

Section 64 - Shoreland Management Overlay District

Subdivision

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64.01 PURPOSE

The purpose of the Shoreland Overlay District is to protect and enhance the quality of surface waters by promoting the wise utilization of public waters and related land resources. All land within Shoreland in St. Augusta is hereby designated as Shoreland Overlay District. The standards set forth in this Section shall regulate development and other activities within the Shoreland Overlay District.

64.02 DISTRICT APPLICATION

The Shoreland Overlay District shall be an overlay district. It shall be superimposed on all zoning districts, and the Shoreland Overlay District shall be the shoreland of the public water bodies as classified in Section 64.03 of this Ordinance. The standards contained in the Shoreland Overlay District shall be in addition to any other requirements set forth in this Ordinance. If the district standards are conflicting, the more restrictive standards shall apply. The boundaries of the Shoreland Overlay District are defined as follows:

- A. One thousand (1,000) feet from the ordinary high-water level of the classified lakes in Section 64.03 of this Ordinance.

- B. Three hundred (300) feet from the ordinary high-water level or the lateral extent of the floodplain when the floodplain extends beyond three hundred (300) feet from the ordinary high-water level of the classified rivers and streams in Section 64.03 of this Ordinance.

64.03 SHORELAND CLASSIFICATION SYSTEM

The public waters and public waters wetlands of St. Augusta have been classified below consistent with the criteria found in Minnesota Rules, part 6120.3000. The surface waters affected by this Ordinance and which require controlled development of their shoreland (Shoreland District) shall be shown on the official Zoning Map established by Subd. 44.03 of this Ordinance. Surface waters generally greater than ten (10) acres and given an identification number by the State of Minnesota are defined and listed below. The shoreland area for the waterbodies in defined and listed below shall be subject to the standards of the Shoreland Overlay District.

A. Classified Lakes:

- 1. Natural Environment: In St. Augusta, most of the lakes are classified as Natural Environmental lakes. Natural environmental lakes are 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 bedrocks, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

No.	Name	Section(s) TWP 123, R28	Classification	Public Water Category
73-024	Unnamed	7, 18	Natural Environment	Public Water Wetland
73-025	Unnamed	16	Natural Environment	Public Water Wetland
73-026	Unnamed	32	Natural Environment	Public Water Wetland
73-027	Unnamed	34	Natural Environment	Public Water Wetland
73-028	Unnamed	35	Natural Environment	Public Water Wetland
73-492	Unnamed	19	Natural Environment	Public Water Wetland
73-530	Unnamed	25	Natural Environment	Public Water Wetland
73-529	Unnamed	29	Natural Environment	Public Water Wetland
73-482	Unnamed	30	Natural Environment	Public Water Wetland

- 2. Recreation Development: Recreational development lakes are generally medium sized lakes of varying depths and shapes with a variety of land form, soil, and ground water situations on the lands 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 recreationally orient commercial uses. Many of these have capacities for accommodating additional development and use.

No.	Name	Section(s)	Classification	Public Water Category
73-023	Beaver Lake	6, Twp 122, R28 31, Twp 123 R28	Recreation Development	Public Water Basin

- B. Tributary Streams: All tributary streams in St. Augusta are Designated Trout Streams because they are either a Designated Trout stream or feed into a Designated Trout Stream.

Watercourse Name	Kittle Number	From (T-R-S)	To (T-R-S)
Luxemburg Creek	M-073-002	123-28-30	123-28-22
Unnamed to Luxemburg Creek	M-073-002-001	123-28-29	123-28-21
Unnamed Stream (Meyers Creek)	M-073-003	123-28-33	123-28-27
Johnson Creek	M-073	122-28-8	123-27-7
Plum Creek	M-072	122-28-1	123-27-31
unnamed to Robinson Hill Creek	M-073-001-000.3	123-28-10	123-28-10
unnamed to Luxemburg Creek	M-073-002-004	123-28-30	123-28-30
unnamed to Luxemburg Creek	M-073-002-003	123-28-20	123-28-20
unnamed to Robinson Hill Creek	M-073-001-000.4	123-28-9	123-28-9
unnamed to unnamed	M-073-002-002-001	123-28-19	123-28-19
unnamed to Luxemburg Creek	M-073-002-002	123-28-19	123-28-17
unnamed to Johnson Creek	M-073-001.2	123-28-22	123-28-15
Robinson Hill Creek	M-073-001	123-28-9	123-28-15

64.04 PERMITTED AND CONDITIONAL USES

The only permitted or conditional uses allowed in the Shoreland Overlay District shall be those uses allowed as permitted or conditional in the primary zoning district.

64.05 PERMITTED ACCESSORY USES AND STRUCTURES

Accessory uses and structures in the Shoreland Overlay District shall be the same as those accessory uses and structures allowed in the primary zoning district.

64.06 RESIDENTIAL DENSITY REQUIREMENTS

The total number of single-family residential dwelling units that may be permitted on a parcel or lot shall not exceed the total number permitted under the residential density requirements of the primary zoning district or as provided in Section 64.07 of this Ordinance, whichever is more restrictive.

