

Section 14 Shoreland Overlay District – “S”

1401. Statutory Authorization

The provisions of this section are adopted pursuant to Minnesota Statutes, Chapters 103F and 394, and Minnesota Regulations, Parts 6120.2500-6120.3900.

1402. General Provisions

1) Lands to Which this Section Applies

This section shall apply to all land designated as shoreland area within the jurisdiction of Steele County. This minimum area includes lands three hundred (300) feet landward from the ordinary high water level of all protected watercourses and 1,000 feet landward from the ordinary high water level of all protected water basins as identified on the Protected Waters and Wetlands Map and listed in Section 6 of this Ordinance.

2) Compliance

The use of any shoreland, the size and shape of lots, the building of new or the alteration of existing structures, the installation and maintenance of water supply or waste treatment systems shall be in full compliance with the terms of this Ordinance and other applicable regulations.

3) Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

1403. Shoreland Overlay Regulations for Residential Structures

1403.01 – Purpose

To provide an overlay district to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources.

1403.02 – Permitted Uses

- 1) In the Agricultural (A-1) District the following uses are permitted:
 - a) Farm residence and general farm buildings

- b) Field crops, specialty crops, vegetable gardens, nursery stock and tree farms and sod
 - c) Farm livestock provided that animal feedlots shall not exceed ten (10) cumulative animal units (See table under Conditional Use Section); livestock products; domestic animals kept for use on the farm or raised for sale or profit; animals other than farm livestock raised for pelts, food, pleasure or sport; domestically raised fowl for food and pleasure; bees for honey and pollination purposes
 - d) Wildlife preserves, forest and wetland management areas
 - e) Temporary or seasonal road side stands with adequate off-street parking, not to exceed one (1) stand per farm
 - f) Single family non-farm dwellings but not including residential subdivisions and subject to the standards in Section 702, #6.
 - g) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.
- 2) In the Interim Agricultural (A-2) District, the uses listed above under #1 are permitted, except #1, c.
- 3) In the Conservation (C) District, the following uses are permitted:
- a) Harvesting of wild crops such as marsh grasses, hay, ferns, moss berries, tree fruit and seeds
 - b) Hunting, fishing, and trapping
 - c) Wildlife, fish and forest management
 - d) Low impact recreation activities such as hiking
- 4) In the Single Family Residential (R-1) District, the following uses are permitted:
- a) Single family dwellings
 - b) Limited agriculture, farming, and truck gardening activities
 - c) Golf courses
 - d) Day care or foster care facility for a maximum of eight (8) children in a single family residence and which meets the licensure requirements of the State of Minnesota
 - e) Home occupations

- f) Accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property
- g) Essential services
- 5) In the High Density Residential (R-2) District, no uses are permitted.
- 6) In the General Business (B) and General Industrial (I) Districts, no uses are permitted.

1403.03 – Conditional Uses

- 1) In the Agricultural (A-1) District, the following uses are allowed provided a Conditional Use Permit is granted:
 - a) A parcel of thirty-five (35) acres or more complying with the ordinance requirements for a single family farm dwelling may be reduced in area to provide a dwelling site of not less than two and one-half (2 ½) acres and shall be considered a conforming parcel where an order is recorded on the title to the residual parcel identifying that parcel as an unbuildable site for residential purposes. This restriction shall remain with the land and shall apply to all subsequent subdivisions of the land.
 - b) One (1) additional farm dwelling meeting the requirements of Steele County Sanitary Ordinance and provided it meets the requirements listed under Section 703, #2.
 - c) Commercial outdoor recreation areas including private campgrounds, non-commercial recreational facilities, public and private clubs.
 - d) Animal feedlots greater than ten (10) cumulative animal units* in size (* The following standards for animal units shall be followed:)

	<u>Animal Units</u>
(1) Mature Dairy Cow	1.4
(1) Horse	1
(1) Slaughter Steer or Heifer	1
(1) Swine over 55 pounds	0.4
(1) Sheep or goat	0.1
(1) Swine under 55 pounds	0.05

