

REDWOOD COUNTY ZONING ORDINANCE  
SECTION 33  
SHORELAND ORDINANCE

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# **REDWOOD COUNTY SHORELAND ORDINANCE**

## **SECTION 1. STATUTORY AUTHORIZATION AND POLICY**

1. Statutory Authorization
  - A. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 105, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394.
2. Policy
  - A. The uncontrolled use of shorelands of Redwood County, Minnesota affects the public health, safety and general welfare not only by contributing to the pollution of public waters, but also impairing the local tax base. Therefore, it is in the best interest of the public health, safety, and welfare to provide for wise subdivision, use, and development of shoreland and public waters. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate subdivision, use, and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland, and provide for the wise use of waters and related land resources. Redwood County hereby recognizes this responsibility.

## **SECTION 2. GENERAL PROVISIONS AND DEFINITIONS**

1. Jurisdiction
  - A. The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in Section 4.0 of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local governments shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of Redwood County, be exempt from this ordinance.

2. Compliance

- A. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

3. Enforcement

- A. The Redwood County Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 3.1 of this ordinance.

4. Interpretation

- A. In their interpretation and application, the provisions of this ordinance shall be held to 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 power granted by State Statutes.

5. Severability

- A. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

6. Abrogation and Greater Restrictions

- A. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

7. Definitions

- A. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in

common usage and so as to give this ordinance its most reasonable application. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- (1.) Accessory Structure or Facility. "Accessory Structure or Facility" means any building or improvement subordinate to a principal use which, because the nature of its use, can reasonably be located at or greater than normal structure setbacks.
- (2.) Animal Feedlot. "Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this ordinance, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy farms, swine facilities, beef lots and barns, horse stalls, mink ranches and zoos, shall be considered to be animal feedlots under these parts.
- (3.) Bluff. "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of the bluff):
  - (a.) Part or all of the feature is located in a shoreland area.
  - (b.) The slope rises at least 25 feet above the ordinary high water level of the waterbody.
  - (c.) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater and
  - (d.) The slope must drain towards the waterbody.
- (4.) Bluff Impact Zone. "Bluff Impact Zone" means a bluff and land located within 20 feet from the top of the bluff.
- (5.) Boathouse. "Boathouse" means a structure designed and used solely for the storage of boats or boating equipment.
- (6.) Building Line. "Building Line" means a line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

- (7.) Commercial Use. "Commercial Use" means the principal use of the land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (8.) Commissioner. "Commissioner" means the commissioner of the Department of Natural Resources.
- (9.) Conditional Use. "Conditional Use" means a land use or development as defined by the ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that certain conditions as detailed in the ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
- (10.) Deck. "Deck" means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to the principle use or site and at any point extending more than three feet above the ground.
- (11.) Dwelling Site. "Dwelling Site" means a designated location for residential use by one or more persons using temporary or moveable shelter including camping and recreational vehicle sites.
- (12.) Dwelling Unit. "Dwelling Unit" means any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- (13.) Extractive Use. "Extractive Use" means the use of the land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat not regulated under Minnesota Statutes sections 93.44 to 93.51.
- (14.) Forest Land Conversion. "Forest Land Conversion" means the clear cutting of forested lands to prepare for a new land use other than re-establishment of subsequent forest land.
- (15.) Guest Cottage. "Guest Cottage" means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
- (16.) Hardship. "Hardship" means the same as that term is defined in Minnesota Statutes, Chapter 394.

- (17.) Height of Building. "Height of Building" means the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, which ever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
- (18.) Industrial Use. "Industrial Use" means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (19.) Intensive Vegetative Clearing. "Intensive Vegetative Clearing" means the complete removal of trees or shrubs in a contiguous patch, strip, row or block.
- (20.) Lot. "Lot" means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- (21.) Lot Width. "Lot Width" means the shortest distance between lot lines measured at the midpoint of the building line.
- (22.) Mobile Home Park. "Mobile Home Park" means a lot containing two or more mobile homes which are not owned or occupied by the owner of the lot.
- (23.) New Animal Feedlot. "New Animal Feedlot" means an animal feedlot constructed or operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandon or unused for a period of five years or more.
- (24.) Nonconformity. "Nonconformity" means any legal use, structure, or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official control had been in effect prior to the date it was established, recorded or authorized.
- (25.) Ordinary High Water Level. "Ordinary High Water Level" means the boundary of public waters and wetlands, and shall be a elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where natural vegetation changes from aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the

top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.