64.07 SUBDIVISION REQUIREMENTS

Lots in the Shoreland Overlay District shall comply with the following minimum lot area (sq.ft) and width (ft) requirements:

A. Unsewered

	Type	Area (sq.ft.)	Width (ft.)
1. Natural Environmental Lakes	Single	80,000	200
	Duplex	120,000	300

	Triplex	160,000	400
	Quad	200,000	500
2. Recreation Development Lakes	Single	40,000	150
	Duplex	80,000	225
	Triplex	120,000	300
	Quad	160,000	375
3. Tributary	Single	40,000	150
	Duplex	60,000	225
	Triplex	90,000	300
	Quad	110,000	375

4. Scenic River District: The minimum lot area and width shall be as provided in Section 67 of this Ordinance.

B. Sewered

	Type	Area (sq.ft.)	Width (ft.)
1. Natural Environmental Lakes	Single	40,000	125
	Duplex	70,000	225
	Triplex	100,000	325
	Quad	130,000	425
2. Recreation Development	Single	20,000	75
	Duplex	35,000	135
	Triplex	50,000	195
	Quad	65,000	255
3. Tributary	Single	20,000	75
	Duplex	30,000	115
	Triplex	40,000	150
	Quad	60,000	190

64.08 COMMERCIAL AND INDUSTRIAL SUBDIVISION REQUIREMENTS

The minimum lot size and width requirements for commercial and industrial uses shall be the lot size and width requirements for the primary zoning district, but in no case shall the lot area and width be less than the single-family lot area and width requirement for the applicable lake or river classification.

64.09 SUITABLE LOT AREA DETERMINATION

Only land area above the ordinary high water level shall be used to meet the minimum lot area and width requirements. Lot width standards shall be met at the water and building lines.

64.10 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

A. Placement of Structures on Lots

1. Setback (in feet) from Ordinary High Water Level

Classification	Structure Setback (ft.)
a. Lakes – Natural Environment	200
b. Lakes – Recreational Development	100
c. Rivers and Streams - Tributary	200

2. Established Building Line for Principal Structures: In locations where a principal structure exists on both sides of a proposed building site and a building line can be reasonably established, the Zoning Administrator may issue a permit for a lesser distance from the ordinary high water level than those required in Section 64.10 A of this Ordinance. Structures located wholly or partly within the shore impact zone shall not be used to establish a building line. The landward extension of the shore impact zone and its intersection with the adjacent property line shall be used as the point of reference to establish a building line in instances where a principal structure is located partially or wholly within the shore impact zone or in a bluff impact zone. For new residential dwellings, the building line shall be established by calculating the average building line setback for the dwelling located on either side of the proposed residential dwelling and by establishing the building line by using the sight line method. The most restrictive building line setback shall apply, except that in no case shall the calculated setback be greater than the building line setback established for the applicable lake classification. For additions, the building line may be established by using a string line between the corner of the dwelling for which the addition is being sought and the lakeward corner closest to the dwelling nearest the proposed addition, by using a sight line, by calculating the average setback of the dwellings located on either side of the proposed addition, or by other reasonable methods which may be employed. In no case shall any principal structures be permitted closer than the following distances:
 - a. On Recreation Development Lakes, no closer than one hundred (50) feet.
 - b. On Natural Environment Lakes, no closer than one hundred (100) feet.
 - c. On Transition Rivers; no closer than seventy-five (75) feet.
 - d. On Agriculture, Urban, and Tributary Rivers, no closer than fifty (50) feet.
 - e. Within twenty (20) feet of the top of a bluff.
 - f. On Designated Trout Streams, no closer than one hundred (100) feet.
3. Decks: Decks that cannot be constructed in accordance with Section 64.10 A (1) or Section 64.10 A (2) of this Ordinance shall be subject to the following standards:
 - a. The principal structure or dwelling unit to which a deck is being attached must have been in existence on June 26, 1972, and further provided that there have been no structural additions or alterations on the waterward side of said structure or dwelling unit since June 26, 1972; and
 - 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 and Deck encroachment toward the ordinary high water level shall not exceed fifteen (15) percent of the existing setback of the dwelling unit or principal structure to which it is being attached or shall not result in a setback of less than thirty (30) feet from the ordinary high water level, whichever is more restrictive; and
 - c. The deck shall be constructed of wood, plastic, or other rot-resistant material and painted or stained in colors compatible with the neighborhood's character.
 - d. The deck shall not be screened in, enclosed, or roofed; and

e. Decks constructed under the provisions of Section 64.10 A (3) of this Ordinance shall not be used as the basis for establishing any future building line.

