

Model Code for Washington County Communities

Lower St. Croix River Bluffland and Shoreland Management Ordinance

As adopted by the Washington County Planning Commission
August 24, 1976

Ordinance No. 14

Office of County Recorder
Washington County, Minnesota

I hereby certify that the within instrument was filed in this Office at Stillwater for record on
1st day of November A.D., 1976 at 9:00 o'clock A.M. and was duly recorded in Washington County Records

Document # 350965
J.F. Simonet County Recorder
By Rita M. Selb
Deputy

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SECTION 1. TITLE

101. Short Title. This Ordinance shall be known, cited and referred to as the Lower St Croix River Bluffland and Shoreland Management Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

SECTION 2. INTENT AND PURPOSE

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

- (1) Designating suitable land use districts along the bluffland and shoreland of the Lower St Croix River.
- (2) Regulating the area of a lot, and the length of bluffland and water frontage suitable for building sites.
- (3) Regulating the setback of structures and sanitary waste treatment facilities from blufflines to protect the existing and/or natural scenic values, vegetation, soils, water, and bedrock from disruption by man-made structures or facilities.
- (4) Regulating the setback of structures and sanitary waste treatment facilities from shorelines to protect the natural scenic value, floodplain, and water quality.
- (5) Regulating alterations of the natural vegetation and topography.
- (6) Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environmental quality to comply with Minnesota Department of Natural Resources Standards and Criteria for the Lower St Croix National Scenic Riverway (NR 2200-2202).

SECTION 3. DEFINITIONS

301. Construction.

301.01. In the event of conflicting provisions in the text of this Ordinance, and/or other Ordinances, the more restrictive provision shall apply. The Community Zoning Administrator shall determine which is more "restrictive" and appeals from such determination 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, the word "may" is permissive.

301.03. Unless otherwise specified, all distances shall be measured horizontally.

302. Definitions.

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

- (1) "**Accessory Use**" means a use subordinate to and serving the principal use on the same lot and customarily incidental thereto, such as vegetative cutting and grading and filling.

- (2) "**Appurtenance**" means a structure subordinate to and serving the principal structure on the same lot and customarily incidental thereto such as garages, decks, essential services, signs, docks, and stairways and lifts, except that appurtenance does not include private water supply and sewage and waste disposal systems below the ground.
- (3) "**Bluffline**" means a line along the top of a slope connecting the points at which the slope, proceeding away from the river or adjoining watershed channel, becomes less than 12% and it only includes slopes greater than 12% visible from the river or any water course tributary to the river. The location of the bluffline for any particular property shall be certified by a registered land surveyor or the zoning administrator. More than one bluffline may be encountered proceeding away from the river or adjoining watershed channel. All setbacks required herein shall be applicable to each bluffline.
- (4) "**Building Line**" means a line measured across the width of the lot at the point where the principal structure is placed in accordance with setback provisions.
- (5) "**Channel**" means a natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.
- (6) "**Dwelling Unit**" means a residential accommodation which is arranged, designed, used, or intended for use exclusively as living quarters for one family.
- (7) "**Harbor**" means a portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice, and currents. Natural harbors consist of bays and estuaries, while artificial harbors are constructed by dredging.
- (8) "**Marina**" means an area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as fueling, sewage pumpout, boat launching, boat repair, and boat storage; except that marina does not mean temporary docks associated with riparian residential development if the mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.
- (9) "**Non-Conforming Use**" means any use of land established before the effective date of a St Croix Riverway Ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- (10) "**Ordinary High Water Mark**" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water; the main channel, adjoining side channels, backwaters, and sloughs.
- (11) "**Riverway Boundary**" means a legally described line delineating the landward extent of the St. Croix Riverway.
- (12) "**Scenic Easement**" means an interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational, and natural characteristics of areas in the St Croix Riverway. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the easement shall be: perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, his heirs, successors, or assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for enforcement of the easement.
- (13) "**Screening**" means the presence of vegetation or topography which makes any structure on any property visually inconspicuous in summer months as viewed from the river.
- (14) "**Setback**" means the minimum horizontal distance between any part of a structure and the ordinary high water mark or a bluffline.

In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs.

- (15) **"Slope"** means all lands between the ordinary high watermark and the riverway boundary having an angle of ascent or descent of more than 12% (percent) from the horizontal. .
- (16) **"St Croix Riverway"** means all lands and public waters within the riverway boundary subject to the Standards and Criteria for the Lower St Croix National Scenic Riverway in Minnesota.
- (17) **"Structure"** means any building or appurtenance thereto, except transmission services.
- (18) **"Substandard Structure"** means any structure established before the effective date of a St Croix Riverway Ordinance which is permitted within a particular zoning district but does not meet the structure setbacks or other dimensional standards of the Ordinance.
- (19) **"Variance"** means any modification or variation of the dimensional standards of a St Croix Riverway Ordinance where it is determined that, because of hardships, strict enforcement of the Ordinance is impractical.
- (20) **"Visually Inconspicuous"** means difficult to see or not readily noticeable in summer months as viewed from the river.
- (21) **"Watercourse"** means a channel in which a flow of water occurs either continuously or intermittently. The term applies to either natural or artificially constructed channels.
- (22) **"Wetlands"** means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh, or slough.