- (26.) Public Waters. "Public Waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 18.
- (27.) Semipublic Use. "Semipublic Use" means the use of the land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- (28.) Sensitive Resource Management. "Sensitive Resource Management" means the preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
- (29.) Setback. "Setback" means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- (30.) Sewage Treatment System. "Sewage Treatment System" means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in section 5.8 of the ordinance.
- (31.) Sewer System. "Sewer System" means pipeline or conduits, pumping stations, force mains, and all construction, devices, appliances, or appurtenances used for the conducting of sewage or industrial waste or other wastes to a point of ultimate disposal.
- (32.) Shore Impact Zone. "Shore Impact Zone" means land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.
- (33.) Shoreland. "Shoreland" means land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shoreland may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

- (34.) Significant Historic Site. "Significant Historic Site" means any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic places or is listed in the State Register of Historic Sites, or is deemed to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (35.) Steep Slope. "Steep Slope" means land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are lands having slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.
- (36.) Structure. "Structure" means any building or appurtenance, including decks, except aerial or underground utility lines such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- (37.) Subdivision "Subdivision" means land that is divided for the purposes of sale, rent, or lease.
- (38.) Surface Water-Oriented Commercial Use. "Surface Water-Oriented Commercial Use" means the use of the land for commercial purposes where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.
- (39.) Toe of Bluff. "Toe of Bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from a gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

- (40.) Top of Bluff. "Top of Bluff" means the point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.
- (41.) Variance. "Variance" means the same as that term is defined or described in Minnesota Statutes, Chapter 394.
- (42.) Water Oriented Accessory Structure or Facility. "Water Oriented Accessory Structure or Facility" means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which because of their relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pumphouses, and detached decks.
- (43.) Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Wildlife Service Circular No. 39 (1971 edition)

### **SECTION 3. ADMINISTRATION**

- 1. Permits Required
  - A. A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and activities not exempted by section 5.3 of this ordinance. Application for a permit should be made to the Redwood County Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a complaint sewage treatment system will be provided.
  - B. Permits shall stipulate that any nonconforming sewage treatment system, as defined in section 5.8, shall be reconstructed or replaced in accordance with the provisions of this ordinance.
- 2. Certificate of Zoning Compliance
  - A. The Redwood County Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in section 3.1 of this ordinance. This certificate will specify that the use of

the land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by the permit shall be deemed a violation of this ordinance and may be punishable as provided in section 2.3 of this ordinance.

3. Variances

- A. Variances may only be granted in accordance with Minnesota Statutes, Chapter 394, as applicable. A variance may not circumvent the general purpose and intent of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of the development of adjacent properties.
- B. The Board of Adjustment shall hear and decide requests for variances in accordance with rules that it has adopted for the conduct of business and in accordance with the applicable provisions of the Redwood County Zoning Ordinance. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in section 3.42 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of fact and conclusions which support the issuance of the variance.
- C. For existing developments, the application for a variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

4. 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 must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notice of the hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- B. A copy of the approved amendments and subdivisions/plats, and the final decisions granting variances or conditional uses under local shoreland

management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

#### **SECTION 4. SHORELAND CLASSIFICATION SYSTEM AND LAND USE**

##### 1. Shoreland Classification System

The public waters of Redwood County have been classified below consistent with criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Redwood County, Minnesota.

A. The shoreland for the following waterbodies listed in section 4.12 and 4.13 shall be defined in section 2.739 and shown on the Official Shoreland Zoning Map.

##### B. Lakes

(1.) Natural Environmental Lakes      Protected Waters Inventory I.D. #

(a.)	Tiger	64-0040
(b.)	Willow	64-0044
(c.)	Redwood	64-0058
(d.)	Daubs	64-0070
(e.)	Iverson	64-0084
(f.)	North Slough	64-0102
(g.)	Rohlik Slough	64-0105
(h.)	Timm	87-0017

##### C. Rivers and Streams

(1.) Wild and Scenic      Legal Description

(a.) Minnesota River      From Section 7, Township 114, Range 37W, to CSAH 11 Bridge in Section 12, Township 112, Range 34W.