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

Setback From	Structure Setback (in feet)
a. Top of bluff	30
b. Unplatted cemetery	50

5. Bluff Impact Zones: Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

B. Design Criteria For Structures

1. High Water Elevations: Structures shall be placed in accordance with Section 66 of this Ordinance, if applicable to the site. If Section 66 of this Ordinance does not apply to the site, the elevation to which the lowest floor, including the basement, is placed or flood-proofed shall be determined as follows:

- a. For lakes, placing the lowest floor at a level no lower than the regulatory flood protection elevation or at least three (3) feet above the highest known water level or at least three (3) feet above the ordinary high water level, whichever is higher. When upon inspection, the Zoning Administrator determines, with the use of a hand level or similar method, that the bottom floor elevation of a proposed residential dwelling or addition to a residential dwelling will be six (6) feet or less above either the highest known water level, ordinary high water mark or regulatory flood protection elevation, whichever is applicable, the owner of a riparian lot shall be required to submit a certification by a registered engineer, registered architect or registered land surveyor that the lowest floor elevation of any dwelling unit or addition to it, including basement, is placed at least three (3) feet above the ordinary high water level, or no lower than the regulatory flood protection elevation.
- b. For rivers and streams, if data is available, by placing the lowest floor at least three (3) feet above the flood of record. 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 the effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200, governing the management of floodplain areas, shall do technical evaluations. If more than one approach is used, the highest flood protection elevation determined shall be used for placing structures and other facilities.
- c. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in *this section* 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, except for land within the Scenic River District, may have one (1) water-oriented accessory structure not meeting the normal structure setback requirements contained in Section 64.10 A of this Ordinance if the water-oriented accessory structure complies with the following provisions:
 - a. The structure or facility shall not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than one hundred fifty (150) square feet. Detached decks, exclusive of safety rails, shall not exceed eight (8) feet above grade at any point;
 - b. The setback of the structure or facility from the ordinary high water level shall be at least ten (10) feet; except that on Natural Environment Lakes, the setback shall be at least twenty-five (25) feet;
 - c. The structure or facility shall be treated to reduce visibility as viewed from public waters and adjacent shoreland 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 shall not be enclosed or used as a storage area;
 - e. The structure or facility shall not be designed or used for human habitation and shall not contain water supply or sewage treatment facilities;
 - f. The structure or facility shall not be on or within the bluff or bluff impact zone.
 - g. Stairways, Lifts, and Landings: Stairways, lifts, and landings are the preferred alternatives to major topographic alterations for access up and down bluffs and steep slopes to shore areas. A shoreland alteration permit shall be required for constructing impervious surfaces to achieve access to shore areas on slopes exceeding 18% if stairways, lifts, and landings constructed above ground are not used. Stairways, lifts, and landings shall meet the following design requirements:
 - i. Stairways and lifts shall not exceed four (4) feet in width on residential lots. Stairways and lifts shall not exceed six (6) feet in width for commercial properties, public open-space recreational properties and residential open space or conservation design developments in shoreland;
 - ii. Landings for stairways and lifts on residential lots shall not exceed thirty two (32) square feet in area. Landings for stairways and lifts shall not exceed forty eight (48) square feet for commercial properties, public open-space recreational properties and residential open space or conservation design developments in shoreland;
 - iii. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - iv. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - v. Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of the lot, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and

- vi. Facilities such as ramps, lifts or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (a) to(e) are complied with, in addition to the requirements of Minnesota Rules, chapter 1341.
3. Significant Historic Sites: No structures 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.
 4. Steep Slopes: The Zoning Administrator shall evaluate soil erosion impacts and development visibility from public waters before issuing a permit for construction of roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions shall be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.
- C. Height of Structures: Within the Shoreland Overlay District, the maximum structural height is twenty-five (25) feet, except that water-oriented accessory structures shall comply with the height requirements contained in Section 64.10 B (2) of this Ordinance, and further that guest cottages shall comply with the height requirements contained in Section 10.2.12 B (2) of this Ordinance.
- D. Fences: The construction of fences is allowed if fences are:
1. No higher than six feet
 2. Not located within the shore impact zone or bluff impact zone, except for farm fences
 3. Not located within the regulatory floodplain, expect for farm fences
- E. Boathouses: Boathouses and additions or alterations thereto are prohibited, except for railings.
- F. Accessory Buildings: The total number of accessory buildings and the total cumulative area that accessory buildings may occupy shall be in accordance with the performance standards for accessory buildings contained in Section 15.04 of this Ordinance.

64.11 SPECIAL PROVISIONS

- A. Duplexes, Triplexes and Quads: Subdivisions involving duplexes, triplexes and quads shall also meet all of the following standards:
1. Each building shall have common sewage treatment and water systems in one location and serve all dwelling units in the building; and
 2. Watercraft docking facilities for each lot shall be centralized in one location and service all dwelling units in the building; and
 3. No more than twenty five (25) percent of a lake's shoreline can be in duplex, triplex, or quad developments.
- B. Guest Cottages: One (1) guest cottage may be allowed on a lot meeting or exceeding the duplex lot area and width requirements set forth in Section 64.07 of this Ordinance, provided all of the following standards are met:

1. For a lot exceeding the minimum lot dimensions of a duplex lot, the guest cottage shall be located within the smallest duplex- sized lot that could be created including the principal dwelling unit; and
 2. A guest cottage shall not cover more than seven hundred (700) square feet of land surface and shall not exceed fifteen (15) feet in height; and
 3. A guest cottage shall be located or designed to reduce its visibility as viewed from public waters and adjacent wetlands by vegetation, topography, increased setbacks, color, or other means acceptable to the County, assuming summer leaf-on conditions; and
 4. The performance standards for guest cottages contained in Section 15.02 of this Ordinance shall be met.
- C. Controlled Accesses: Lots intended to be used for common docking facilities or to provide common or controlled access to public waters shall not be a permitted use in any zoning district. This provision shall not apply to Department of Natural Resources public accesses. A controlled access lot may be allowed as part of a subdivision approval if outlined in the Subdivision Agreement for a residential subdivision. The controlled access lot is to be used solely by the lot owners of that subdivision. Further, the access lot shall only be used for low impact activities such as walking trails, shore fishing and picnic areas. One dock/fishing pier shall be allowed. No mooring is allowed. One structure may be allowed not to exceed 150 sq ft. If a lot is intended as a controlled access to public waters or recreation areas for use by owners of lots within subdivisions, the lot must meet or exceed the following standard:
1. The lot must meet the width and size for a residential lot and be suitable for the intended uses of the controlled access lot.
 2. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
 3. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include non-motorized launching of watercraft. 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 nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked 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.