LOCAL COMMUNITY ST CROIX RIVER
DISTRICT ZONING MAP
TO BE INCLUDED ON THIS PAGE

SECTION 4. DISTRICT PROVISIONS

401. Designation of Districts.

401.01. For the purpose of protecting the natural resources and natural scenic values of the land within the boundaries of the Lower St Croix Riverway and because there is a difference in development patterns, rural and urban districts shall be established.

441.02. The boundaries of the Lower St Croix Riverway and the urban and rural zoning districts within the Riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St Croix National Scenic Riverway Master Plan and as shown on the map designated as the _____ of _____ official zoning map.

401.03. The boundaries of the Lower St Croix Riverway zoning districts on the map designated as the _____ of _____ official zoning map published herewith is made a part of this Ordinance and is on file with use Community Zoning Administrator.

402. Minimum District Dimensional Requirements.

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

	Rural District	Urban District	Urban District with Public Sewer and Water
(1) Minimum tot size above ordinary high water mark	2 ½ acres	1 acre	20,000 sq. ft.
(2) Lot width at building setback line	200 feet	150 feet	100 feet
(3) Lot width at water line	200 feet	150 feet	100 feet
(4) Building setback from ordinary high water mark	200 feet	100 feet	100 feet
(5) Building setback from bluffline	100 feet	40 feet	40 feet
(6) On-site sewage treatment system setback from ordinary high water mark	200 feet	100 feet	
(7) On-site sewage treatment system setback from bluffline	40 feet	40 feet	
(8) Maximum structure height	35 feet	35 feet	35 feet
(9) Maximum total lot area covered by impervious surface	20% (½ acre)	20% (8,700 sq. ft.)	20% (4,000 sq. ft.)
(10) On slopes less than 12%, the controlled vegetative cutting areas setback are from:			
ordinary high water mark	200 feet	100 feet	100 feet
blufflines	40 feet	40 feet	40 feet

402.02. No structures shall be placed or grading done on any slopes greater than 12% (12 feet vertical rise in 100 feet horizontal distance).

402.03. No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with Community and State Floodplain Ordinances.

402.04. Exceptions to the minimum dimensional requirements include the following:

- (1) Rural Districts, structure setback from the bluffline may be varied to within the 40-100 foot range from the bluffline only by the variance procedure of this Ordinance. In the event that such a variance is necessary, the following items shall be considered conditions of the variance.
 - (i) The existing drainage patterns shall not be disturbed.
 - (ii) All construction and grading excavation or disruption of the natural ground cover due to the on-site construction shall be resodded or seeded within 180 days of the date of issuance of the building permit.
 - (iii) To the greatest extent possible, vegetation over six (6) inches in diameter shall not be removed.
 - (iv) The structure shall be visually inconspicuous as viewed from the river during summer months.
 - (v) The site shall be capable of supporting a standard septic treatment system as required in the Sanitary Sewer Disposal Ordinance, Chapter 4 of the Washington County Development Code.
- (2) Developments which provide service to the public and which by their nature require a location on or adjacent to the public waters and which also require approval of the Commissioner of Natural Resources.
- (3) Temporary or seasonal docks which extend into the water a minimum distance necessary for the launching or mooring of watercraft.
- (4) Signs which are necessary for public health and safety or which designate areas available or not available for public use.
- (5) Visually inconspicuous stairways and lifts enabling access to the river from steep slopes.
- (6) On a vacant bluffland or shoreland lot which has two adjacent lots, with principal dwelling structures on both such adjacent lots within 200 feet of the common lot line, any new structure shall be set back, the average setback of said adjacent structures plus 40 feet or the minimum standard setback, whichever is less.

SECTION 5. USES WITHIN THE ST CROIX RIVERWAY

501. Purpose. The purpose of establishing standards and criteria for uses in the St Croix Riverway shall be to protect and preserve existing natural, scenic, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act, and the Federal and State Lower St Croix River Acts.

502. Permitted Uses.

502.01. All structures associated with the following uses are permitted in the St Croix Riverway, subject to the dimensional requirements of a St Croix Riverway Ordinance.

- (1) Conservancy
- (2) Agriculture
- (3) Single Family Residential

502.02. Accessory Uses. Accessory uses which are incidental to the permitted primary uses of the property are permitted.

503. Site Preservation. The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface run-off, soil erosion, and nutrient loss.

