

Planning Commission Meeting
Thursday, October 20, 2022 6:00 PM

Agenda

- 1 Pledge of Allegiance**
- 2 Approve or Amend Agenda**
- 3 Consent Agenda**
- 4 Public Hearing(s)**
 - 4.1 Northern Natural Gas**
 - a. Amendment to Conditional Use Permit

 - 4.2 Krueger Excavating**
 - a. Variance
 - b. Interim Use Permit for Outdoor Storage Accessory to a Principal Use
 - c. Conditional Use Permit for Contractor Yard

 - 4.3 Ordinance Amendment Related to Planning Commission**
 - 4.4 Shoreland Ordinance**
- 5 General Business**
- 6 Adjourn**

Item Cover Page

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: October 20, 2022

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: Public Hearing(s)

SUBJECT: Northern Natural Gas
a. Amendment to Conditional Use Permit

SUGGESTED ACTION: Hold public hearing, and provide recommendation to City Council.

ATTACHMENTS:

[Memo CUP NNG Oct2022.pdf](#)

[2022-27 Resolution Approving CUP for Essential Service Station NNG.pdf](#)

[Credit River CUP Site Plan 9.9.22.pdf](#)

[Ctrpt Odorizer Bldg Final Structural Plans, Rev 3-1-22.pdf](#)

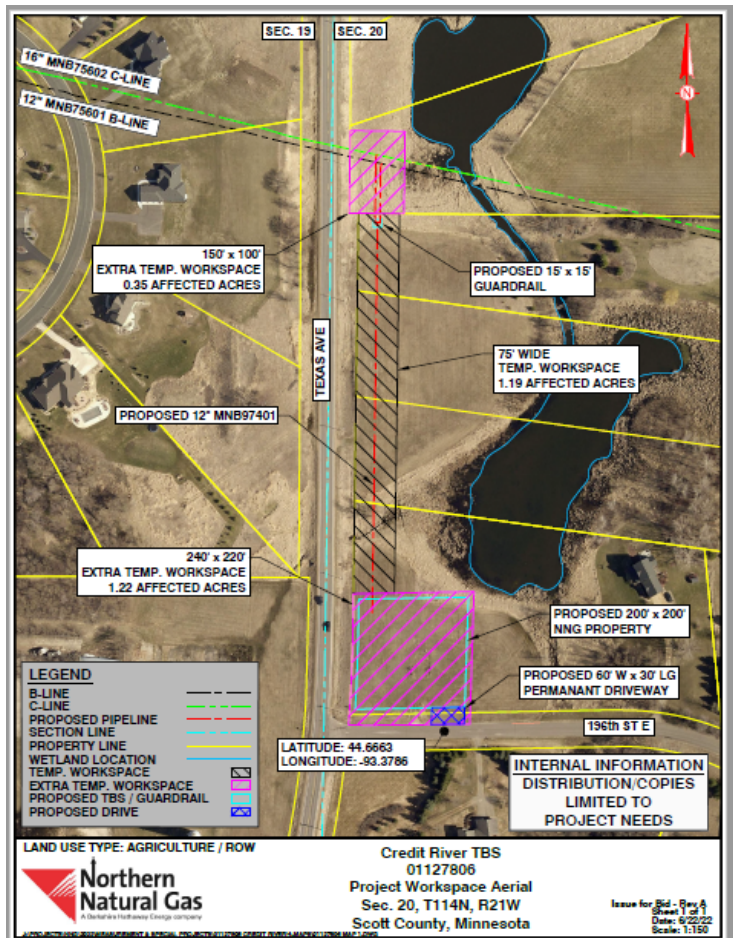
Collaborative Planning, LLC

Memorandum

Date: October 14, 2022
To: Credit River Planning Commission
From: Cindy Nash, AICP, EDFP
RE: Northern Natural Gas – Amendment to Conditional Use Permit – 7120 196th St E (PID #049080082)

Description

Northern Natural Gas (NNG) has applied for an amendment to their Conditional Use Permit to amend the site plan to incorporate the connection to Centerpoint Energy. A copy of the existing CUP as approved by the City Council is included in the packet.



