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COUNTY DEVELOPMENT CODE  
FOR  
WASHINGTON COUNTY, MINNESOTA

CHAPTER 2. SHORELAND MANAGEMENT ORDINANCE

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WASHINGTON COUNTY DEVELOPMENT CODE

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WASHINGTON COUNTY, MINNESOTA

CHAPTER 2. SHORELAND MANAGEMENT ORDINANCE

AN ORDINANCE FOR THE CONTROLLING OF SHORELAND IN WASHINGTON COUNTY FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, AND TO PRESERVE AND ENHANCE THE QUALITY OF SURFACE WATERS, PRESERVE THE ECONOMIC AND NATURAL ENVIRONMENTAL VALUES OF SHORELAND, AND PROVIDE FOR THE WISE UTILIZATION OF WATER AND RELATED LAND RESOURCES.

THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Washington County Shoreland Management Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

SECTION 2. INTENT AND PURPOSE

201. Purpose. This Ordinance is adopted for the purpose of:

- (1) Designating suitable land use districts for each public water.
- (2) Regulating the placement of sanitary and waste disposal facilities on lots.
- (3) Regulating the area of a lot and the length of water frontage suitable for building sites.
- (4) Regulating the alteration of shorelands of public waters.
- (5) Regulating alterations of the natural vegetation and the natural topography.
- (6) Conserving and developing natural resources, and maintaining a high standard of environmental quality.

## SECTION 3. DEFINITIONS

### 301. Rules.

301.01. In the event of conflicting provisions in the text of this Ordinance, the more restrictive provision shall apply. The County Zoning Administrator shall rule on what is more "restrictive" and appeals from said decisions may be made in the manner provided herein.

301.02. Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive.

### 302. Definitions.

302.01. For the purpose of this Ordinance, certain terms and words are hereby defined as follows:

- (1) Normal High Water Mark.  
A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- (2) Public Water.  
A body of water capable of substantial beneficial public use. This shall be construed to mean, for the purpose of this Ordinance, any body of water which has a potential of supporting any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than twenty-five (25) acres in size and no river or stream having a total drainage area less than two (2) square miles shall be subject to this Ordinance.
- (3) Shoreland.  
Land located within one thousand (1,000) feet of the normal high water mark of a lake, pond, flowage, river, stream or the landward extent of a flood plain designated by ordinance on such river or stream, whichever is greater.
- (4) Substandard Use.  
Any use of shoreland existing prior to the date of enactment of this Ordinance which is permitted within the acceptable zoning district but does not meet the minimum lot area and length of water frontage, structure setback, or other dimensional standards of the Ordinance.

## SECTION 4. DISTRICT PROVISIONS

### 401. Designations of Types of Land Use.

401.01. In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the unincorporated areas of Washington County, Minnesota, have been given a public waters classification, and uses of shorelands in these classes are hereby designated by land use districts, based on the compatibility of the designated type of land use with the public waters classification and planned land use as outlined in the County Comprehensive Plan.

### 402. Public Waters Classification System.

402.01. The public waters of Washington County, Minnesota, have been classified in accordance with the guidelines set forth by the Department of Natural Resources. The lakes and streams that are subject to the regulations of this Ordinance are listed as follows:

**KEY:** NE = Natural Environment Lake  
 RD = Recreational Development Lake  
 GD = General Development Lake

Lake No.	Name	Township	Classification
82-1	St. Croix	--	NE
82-2	O' Connors	Denmark	NE
82-9	--	Baytown	NE
82-10	McDonald	Baytown	NE
82-14	Little Carnelian	Stillwater	NE
82-15	Loon	Stillwater	NE
82-16	Silver	Stillwater	NE
82-17	--	Stillwater	NE
82-18	North Twin	Stillwater	NE
82-19	South Twin	Stillwater	NE
82-21	Long	Stillwater	RD
82-25	Louise	Stillwater	NE
82-26	Mud	May	NE
82-30	Long	May	NE
82-31	North Terrapin	May	NE
82-33	Mays	May	NE
82-34	East Boot	May	NE
82-35	Bass	May	NE
82-36	Turtle	May	NE
82-38	--	May	NE
82-41	--	May	NE
82-42	Lynch	May	NE
82-44	West Boot	May	NE
82-46	Square	May	RD