503.01. Vegetative Cutting. On land within 200 feet of the ordinary high water mark in rural districts, 100 feet of the ordinary high water mark in urban districts, and 40 feet landward of blufflines and on slopes greater than 12 percent in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the Community Zoning Administrator. A permit may be issued only if:

- (1) The cutting, including topping, involves trees less than 6 inches in diameter at breast height; and
- (2) The cutting, including topping, involves vegetation which is not screening any structure from view from the river; and
- (3) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained; or
- (4) Diseased trees are to be removed, and their removal is in the public interest; or
- (5) The cutting is necessary for the maintenance of transportation or utility rights-of-way.

503.02. A vegetative cutting permit is not required for the following provided the existing quality, character, density, and canopy is maintained as viewed from the river:

- (1) Clearing for a validly permitted structure, septic system, roadway, and parking areas.
- (2) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.

503.03. Grading and Filling. Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a grading permit from the Community Zoning Administrator. A grading permit may be issued only if:

- (1) Slopes greater than 12 percent (12 feet vertical rise in 100 horizontal feet) are preserved to the greatest extent possible.
- (2) Earthmoving, erosion, vegetative cutting, draining or filling of wetlands, and the destruction of natural amenities is minimized;
- (3) The smallest amount of ground is exposed for as short a time as feasible;
- (4) During construction, temporary ground cover, such as mulch is used and permanent ground cover, such as sod, is planted upon completion;
- (5) Methods to prevent erosion and trap sediment are employed; and
- (6) Fill is stabilized to accepted engineering standards.

503.04. A separate grading and fitting permit is not required for grading, filling, or excavating the minimum area necessary for a structure, sewage disposal system, and private road and parking area undertaken pursuant to a validly issued building permit.

504. Conditional Uses.

504.01. Conditional uses are uses which normally are not permitted in the urban or rural districts of the St Croix Riverway unless it is determined by the governing body, after a public hearing, that the proposed use shall:

- (1) Preserve the scenic and recreational resources of the St Croix Riverway, especially in regard to the view from and use of the river.
- (2) Maintain, safe and healthful conditions.
- (3) Limit erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover.

504.02. Urban District Conditional Uses. In urban districts of this Ordinance, existing zoning districts in effect and uses permitted on May 1, 1974 by the Community may again be permitted, provided the use has been listed in the Ordinance by the governing body and has been approved in writing by the Commissioner of Natural Resources.

504.03. Rural District Conditional Uses. In the rural districts of this Ordinance, the following uses may be permitted as conditional uses:

- (1) Government resource management and interpretive activities;
- (2) Marinas between the Boomsite Highway Wayside and the Northern Boundary of Stillwater.
- (3) Governmental highway waysides, rest areas, information areas, and scenic overlooks.

505. Prohibited Uses.

505.01: In all districts within the St Croix Riverway, the following new uses or expansion of existing uses shall be prohibited:

- (1) Sand and gravel operations.
- (2) Junk yards.
- (3) Mobile home parks.
- (4) Downhill ski areas.
- (5) Marinas upstream from the Boomsite Highway Wayside and downstream from Stillwater in rural districts.
- (6) All uses not authorized in the local zoning ordinances.

506. Non-Conforming Uses.

506.01. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this Ordinance shall be non-conforming uses and may continue as lawful, non-conforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use, activity, or reclamation plan as stipulated in the most current permit issued prior to the adoption of this Ordinance.

SECTION 6. GENERAL PROVISIONS

601. Substandard Structures.

601.01 All structures in existence prior to the adoption date of this Ordinance which do not meet the structure setbacks and other dimensional standards of this Ordinance shall be considered substandard structures.

601.02. Any extension, enlargement, or alteration of an existing substandard structure or sanitary facility shall meet the setback standards of this Ordinance.

601.03. Exceptions to the setback standards for substandard structures may include the following:

- (1) An extension, enlargement, or alteration of an existing substandard structure or sanitary facility may be permitted on the side of the structure or facility facing away from the river and/or bluffline.
- (2) An improvement to an existing structure or facility may be allowed to extend laterally (parallel to the river or bluff) when the improvement is in compliance with the dimensional standards of this Ordinance and the side yard standards of the local Ordinance.

- (3) Exterior decks attached to the structure which do not extend any roof or foundation, may be permitted to extend laterally (parallel to the river or bluffline) at the same setback as the substandard structure if said deck is visually inconspicuous in summer months as viewed from the river, and provided the deck has no roof or building foundation.
- (4) Substandard structures which do not meet the bluffland and/or shoreland setbacks shall not be raised in elevation or roofline, except in floodplain areas and then only to protect the structure.

601.04. If a substandard structure needs replacing due to destruction, deterioration, or obsolescence, such replacement shall comply with the dimensional standards of this Ordinance.

602. Substandard Lots.

602.01. A lot or parcel of land for which a deed has been recorded in the office of the Washington County Recorder on or prior to May 1, 1974, shall be deemed a buildable lot provided it has frontage on a maintained public right-of-way, maintained by the community or other unit of government, or frontage on a private road established and of record in the Office of the Washington County Recorder prior to May 1, 1974, and it can be demonstrated that a proper and adequate sewage disposal system can be installed; and a proposed structure can meet the sideyard setbacks of the local zoning ordinance, and the pre-existing lot area dimensions meet or exceed 60% of the requirements for a new lot in the same district.