	<u>Animal Units</u>
(1) Duck	0.02
(1) Turkey	0.018
(1) Chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

- e) Dog kennels (See Definition in Section 3)
 - f) Churches, temples, synagogues, cemeteries, schools
 - g) Bed and Breakfast facility
- 2) In the Interim Agricultural (A-2) District, the uses listed in #1 above are allowed following the granting of a Conditional Use Permit, except #1,d.
- 3) In the Conservation (C) District, the following uses are allowed provided a Conditional Use Permit is granted:
- a) General farming and related accessory buildings
 - b) Vegetable gardens or specialty crops
 - c) Field crops
 - d) Dairy operations
 - e) Non-publicly owned recreational facilities
- 4) In the Single Family Residential (R-1) District, the following uses are allowed provided a Conditional Use Permit is granted:
- a) Public or semipublic recreational buildings and community centers
 - b) Bed and Breakfast facility
 - c) Public or private schools
 - d) Churches, chapels, temples, and synagogues
 - e) Day care facility for nine (9) or more children and which meets the licensure requirements of the State of Minnesota

- f) Parks and playgrounds
- 5) In the High Density Residential (R-2) District, the following uses are allowed provided a Conditional Use Permit is granted:
 - a) Single family dwellings such as manufactured homes
 - b) Essential services
 - c) Home occupations
 - d) Parks and playgrounds
 - e) Storm shelter facility/community center
 - f) Accessory structures and uses customarily incidental to any of the above uses when located on the same property
- 6) In the General Business (B) District, the uses listed under Sections 1202 and 1203 are allowed provided a Conditional Use Permit is applied for and granted.
- 7) In the General Industrial (I) District, all industrial uses are prohibited in the Shoreland Area of all protected basins and along that portion of the Straight River classified as an Agricultural Stream. Along the Tributary Streams, those uses listed in Section 1302 are allowed, provided a Conditional Use Permits is applied for and granted.

1403.04 – Performance Standards

- 1) Lot Area and Width Standards
 - a) Lot Area for Lakes (in acres)

Structure Type	Natural Environment			
	Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	2.5 acres	2.5 acres	2.5 acres	2.5 acres

Structure Type	Recreational Development							
	R-1 District				All Other Districts			
	Unsewered		Sewered		Unsewered		Sewered	
Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian	
Single	1 acre	1 acre	1 acre	1 acre	2.5 acres	2.5 acres	2.5 acres	2.5 acres

b) Lot Width for Lakes (in feet)

Natural Environment

Structure Type	Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	200	200	200	200

Recreational Development

Structure Type	<u>R-1 District</u>				<u>All Other Districts</u>			
	Unsewered		Sewered		Unsewered		Sewered	
	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian	Riparian	Non-Riparian
Single	150	150	150	150	200	200	200	200

c) Lot Area for Rivers

The lot area will be as required for the underlying District.

d) Lot Width for Rivers by Classification (in feet)

<u>Structure Type</u>	<u>Agricultural</u>	<u>Tributary</u>	
Single	200	<u>Sewered</u> 200	<u>Unsewered</u> 200

2) Height Regulations

a) Refer to underlying District for applicable Standards

3) Front, Side and Rear Yard Setbacks

a) Refer to underlying District for applicable Standards.

b) Setbacks from Ordinary High Water Level

<u>Classes of Public Waters</u>	Setbacks (in feet)		<u>Sewage Treatment System</u>
	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	

Lakes

Natural Environment	150	150	150
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<u>Classes of Public Waters</u>	Setbacks (in feet)		<u>Sewage Treatment System</u>
	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	
Recreational Development	100	75	75
Rivers			
Agricultural and Tributary	100	50	75

c) Additional Structure Setbacks (in feet)

