

Washington County Development Code

CHAPTER SIX SHORELAND MANAGEMENT REGULATIONS

ORDINANCE 208
EFFECTIVE UPON PASSAGE
BY THE COUNTY BOARD
ON JUNE 5, 2018 AND
PUBLISHED ON
JULY 27, 2018



REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SIX

SHORELAND MANAGEMENT REGULATIONS

ORDINANCE NO. 208

**REVISED WASHINGTON COUNTY
DEVELOPMENT CODE**

Pursuant to MSA Ch 394, Washington County has adopted official controls for areas and activities enumerated below. These official controls are compiled into and hereafter known as the Revised Washington County Development Code which consists of the following chapters each adopted through Ordinance.

- | | | |
|------|---------------|--|
| (1) | Chapter One | Administration |
| (2) | Chapter Two | Zoning Regulations |
| (3) | Chapter Three | Subdivision Regulations |
| (4) | Chapter Four | Subsurface 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 | Buffer Regulations |
| (9) | Chapter Nine | Floodplain Management Regulations |
| (10) | Chapter Ten | Official Map Regulation and Designation |

REVISED WASHINGTON COUNTY DEVELOPMENT CODE

CHAPTER SIX
SHORELAND MANAGEMENT REGULATIONS

Table of Contents

SECTION 1. INTENT AND PURPOSE 6

SECTION 2. SCOPE AND APPLICABILITY 7

SECTION 3. DEFINITIONS 7

SECTION 4. ADMINISTRATION 12

 4.1 Administration 12

SECTION 5. SHORELAND CLASSIFICATION SYSTEM 12

 5.1 Protected Waters Inventory Map 12

 5.2 Zoning Overlay District Map 12

 5.3 Lakes 13

 5.4 Rivers and Streams 14

SECTION 6. LAND USE DISTRICTS 15

 6.1 Land Use Districts for Lakes 15

 6.2 Land Use Districts for Rivers 16

SECTION 7. LOT REQUIREMENTS 17

 7.1 Lot Area and Width Standards 17

 7.2 Additional Special Provisions 17

SECTION 8. STRUCTURE AND SEWER SETBACK AND OTHER DESIGN CRITERIA 19

 8.1 Placement of Structures on Lots 19

 8.2 Lowest Floor Elevation 20

 8.3 Height 20

 8.4 Lot Coverage 20

 8.5 Stairways, Lifts and Landings 20

 8.6 Significant Historic Sites 21

 8.7 Steep Slopes 21

SECTION 9. SHORELAND ALTERATIONS 21

 9.1 Vegetation Alterations 21

 9.2 Topographic Alterations: Grading, Filling and Excavating..... 22

9.3	Placement and Design of Roads, Driveways and Parking Areas	22
9.4	Buffer Strips.....	23
SECTION 10.	STORMWATER MANAGEMENT	24
10.1	Stormwater Management.....	24
SECTION 11.	STANDARDS FOR NON-RESIDENTIAL USES	24
11.1	Standards for Non-residential Uses.....	24
SECTION 12.	AGRICULTURAL USE STANDARDS	25
12.1	Agricultural Use Standards.....	25
SECTION 13.	FOREST MANAGEMENT STANDARDS	25
13.1	Forest Management Standards.....	25
SECTION 14.	CONDITIONAL USES	25
14.1	Conditional Uses.....	25
14.2	Conditions Attached to Conditional Use Permits	26
SECTION 15.	CERTIFICATE OF COMPLIANCE.....	26
15.1	Certificate of Compliance.....	26
SECTION 16.	WATER SUPPLY.....	26
16.1	Water Supply.....	26
SECTION 17.	SEWAGE DISPOSAL.....	26
17.1	Sewage Treatment.....	26
17.2	Non-conforming Sewage Treatment Systems.....	27
SECTION 18.	FENCES.....	27
18.1	Fences.....	27
SECTION 19.	NON-CONFORMING SITUATIONS.....	27
19.1	Non-conforming Lots.....	27
19.2	Decks.....	29
SECTION 20.	SUBDIVISION PROVISIONS.....	29
20.1	Land Suitability.....	29
20.2	Open Space Developments.....	30

SECTION 21. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES.....34
 21.1 Public Hearing Notice.....34
 21.2 Amendments, Subdivisions/Plats, Variances, Conditional Uses.....34

SECTION 22. EFFECTIVE DATE.....34

Summaries in this column are for commentary and/or interpretive purposes only.

REVISED 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 within this Chapter as "this Chapter" or "this Ordinance". This shoreland management regulation is adopted by Washington County Ordinance No. 208 pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, the planning and zoning enabling legislation in Minnesota Statutes Chapter 394 and Minnesota Administrative Rules, Parts 6120.2500 – 6120.3900.

This Ordinance applies within the unincorporated areas of the County that are within the Shoreland Management Overlay District. This district allows: a) primary uses; b) accessory uses; c) uses allowed with a Certificate of Compliance; and d) uses allowed with a Conditional Use Permit.