Lake No.	Name	Township	Classification
82-49	Big Carnelian	May	RD
82-52	Big Marine	New Scandia	RD
82-53	Sea	New Scandia	NE
82-54	Bone	New Scandia	RD
82-55	Nielsen	New Scandia	NE
82-56	--	New Scandia	NE
82-59	Goose	New Scandia	NE
82-63	--	New Scandia	NE
82-64	Fish	New Scandia	NE
82-65	Hay	New Scandia	NE
82-67	Sand	New Scandia	NE
82-68	Long	New Scandia	NE
82-69	--	New Scandia	NE
82-72	White Rock	New Scandia	NE
82-74	Horseshoe	West Lakeland	NE
82-75	--	Stillwater/Grant	NE
82-76	Barker	May	NE
82-78	--	New Scandia	NE
82-80	Halfbreed	Forest Lake	RD
82-120	Benz	Grant	NE
82-121	Mann	Grant	NE
82-122	Pine Tree	Grant	RD
82-123	--	Grant	NE
82-124	--	Grant	NE
82-126	Masterman	Grant	NE
82-128	--	Grant	NE
82-130	Long	Grant	RD
82-159	Forest	Forest Lake	GD
82-160	--	Forest Lake	NE
82-161	Cranberry	Forest Lake	NE
82-162	Shields	Forest Lake	NE
82-163	Clear	Forest Lake	GD
82-168	Mud	Forest Lake	NE
2-2	Higgins Lake	--	NE
19-5	U. S. Lock and Dam - No. 2 Pool		GD
25-17	U. S. Lock and Dam - No. 3 Pool		GD

The following streams are designated as Natural Environment Streams:

Brown's Creek	Stillwater (Sections 20 & 31, T30N, R20)
Old Mill Stream	May (Section 6, T31N, R19W)
Old Mill Stream	May (Section 1, T31N, R20W)
Old Mill Stream	New Scandia (Section 36, T32N, R20W)

All other rivers and streams in Washington County having a total drainage area of greater than two (2) square miles are assigned a public waters classification of Natural Environment.

403. Zoning Districts.

403.01. The land use zoning districts have been established in accordance with their compatibility with the public waters classification and to assist in carrying out the intent and purposes of the Washington County Comprehensive Plan. The zoning districts are based upon the Comprehensive Plan which has a purpose of protecting the public health, safety, convenience and general welfare of the residents of the County.

403.02. The shoreland district is an overlying district and all property within that districts subject to the uses and restrictions as provided for in the underlying zoning districts which are set forth in Chapter One, Zoning Ordinance, of the Washington County Development Code.

404. Zoning District Map.

404.01. The boundaries of the zoning districts on the map which is designated as the Washington County Zoning Map is made a part of this Ordinance and is on file with the County Zoning Administrator.

405. Minimum Requirements.

405.01. The following chart sets forth the minimum area, setbacks, and other requirements of each zoning district:

	NE	RD	GD
(1) Minimum lot size above normal high water mark**	80,000	40,000	40,000 sq ft
(2) Lot width at building setback line	200	150	100 feet
(3) Lot width at water line for lots abutting public water	200	150	100 feet
(4) Setback from normal high water mark*	200	100	75 feet
(5) Setback from public street	40	40	30 feet
(6) Maximum floor area ratio	30%	30%	30%
(7) Side yard setback:			
(a) From street in case of corner lot	40	40	30 feet
(b) From interior lot line	20	10	10 feet

\* Setback requirements from the normal high water mark shall not apply to boathouses, piers and docks. Boathouses may be permitted to be located up to the normal high water mark subject to the issuance of a conditional use permit by the Zoning Administrator provided they shall not be used for habitation and they shall not contain sanitary facilities.

\*\* A lot size smaller than those specified may be permitted for areas served by public sewer. The lot size shall be determined by the Commissioner of Natural Resources and approved by the Washington County Planning Advisory Commission after an evaluation of the individual body of water and its capabilities to support a greater, density of development.

405.02. No structure except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including a basement, is less than three (3) feet above the highest known water level.

## SECTION 5. GENERAL PROVISIONS

### 501. Substandard Lots.

501.01. A lot or parcel of land for which a deed has been recorded in the office of the Washington County Register of Deeds or Registrar of Titles upon, or prior to, the effective date of this Ordinance shall be deemed a buildable lot provided it has frontage on a public right-of-way and said space requirements for the district in which it is located can be maintained or adjusted to conform as follows: a lot or parcel of land of record upon the effective date of this Ordinance which is in a residential district and which does not meet the requirements of this Ordinance as to area, width, or other open space, may be utilized for single family detached dwelling purposes provided the measurements of such area, width and yard space are all within sixty percent (60%) of the requirements of this Ordinance; and it can be demonstrated that a proper and adequate sewerage disposal system can be installed.

501.02. If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one (1) or more parcels of land each meeting the full minimum requirements of this Ordinance.

### 502. Sewage Disposal.

502.01. Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available all on-site individual sewer disposal systems shall conform to the minimum standards as set forth in Chapter Four, Sanitary Sewer Disposal Ordinance of the Washington County Development Code. A septic, tank-drain field system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.