602.02. 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.

603. Sewage Disposal.

603.01. 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 4, Sanitary Sewer Disposal Ordinance of the Washington County Development Code and Section 4 of this Ordinance. A septic tank/drainfield 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.

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

604. Color of Structures.

604.01. The exterior color of new or renovated structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river.

605. Marinas.

605.01. New and or expanded marinas may only be allowed:

- (1) Between the Boonsite Highway Wayside and the City of Stillwater.
- (2) Downstream from the northern City limits of Stillwater in urban districts.

605.02. New marinas shall meet the design standards of Natural Resources Regulations including NR 2201 (f (2)).

605.03. Permit Requirements. No construction or development associated with a marina shall begin until all of the following authorizations have been obtained by the applicant.

- (1) Marinas shall be a Conditional Use in this Ordinance.
- (2) For uses and structures above the ordinary high water mark associated with a marina, a public hearing shall be held by the governing body to consider a marina as a conditional use in accordance with Department of Natural Resources Regulations including NR 2202 (d (2)). The governing body may approve or deny the marina on said standards of the Department of Natural Resources. If the governing body approves the marina, final issuance of the local permit shall be conditioned upon granting of all State and Federal permits required in Department of Natural Resources Regulations including NR 2201 (f).

606. Alterations in Public Waters.

60.01. Changing the course, current, or cross section of public waters shall require State and Federal permits as specified in (g) of NR 2201 before any local permits may be issued.

607. Transmission Services.

607.01. A permit from the Commissioner is required pursuant to Minnesota Statutes, Sections 84.415 or 105.42 before transmission services may cross state-owned lands or public waters and shall be in accordance with the Natural Resources Regulations including NR 2201 (h).

608. Public Roads

608.1. A permit from the Commissioner of Natural Resources is required before construction, reconstruction, removal, or abandonment of any road or railroad crossing of public waters within the Riverway. Said permit shall be in accordance with the Natural Resources Regulations including NR 2201 (i).

SECTION 7. SUBDIVISIONS

701. Land Suitability.

701.01. No land shall be subdivided which is found by the governing body to be unsuitable for reason of flooding, inadequate drainage, soil and rock formations with 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 governing body 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 governing body may affirm, modify, or withdraw its determination of unsuitability.

702. Preliminary Plans.

702.01. Preliminary plans for all plats, including planned cluster developments shall be approved by the Commissioner of Natural Resources or his agent in writing prior to preliminary approval by the governing body.

702.02. All subdivision shall comply with the applicable provisions of the Washington County Subdivision Ordinance, Chapter Five of the County Development Code.

703. Planned Cluster Developments.

703.01. A pattern of subdivision development which places dwelling units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Ordinance for planned cluster developments, provided:

- (1) In rural districts of this Ordinance the number of dwelling units allowed shall not exceed the total number of dwelling units allowed if the development was based on the minimum lot size requirements for a single family residential subdivision.
- (2) In urban districts of this Ordinance and only where public sewer and water will be installed in the proposed cluster development, the number of dwelling units shall not exceed fifty percent (50%) more than the total number of dwelling units allowed if the development was based on the minimum lot size requirements for single family residential subdivision.
- (3) Open space shall be preserved. At least fifty percent (50%) of the length of shoreland or bluffland frontage as viewed from the river shall be kept in its natural state.
- (4) Temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development.

SECTION 8. ADMINISTRATION

801. Administrative Procedure.

801.01. In addition to the applicable administrative procedures set forth in the zoning ordinance of the local community, the following procedures shall be implemented with respect to land, subject to this Ordinance.

- (1) A public hearing shall be held by the local authority for all zoning district amendments, conditional use permits, subdivision, and variances.
- (2) No less than 20 days prior to the public hearing, the local zoning administrator shall send notice and copies of the applicants information as specified in 803.01 to the following agencies for review and comment:
 - (i) Department of Natural Resources,
 - (ii) County and Community Planning Commissions,
 - (iii) Regional Planning Commission, and
 - (iv) Minnesota/Wisconsin Boundary Area Commission.

801.02. The applicant for any permit requiring a public hearing shall submit to the governing body at least 30 days prior to such hearing, an abstractors certificate showing the names and addresses of all property owners within 500 feet of the affected, in incorporated areas, or one-half mile in unincorporated areas, the affected board of town supervisors, and the municipal council of any municipality within two (2) miles of the affected property.

801.03. Notice of the purpose, time, and place of any such public hearing shall be mailed to all property. owners and the elected officials listed in 801.02 by the local authority at least ten (10) days prior to the date of the hearing.

801.04. Notice of the purpose, time, and place of any such public hearing shall be published in the official newspaper of the affected communities at least ten (10) days prior to the date of the hearing.