This Ordinance does not apply within the St. Croix River Management Overlay District. For those unincorporated areas of the County within the St. Croix River Management Overlay District, see Chapter Five of the Development Code, Lower St. Croix River Bluffland and Shoreland Management Regulations.

SECTION 1. INTENT AND PURPOSE

This Chapter defines regulations for the use of shorelands with the goal of protecting and preserving natural vegetation, topography, natural resources and environmental quality while providing for the utilization of water and land related resources.

- 1.1 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

This ordinance applies to classified and unclassified waters where applicable.

Shoreland use, activities and subdivision shall comply with this Ordinance.

Remainder of the ordinance is not affected if any portion is found to be invalid.

This Chapter is in addition to and not in lieu of other Chapters of the Development Code.

- 2.1 The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 5 of this Chapter 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 Ordinance 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 is not 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 the standards of this Chapter, the more restrictive shall apply.

SECTION 3. DEFINITIONS

Unless specifically defined here, interpretation of words and phrases shall be consistent with common usage.

- 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 (18) percent and it only includes slopes greater than eighteen (18) percent that meet the following criteria:
 - (A) Part or all of the feature is located in a shoreland area.
 - (B) The slope rises at least twenty (20) feet above the ordinary high water level of the waterbody.

- (C) The slope must drain toward the waterbody.
- (3) **Bluff Impact Zone:** Bluff and land located within twenty (20) feet from the top of a bluff.
- (4) **Buffer Protection Map, DNR:** Has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and is available on the Department of Natural Resources website at <http://www.dnr.state.mn.us/buffers/index.html>.
- (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 level of the lake or stream.
- (7) **Building Setback Line:** A line that is parallel to a right-of-way line, a lot line, a bluffline or a high water line, and which delineates the minimum horizontal distance buildings or structures may be placed from those lines.
- (8) **Commercial Use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (9) **Commissioner:** The commissioner of the Department of Natural Resources.
- (10) **Controlled Access Lots:** Lots intended to provide access to the lake for residents of a particular development.
- (11) **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.
- (12) **Forest Land Conversion:** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- (13) **Height of Building:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:
- (A) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (B) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item (A) above is more

than ten (10) feet above the lowest grade.

- (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.
- (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 level, setback line, and road right-of-way.
- (20) **Ordinary High Water Level:** The boundary of public waters and wetlands, and an elevation delineating the highest water level which has existed 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 (also known as the Ordinary High Water Mark or the Ordinary High Water Line). 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 is considered the ordinary high water level.
- (21) **Practical Difficulties:**
 - (C) The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - (D) The plight of the landowner is due to circumstances unique to the property, not created by the landowner, and
 - (E) The variance, if granted, will not alter the essential character of the

- locality.
- (F) Economic conditions alone shall not constitute practical difficulties if reasonable use for the property exists under the terms of the Development Code.
 - (G) The Board may consider “practical difficulties” to include inadequate access to direct sunlight for solar energy systems.
- (22) **Public Waters:** Any waters as defined in Minnesota Statutes, Section 103G.005 (15).
- (23) **Riparian Lot:** A lot with frontage on a water body.
- (24) **River – Transition:** Generally either located within the Minnesota and Mississippi river valleys, or within the middle reaches of several rivers in all regions except the north-central and northeast. Common land uses include forested within riparian strips and mixtures of cultivated, pasture and forested beyond.
- (25) **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.
- (26) **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.
- (27) **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.
- (28) **Shore Impact Zone:** The strip of land along a public water located between the ordinary high water level and a line that is offset landward a distance that is equal to fifty (50) percent of the required structure setback from the ordinary high water level.
- (29) **Shoreland:** Land within one thousand (1,000) feet of the ordinary high water level of any public waterbody.
- (30) **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 307.08. 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

Public waters are classified according to

cemeteries are automatically considered to be significant historic sites.

- (31) **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 twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
- (32) **Tier One:** A lot or parcel of land with frontage on a waterbody that is subject to the Washington County Shoreland Management Regulations.
- (33) **Tier Two:** A lot or parcel of land that is across a township road from a Tier One lot and said township road serves the Tier One lot.
- (34) **Toe of the Bluff:** The lower point of a bluff with an average slope exceeding eighteen (18) percent.
- (35) **Top of the Bluff:** The highest point of a bluff with an average slope exceeding eighteen (18) percent.
- (36) **Tributary Stream:** A stream classified as such by the Minnesota Department of Natural Resources.
- (37) **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.
- (38) **Variance:** See the Washington County Development Code Chapter One - Administration, Section 6.4 – Variances.
- (39) **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.
- (39) **Zoning Overlay District Map:** The map delineating the boundaries of the Shoreland Management Overlay District.

*MN Admin. Rules and
Protected Waters
Inventory map.*

*Shoreland areas are per
the Zoning Overlay
District Map.*

SECTION 4. ADMINISTRATION

4.1 Administration.

Administration of this Chapter, including issuance of variances, shall be in accordance with Chapter One 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 Administrative Rules, Part 6120.3000, and the Protected Waters Inventory Map for Washington County, Minnesota.