64.12 VEGETATIVE ALTERATIONS

- A. Vegetation alteration necessary for the construction of structures, sewage treatment systems and the construction of roads and parking areas regulated by Section 64.15 of this Ordinance are exempt from the vegetation alteration standards in Section 64.12 of this Ordinance, provided that a plan for the activities has been submitted to and approved by the Zoning Administrator.

- B. Except for agricultural and forest management uses as regulated in Sections 64.18 and 64.19 of this Ordinance, respectively, removal or alteration of vegetation may only be allowed, subject to the following standards:
1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed, except as described in *this Section*. Intensive vegetation clearing for forest land conversion to another use outside of the shore and bluff impact zones and on steep slopes may be allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District.
 2. Planned Unit, open space and conservation design developments are subject to the standards of Sections 7.6 and Sections 63 and 64.12 of this Ordinance.
 3. Vegetative alterations may be allowed on riparian lots, in shore or bluff impact zones or on steep slopes in accordance with the following standards:
 - a. Prior to vegetative removal regulated by *this Section* or prior to establishing a view corridor on a riparian lot, the property owner shall contact the Zoning Administrator to arrange for a site visit and complete an application for vegetative alteration; and
 - b. The Zoning Administrator may require that the property owner clearly mark any proposed view corridor and/or any vegetation to be removed from a riparian lot. Additionally, the Department may require the property owner to supply information on slope, soil type, property line locations, location of easements and any other information that may be needed in order for the Zoning Administrator to act on a request; and
 - c. In considering a request for vegetative alterations, including the establishment of a view corridor, the Zoning Administrator may take into account the predevelopment vegetation, natural openings, surrounding vegetation patterns and density, previous vegetative alterations, slope, soil type, the locations and extent of adjacent view corridors, the adjacent body of water and other information it deems necessary and pertinent to the request; and
 - d. The total cumulative view corridor shall not exceed twenty five (25) feet or one-half (1/2) the lot width, whichever is less; and
 - e. The view corridor shall extend from the most waterward side of the principal residence and continue to the ordinary high water level of a public water body; and
 - f. Up to one hundred (100) percent removal of trees and shrubs within a twenty five (25) foot corridor may be authorized by a Vegetative Alteration Permit. The corridor shall serve as the access and view corridor. Vegetation outside of the corridor shall not be disturbed or removed with the exception of limited tree pruning. Areas considered bluff or steep slopes shall be allowed up to twenty five (25) percent removal within the twenty five (25) foot corridor; and From the ordinary high water level, extending through the shore impact zone and extending to the building setback, exclusive of the view corridor, no vegetative alterations are allowed, however planting of trees, shrubs and other vegetation is encouraged; and

- g. Except Boxelder and Chinese Elm, the removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted; and
 - h. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, shall not be substantially reduced; and
 - i. The existing shading of water surfaces along the shoreline shall be preserved during summer, leaf-on periods of the year.
- C. The removal of exotic species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash shall not be considered to constitute an alteration of the vegetation.
- D. Naturally dead or diseased trees may be removed regardless of their location on the property.
- E. Application of fertilizer and pesticides in shoreland must be done in such a way as to minimize runoff into the shore impact zone or public water. The use of phosphorous containing fertilizer is prohibited within the shore impact zone.
- F. Burning of yard waste is prohibited within the shore and bluff impact zones or on steep slopes.
- G. Planting of trees, shrubs, establishing vegetated buffers and maintaining vegetated shorelines is encouraged on all riparian lots within St. Augusta as a method to minimize and mitigate the impacts of stormwater runoff, erosion and nutrient enrichment on the County's water resources.

64.13 TOPOGRAPHIC ALTERATIONS/GRADING AND FILLING AND RETAINING WALLS

- A. Exclusions:
1. Construction permitted structures. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued construction permits for these facilities, provided that grading, filling and excavation is limited to within twenty (20) feet of the footprint or foundation of a structure, and control measures are met consistent with the provisions of Section 1523.07 of this Ordinance.
 2. If the management of spoils from a project in a public waters or public waters wetland which has received Department of Natural Resources approval is described in the Department of Natural Resources permit, the project is exempt from the shoreland permit requirements of *this Ordinance*.
 3. Topographic alterations involving the removal of annual ice ridges. Ice ridges may be removed within one (1) year of formation without a permit if total material does not exceed 10 cubic yards.
 4. Topographic alterations involving the movement of fifty (50) cubic yards or less of material that is not on steep slopes or within shore or bluff impact zones.
 5. Retaining walls located more than two (2) times the required structure setback pursuant to Section 64.10A(1) of this Ordinance and not located in the bluff impact zone unless a permit is otherwise required by Section 64.13 B of this Ordinance.