Plans for the proposed construction are included in the packet. The changes to the site plan consist of the Centerpoint Energy components consisting of one additional building containing an odorizer, additional utility infrastructure.

A total of four buildings would be constructed on the site along with utility infrastructure. The site would be surrounded by an approximately 7-foot-tall fence chain link fence with barbed wire on top. Surrounding everything would be coniferous trees to provide screening.

Findings

When considering an application for an amended Conditional Use Permit, the City must make findings on the following items:

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*

The proposed use will not have any impact on public facilities that serve the area as paved roads will be used for access. The facility itself serves public utilities and will provide natural gas to the public.

2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*

The proposed use will be setback from the property lines by the distance required in the Zoning Ordinance. Screening is provided for in the plan and conditions can be established to provide for its maintenance. Conditions included address noise that may be generated by the use of the site.

3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*

The proposed structures would have architectural facades to be reviewed at a later date.

4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The proposed essential services facility is consistent with the intentions of Chapter 16 of the Zoning Ordinance.

5. *The use is not in conflict with the Comprehensive Plan.*

The Credit River Comprehensive Plan allows for the Essential Services use.

6. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.*

Access will be via 196th Street E. The site will be able to accommodate parking on-site.

7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*

No water and sewer are needed for the facility. The septic sites on the property will not be disturbed by this proposal.

8. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

Permits as required will be secured for the construction of the buildings.

Recommendation

Motion to recommend that the Conditional Use Permit be amended to reflect the following:

1. Condition #1 be updated as follows:

Development of the site shall be in substantial conformance with the plans prepared by Northern Natural Gas dated September 9, 2022 and included as Exhibit B attached hereto. Prior to installation, the proposed tree species to be installed shall be submitted to the City Planner for staff review and approval.

2. In Exhibit B, substitute the updated plan sheet in place of the plan sheet on page 5 of the resolution.

**CITY OF CREDIT RIVER
SCOTT COUNTY, MINNESOTA
RESOLUTION NO. 2022-27**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR AN
ESSENTIAL SERVICE – STATION FOR NORTHERN NATURAL GAS**

WHEREAS, Northern Natural Gas (the “Applicant”) owns an easement over a portion of certain real property located in the City of Credit River, located at 7120 196th Street E as legally described on Exhibit A (the “Subject Property”); and

WHEREAS, the Planning Commission did on July 21, 2022, conduct a public hearing in relation to the Applicant’s request for a Conditional Use Permit; and

WHEREAS, the Planning Commission did on July 21, 2022 recommend approval of the Conditional Use Permit to the City Council; and

WHEREAS, the City Council did adopt a motion on August 15, 2022 grant a variance to permit a second driveway on the parcel located at 7120 196th Street E; and

NOW, THEREFORE, BE IT RESOLVED, the City Council makes the following findings of fact:

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*
The proposed use will not have any impact on public facilities that serve the area as paved roads will be used for access. The facility itself serves public utilities and will provide natural gas to the public.
2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*
The proposed use will be setback from the property lines by the distance required in the Zoning Ordinance. Screening is provided for in the plan and conditions can be established to provide for its maintenance. A condition can be established to ensure the use complies with Minnesota Noise Standards.
3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*
The proposed structures are of a typical design for utility buildings and in character with the rural environment.
4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

The proposed essential services facility is consistent with the intentions of Chapter 16 of the Zoning Ordinance.

5. *The use is not in conflict with the Comprehensive Plan.*

The Credit River Comprehensive Plan allows for the Essential Services use.

6. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.*

Access will be via 196th Street E. The site will be able to accommodate parking on-site.

7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*

No water and sewer are needed for the facility. The septic sites on the property will not be disturbed by this proposal.

8. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

Permits as required will be secured for the construction of the buildings.