5.2 Zoning Overlay District Map.

The shoreland areas for the water bodies listed in Section 5.3 and 5.4 are as defined in Section 3.1 (29) and as shown on the Zoning Overlay District Map which is adopted and published herewith, made a part of this Ordinance, and on file with the Washington County Zoning Administrator.

5.3 Lakes.

(1) Natural environment lakes:

Protected Waters Inventory ID#	Name	Township
82-2	O'Connor's	Denmark
82-9	Cloverdale	Baytown
82-10	McDonald	Baytown
82-14	Little Carnelian	Stillwater
82-15	Loon	Stillwater
82-16	Silver	Stillwater
82-17	Carol (McGuire)	Stillwater
82-18	North Twin	Stillwater
82-19	South Twin	Stillwater
82-25	Louise	Stillwater
82-26	Mud	May
82-28	Staples	May
82-30	Long	May
82-31	Terrapin (North Terrapin)	May
82-33	Mays (South Terrapin)	May
82-34	East Boot	May
82-35	Bass	May
82-36	Turtle	May
82-38	Unnamed (Maple Marsh)	May
82-41	-----	May
82-42	Lynch	May
82-44	West Boot	May
82-45	Clear (Mays)	May
82-74	Horseshoe	West Lakeland
82-76	Barker	May

25-17	U.S. Lock & Dam No.3 Pool	Denmark
19-5	U.S. Lock & Dam No.2 Pool	Grey Cloud Island
82-77	unnamed	May
82-151	South School Section	May
82-110	Downs	West Lakeland

(2) Recreational development lakes:

Protected Waters Inventory ID#	Name	Township
46	Square	May
49	Big Carnelian	May
52	Big Marine	May

5.4 Rivers and Streams.

(1) Wild & Scenic Rivers:

St. Croix River (Lake St. Croix public water basin 82-1). Lower St. Croix River Bluffland and Shoreland Management Regulations must be complied with.

(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 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 Browns Creek, Stillwater Township, S18-T30-R20

Unnamed to unnamed, Stillwater Township, S18-T30-R20

Unnamed to Browns Creek, Stillwater Township, S20-T30-R20

All protected watercourses in Washington County shown on the Protected Waters Inventory Map for Washington County, a copy of which is hereby adopted by reference, not given a classification above shall be considered Tributary.

SECTION 6. LAND USES

6.1 Land Uses for Lakes.

Land uses around Lakes.

The uses permitted in the Shoreland Overlay District around lakes are as described below.

Prohibited Uses.

Any use not specifically defined as a primary use, an accessory use, or allowed with a Certificate of Compliance or a Conditional Use Permit are prohibited.

Permitted uses.

(1) Permitted primary uses:

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

Permitted uses with a Certificate of Compliance.

(2) Uses permitted with a Certificate of Compliance:

- (A) Home occupation in accordance with Chapter Two, Part 2, Section 2.6 of the Washington County Development Code.
- (B) Temporary Dwelling Unit/Care Facilities, Temporary Dwelling Units During Construction and Temporary Farm Dwelling Units in accordance with Chapter Two, Part 2, Section 2 of the Washington County Development Code.

Permitted uses with a Conditional Use Permit.

(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, Part 2, Section 2.3 of the Development Code.
- (C) Accessory Apartment in accordance with Chapter Two, Part 2, Section 2.1 of the Washington County Development Code.

6.2 Land Uses for Rivers and Streams.

Land uses around rivers and streams.

The uses permitted in the Shoreland Overlay District around rivers and streams are as described below.

Prohibited uses.

Any use not specifically defined as a primary use, an accessory use, or allowed with a Certificate of Compliance or a Conditional Use Permit are prohibited.

Permitted uses.

(1) Permitted primary 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, Part 2, Section 2.6 of the Washington County Development Code.
- (B) Temporary Dwelling Unit/Care Facilities, Temporary Dwelling Units During Construction and Temporary Farm Dwelling Units in accordance with Chapter Two, Part 2, Section 2 of the Washington County Development Code.

Uses permitted with a Certificate of Compliance.

(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, Part 2, Section 2.3 of the Washington County Development Code.
- (C) Accessory Apartments in accordance with Chapter Two, Part 2, Section 2.1 of the Washington County Development Code.

Uses permitted with a Conditional Use Permit.

SECTION 7. LOT REQUIREMENTS

Lot area and width standards for single residential lots.

7.1 Lot Area and Width Standards.

The lot area and lot width standards for single residential lots created after the date of this Ordinance for lake and river/stream classifications are as follows:

- (1) Lake lots not served by public sewer:

	Area (acres)	Width (feet)
Recreational Development	1.5	150
General Development	1.5	150
Natural Environment	5	200

- (2) Lake lots served by public sewer:

	Area (square feet)	Width (feet)
General Development	15,000	75

- (3) River/stream standards:

The lot width standards for single family residential developments for river/stream classifications are two hundred fifty (250) feet.

Standards and requirements for additional special provisions.