502.02. No person, firm or corporation shall install, alter, repair or extend any individual sewer disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

502.03. Placement of soil absorption systems shall be subject to the following specifications, where soil conditions are adequate:

- (1) On natural environment lakes and streams at least one hundred fifty (150) feet from the normal high water mark.
- (2) On recreational development lakes at least seventy-five (75) feet from the normal high water mark.
- (3) On general development lakes and streams at least seventy-five (75) feet from the normal high water mark.

502.04. All sanitary facilities inconsistent with requirements of this section shall be brought into conformity or discontinued within three (3) years from the date of enactment of this Ordinance. Where there is evidence of septic tank effluent percolating from the ground, flowing directly into a lake or stream, or where the disposal system is in the water table the system must be corrected and conform with these standards within ninety (90) days of written notice.

#### 503. High Water Elevation.

503.01. For lakes, ponds or flowages, no structure, except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement floors, is less than three (3) feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the Zoning Administrator.

503.02. For rivers and streams, placement of structures shall be in conformity with the Flood Plain Ordinance.

#### 504. Erosion and Sedimentation Control.

504.01. No structure shall be placed in any area which will require grading and/or filling which will result in impairment of public waters by reason of erosion and sedimentation, violate provisions of Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota, or result in impairment of fish or aquatic life.

#### 505. Shoreland Alterations.

505.01. The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal shall be restricted within a strip parallel to the water line and extend inward a specific distance from the normal high water mark. This specific distance is determined by the lake class and is as follows:

- (1) Natural Environment Lakes and Streams: one hundred (100) feet from the normal high water mark.

- (2) Recreational Development Lakes and Streams: fifty (50) feet from the normal high water mark.
- (3) General Development Lakes and Streams: thirty-five (35) feet from the normal high water mark.

505.02. To allow a view corridor to the lake, twenty-five percent (25%) of the length of its strip may be cleared to a depth of the strip. In the remaining seventy-five percent (75%) of this strip, cutting shall leave sufficient cover to screen cars, dwellings, and other structures, except boathouses, piers, docks and marinas from the view of the lake. No cutting or tree removal of trees over six (6) inches in diameter measured to a point two (2) feet above ground level shall take place until a conditional use permit has been issued by the Zoning Administrator.

505.03. This section shall not apply to permitted uses which normally require the removal of vegetation.

#### 506. Grading and Filling.

506.01. Grading and filling in shoreline areas or any alterations of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water must be approved by the Zoning Administrator, and a permit obtained prior to the commencement of any work thereon. The permit may be granted subject to the conditions that:

- (1) The smallest amount of bare ground is exposed for as short a time as feasible.
- (2) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
- (3) Methods to prevent erosion and trap sediment are employed in accordance with the recommendations of the Soil Conservation Service.
- (4) Fill is stabilized to acceptable engineering standards.

#### 507. Channeling.

507.01. Excavations on shorelines where the intended purpose is connection to a public water shall require a permit from the Zoning Administrator before construction is begun. Such permit may be obtained only after the Commissioner of Conservation has issued a permit for work in the beds of public waters.

#### 508. Signs.

508.01. Signs and structural appurtenances thereto shall comply with applicable provisions of the Zoning Ordinance, Chapter One of the Washington County Development Code.

## SECTION 6. SUBDIVISION

### 601. Land Suitability.

601.01. No land shall be subdivided which is held unsuitable for the purpose by the County Board of Commissioners for reason of flooding, inadequate drainage, soil and rock formations and severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewer disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. The County Board of Commissioners in applying the provisions of this section shall in writing cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter the County Board of Commissioners may affirm, modify or withdraw its determination of unsuitability.

### 602. Compliance.

602.01. All subdivision shall comply with the applicable provisions of the Washington County Subdivision Ordinance, Chapter Five of the County Development Code. Any proposed plat for shoreland areas which is inconsistent with the provisions of this Ordinance, shall first be approved by the Commissioner of Natural Resources.

## SECTION 7. ADMINISTRATION

### 701. Administrative Procedure.

701.01. The administrative procedures as set forth in Section 5 of Chapter One, Zoning Ordinance of the County Development Code shall apply and all provisions thereof shall be applicable to this Ordinance.

## SECTION 8. ENFORCEMENT

### 801. Violations and Penalties.

801.01. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

801.02. In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the County Attorney to institute such action.

801.03. Any taxpayer of the County may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION 9. EFFECTUATION

### 901. Separability.

901.01. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

901.02. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance not specifically included in said judgement.

901.03. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building, or other structure, such judgement shall not affect the application of said provision to any other property, building or structure not specifically included in said judgement.

901.04. Nothing contained in this Ordinance repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

### 902. Effective Date.

902.01. Passed by the Washington County Board of Commissioners  
this 6<sup>th</sup> day of July 1972.

I. A. Pederson  
Chairman of the Board

ATTEST:  
T. R. Greeder  
County Auditor