802. Certification by the Commissioner of Natural Resources.

802.01. Before any zoning district or ordinance amendment or variance becomes final, the governing body shall forward the decision to the Commissioner. The Commissioner of Natural Resources shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers Acts and the Master Plan for the Lower St Croix River in the manner specified in Department of Natural Resources Regulations including NR 2202 (e).

803. Forwarding of a Final Decision.

803.01. The local Board of Adjustment and Appeals (or governing body if there be none) shall forward decisions within ten (10) days of final action on all conditional use permits and subdivisions to the Commissioner of Natural Resources.

804. Permit Process.

St Croix Riverway Ordinance Permits	Urban District	Rural District
Building Permits	LP	LP
Septic Permits	LP	LP
Grading Permits	LP	LP
Tree Cutting Permits	LP	LP
Conditional Use Permits	PH-FD	PH- FD
Amendments to Ordinance	PH-CC	PH-CC
Amendments to District Boundary	PH-CC	PH-CC
Plats and Cluster Developments	PH-WA-FD	PH-WA-FD
Variances	PH-CC	PH-CC

- LP - Permit issued by the local authority in accordance with this Ordinance and all other local permits.
- CC - Certification by the Commissioner of Natural Resources prior to final local approval.
- PH - Public hearing necessary by the local authority giving 20 days notice of meeting to the Commissioner of Natural Resources and other agencies listed in 801.01 (z).
- FD - Local authority forwards any decisions to the Commissioner of Natural Resources within 10 days after taking final action.
- WA - The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

805. Variances.

805.01. Variances shall only be granted where there are particular hardships which make the strict enforcement of this Ordinance impractical. Hardship means the proposed use of the property and associated structures in question cannot be established under the conditions allowed by this Ordinance; the plight of the landowner is due to circumstances unique to his property, not created by the landowner after May 1, 1974; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship for the reasonable use of the property and associated structures under the conditions allowed by this Ordinance. In addition, no variance shall be granted that would permit any use that is prohibited in this Ordinance in which the subject property is located. Conditions may be imposed in the granting of a variance to insure compliance and to protect adjacent properties and the public interest, especially in regard to the view from the river.

805.02: The formal public hearing for a variance shall be held by the Board of Adjustment and Appeals (or the governing body if there be none) as set forth in the zoning ordinance of the community.

806. Requirements of the Applicant for a Public Hearing.

806.01. The applicant shall submit sufficient copies of the following information and additional information as requested to the local authority thirty (30) days prior to the public hearing on the application for a conditional use, variance, or subdivision:

- (1) Plat of survey showing the property location, boundaries, dimensions, elevations, blufflines, utility and roadway corridors, the ordinary high water mark, floodway, and floodplain.
- (2) The most recent aerial photo of the property with property lines drawn in.
- (3) Location of existing and proposed structures including height and setback dimensions.
- (4) Location of existing and proposed alterations of vegetation and topography.
- (5) Adjoining water-oriented uses.
- (6) Suitability of the area for on-site waste disposal. Type, size, and location of the system shall be indicated. If a public or municipal wastewater collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development.
- (7) Water supply system.
- (8) An estimate of permanent and transient residents.

807. Factors To Be Considered.

807.01. When considering a proposal or zoning amendment within the St Croix River District, the governing body shall address the following items in making its decisions:

- (1) Preserving the scenic and recreational resources of the St Croix Riverway, especially in regard to the view from and use of the river.
- (2) The maintenance of safe and healthful conditions.
- (3) The prevention and control of water pollution, including sedimentation.
- (4) The location of the site with respect to floodways, floodplains, slopes, and blufflines.
- (5) The erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover.
- (6) Potential impact on game and fish habitat.
- (7) Location of the site with respect to existing or future access roads.
- (8) The amount of wastes to be generated and the adequacy of the proposed disposal systems.
- (9) The anticipated demand for police, fire, medical, and school services and facilities.
- (10) The compatibility of the proposed development with uses on adjacent land.

SECTION 9. EFFECTUATION

901. Enforcement.

901.01. 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 a violation is permitted to exist shall constitute a separate offense.

901.02. In the event of a violation or a threatened violation of this Ordinance, the governing body, or the Commissioner of Natural Resources, 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 Attorney to institute such action.

902. Separability.

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

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

902.03. 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 judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

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

SUGGESTED ORDINANCE FOR ADOPTING MODEL LOWER ST CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT ORDINANCE.

ORDINANCE NO. _____

AN ORDINANCE FOR THE CONTROLLING OF BLUFFLAND AND SHORELAND DEVELOPMENT IN ORDER TO PROTECT AND PRESERVE THE OUTSTANDING SCENIC, RECREATIONAL, GEOLOGIC, FISH AND WILDLIFE, HISTORIC, CULTURAL, AND OTHER SIMILAR VALUES OF THE LOWER ST CROIX NATIONAL SCENIC RIVERWAY IN A MANNER CONSISTENT WITH THE NATIONAL WILD AND SCENIC RIVERWAY IN A MANNER CONSISTENT WITH THE NATIONAL WILD AND SCENIC RIVERS ACT (P.L. 90-542), THE FEDERAL LOWER ST CROIX RIVER ACT (P. L. 92-560), AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES MINIMUM STANDARDS AND CRITERIA (NR 2200 - 2202) IN THE _____ OF _____, WASHINGTON COUNTY, MINNESOTA.