7.2 Additional Special Provisions.

- (1) Only land above the ordinary high water level of public waters may be used to meet lot area standards. Lot width standards must be met at the ordinary high water level, at the road right-of-way line, and at the building setback lines. Lot area dimensions in Section 7.1 (2) may 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) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within new subdivisions are permissible, provided 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 : 1	25% per additional watercraft
100 - 200 : 1	20% per additional watercraft
201 - 300 : 1	15% per additional watercraft
301 - 400 : 1	10% per additional watercraft
Greater than 400 : 1	5% per additional watercraft

- (C) The lot/lots must be jointly owned by all owners of lots in the subdivision or by all owners of non-riparian 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 lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, beaching, mooring, or docking. The activities allowed 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 non-significant 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. The Development Agreement must also include a requirement that all parking areas and other facilities are screened from view from the public water with vegetation or topography as much as practical during summer leaf-on conditions. Construction of structures on these lots other than docking facilities as approved by the Minnesota Department of Natural Resources and Washington County is prohibited.
- (3) Any individual riparian lot or lots which do not contain a seasonal or permanent home is allowed one dock with the capacity to accommodate up to three (3) watercraft. The dock shall serve the riparian lot only. All other temporary or permanent structures or recreational vehicles are prohibited.

SECTION 8. STRUCTURE AND SEWER SETBACK AND OTHER DESIGN CRITERIA

If more than one setback applies, all setbacks must be met.

Setback requirements for various situations.

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 from ordinary high water level:

Classes of Public Waters	Setbacks (feet)		
	Structures		Sewage Treatment Systems
Lakes	No Public Sewer	Public Sewer	
Natural Environment *	200	150	150
Recreational Development	100	75	75
General Development	75	50	75
Unclassified Water bodies	75 **	50	75
* Lake McDonald and Cloverdale Lake have structure setbacks of 150 feet from the ordinary high water level.			
** Or 20 feet 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:

Set Back From	Setback Required (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

- (3) When a variance to any standards contained in this Chapter is applied for, the Board of Adjustment & Appeals shall also consider whether the property is used seasonally or year-round and if the existing sewage treatment system requires upgrading in conjunction with approval of the variance request.

Lowest floor elevation requirement.

8.2 Lowest Floor Elevation.

The lowest floor including basement of any structure constructed in a shoreland area must be at least two (2) feet above the 100-year flood elevation or three (3) feet above the highest known water level, whichever is greater.

Maximum height of structures is 35 feet.

8.3 Height.

Structures shall not exceed thirty-five (35) feet in height.

Maximum of 25% of lot may be covered with impervious surface.

8.4 Lot Coverage.

A maximum of twenty-five (25) percent of the lot may be covered with impervious surface. This includes all structures, decks, patios, walks, and surfaced or unsurfaced driveways.

Stairs and lifts are the only permitted alterations for access in bluff and steep slope areas and must meet these requirements.

8.5 Stairways, Lifts, and Landings.

Stairways and lifts are the only permitted alterations for providing 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 thirty-two (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 constructed in a manner that ensures control of soil erosion.

Requirements for structures in historic sites.

Zoning Administrator must evaluate conditions and impacts and attach conditions if necessary prior to permitting construction on steep slopes.

Standards and requirements for vegetation alteration and restoration.

- (5) Whenever practical, stairways, lifts and landings must be located on the portion of the lot that is the most visually inconspicuous as viewed from the surface of the public water during summer leaf-on conditions.
- (6) Facilities such as ramps, lifts, and mobility paths which provide physically handicapped persons with access to shore areas are allowed provided that the dimensional and performance standards of items one (1) through five (5) and the requirements of Minnesota Administrative Rules, Chapter 1341 are complied with.
- (7) A Certificate of Compliance is required.

8.6 Significant Historic Sites.

Structures shall not be placed on a significant historic site in a manner that affects the value 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 shall 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 shall be attached to permits to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters.

SECTION 9. SHORELAND ALTERATIONS

9.1 Vegetation Alterations.

- (1) Cutting or removal of trees greater than six (6) inches in diameter measured at a point four and one-half (4 ½) feet above ground level within the building setback area is prohibited 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 is 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 reduce surface run-off and soil erosion, natural vegetation shall be restored as required by the Zoning Administrator after any construction project is completed.
- (4) The provisions of this Section do 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.

Requirements:

Separate permit not required with a valid Certificate of Compliance.

Roads and parking areas.

Grading and filling.

Filling wetlands.

Excavations for connecting to public water.

Placing rip rap.

Requirements for:

Screening from public waters and erosion control.

Setbacks and bluff and shore impact zones.

Watercraft access ramps, roads, and parking areas.

9.2 Topographic Alterations: Grading, Filling and Excavating.

- (1) Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways in compliance with a County issued Certificate of Compliance do not require the issuance of a separate permit, provided the construction plans included with the permit address all issues, 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 requires a grading permit. Standards for land alteration and grading contained in Chapter Two, Part 2, Section 1.6 of the Washington County Development Code must be complied with.
- (4) The filling of any wetland or any area below the ordinary high water level is prohibited without the appropriate federal, state, and local permits.
- (5) Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors may be allowed after the Minnesota 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 (3) feet horizontal to one (1) foot vertical, the landward extent of the rip rap is within ten (10) feet of the ordinary high water level, and the height of the rip rap above the ordinary high water level does not exceed three (3) feet. When necessary, a permit shall be obtained from the Minnesota Department of Natural Resources and a land alteration and grading permit shall be 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 Section are met and a Certificate of Compliance is issued by the Zoning Administrator. Land alteration and

grading provisions of Chapter Two, Part 2, Section 1.6 of the Washington County Development Code must also be met.