<u>Setback From</u>	<u>Setback</u>
1) Top of Bluff	30
2) Unplatted Cemetery	50
3) Road Right-of-Way	
a) All Districts except R-1	50
b) R-1 District	25
4) Ordinary High Water Level	
a) For one (1) Water-Oriented Accessory Structure	10
b) New Animal Feedlots	300

1403.05 – Placement of Structures on Lots

- 1) When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
- 2) Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- 3) Uses Without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

1403.06 – Design Criteria for Structures

- 1) High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:
 - a) For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
 - b) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three (3) feet above the ordinary high water level or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
 - c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.
- 2) Water-Oriented Accessory Structures. Each lot may have one (1) water-oriented accessory structure not meeting the normal structure setback in this Section if this water-oriented accessory structure complies with the following provisions:
 - a) The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;
 - b) The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
 - c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

- d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- 3) Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- a) Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - b) Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties;
 - c) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - d) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner than ensures control of soil erosion;
 - e) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (a) to (d) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340; and
 - f) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical.
- 4) Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- 5) Slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads,

driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation for the screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

1403.07 – Additional Special Provisions

- 1) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards;
 - a) They 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, then 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:

<u>Ratio of lake size to shore length (acres/mile)</u>	<u>Required increase in frontage (percent)</u>
Less than 100	25
100 – 200	20
201 – 300	15
301 – 400	10
Greater than 400	5

- c) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
 - d) Covenants or other equally effective legal instruments must be developed that specify which owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be

parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

1404. Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1404.01 – Vegetation Alterations

- 1) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas as regulated elsewhere in this Ordinance are exempt from the vegetation alteration standards that follow.
- 2) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 1407 is allowed subject to the following standards:
 - a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - i. the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - ii. along rivers, existing shading of water surfaces is preserved; and;

- iii. the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- c) Use of fertilizer and pesticides in the Shoreland Management District must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

1404.02 – Topographic Alterations/Grading and Filling

- 1) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- 2) Public roads and parking areas are regulated by Section 1405 of this Ordinance.
- 3) Notwithstanding items 1 and 2 above, a grading and filling permit will be required for:
 - a) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b) the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- 4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
 - i. sediment and pollutant trapping retention;
 - ii. storage of surface run-off to prevent or reduce flood damage;
 - iii. fish and wildlife habitat;
 - iv. recreational use;

- v. shoreline or bank stabilization; and
- vi. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.

- b) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
- c) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
- d) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- e) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service.
- f) Fill or excavated material must not be placed in a manner that creates an unstable slope.
- g) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty percent (30%) or greater.
- h) Fill or excavated material must not be placed in bluff impact zones.
- i) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G-245.
- j) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- k) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the

- 5) Connections to Public Waters. Permits for excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.

1405. 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. Documentation must be provided by a qualified individual that all roads and parking areas are 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) Roads, driveways and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- 3) Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 1404.02 of this Ordinance must be met.

1406. Stormwater Management

The following general and specific standards shall apply:

1406.01 – General Standards

- 1) When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- 2) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

- 3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

1406.02 – Specific Standards

- 1) Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- 2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guides of the local soil and water conservation districts.
- 3) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

1407. Special Provisions for Commercial, Industrial, Public or Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

1407.01 – Standards for Commercial, Industrial, Public and Semipublic Uses

- 1) Surface water oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:
 - a) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - b) 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.
 - c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following standards:

- i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - ii. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must convey the location and name of the establishment and the general types 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 ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 - iii. 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.
- 2) Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

1407.02 – Agriculture Use Standards

- 1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- 2) Animal feedlots, in addition to being required to meet all standards in Minnesota Rules, Chapter 7020, must meet the following standards:

- a) New animal feedlots are a prohibited use in any shoreland or flood plain area of Steele County. No new animal feedlots are allowed to locate within any bluff impact zone.
- b) Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.

1407.03 – Forest Management Standards

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

1407.04 – Extractive Use Standards

- 1) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities ends.
- 2) Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

1407.05 – Mining of Metallic Minerals and Peat

Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51 shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.

