Frontage Lot Standards

Property fronting on rivers, streams and natural environment lakes shall meet the underlying zoning density restrictions. The lot width standards for single family residential developments for these classifications are as follows:

Classification	Width (feet)
Transition River	250
Tributary Stream	250
Natural Environment Lake	200

(4) Uses

The following uses are permitted within OSD developments located in a shoreland zone. These uses must meet the standards and criteria specified for those uses, as set forth in and regulated by the Washington County Development Code.

(1) Tier One (Lakeshore Lots):

- (A) Single Family Residential
- (B) Parks and historic sites
- (C) Agricultural: cropland and pasture
- (D) Open Space
 - (1) Conservation (i.e. woodland, meadow, prairie)
 - (2) Agricultural: cropland and pasture
 - (3) Boat Launching Facilities and required parking
 - (4) Beaches
 - (5) Common Buildings providing lake setback requirements are met

- (6) Trails (walking, skiing, cycling, horseback riding)
- (7) Picnic Areas

The following uses would be allowed with a conditional use permit:

- (1) Bed & Breakfasts in accordance with Chapter 2 Part 3, Section 2.13 of the Development Code.
 - (2) Accessory apartments in accordance with Chapter 2 Part 3, Section 2.13 of the Development Code.
- (2) Tier Two:
- (A) Single Family Residential
 - (B) Parks and Historic Sites
 - (C) Agricultural: cropland and pasture
 - (D) Open Space
 - (1) Conservation (i.e. woodland, meadow, prairie)
 - (2) Agricultural: cropland and pasture
 - (3) Equestrian
 - (4) Recreational Uses and Associated Parking
 - (A) Trails (walking, skiing, cycling, horseback riding)
 - (B) picnic areas
 - (C) community garden
 - (D) turf areas for informal play
 - (E) common areas such as greens and squares
 - (F) ball fields
 - (G) playgrounds
 - (H) courts (tennis, basketball, etc)
 - (I) swimming pools
 - (J) Common Buildings
 - (5) Stormwater Management Facilities
 - (6) Sewage Disposal Systems
 - (7) Essential Services - Utility Substation

The following uses are allowed in the designated Open Space within Tier Two with an additional Conditional Use Permit:

- (1) Golf Course
- (2) Recreational uses available to the public including:
 - (A) ball fields
 - (B) Playgrounds
 - (C) Courts
 - (D) Swimming Pools

- (E) Accessory apartments in accordance with Chapter 2, Section 2.1 of the Development Code.
- (F) Bed & Breakfast in accordance with Chapter 2, Section 2.5 of the Development Code.

(5) Density

- (1) The number of density units for the parcel shall be determined in accordance with the yield plan as outlined in Section 20.2 (1) of this Chapter.
- (2) The number of density units determined in (1) above may be increased on natural environment lakes up to 100% on lakes where the underlying zoning is agricultural or conservancy.

(6) Performance Standards

(1) Residential Lot Requirements

Unserviced Lots (on-site septic system)

- (A) Minimum Lot Size: 1 acre
- (B) Minimum Lot Width: 100'

Serviced Lots (Public Sewer)

- (A) Minimum Lot Size: 9,000 square feet
- (B) Minimum Lot Width: 50'

- (2) Setbacks - All applicable lake and bluffline setback requirements must be met. In addition, the following setbacks must also be met.

- (A) Sideyard setback - 10'
- (B) Rear Yard setback - 20'
- (C) Road setback - 20'

(3) Open Space Design

- (A) Open space shall be designated as part of the development. The minimum required open space is based on a percentage of the gross acreage:

Natural Environment Lakes: 50%
Recreation Development Lakes: 40%
General Development Lakes: 40%

- (B) The required structure setback area and bluff impact zone must be included in the designated open space. This area shall be preserved in or restored to its natural state. Access to the lake shall be determined by the Planning Advisory Commission as part of the conditional use permit application.
- (C) In addition to 3 (B) above, forty (40) percent of the length of the shoreline to a depth of three times the required structure setback from the ordinary high water mark must be included in the designated open space.

SECTION 21. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

- 21.1** Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under this ordinance must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearing. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- 21.2** A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this chapter must be sent to the Commissioner of the Department of Natural Resources or the commissioner's designated representative and be postmarked within ten days of final action.