6. The grading, filling and topographic alterations necessary for the initial establishment of roads and stormwater management facilities in a plat with an approved stormwater management plan. Said improvements cannot be constructed until the final plat is on record in the Office of the St. Augusta Recorder.
 7. Projects that are subject to prepare and implement a stormwater management plan pursuant to Section 15.09 of this Ordinance.
 8. SWCD, NRCS or Watershed District projects that include less than 50 cubic yards of topographic alteration.
- B. Shoreland Alteration Permits: A shoreland alteration permit may authorize the following activities.
1. Topographic alterations in which the total amount of fill being deposited, removed, or graded on site is less than one hundred (100) cubic yards.
 - a. A permit shall be required for any topographic alteration in the shore or bluff impact zones. If no vegetation buffer exists between the project area and the water body, one must be established as part of the project. If an existing vegetation buffer adjacent to the water body will be eliminated or disturbed by the project, restoration of the buffer, with dimensions determined by the Zoning Administrator, shall be a condition of permit approval.
 2. Topographic alterations located more than two (2) times the required structure setback pursuant to Section 64.10 of this Ordinance.
 3. Projects in which rock riprap is being used to control erosion.
 4. DNR, SWCD, NRCS or Watershed District projects. Projects that are part of an approved Department of Natural Resources project, or that are funded by and overseen by the Soil and Water Conservation District, Natural Resource Conservation Service or Watershed District require a shoreland alteration permit.
 5. Emergency Stabilization. Emergency stabilization measures, generally temporary in nature and normally requiring a shoreland alteration permit, to prevent imminent erosion or property damage after the failure of an erosion control device. Permanent repair or replacement of erosion control devices may still require a permit.
 6. If the Zoning Administrator determines that a project has the potential for an adverse environmental impact, including but not limited to erosion, sedimentation, stormwater impacts or pollution of surface waters, the Zoning Administrator can require an applicant to apply for a shoreland alteration permit. An example includes but is not limited to alterations occurring on the direct slope to the waterbody.
- C. Information for Shoreland Alteration Permit: A permit application checklist, identifying the minimum information required for the application, shall be provided by the Zoning Administrator.
- D. Shoreland Alteration Permit Conditions: Shoreland alteration permits shall be subject to the following conditions:

1. Alterations shall only be allowed if they are necessary to a permitted, accessory or conditional use and do not adversely affect adjacent or nearby properties or the water body.
2. Alterations necessary to correct existing erosion problems may be allowed.
3. Rock riprap placement shall only be allowed where deemed appropriate by the Zoning Administrator or SWCD to prevent active erosion. Riprap is not allowed for aesthetic reasons. If riprap is not authorized, bioengineered solutions such as the use of natural vegetation, slope stabilization, or other bioengineered means shall be the method used to prevent erosion. Bioengineered solutions do not require a permit from the Zoning Administrator unless required due to topographic alteration activity. Riprap used for ornamental purposes or for terracing natural slopes shall meet the retaining wall standards set forth in Section 64.13G of this Ordinance. For purposes of this Section, rock riprap shall mean coarse stones randomly and loosely placed along the shoreline. Rock riprap is permitted as a shoreland alteration permit provided the following standards are met:
 - a. The finished slope does not exceed three (3) feet horizontal to one (1) foot vertical.
 - b. The landward extent of the riprap is within ten (10) feet of the OHWL.
 - c. The height of the riprap above the OHWL does not exceed three (3) feet. Alterations shall be designed and constructed in a manner that ensures that only the smallest amount of bare ground is exposed for the shortest time possible. Alterations on steep slopes or bluffs are highly discouraged.
4. Mulches or similar materials shall be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover shall be established as soon as possible.
5. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used.
6. Altered areas shall be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local Soil and Water Conservation District or Natural Resource Conservation Service.
7. Fill or excavated material shall not be placed in a manner that creates an unstable slope.
8. Plans to place fill or excavated material on steep slopes shall be designed by a qualified professional such as an architect or engineer.
9. The Zoning Administrator may request review and comments on the design from the Soil and Water Conservation District or Natural Resource Conservation Service. The project shall not create finished slopes of 30 percent or greater.
10. The Zoning Administrator, City Council or Planning Commission may require plans prepared by a qualified professional such as an architect or engineer.