9.4 Buffer Strips.

Buffer strips required to protect the environment.

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 natural environment lakes, streams, type three (3), four (4) and five (5) wetlands according to the U.S. Fish and Wildlife Service Circular 39 System, and stormwater ponds.

Buffer strip requirements.

- (1) Lake, wetland, stream buffer strip widths
 - (A) The minimum buffer strip width applies to all buffer strips including those that are restored, replaced or enhanced.
 - (B) When considering variances for building setbacks, the County may require a variable buffer strip width to protect valuable adjacent habitat.
 - (C) The following buffer strip widths shall be maintained:

	Lake / Wetland Type			
	Natural Environment Lake	Type 3,4,5 Wetland	Stormwater Pond	Streams
*Minimum buffer strip width (feet)	*50	*50	*10	*50
Building setback from outer edge of buffer strip (feet)	10	10	10	10

See Buffer Ordinance for buffer widths on waters shown on DNR Buffer Map

*For all waters shown on the DNR Buffer Protection Map, buffer widths shall be as required in Section 6 of the Washington County Buffer Ordinance, Chapter 8 of the Washington County Development Code.

Washington County Buffer Ordinance

- (2) An access corridor fifty (50) feet wide is permitted to gain access to the waterbody.
- (3) In addition to the provisions of this Section, any applicable requirements of Washington County Buffer Ordinance shall also be met.

SECTION 10. STORMWATER MANAGEMENT

Stormwater management standards contained in Chap. Two, Pt. 3, Sec. 1.6 and Chap. Three, Sec. 10.3.

10.1 Stormwater Management.

Standards for stormwater management contained in Chapter Two, Part 2, Section 1.6 and Chapter Three, Section 10.3, of the Washington County Development Code apply in the Shoreland Management Overlay District.

SECTION 11. STANDARDS FOR NON-RESIDENTIAL USES

Land uses which accesses adjacent public water must meet these standards.

11.1 Standards for Non-residential Uses.

Any permitted use of land adjacent to public water which requires 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 of the Washington County Development Code, the use 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) The placing of advertising signs or supporting structures in or upon public waters is prohibited. 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 sixteen (16) square feet in size. The sign shall not be lighted and shall be of an earth tone color approved by the Zoning Administrator. 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

Farming, grazing and horticulture activities are permitted if steep slopes and shore and bluff impact zones are maintained or operated under an appropriate plan.

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 perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices based on the Natural Resources Conservation Service Field Office Technical Guide (FOTG) practices approved by the Board of Water and Soil Resources (BWSR), or practices based on local conditions approved by the local soil and water conservation district that are consistent with the FOTG.

The shore impact zone for parcels with permitted agricultural land uses is as follows:

- (1) For waters shown on the DNR Buffer Protection Map, the shore impact zone is an area with a fifty (50) foot average width and a thirty (30) foot minimum width, as measured from the ordinary high water level if identified, or the top or crown of bank or normal water level as provided in Minnesota Statutes, section 103F.48, subd. 3(c), whichever is applicable.
- (2) For all other waters, the shore impact zone is a strip of land between the ordinary high water level and a line that is offset landward a distance of fifty (50) feet.

SECTION 13. FOREST MANAGEMENT STANDARDS

Timber harvest and associated reforestation must be consistent with specific provisions.

13.1 Forest Management Standards.

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers, and Resource Managers. Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

SECTION 14. CONDITIONAL USES

Conditional uses are subject to the requirements of the Washington County Development Code.

14.1 Conditional Uses.

Conditional uses allowable within shoreland areas are 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.

The Planning Advisory Commission shall attach conditions to Conditional Use Permits.

- (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.

Upon consideration of the purposes of this Chapter and the criteria listed above, the Washington County Planning Advisory Commission shall attach conditions to the issuance of Conditional Use Permits as deemed 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 COMPLIANCE

Zoning administrator shall issue Certificate of Compliance activities requiring a building or grading permit.

15.1 Certificate of Compliance.

The Washington County Zoning Administrator shall verify that the requirements of this Chapter have been met and shall issue a Certificate of Compliance for each activity requiring a building permit or grading permit. The certificate shall indicate that the land use conforms to the requirements of this Chapter. Any use, arrangement, or construction not consistent with a required permit is deemed a violation of this Chapter.

SECTION 16. WATER SUPPLY

Domestic water supplies must meet or exceed MN DoH and MN PCA standards.

16.1 Water Supply.

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

SECTION 17. SEWAGE DISPOSAL

Any premises used for human occupancy

17.1 Sewage Treatment.

Any premises used for human occupancy must be provided with an adequate method of

must have a sewage treatment system per the Dev. Code.

sewage treatment in accordance with the Washington County Subsurface Sewage Treatment System Ordinance (Chapter Four of the Washington County Development Code) and meet appropriate setback requirements as contained in Section 8.1 of this Chapter.