NOW, THEREFORE, BE IT RESOLVED the Conditional Use Permit is approved subject to the following conditions:

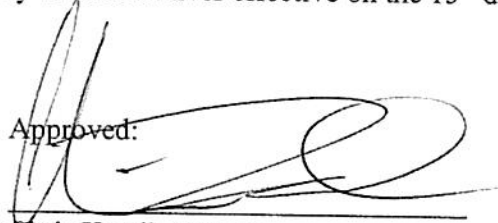
1. Development of the site shall be in substantial conformance with the plans prepared by Northern Natural Gas dated August 11, 2022 and included as Exhibit B attached hereto. Prior to installation, the proposed tree species to be installed shall be submitted to the City Planner for staff review and approval.
2. The CUP shall be regulated in accordance with the Credit River Zoning Ordinance, the standards for Essential Services facilities in the Zoning Ordinance, the application narrative, the August 11, 2022 site plan, and the conditions within this resolution.
3. Parking for maintenance and other vehicles shall be provided on-site. No parking shall be allowed on any public road unless permission is granted by the City.
4. The landscaping on the Subject Property shall be installed and maintained as shown in the August 11, 2022 site plan. In the event that the plantings do not thrive, Northern Natural Gas or their successor shall replace the plantings within 3 months of written notice by the City, unless said written notice is provided between August 15th and March 30th in which case the plantings shall be replaced by the following June 30th.
5. The Subject Property shall remain in compliance with the Minnesota Noise Pollution Control Rules (Minnesota Administrative Rules Section 7030) at all times.
6. The Applicant shall have a noise study prepared to document both ambient and post-construction operational noise conditions (before and after) under both the daytime and nighttime standards of the Minnesota Noise Pollution Control Rules (Minnesota Administrative Rules Section 7030). The post-construction operational portion of the study shall be conducted in the first summer that the site is operational. The noise study

shall be submitted to the City within 30 days of the completion of the study, but no later than September 30th of the year the site is first operational.


7. Following the commencement of operation, if the City Council in its sole discretion determines that there are noises created from within a building or from an exterior noise source that are audible from 196th Street above acceptable levels, the Applicant shall install insulation or other mitigative measures to reduce the noise to an acceptable level from 196th Street. The mitigative measures shall be installed within 6 months of written notice from the City.
8. A second driveway has been approved for the parcel on which the Subject Property is located. The driveway shall not exceed 28 feet wide, and shall be constructed in accordance with Credit River standards.
9. The buildings shall be clad in a faux brick or other finish not later than September 1, 2023, unless otherwise agreed to in writing by the Council. Prior to installation, the proposed siding materials shall be submitted to the City for review and approval by the City Planner and Mayor.
10. The Applicant shall pay all fees owed to the City for the review and processing of this application prior to the issuance of any permits, or alternatively establish additional escrow with the City.

Adopted and approved by the City Council of the City of Credit River effective on the 15th day of August, 2022.

Approved:


Chris Kostik, Mayor

Attested:


Karen Donovan, City Clerk

C:\Users\cnash\Dropbox\Credit River\Developments\CUP\NNG\Resolution CUP NNG d4.doc