11. Financial guarantee in the form of a letter of credit, cash escrow or bond in favor of the City of St. Augusta equal to one hundred twenty-five percent (125%) of site grading and erosion/sediment control costs may be required. This guarantee is necessary to ensure the satisfactory installation, completion and maintenance of the measures as required in the shoreland alteration permit. The guarantee shall be accompanied by a 'Work and Materials List' outlining the type and amount of materials and is required prior to final permit approval.
 12. The Zoning Administrator may, when determined necessary, attach conditions to permits including, but not limited to, the following: requiring setback or distance separations, requiring methods for limiting erosion or minimizing stormwater flow into public waters or adjacent properties, preserving or restoring vegetation and by adding appropriate native plantings.
 13. A pre-application site assessment evaluating vegetation on riparian properties shall be conducted by the Zoning Administrator with the applicant and/or licensed shoreland contractor. Properties that do not meet minimum vegetation standards shall include mitigation as part of the shoreland alteration permit application.
- E. Permit Evaluation: The Zoning Administrator, City Council or Planning Commission shall evaluate shoreland alteration permit applications for conformance with Section 64.13D F of this Ordinance and may attach additional conditions to further assure that the shoreland alterations will not have an adverse impact on adjacent properties or the water body. The City Council shall issue findings of fact for approval, denial, or modification of the application, consistent with Section 3 of this Ordinance.
1. Professional Design and Installation. The City of St. Augusta encourages applicants to submit designs completed by professional trained consultants or engineers and discourages self-installation by the applicant. Applications that include a design by a licensed or certified professional and that will be installed by a licensed contractor are subject to inspection at the Zoning Administrator's discretion.
 2. Non- Professional Design or installation. Applications submitted without professional designs or that are being installed by the applicant rather than a licensed contractor will require interim inspections. The City Council or the Zoning Administrator will include a schedule for interim inspections to be conducted. The schedule may include, but is not limited to, inspection upon completion of the following installation phases:
 - a. Grading or excavation;
 - b. Vegetation removal;
 - c. Installation of stormwater management devices;
 - d. Installation of temporary or permanent erosion devices; and
 - e. Upon project completion.

3. Before issuing a shoreland alteration permit the Zoning Administrator shall consider, but not be limited to, the following issues:
 - a. The compatibility of the proposed alteration with adjacent land uses;
 - b. The effect on fish and wildlife habitat; and
 - c. The effect of the proposal on surface water.
- F. Connections to public waters: Excavations, where the intended purpose is connection to a public water, such as boat slips, canals, lagoons and harbors, shall be permitted only after issuance of a shoreland permit. Permission for excavations may be given only after the Commissioner of the Department of Natural Resources has approved the proposed connection to public waters.
- G. Retaining Walls: The construction of retaining walls is subject to the requirements in Section 64.10 of this Ordinance and shall only be authorized by a shoreland alteration permit. Wall height as it pertains to this Section is measured from the ground surface to the top of the wall. Wall components below grade shall not be included in wall height determination. Cumulative height means the combined height of any wall or series of walls require to retain a single slope.
 1. Shoreland Alteration Permit. A Shoreland Alteration Permit can authorize retaining walls meeting any of the following conditions:
 - a. Retaining walls four (4) feet in cumulative height or less when a documented erosion problem exists; or
 - b. Retaining walls that are not visible from the shore by virtue of topography or vegetation during leaf-on, daylight conditions; or
 - c. Replacement of existing retaining walls; or
 - d. Retaining walls four (4) feet in cumulative height or less used for ornamental purposes or for terracing natural slopes where a documented erosion problem does not exist is limited to one area not to exceed 25% of the lot width as measured at the Ordinary High Water Level. Maximum width shall not exceed 75 feet.
 - e. Retaining walls that are located outside of the setback area for the applicable lake or river class. Retaining walls proposed on bluffs or on steep slopes within the shore impact zone may only be authorized by a shoreland alteration permit when the following apply:
 - i. Retaining walls may be allowed where there is a demonstrated need, the design is consistent with the existing uses in the area, and there is not an aesthetic intrusion upon the land or the shoreline.
 - ii. No wall(s) shall exceed four (4) feet in height without a plan signed by a Minnesota licensed professional engineer.
 - f. Retaining walls meeting any of the following conditions outside of the bluff impact zone or shore impact zone when steep slopes are present:
 - i. Retaining walls more than four (4) feet in cumulative height when a documented erosion problem exists.
 - ii. Replacement retaining walls greater than four (4) feet in cumulative height not pursuant to Section 14.04 of this Ordinance.

- iii. Retaining walls more than four (4) feet in cumulative height used for ornamental purposes or for terracing natural slopes where a documented erosion problem does not exist when the request exceeds more than one area, more than 25% of the lot width as measured from the Ordinary High Water Level or more than 75 feet in total width.

- H. Sand Blankets: The placement of sand within the shore impact zone and above the ordinary high water level shall only be authorized by a shoreland alteration permit as follows unless a variance is granted in accordance with Section 3 of this Ordinance. Sand blankets are not allowed in floodway area of floodplains.
 - 1. Sand blanket placement with excavation:
 - a. Only clean, washed sand, free of organic or toxic materials shall be used.
 - b. The sand blanket may be up to twelve (12) inches in depth, up to twenty five (25) feet in width along the shoreline or one-half (1/2) the lot width, whichever is less; and may not extend more than ten (10) feet landward of the ordinary high water level.
 - c. An earthen berm shall be constructed on the landward side of the sand blanket to divert surface water runoff around the sand area. The berm shall be planted with vegetation such as grass to aid in the assimilation of surface water runoff.
 - i. Replacement or maintenance sand blankets may not exceed the same amount and dimensions of the original sand blanket
 - ii. Sand may only be placed in an area where the natural drainage of the property will not result in the sand being washed into the water body. Sand blankets are not permitted on steep slopes as defined in Section 2.02 of this Ordinance.