The _____ of the _____ of _____, Washington County, Minnesota, Ordains:

Section 1. Adoption of Model Lower St Croix River Bluffland and Shoreland Management Ordinance.

It is hereby adopted for the purpose of protecting and preserving the scenic, recreational, historic and natural resources, the Model Lower St Croix River Bluffland and Shoreline Management Ordinance for Communities in Washington County as adopted on August 24, 1976, by the Washington County Planning and Advisory Commission, of which not less than three copies are on file in the office of the _____ Clerk. That said Model Ordinance is hereby adopted in its entirety except as herein modified:

Section 2. Definitions.

202.01. Community. Whenever the word "Community" is used it shall mean the _____ of _____, Washington County, Minnesota.

202.02. Governing Body. Whenever the words "Governing Body" are used, they shall mean the _____ of the _____ of _____, Washington County, Minnesota.

Section 3. Existing Codes. .

301.01. The provisions of this Model Ordinance are in addition to and not in replacement of the provisions of the Zoning Ordinance. Any provisions of the Zoning Ordinance relating to the Lower St Croix Riverway shall remain in full force and effect except as they may be contrary to the provisions of this Model Ordinance.

301.02. In the urban districts of this Model Ordinance, existing zoning districts in effect and uses permitted on May 1, 1974, by the existing _____ of _____ Zoning Ordinance may again be permitted by the _____ of the _____ provided the project is listed in 301.03, has been approved in writing by the Commissioner of Nature Resources and meets or exceeds the following standards:

- (1) The proposed use is consistent with and complimentary to the existing, adjacent, urban land uses and municipal plans.
- (2) The dimensional requirements of Section 4 of this Ordinance.
- (3) The sideyard setbacks and frontage requirements of the local zoning ordinance.
- (4) A parking layout and site plan which provides on-site, off-street parking spaces for all employees of the project, an exclusive area for loading docks where required by local ordinance, and off-street customer parking spaces as required by local ordinance.
- (5) An on-site grading and surface water run-off plan for the site which minimizes soil erosion and degradation of surface water quality.

- (6) In sewerred areas, public sewer will service the proposed project.
- (7) A landscaping plan for the site is illustrated which minimizes the visual impact of the proposed project as viewed from the river and which visually screens all parking areas from the river. The applicant shall provide the Community with a performance bond for the cost of all landscaping to insure compliance with the landscaping plan.
- (8) A public hearing as per Section 801 of this Ordinance and forwarding of the final action of the local community.
- (9) The project meets all other existing local zoning and subdivision requirements.
- (10) The project requires no alteration or fill of shoreline, bluffland, or floodway, except for temporary docking and launching of watercraft.
- (11) No lighted or flashing signs shall face riverward.
- (12) Detailed plans and specifications as presented at the public hearing are sufficient to obtain all local access, building, zoning, and sewer permits.

301.03. The following listed Urban District Conditional Uses are considered Conditional Uses:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

Section 4. Repeal of Conflicting Ordinances.

Ordinance No. _____ because it conflicts with this Ordinance is hereby repealed.

SECTION _____. (Section for modifications, if any)

SECTION _____. EFFECTIVE DATE.

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the _____ of _____ of the _____ of _____, Washington County, Minnesota, this _____ day of _____, 197 _____

ATTEST:
Chairman/Mayor _____

Clerk _____

ORDINANCE NO. 14**WASHINGTON COUNTY, MINNESOTA****Chapter 7. Lower St Croix River Bluffland & Shoreland Management Ordinance**

AN ORDINANCE FOR THE CONTROLLING OF BLUFFLAND AND SHORELAND DEVELOPMENT IN THE UNINCORPORATED AREAS OF WASHINGTON COUNTY, MINNESOTA IN ORDER TO PROTECT AND PRESERVE THE OUTSTANDING SCENIC, RECREATIONAL, GEOLOGIC, FISH AND WILDLIFE, HISTORIC, CULTURAL, AND OTHER SIMILAR VALUES OF THE LOWER ST CROIX NATIONAL SCENIC RIVERWAY IN A MANNER CONSISTENT WITH THE NATIONAL WILD AND SCENIC RIVERWAY ACT (P.L. 90-542), THE FEDERAL LOWER ST CROIX RIVER ACT (P.L. 92-560), AND THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES MINIMUM STANDARDS AND CRITERIA (NR 2200 - 2202).