EXHIBIT A

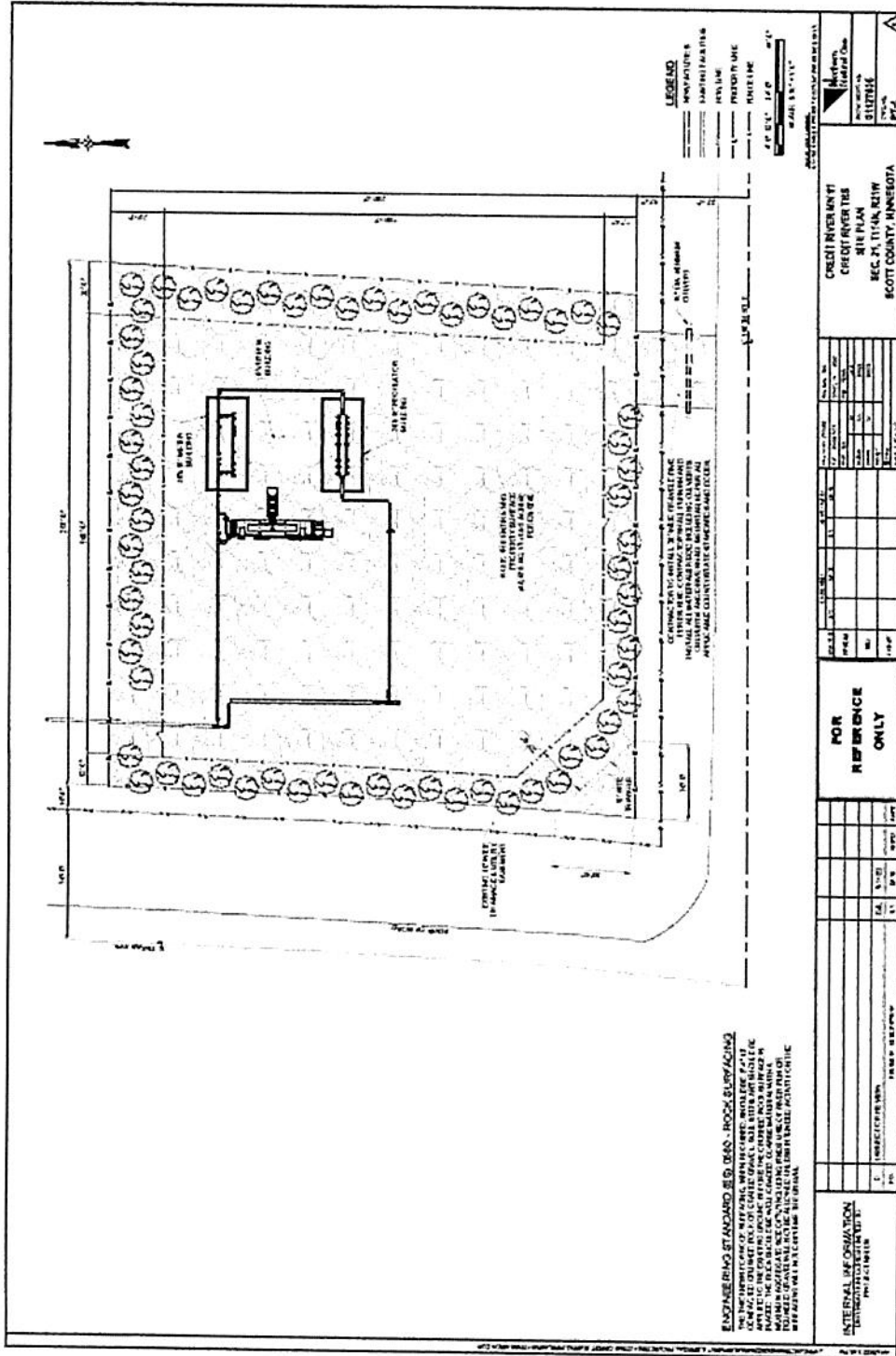
Legal Description

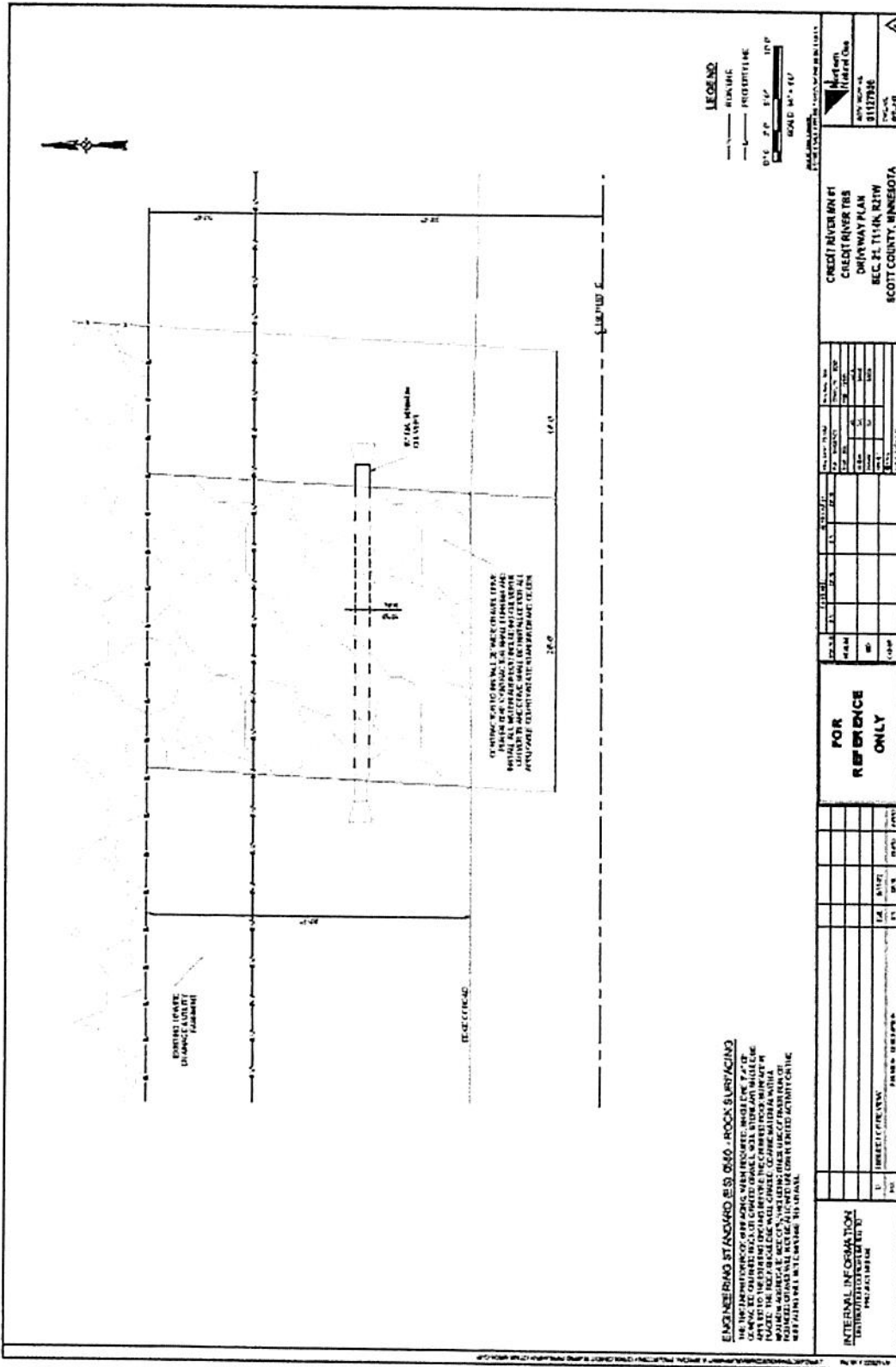
A perpetual easement for pipeline facility purposes over, under and across that part of Lot 5, Block 1, EMERALD HEIGHTS FIRST ADDITION, Scott County, Minnesota, described as follows:

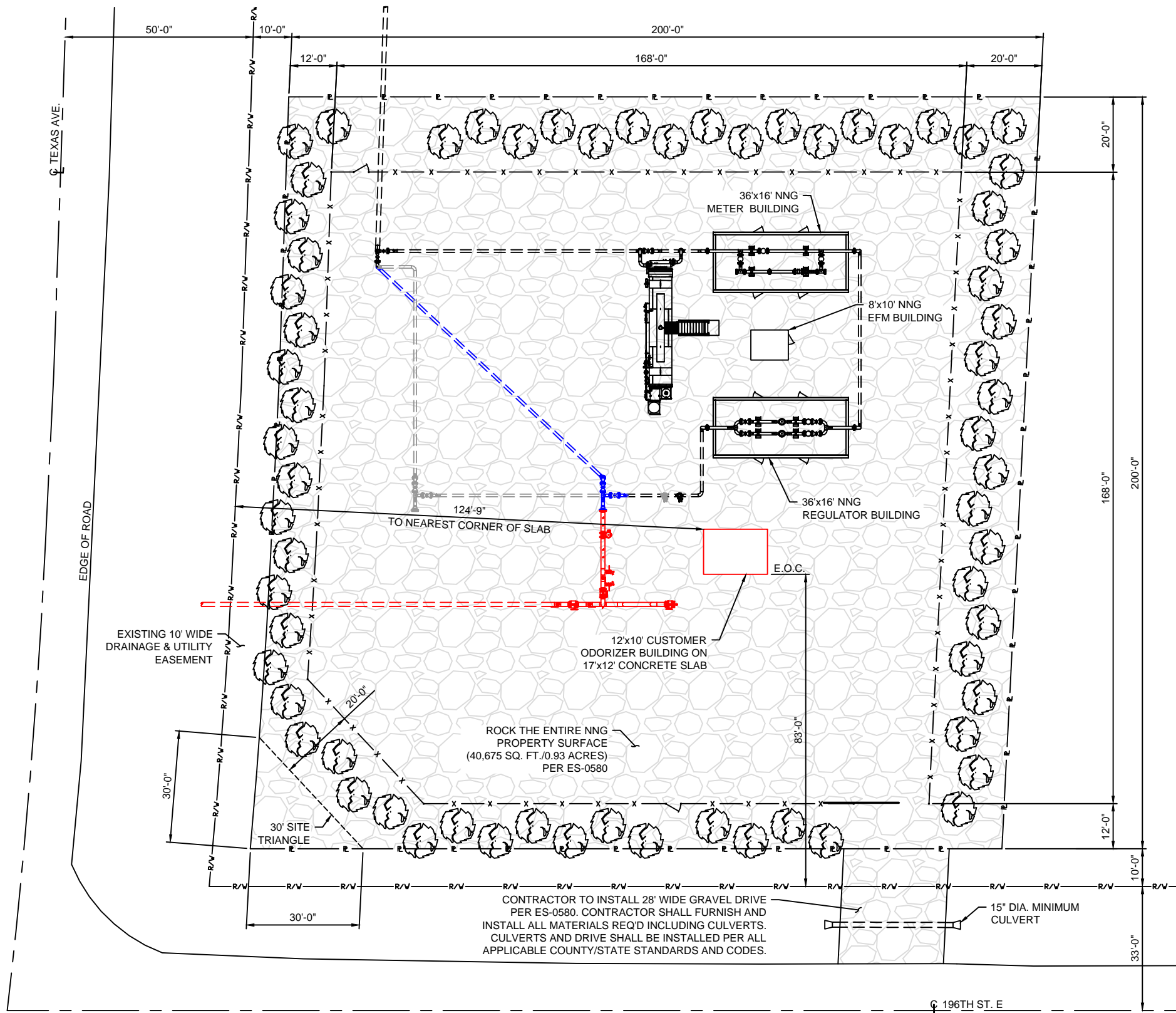
Commencing at the southwest corner of said Lot 5; thence North 88 degrees 43 minutes 44 seconds East, assumed bearing, along the south line of said Lot 5, also being the northerly right-of-way line of 196th Street East, a distance of 10.96 feet; thence North 01 degree 16 minutes 16 seconds West, a distance of 10.00 feet to the north line of an existing drainage and utility easement per said plat of EMERALD HEIGHTS FIRST ADDITION and the point of beginning of said easement to be described; thence northerly a distance of 78.82 feet, along a non-tangential curve, also being the east line of an existing drainage and utility easement per said plat of EMERALD HEIGHTS FIRST ADDITION, concave to the west, having a radius of 1991.01 feet, a central angle of 02 degrees 16 minutes 05 seconds, and a chord that bears North 02 degrees 40 minutes 15 seconds East; thence North 01 degree 32 minutes 12 seconds East, along said east line, tangent to said curve, a distance of 45.07 feet; thence North 00 degrees 40 minutes 18 seconds East, along said east line, a distance of 76.11 feet; thence North 88 degrees 43 minutes 13 seconds East, a distance of 200.00 feet; thence South 01 degree 39 minutes 14 seconds West, a distance of 200.00 feet to said north line of an existing drainage and utility easement per said plat of EMERALD HEIGHTS FIRST ADDITION; thence South 88 degrees 43 minutes 44 seconds West, along said north line, a distance of 200.00 feet to the point of beginning.

EXHIBIT B

Site Plans







LEGEND

- REVISED NNG
- ADDED CUSTOMER
- ORIGINAL UN-CHANGED
- ORIGINAL REMOVED
- ROW LINE
- PROPERTY LINE
- x FENCE LINE

4'-0" 12'-0" 24'-0" 44'-0"

SCALE: 1/16" = 1'-0"

ENGINEERING STANDARD (ES) 0580 - ROCK SURFACING

THE THICKNESS FOR ROCK SURFACING, WHEN REQUIRED, SHOULD BE 3"-4" OF COMPACTED CRUSHED ROCK OR GRADED GRAVEL. SOUL STERILANT SHOULD BE APPLIED TO THE EXISTING GROUND BEFORE THE CRUSHED ROCK SURFACE IS PLACED. THE ROCK SHOULD BE WELL-GRADED, COARSE MATERIAL WITH A MAXIMUM AGGREGATE SIZE OF 3/4" INCLUDING FINES. USE OF RIVER RUN OR ROUNDED GRAVEL WILL NOT BE ALLOWED UNLESS INTENDED ACTIVITY ON THE SURFACING WILL NOT DISPERSE THE GRAVEL.