- I. Impervious Surfaces: The maximum amount of impervious surface allowed in the shore impact zone is 250 square feet, including a water oriented accessory structure and excluding structures that are not water oriented stairways, lifts, and landings. Addition of impervious surface in the shore impact zone requires a shoreland alteration permit. A buffer of native vegetation at least 20 feet wide shall exist between the impervious surface and the water body. Concentrated flows of water runoff from the impervious surface shall not be directed toward an adjacent property or the water body.

64.14 ABATEMENT ORDERS

The Zoning Administrator may issue an abatement order when the Zoning Administrator or the City Council refuses to issue a permit for a shoreland alteration project that was started or completed prior to consideration of an application or issuance of a permit. An abatement order may also be issued by the Zoning Administrator to correct or abate any violation of any provision of *this Ordinance*. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Zoning Administrator.
- B. The action on the part of the property owner to eliminate or resolve the violation.
- C. Advise the property owner that failure to comply with the abatement order is a violation of this Ordinance.
- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

64.15 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS

- A. For plats, new development roads shall not be constructed unless the final plat is on record in the Office of the Stearns County Recorder.
- B. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Plans and specifications shall be provided by a qualified individual, such as a registered professional engineer, architect, or surveyor, showing that all roads and parking areas are designed and will be 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.
- C. Public and private roads, driveways, and parking areas shall meet structure setbacks from the ordinary high water level or the top of a bluff for the applicable lake or river classification, and shall not be placed within bluff or shore impact zones when avoidance is an option. A Shoreland Alteration Permit shall be required if the road, driveway, or parking area is private and cannot meet the applicable structural setback.
- D. 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 provisions of this Ordinance are met. For private watercraft access ramps, approach roads, driveways and parking areas that are located within the setback area for the applicable lake or river class or on steep slopes, the grading, filling, and permit provisions of Section 64.13 of this Ordinance shall be met. For driveways and parking areas that are located outside the setback area for the applicable lake or river class and not on steep slopes, the provisions of 64.13 D of this Ordinance shall be met.

64.16 STORMWATER MANAGEMENT

In the Shoreland Overlay District, the following general and specific standards in addition to the stormwater management standards in Section 15.09 of this Ordinance shall apply:

- A. General Standards:
 - 1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces shall be used to convey, store, filter and retain stormwater runoff before discharge to public waters.
 - 2. Development shall be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas shall 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 runoff 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 shall be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

B. Specific Standards:

1. Impervious surface coverage of a lot shall not exceed twenty-five (25) percent of the lot area.
2. When constructed facilities are used for stormwater management, documentation shall be provided by a qualified individual that the facilities are designed and installed consistent with the field office technical guide of the local Soil and Water Conservation District or the Minnesota Stormwater Manual, as applicable.
3. New constructed stormwater outfalls to public waters shall be consistent with Minnesota Rules, part 6115.0231, Subp. 3.

64.17 STANDARDS FOR COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMIPUBLIC USES

- A. 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 shall meet the following standards:
 1. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Ordinance, the uses shall be designed to incorporate topographic and vegetative screening of parking areas and structures;
 2. Uses that require short-term watercraft mooring for patrons shall centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 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. Signs subject to Section 31 of this Ordinance; and
 - b. 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.
- B. Uses without water-oriented needs shall be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, shall either be setback 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.

64.18 AGRICULTURE USE STANDARDS

- A. General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes, 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 District or the Natural Resource Conservation Service or 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.

- B. Animal feedlots shall meet the Animal Feedlot standards as set forth in Section 23.07 of this Ordinance.

64.19 FOREST MANAGEMENT STANDARDS

The harvesting of timber and associated reforestation shall be conducted consistent with the provisions of *Water Quality in Forest Management "Best Management Practices in Minnesota,"* which is hereby incorporated by reference, a copy of which is on file in the Stearns County Environmental Services Department, St. Cloud, Minnesota, and is not subject to frequent change.

64.20 EXTRACTIVE USE STANDARDS

An extractive use site development and restoration plan shall be developed, approved, and followed over the course of operation of the site according to Sections 33 and 64.20 of this Ordinance.

- A. Site Development and Restoration Plan Requirements: The plan shall address dust, noise, possible pollutant discharges, hours and duration of operation and anticipated vegetation and topographic alterations. It shall also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion and shall clearly explain how the site will be rehabilitated after extractive activities end.
- B. Setbacks for Processing Machinery: Processing machinery shall be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

64.21 RESIDENTIAL SHORELAND PLANNED UNIT AND OPEN SPACE DEVELOPMENT STANDARDS

- A. Design Standards: The following design standards shall apply to all residential open space developments in shoreland:
 1. Centralized boat docking facilities for watercraft shall be provided.
 2. The shore impact zone, based on normal structure setbacks, shall be included as protected conservation area. At least fifty (50) percent of the shore impact zone of existing open space developments, or at least seventy (70) percent of the shore impact zone of new open space developments, shall be preserved in its natural or existing state. Additionally, a minimum of fifty (50) percent of the total lot area shall be dedicated as open space.
 3. Residential open space developments in shoreland shall be connected to publicly owned water supply and sewer systems, if available. On-site water supply and subsurface sewage treatment systems shall be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Pollution Control Agency and St. Augusta. Subsurface sewage treatment systems shall be located on the most suitable areas of the development, and sufficient lawn area, free of limiting factors, shall be provided for a replacement soil treatment system for each subsurface sewage treatment system.
 4. Dwelling units or sites shall be sited into one or more groups and located on suitable areas of the development. They shall be designed and located to meet or exceed the following dimensional standards for the applicable lake or river classification:
 - a. Setback from the ordinary high water level;