Non-conforming sewage treatment systems shall be upgraded anytime a permit or variance is required.

17.2 Non-conforming Sewage Treatment Systems.

Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with the Washington County Subsurface Sewage Treatment System Ordinance (Chapter Four of the Washington County Development Code). A sewage treatment system not meeting the requirements of the Washington County Subsurface 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 non-habitable spaces.

SECTION 18. FENCES

In addition to standards in Chap. 2 of the Dev. Code, fences may not exceed 4 ft. high, or 6 ft. high if setbacks are met.

18.1 Fences.

In addition to the standards contained in Chapter Two, Part 2, Section 1.5 of the Washington County Development Code, the following standards must also be met on shoreland property:

- (1) Fences shall not exceed four (4) feet in height unless all required building setbacks are met. Fences may be six (6) feet in height if all required building setbacks are met.
- (2) Fences shall not be constructed closer to the lake than the required lake setback 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.

Fences must meet lake setbacks unless the home is closer than the setback.

SECTION 19. NON-CONFORMING SITUATIONS

Non-conforming situations are regulated in accordance with Chapter One, Section 13 of the Washington County Development Code with the following exceptions:

19.1 Nonconforming Lots.

This section applies to shoreland lots or parcels which do not meet the requirements for lot size or lot width, and which were 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.

Regulations for shoreland parcels which do not meet size or width requirements and were of record on or before January 1, 1973.

- (1) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variance from lot size requirements, provided that:
 - (A) All structure and septic system setback distance requirements can be met;

- (B) A Type 1 sewage treatment system consistent with Minnesota Administrative Rules, chapter 7080 and local government controls, can be installed or the lot is connected to a public sewer; and
 - (C) The impervious surface coverage does not exceed twenty five (25) percent of the lot.
 - (D) On Natural Environment Lakes, any separate lot or parcel of record may be used for single family detached dwelling purposes without a variance if it is at least one and one half (1 1/2) acres in size, is at least one hundred twenty (120) feet in width, and meets items (A), (B) and (C) above.
 - (E) Lot meets sixty (60) percent of lot width requirement.
- (2) In a group of two or more contiguous lots of record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- (A) All structure and septic system setback distance requirements can be met;
 - (B) The lot must be at least sixty six (66) percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120, and local government controls or whichever is more restrictive;
 - (C) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage control treatment system consistent with Minnesota Rules, chapter 7080, and local government controls or whichever is more restrictive;
 - (D) The impervious surface coverage must not exceed twenty five (25) percent of each lot; and
 - (E) Development of the lot must be consistent with the Washington County Comprehensive Plan.
- (3) To the greatest extent that a conforming lot may be created from the combination, a lot subject to paragraph (2) but not meeting the requirements of paragraph (2) must be combined with the one or more contiguous lots so that said combined lots equal one or more conforming lots.
- (4) Notwithstanding paragraph (2), contiguous nonconforming lots of record in shoreland areas under a common ownership may be sold or purchased individually if each lot contained a habitable residential dwelling at the time that the lots came under common ownership and the lots are connected to a public sewer or are suitable for, or served by, a sewage treatment system consistent with the requirements of Minnesota Statute §115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.

Regulations for decks in nonconforming situations.

- (5) In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, tree replacement, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (6) A portion of a conforming lot may be separated from an existing parcel provided the remainder of the existing parcel meets the lot size and sewage system requirements for a new lot and the newly created parcel is combined with an adjacent parcel.

19.2 Decks.

- (1) Deck additions to a structure not meeting the required setback from the ordinary high water level may be allowed without a variance if all of the following criteria and standards are met:
 - (A) The structure existed on the date the structure setbacks were established.
 - (B) No other reasonable location for a deck meeting or exceeding the ordinary high water level setback for the structure exists on the property.
 - (C) The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
 - (D) A deck on a nonconforming structure shall not exceed ten (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.

All subdivisions and lot line adjustments must be submitted to the Zoning Administrator. Lots created through subdivision must be suitable for the proposed use with minimal alteration.

All subdivisions and lot line adjustments within the Shoreland District shall be submitted to the County Zoning Administrator for review and comment prior to recording. Submittal should occur during the preliminary or concept stage. 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.

Standards and regulations for Open Space Developments.

20.2 Open Space Developments.

- (1) Open Space Development is permitted in the Shoreland Management District as a conditional use.
- (2) The standards, application requirements and other conditions for Open Space Development are as stated in the Washington County Development Code, Chapter Two, Part 2, Section 4 with the exception of the standards outlined below pertaining to density, 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 Washington County Development Code. The yield plan need not be an accurate survey; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

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

(A) Lakes not served by public sewer

Lake Class	Minimum Lot Size (acres)	Minimum Lot Width (feet)
Natural Environment	5	200
Recreational Development	1.5	150
General Development	1.5	150

(B) Lakes served by public sewer

Lake Class	Minimum Lot Size (sq. feet)	Minimum Lot Width (feet)
General Development	15,000	75

(C) River and Stream Frontage Lot Standards

Lot width standards for single family residential developments for these classifications are as follows:

Classification	Minimum Lot Size (sq. feet)	Minimum Width (feet)
Transition River	75,000	250
Tributary Stream	75,000	250

(4) Uses

The following uses are permitted within Open Space Developments located in a shoreland zone. These uses must comply with the standards and criteria specified for those uses, as set forth in the Washington County Development Code.