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 Lower St Croix River Bluffland and 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 along the bluffland and shoreland of the Lower St Croix River.
- (2) Regulating the area of a lot, and the length of bluffland and water frontage suitable for building sites.
- (3) Regulating the setback of structures and sanitary waste treatment facilities from blufflines to protect the existing and/or natural scenic values, vegetation, soils, water, and bedrock from disruption by man-made structures or facilities.
- (4) Regulating the setback of structures and sanitary waste treatment facilities from shorelines to protect the natural scenic value, floodplain, and water quality.
- (5) Regulating alterations of the natural vegetation and topography.
- (6) Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environment quality to comply with Minnesota Department of Natural Resources Standards and Criteria for the Lower St Croix National Scenic Riverway (NR 2200-2202).
- (7) Setting the minimum requirements to protect the public health, safety, morals, comfort, convenience, and general welfare.
- (8) Securing the rights of the public with respect to public lands and waters.

SECTION 3. DEFINITIONS

301.01. Community. Whenever the word "Community" is used, it shall mean Washington County, Minnesota.

301.02. Governing Body. Whenever the words "Governing Body" are used, they shall mean the Board of County Commissioners of Washington County or the Board's Designate.

301.03. Project Plan. A plan for any structure or activity for which this Ordinance or any other Chapter of the Washington County Development Code requires a permit.

SECTION 4. GENERAL PROVISIONS

401.01. Adoption of the Model Lower St Croix River Bluffland and Shoreland Management Ordinance.

There is hereby adopted for the purpose of protecting and preserving the scenic, recreational, historic, and natural resources, the Model Lower St Croix River Bluffland and Shoreland Management Ordinance for Communities in Washington County as adopted on August 24, 1976, by the Washington County Planning Advisory Commission, of which not less than three copies are on file in the office of the Washington County Planning Coordinator. That said Model Ordinance is hereby adopted in its entirety except as herein modified:

402.01. Modifications.

The Town Board of the Township within which the property is located shall review the following in accordance with This Ordinance.

- (1) All conditional and/or special use permits.
- (2) All amendments to the Ordinance.
- (3) All amendments to the District Boundary.
- (4) All plats and cluster developments.
- (5) All variances.

402.02. Public hearings on the items listed in 402.01 shall be held at the local, Township level. A public hearing may also be required by the Washington County Board of Adjustment and Appeals or the Washington County Planning Advisory Commission.

402.03. All proposed project plans within the St Croix River District shall be submitted to the Washington County Zoning Administrator who will review them to see that they comply with the standards and provisions of this Ordinance and the other Chapters of the Washington County Development Code.

If the project plan conforms to the standards and provisions of this Ordinance, he shall so notify the local Town Board within fifteen (15) days of receipt of said project plan. If no report is received by the Town Board within fifteen (15) days from the Washington County Zoning Administrator, it will be assumed by the Town Board that there are no objections to the project plan as submitted and they may proceed to take final actions on the proposed project.

If the project plan does not conform to the standards and provisions of this Ordinance, the Zoning Administrator may then refer the plan to the Washington County Planning Advisory Commission or to the Washington County Board of Adjustment and Appeals.

The review process and timing shall follow the appropriate permit review and issuance procedures as stipulated in the Washington County Development Code.

SECTION 5. ENFORCEMENT

501. Violations and Penalties.

501.01. It is declared unlawful for any person to violate any of 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.

501.02. In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, or the Commissioner of Natural Resources, 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.

501.03. 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 6. EFFECTUATION

601. Separability.

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

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

601.03. 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 judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