(2.) Agricultural

(a.) Minnesota River      From CSAH Bridge in Section 12, Township 112, Range 34W, to East Section Line of Section 24, Township 112, Range 34W.

(b.) Redwood River West Section Line of Section 28,  
Township 112, Range 37W to  
Confluence with Minnesota River.

(c.) Cottonwood River West Section Line of Section 7,  
Township 110, Range 39W to East  
Section Line of Section 36,  
Township 109, Range 36W

3. Project River Bend

(a.) Minnesota River From CSAH 11 Bridge Section 12,  
Township 112, Range 34W to  
East Section Line of Section 24,  
Township 112, 34w.

4. Tributary Streams

(a.) All protected watercourses in Redwood County shown on  
the Protected Waters Inventory Map for Redwood County,  
a copy which is hereby adopted by reference, not given a  
classification in A-C above shall be considered "Tributary"

2. Land Use - Shoreland

A. The following uses are permitted in the shoreland areas of the waterbodies  
listed in sections 4.12 and 4.13.

(1.) Agricultural uses including cropland and pasture.

(2.) Sensitive resource management.

(3.) Any park, recreational area, or wildlife area owned or operated by  
a governmental agency.

(4.) Agricultural buildings and accessory structures.

(5.) Any single family dwelling.

(6.) Any addition to an existing single family dwelling.

(7.) The replacement of an existing single family non-farm dwelling.

B. The following uses may be allowed in the shoreland area of the  
waterbodies listed in sections 4.12 and 4.13 subject to obtaining a  
conditional use permit from the Redwood County Board of

Commissioners. The procedure for applying for a conditional use permit shall be the same as found in the Redwood County Zoning Ordinance.

- (1.) The expansion of any existing animal feedlot, or the addition of any livestock buildings at an existing animal feedlot.
- (2.) The extraction, storage, or processing of sand, gravel, stone, clay, or other raw material.
- (3.) Any commercial outdoor recreational area, game preserve, including organized group camps and gun clubs.
- (4.) Any animal feedlot proposing the use of an earthen basin or lagoon for manure storage.
- (5.) Forestland conversions

C. The following land uses are prohibited in the shoreland areas of the waterbodies listed in section 4.12 and 4.13.

- (1.) New animal feedlots.
- (2.) Junkyards/Salvage yards.
- (3.) Mobile home parks.
- (4.) Landfills.

D. Interpretation/Amendments

- (1.) When an interpretation question arises in the administration of this ordinance, the Redwood County Board of Adjustment shall make the interpretation. Any person, town, municipality, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this ordinance shall have the right to appeal to the Board of Adjustment.
- (2.) Any amendment to this ordinance shall follow the procedure outlined in the Redwood County Zoning Ordinance. In taking final action on any amendment to the permitted, or conditionally permitted, uses of the shoreland area of the waterbodies listed in section 4.12 and 4.13, the Redwood County Board must make a detailed finding of facts and conclusions. The findings of facts and conclusions shall be consistent with the following criteria, considerations, and objectives:

- (a.) Preservation of natural areas.
- (b.) Present ownership and development of shoreland areas.
- (c.) Shoreland soils types and their engineering capabilities.
- (d.) Topographic characteristics.
- (e.) Vegetative cover.
- (f.) In-water physical characteristics, values, constraints.
- (g.) Recreational use of the surface water.
- (h.) Road and service center accessibility.
- (i.) Socioeconomic development needs and plans as they involve water and related land resources.
- (j.) The necessity to preserve and restore certain areas having significant historical or ecological value.

## **SECTION 5. ZONING AND WATER SUPPLY/SANITARY PROVISIONS**

- 1. Lot Area and Width Standards.
  - A. The minimum lot area (in square feet) and the lot width standards (in feet) for all lots created after the date of the enactment of this ordinance for the lakes and river/stream classifications are as follows:
    - (1.) Natural Environment Lakes - All lots created within the shoreland area of the lakes listed in section 4.12 of this ordinance shall have a minimum area of 217,800 square feet (5 acres) and a minimum width of 250 feet.
    - (2.) Agricultural Rivers/Streams and Project Riverbend - All lots created within the shoreland areas of the rivers/streams listed in section 4.13 of this ordinance shall have a minimum area of 217,800 square feet (5 acres) and a minimum width of 250 feet. These provisions shall not apply to lots described in section 7.16 of this ordinance.
    - (1.) Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

2. Placement, Design, and Height of Structures

A. Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

(1.) All structures and on-site septic systems shall maintain a minimum setback of 150' from the ordinary high water mark of the waterbodies described in sections 4.12 and 4.13 of this ordinance.