(A) Tier One (Riparian Lots):

- (1) Single family residential
- (2) Parks and historic sites
- (3) Agricultural: cropland and pasture
- (4) Open space
 - (a) Conservation (i.e. woodland, meadow, prairie)
 - (b) Agricultural: cropland and pasture
 - (c) Boat launching facilities and required parking
 - (d) Beaches
 - (e) Common buildings provided lake setback requirements are met
 - (f) Trails (walking, skiing, cycling, horseback riding)
 - (g) Picnic areas

The following uses are allowed with a Conditional Use Permit:

- (1) Bed & breakfasts in accordance with Chapter Two, Part 2, Section 2.3 of the Washington County Development Code.
- (2) Accessory apartments in accordance with Chapter Two, Part 2, Section 2.1 of the Washington County Development Code.

(B) Tier Two:

- (1) Single family residential
- (2) Parks and historic sites
- (3) Agricultural: cropland and pasture
- (4) Open space

- (a) Conservation (i.e. woodland, meadow, prairie)
- (b) Agricultural: cropland and pasture
- (c) Equestrian
- (d) Recreational uses and associated parking
 - (1) Trails (walking, skiing, cycling, horseback riding)
 - (2) Picnic areas
 - (3) Community garden
 - (4) Turf areas for informal play
 - (5) Common areas such as greens and squares
 - (6) Ball fields
 - (7) Playgrounds
 - (8) Courts (tennis, basketball, etc.)
 - (9) Swimming pools
 - (10) Common buildings
- (e) Stormwater management facilities
- (f) Sewage disposal systems
- (g) 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 Two, Part 2, Section 2.1 of the Washington County Development Code.
 - (f) Bed & breakfast in accordance with Chapter Two, Part 2, Section 2.3 of the Washington County Development Code.
- (5) Density
 - (A) The number of density units for the parcel shall be determined in accordance with the yield plan as outlined in Section 20.2 (3) of this Chapter.
 - (B) The number of density units determined in Section 20.2 (5) (A) above may be increased on natural environment lakes up to one hundred (100) percent on lakes where the underlying zoning is agricultural or conservancy.
- (6) Performance standards

(A) Residential lot requirements

Un-serviced lots (on-site septic system)

- (1) Minimum Lot Size: 1 acre
- (2) Minimum Lot Width: 100 feet

Serviced lots (public sewer)

- (1) Minimum Lot Size: 9,000 square feet
- (2) Minimum Lot Width: 50 feet

(B) Setbacks

All applicable waterbody and bluffline setback requirements must be met. In addition, the following setbacks must also be met:

- (1) Side yard setback – 10 feet
- (2) Rear yard setback – 20 feet
- (3) Road setback – 20 feet

(C) Open space design

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

Lake Class	Minimum Open Space
Natural Environment	50%
Recreational Development	40%
General Development	40%

- (2) For all Shorelands that are not within 1000 feet of the ordinary high water level of a lake type listed in Section 20.2 (6)(C)(1) above, the minimum required open space based on a percentage of the gross acreage of the parcel is as follows:
 - (a) Shoreland in a residential or agricultural district – 50%
 - (b) Shoreland in conservancy district – 75%
- (3) 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 waterbody shall be determined by the Planning Advisory Commission as part of the Conditional Use Permit application.
- (4) In addition to Section 20.2 (6) (C) (2) above, forty (40) percent of the length of the shoreline to a depth of three (3) times

the required structure setback from the ordinary high water level must be included in the designated open space.

SECTION 21. NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

21.1 Public Hearing Notice.

The County will send notice of public hearings to the MN DNR.

Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under this Ordinance must be sent to the Commissioner of the Department of Natural Resources 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 Amendments, Subdivisions/Plats, Variances, Conditional Uses

The County will send a copy of approved amendments, subdivisions/plats, approved variances and conditional uses to the DNR

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 (10) days of final action.

SECTION 22. EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective immediately upon passage by the County Board and upon publication according to law.

Passed by the Board of County Commissioners of Washington County, Minnesota, this 5th day of June, 2018.