- b. Elevation above the ordinary high water level; and
 - c. Height restrictions.
 - 5. Shore recreation facilities, including but not limited to, swimming areas, docks, watercraft mooring areas and launching ramps shall be centralized and located in areas suitable for them. Evaluation of suitability shall include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft shall not exceed one (1) for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - 6. Structures, parking areas and other facilities shall be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the City of St. Augusta, assuming summer, leaf-on conditions. Vegetation and topographic screening shall be preserved, if existing, or may be required to be provided.
 - 7. Accessory structures and facilities, except water oriented accessory structures, shall meet the required structure setback and shall be centralized.
 - 8. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 64.10 B(2) of this Ordinance and are centralized.
 - 9. Residential planned unit developments are further subject to the design and administrative requirements of Minnesota Rules, part 6120.3800.
- B. Review, approval, density: Residential open space developments in shoreland are typically owner occupied residences. Single family dwellings, attached single family dwellings, townhouses and residential condominiums are examples of residential open space developments.
- 1. Open Space Development Consideration Process:
 - a. An open space development shall be considered in the same manner as a subdivision plat and shall also be subject to the review and approval procedures of Section 10 of this Ordinance.
 - b. A preliminary subdivision plat shall be filed and processed in accordance with the procedures for processing a subdivision plat established in Section 10 of this Ordinance.
 - c. The approved preliminary plat shall be the site plan for the open space development whenever there is modification or variation from the standards of the primary zoning district or any applicable overlay district.
 - d. Any request for a change to a site plan for an open space development shall be administered in the same manner as to that required for a new open space development.
 - e. Modifications to an open space development shall be considered in the same manner as for approval pursuant to Section 64.21B(1) of this Ordinance.
 - 2. Criteria for Review. The Planning Commission and City Council shall include in their review the following criteria in considering an open space development:

- a. The degree to which the open space development design meets the standards of this Ordinance.
 - b. The degree to which the open space development supports the goals and policies of the St. Augusta Comprehensive Plan.
 - c. The degree to which the open space development better maintains the rural character of the area when compared to a conventional development of the same density.
 - d. The degree to which the open space development will result in greater amenity and efficiency in the use of the land for the benefit of its residents and users and those in the surrounding area than would be possible under conventional development.
3. Residential Density Requirements. Residential open space developments shall be subject to the following residential density requirements:

- a. The maximum number of residential dwelling units allowed in a proposed new or expansion to an existing shoreland open space development shall be determined by use of the more restrictive of the following two methods:

- i. Method I

- (a) The project parcel shall be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward according to the following table:

Shoreland Tier Dimensions	Feet
Natural environment lakes	400
All river classes	300

- (b) The suitable area within each tier shall be calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters.
- (c) The suitable area shall then be divided by the single residential lot size requirement of the applicable lake or river classification and the quotient will be the total number of single family residential dwellings that may be allowed on the parcel. Fractions shall be reduced to the next whole number.

- ii. Method II: Residential density shall be calculated using the residential density requirements section of the applicable primary zoning district.
- iii. The cumulative number of permitted units or sites determined under Method I shall be compared with the results from Method II and the lowest number shall be used.

- b. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but shall not be transferred to any other tier closer.
- c. Density Increase Multipliers. Increases of fifty (50) percent to the unit or site density previously determined for a Residential open space development in shoreland may be allowed if the dimensional standards in Section 64.10 of this Ordinance are met or

exceeded and the design criteria contained in Section 64.21 of this Ordinance are satisfied. Density increases shall only be allowed if structure or site setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum ordinary high water level setback of the applicable lake or river classification, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the Planning Commission and City Council, and the setback from the ordinary high water level of the applicable lake or river classification is at least 25 percent greater than the minimum setback.

64.22 SHORELAND NONCONFORMITIES

Nonconforming uses, structures and lots within the Shoreland Overlay District shall be managed in accordance with Section 14 of this Ordinance.

64.23 COMPLIANCE INSPECTIONS

A compliance inspection for existing subsurface sewage treatment systems shall be conducted prior to the issuance of any permit or granting or denying of any variance for property located in shoreland. Subsurface sewage treatment systems found to be in non-compliance must be upgraded as required to meet the design standards of Minnesota Rules, chapters 7080 to 7083.

64.24: NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls shall be submitted to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative at least ten days before the hearings. Subdivisions/plans shall include copies of the subdivision/plat.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the Commissioner of the Department of Natural Resources or the Commissioner's designated representative and within ten days of final action.

64.25 ADMINISTRATION AND ENFORCEMENT

The provisions of this subdivision shall be administered by the St. Augusta Zoning Administrator and enforced by the Zoning Administrator in accordance with Section 12 of this ordinance.