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

602. Effective Date.

602.01. Passed by the Washington County Board of Commissioners this 18th day of October, 1976.

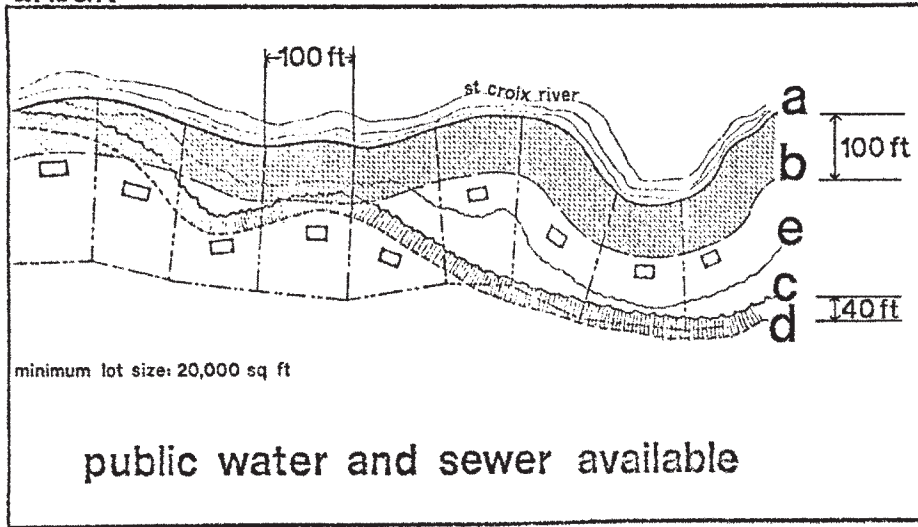
Don L. Cafferty
Chairman of the Board

ATTEST:
T. R. Greeder
County Auditor

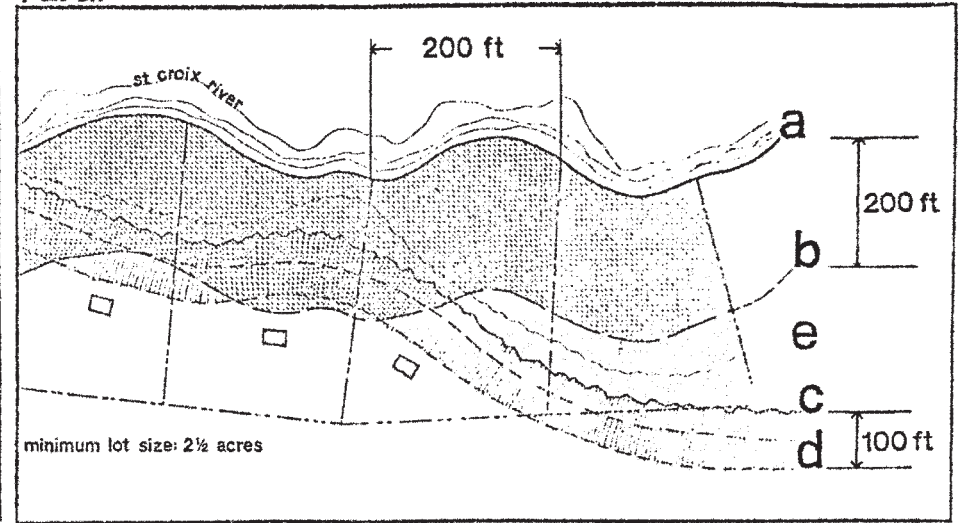
st croix river setback standards

prepared by
 washington county planning department
 05/26/1976

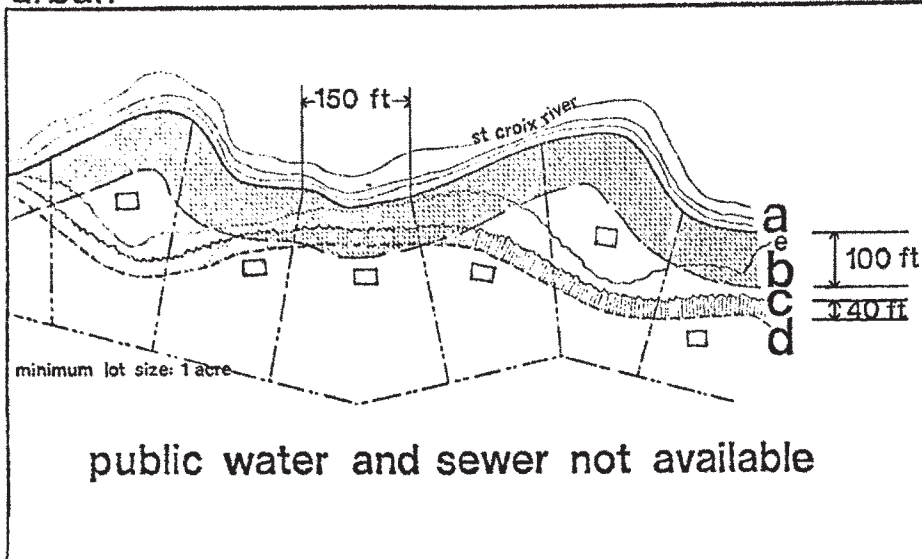
urban



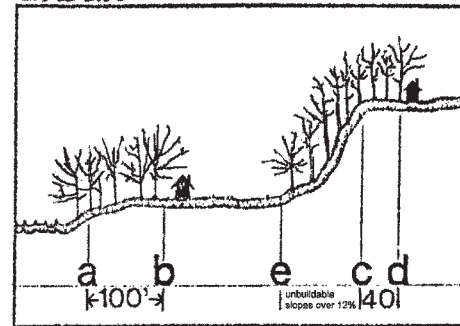
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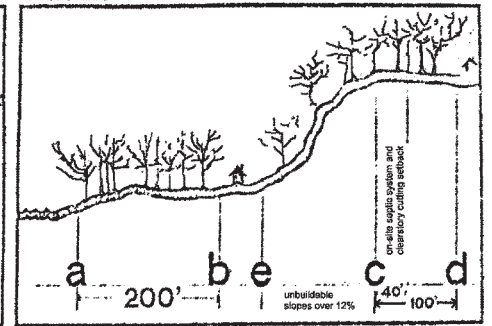
urban



urban



rural



- a ordinary high water mark
- b shoreland building and vegetative cutting setback
- c bluffline
- d bluffline building and vegetative cutting setback
- e bottom of unbuildable slope