1408. Conditional Uses

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established countywide. The following additional evaluation criteria and conditions apply within shoreland areas:

1408.01 – Evaluation Criteria

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- 1) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- 2) the visibility of structures and other facilities as viewed from the public waters is limited;
- 3) the site is adequate for water supply and on-site sewage treatment; and
- 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.

1408.02 – Conditions Attached to Conditional Permits

The Planning Commission or the County Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

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

1409. Water Supply and Sewage Treatment

1409.01 – Water Supply

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

Private wells must be located, constructed, maintained, and sealed in accordance with or more restrictive than the water well construction code of the Minnesota Department of Health.

1409.02 – Sewage Treatment

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- 1) Publicly owned sewer systems must be used where available.
- 2) All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this Ordinance.
- 3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 1403 of this Ordinance.
- 4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items (a) through (d). If the determination of a site's suitability cannot be made with publicly available information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation Criteria:

- a) Depth to the highest known or calculated ground water table or bedrock;
 - b) Soil conditions, properties, and permeability;
 - c) Slope; and
 - d) The existence of low lands, local surface depressions, and rock outcrops.
- 5) Non-conforming sewage treatment systems shall be regulated and upgraded in accordance with Section 1410.03 of this Ordinance.

1410. Non-Conformities

All legally established non-conformities as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes and other regulations of this County for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas.

1410.01 – Construction of Non-conforming Lots of Record

- 1) Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 1403 of this Ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
- 2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- 3) If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 1403 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 1403 of this Ordinance as much as possible.

1410.02 – Additions or Expansions to Non-conforming Structures

- 1) All additions or expansions to the outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Section 1403 of this Ordinance. Any deviation from these requirements must be authorized by a variance pursuant to Section 505.
- 2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a) the structure existed on the date the structure setbacks were established;
 - b) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;

- c) the deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) 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; and
- d) the deck is constructed primarily of wood and is not roofed or screened.

1410.03 – Non-conforming Sewage Treatment Systems

- 1) A sewage treatment system not meeting the requirements of Section 1409 of this Ordinance must be upgraded, at a minimum, any time a permit or variance of any type is required for any improvement on, or use of, the property.
- 2) The governing body of Steele County has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems, which are located in the shoreland area. The withholding of building permit, variance, or rezoning applications will be done until an evaluation is conducted on an applicant's existing sewage treatment system. If a determination is made that the treatment system is nonconforming, the property owner will be required to bring said system into compliance within ninety (90) days or, if the ground is frozen and no evaluation can be done and no records exist for the particular system, the applicant will be required to establish an escrow account at a financial institution of his choosing at a dollar amount determined by the administrator of the Sanitation Ordinance. After the property owner brings the sewage treatment system into compliance, the County will undertake review of and consider the application for a building permit, variance, or rezoning.

The same process discussed above shall be enforced in the case of property transfers. Prior to the recording of a property transfer, the property owner will be required to obtain a "Septic System Evaluation" form from the Zoning Office. The owner shall be responsible for all costs associated with the evaluation and the upgrading of a non-compliant sewage treatment system, unless otherwise provided for in a written agreement between the seller and buyer. A non-complaint treatment system shall be brought into compliance within ninety days (90) days following the evaluation. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage

pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered non-conforming.

1411. Subdivision/Platting Provisions

1411.01 – Land Suitability

Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government 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.

1411.02 – Consistency with Other Controls

Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with the County Sanitation Ordinance can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 1403, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

1411.03 – Information Requirements

Sufficient information must be submitted by the applicant for the County to make a determination of land suitability. The information shall include at least the following:

- 1) topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting size characteristics;
- 2) the surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

- 3) adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 4) information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities;
- 5) location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and
- 6) a line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

1411.04 – Dedications

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

1411.05 – Platting

All subdivisions that create two (2) or more lots or parcels that are 2 ½ acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

1411.06 – Controlled Access or Recreational Lots

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 1403 of this Ordinance.