(2.) All structures shall also meet the following additional minimum setbacks:

(a.) A minimum setback of 30 feet must be maintained from the top of a bluff.

(b.) A minimum setback of 50 feet must be maintained from any unplatted cemetery.

(c.) A minimum setback of 67 feet must be maintained from the right-of-way of any public road or highway. In the event any structure is located on a lot at the intersection of two or more public roads or highways, a 67 foot setback shall be maintained from each right-of-way.

(d.) Every structure shall have two side yards. A minimum setback of 10 feet must be maintained from all side yards.

(e.) There shall be a minimum rear yard of 10 feet.

(f.) Structures and accessory facilities, except stairways and landings, must not be placed within the bluff impact zones.

B. Design Criteria For Structures.

(1.) High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including the 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 feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;

- (b.) For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of the 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 water-oriented accessory structure not meeting the normal structure setback in section 5.21 (A) of this ordinance if the water-oriented structure complies with the following provisions:
- (a.) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and can not occupy an area greater than 250 square feet. Detached decks must not exceed eight 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 feet;
  - (c.) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setback 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 feet in width on residential lots. Wider stairways may be used for public open-space recreational properties.
  - (b.) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for 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 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.
  - (e.) Whenever practical 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.
  - (f.) 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 (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.
- (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.) Steep Slopes. The Redwood County 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 may 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.

3. 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.

A. Vegetation Alterations.

- (1.) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.4 of this ordinance are exempt from the vegetative alterations standards that follow.
- (2.) Removal or alteration of vegetation, except for agricultural and forest management purposes uses as regulated in Sections 5.62 and 5.63 respectfully, is allowed subject to the following standards:
  - (a.) Intensive vegetative clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetative clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an adequate erosion control plan is developed.
  - (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, watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    - (1.) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;
    - (2.) along rivers, existing shading of water surfaces is preserved; and
    - (3.) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose a safety hazard.

- B. Topographic Alterations/Grading and Filling.
- (1.) Grading and filling for 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 5.4 of this ordinance.
  - (3.) Notwithstanding items A and B above, a grading and filling permit will be required for:
    - (a.) The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
    - (b.) The movement of more than 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 and 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\*:
      - (1.) Sediment and pollutant trapping and retention.
      - (2.) Storage of surface runoff to prevent or reduce flood damage.
      - (3.) Fish and wildlife habitat.
      - (4.) Recreational use.
      - (5.) Shoreland or bank stabilization.

- (6.) Noteworthiness, including special qualities such as historical significance, critical habitat for endangered plants and animals, or others.

\* This evaluation must include a determination of whether the wetland alteration being proposed requires special 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 Corp 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 land is exposed for the shortest time possible.
- (c.) Mulches or other similar materials must be used, where necessary, for temporary bare soil coverage, and permanent vegetative 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 field office technical guides of the Redwood County Soil and Water Conservation District 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 30 percent 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 be first 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.

(k.) Placement of natural rock riprap, including associated grading of the shoreland and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

(5.) Connections to public waters. Excavations where the intended purpose is connection to 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 construction to public waters.

4. Placement and Design of Roads, Driveways, and Parking Areas.

- A. Private and public roads must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public 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 field office technical guides of the Redwood County Soil and Water Conservation District, or other technical materials.
- B. 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 alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and other 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 5.32 of this ordinance must be met.

5. Stormwater Management.

The following general and specific standards shall apply:

A. General Standards

- (1.) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

- (2.) Development must 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 must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on 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 must be given to design using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B. Specific Standards

- (1.) Impervious surface coverage of lots must not exceed 25 percent of the lot area.
- (2.) When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are consistent with the field office technical guide of the Redwood County Soil and Water Conservation District, or other technical materials.
- (3.) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

6. Special Provisions for Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.

A. Agricultural 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 impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Redwood County Soil and Water Conservation District 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 50 feet from the ordinary high water level.

- (2.) Animal feedlots must meet the following standards:
  - (a.) New feedlots must not be located in the shoreland of the watercourses in section 4.12 and 4.13 or in bluff impact zones.
  - (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. All applicable Minnesota Pollution Control Agency permits must be obtained.
  