Gary Kriesel, Chair
Board of County Commissioners

Attest:

Approved as to form:

Molly O'Rourke
Washington County Administrator

George Kuprian
Assistant Washington County Attorney

Ordinance prepared by:

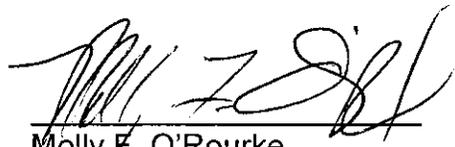
Washington County
Public Works Department
11660 Myeron Road North
Stillwater, MN 55082-0006

STATE OF MINNESOTA)
)
COUNTY OF WASHINGTON)

I, Molly F. O'Rourke, qualified County Administrator for the County of Washington, State of Minnesota, do hereby certify that I have compared the foregoing copy of Resolution No. 2018-054 with the original minutes of the proceedings of the Board of Commissioners, Washington County, Minnesota, at its session on the 5th day of June, 2018, now on file in my office and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Stillwater, Minnesota, this 27th day of June, 2018.





Molly F. O'Rourke
County Administrator

DATE June 5, 2018
MOTION
BY COMMISSIONER Miron

DEPARTMENT Public Works
SECONDED BY
COMMISSIONER Karwoski

**REPEAL OF CURRENT ZONING/LAND USE ORDINANCES AND ADOPTION OF NEW
ZONING/LAND USE ORDINANCES.
AND
REPEAL OF EXISTING DEVELOPMENT CODE AND ADOPTION OF THE REVISED
DEVELOPMENT CODE**

ZONING/LAND USE ORDINANCE NUMBERS 203, 204, 205, 206, 207, 208, 209, 210, 211 & 212

WHEREAS, Washington County is authorized to carry on County planning and zoning activities in the unincorporated areas of the County pursuant to Minn. Stat. Chapt. 394; and

WHEREAS, the Washington County Comprehensive Plan was adopted by the Washington County Board of Commissioners on April 22, 1997 and became effective October 1, 1997 as Washington County Ordinance No. 124, amended on September 7, 2010 to the Washington County Comprehensive Plan 2030 as Washington County Ordinance No. 184, and amended on August 16, 2016 as Washington County Ordinance 198; and

WHEREAS, pursuant to Minn. Stat. 473.865 the Washington County Comprehensive Plan is the implement by which the County's regulation of land use is devolved through adoption of official controls under Chapter 394.

WHEREAS, the current official controls as reflected in the Washington County Development Code were adopted by the Washington County Board of Commissioners and became effective on October 20, 1997 as Washington County Ordinance No. 127; and

WHEREAS, all the townships in Washington County have assumed regulatory control of land use through adoption of the Comprehensive Land Use Plans under the 2030 Regional Development Framework pursuant to the authority contained in Minn. Stat. 473.861 and the County's relinquishment of such controls; and

WHEREAS, such transformation has been found by the Metropolitan Council to conform to the regional system plans for transportation, water, resources management and parks; and

WHEREAS, the Township's plans are consistent with the Washington County 2030 Comprehensive Plan and are compatible with the plans of adjacent and affected jurisdictions; and

WHEREAS, the recasting of the County's official controls necessitate revision of the Washington County Development Code; and

WHEREAS, the forty-three (43) current zoning/land use ordinances, attached as Exhibit A, are determined to be anachronistic and must be repealed; and

WHEREAS, ten (10) new zoning/land use ordinances, attached as Exhibit B, must be enacted; and

WHEREAS, the existing Washington County Development Code must be repealed and the ten (10) new zoning/land use ordinances must be codified as the Revised Washington County Development Code.

WHEREAS, on April 24, 2018 a public hearing was held before the Washington County Planning Advisory Commission (PAC) to consider an action to do the following: 1) repeal the existing forty-three (43) zoning/land use ordinances as set forth in Exhibit A; 2) the adoption of ten (10) new zoning/land use ordinances as set forth in Exhibit B; and 3) repeal the existing Washington County Development Code and adopt a revised Washington County Development Code attached as Exhibit C.

WHEREAS, on April 24, 2018 the PAC recommended the Washington County Board of Commissioners approve the following: 1) the repealing of the forty-three (43) existing zoning/land use ordinances as set forth in Exhibit A; 2) adoption of ten (10) new zoning/land use ordinances attached as Exhibit B; 3) repealing of the existing Washington County Development Code and adoption of the Revised Washington County Development Code as set forth in Exhibit C.

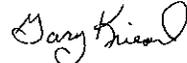
WHEREAS, the records of the public hearing consists of the minutes of both the Washington County Board of Commissioners and the Planning Advisory Commission meetings, staff reports, a presentation by the Washington County Public Works Department, and comments from members of the public.

NOW, THEREFORE IT BE RESOLVED, that the Washington County Board of Commissioners hereby adopts the findings and recommendations of the Washington County Planning Advisory Commission.

BE IT FURTHER RESOLVED, based upon the hearing record, the Washington County Board of Commissioners hereby repeals the existing forty-three (43) zoning/land use ordinances attached and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby adopts the ten (10) new zoning/land use ordinances attached as Exhibit B, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, the Washington County Board of Commissioners hereby codifies the ten (10) new zoning/land use ordinances into the Revised Washington County Development Code as fully set forth in Exhibit C, which is attached hereto and incorporated herein.

ATTEST: 
COUNTY ADMINISTRATOR

COUNTY BOARD CHAIR

	YES	NO
MIRON	X	___
KARWOSKI	X	___
KRIESEL	X	___
LAVOLD	X	___
WEIK	X	___