- B. Forest Management Standards.
  - (1.) 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 the Water Quality in Forest Management "Best Management Practices in Minnesota."
  
- C. 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 end.
  - (2.) Setback for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels and from bluffs.
  
- D. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, section 93.44 to 93.51, are satisfied.

7. Conditional Uses

Conditional uses allowable with the shoreland areas shall be subject to review and approval procedures, and criteria and conditions for review of conditional uses established in the Redwood County Zoning Ordinance. The following additional criteria and conditions apply within the shoreland areas:

- A. 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 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.
  
- B. Conditions Attached to Conditional Use Permits. The Redwood County Board of Commissioners, upon consideration of the criteria listed above and the purposes of this ordinance, may 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 ordinary high water level.
  - (2.) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted.
  - (3.) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

8. Water Supply and Sewage Treatment

- A. 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.

- B. 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 System 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 5.21 of this ordinance.
  - (4.) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subitems 1 - 4. If the determination of the site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.
  - (5.) Evaluation Criteria:
    - (a.) Depth to the highest known or calculated ground water table and/or bedrock;
    - (b.) Soil conditions, properties, and permeability;
    - (c.) Slope;
    - (d.) The existence of lowlands, local surface depressions, and rock outcrops.
  - (6.) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with section 6.3 of this ordinance.

## **SECTION 6. NONCONFORMITIES**

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and other regulations of the community for the subjects of alterations and additions, repair after damages, discontinuance of use, and intensification of use; except that the following standards will also apply in the shoreland areas:

1. Construction on Nonconforming Lots of Record.
  - A. Lots on record in the office of the County Recorder on the date of the enactment of local shoreland regulations that do not meet the requirements of section 5.1 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.
  - B. If needed, 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 can not be provided.
  - C. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of section 5.1 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 one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of section 5.1 of this ordinance as much as possible.
2. Additions/Expansions to Nonconforming Structures.
  - A. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of section 5.0 of this ordinance. Any deviation from these requirements must be authorized by a variance pursuant to section 3.3.
  - B. 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:
    - (1.) The structure existed on the date the structure setbacks were established.
    - (2.) 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.

- (3.) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.
  - (4.) The deck is constructed primarily of wood and is not roofed or screened.
- 3. Nonconforming Sewage Treatment Systems.
  - A. A sewage treatment system not meeting the requirements of section 5.8 of this ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for the property. For purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
  - B. The governing body of Redwood County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems within the shoreland areas. Redwood County will require the upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two years. Sewage treatment systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, section 103F.201, 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, seepagepits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's
  - D. Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

## **SECTION 7. SUBDIVISION/PLATTING PROVISIONS**

- 1. 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 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.

2. Consistency With Other Controls. Subdivisions must conform to all provisions of the Redwood County Subdivision Ordinance. 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 residential subdivision will not be approved unless domestic water supply is available and a sewage treatment systems consistent with sections 5.2 and 5.8 can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of section 5.1 including at least a minimum contiguous lawn area, that is free of limiting factors, sufficient for the construction of two standard soil treatment systems. Lots that would require the use of holding tanks shall not be approved.
3. Information Requirements. Sufficient information must be submitted by the applicant for Redwood County to make a determination of land suitability. The information shall include at least the following:
  - A. Topographic contours at 10 foot intervals or less from United States Geological Survey maps or more accurate sources, showing limited site characteristics.
  - B. 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.
  - C. 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.
  - D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near shore aquatic vegetation; and proposed method of controlling stormwater runoff and erosion both during and after construction activities;
  - E. Location of 100 year flood plain areas and floodway districts from existing adopted maps or data;
  - F. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum setback distances from the top of the bluff and the lake or stream.
4. 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.

5. Platting. Subdivisions shall conform to the requirements of the Redwood County Subdivision Ordinance.
6. Controlled Access or Recreational Lots. Lots intended as controlled access to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the following sizing requirements:
  - A. Agricultural Rivers and Project Riverbend - 80,000 square feet and 200 feet in width.
  - B. Natural Environment Lakes - 40,000 square feet and 125 feet in width.

**SECTION 8. DATE OF EFFECT**

This Ordinance is deemed effective the 30th day of August, 1994.