SCALE DISCLAIMER:
NOTED SCALE APPLIES TO 22"x34" PAPER SIZE ONLY

9/9/2022 1:35 AM J:\PROJECTS\NNG\2022\MEASUREMENT & SPECIAL PROJECTS\01127806 CREDIT RIVER\2-PIPELINE\01127806 MECH CUP

INTERNAL INFORMATION
DISTRIBUTION/COPIES LIMITED TO PROJECT NEEDS

NO.	REVISION - DESCRIPTION	BY	DATE	CHK'D	APP'D
1	REVISED FOR REVIEW	DJL	9/9/22		
0	ISSUED FOR REVIEW	DJL	8/11/22		

**FOR
REFERENCE
ONLY**

STATUS	CHECKED		APPROVED	
	BY	DATE	BY	DATE
PRELIM				
BID				
CONST.				

FAC. CODE: 751063	REL. W.O. N/A
PL# MNB97401	CONST. YR 2022
STA# N/A	POI# 79365
DESIGN	BY DATE
DRAWN	DJL 8/8/22
ASBULT	DJL 8/8/22
FILE NO.:	
SCALE: 1/16" = 1'-0"	

**CREDIT RIVER MN #1
CREDIT RIVER TBS
SITE PLAN
SEC. 21, T114N, R21W
SCOTT COUNTY, MINNESOTA**

**Northern
Natural Gas**

WORK ORDER NO.
01127806

DWG. NO.
P7-1

GENERAL CONSTRUCTION NOTES:

- Reference Standards: Unless noted otherwise, all standards shall be current edition, with latest addenda, if applicable.
- Contractor shall verify all existing dimensions, member sizes, and field conditions prior to any demolition, fabrication, construction, or installation and notify Structural Engineer of Record if conditions, materials, sizes, and dimensions are different from those shown.
- The contract structural drawings and specifications represent the finished structure. Unless otherwise indicated, they do not indicate the means or method of construction. The contractor is solely responsible for the protection of the structure during all phases of demolition, construction, and installation.
- The finished structure has been designed for the loading indicated below. It is the responsibility of the contractor(s) and their specialty Engineer(s) to review and use means and methods to adequately address loading on the structure during construction including, but not limited to, wind, snow, seismic, underpinning, material storage, and equipment.
- Cross reference all dimensions and details with architectural and mechanical drawings before commencing any fabrication and/or construction.
- Details and conditions not specifically shown shall be constructed in accordance with details shown for similar conditions and materials.
- Shop drawings prepared by suppliers, sub-contractors, etc. shall be reviewed, coordinated, and signed/stamped by the contractor prior to submitting to the Structural Engineer of Record. The Structural Engineer of Record's review of shop drawings, product data, design calculations, etc., does not relieve the contractor from complying with the contract documents.
- Verify location of all box outs and openings. Opening sizes and locations shown for pipes, ducts, mechanical units, etc. are for general information only and shall be verified with all trades before commencing the work.
- No structural repairs, corrections, or alterations of work affecting a structural member shall be made without the approval of the Structural Engineer of Record. Design and/or review may be an additional service.
- Do not scale the drawings.

DESIGN CRITERIA LOADS AND STRESSES:

CODES:

- 2020 Minnesota State Building Code
- International Building Code (2018)
- Minimum Design Loads for Buildings and Other Structures (ASCE 7-16).

DESIGN LOADS:

WIND DESIGN CRITERIA	
Ultimate Design Wind Speed (3-sec gust), V_{ult}	121 MPH
Nominal Design Wind Speed (3-sec gust), V_{nom}	100 MPH
Risk Category	III
Wind Exposure	"C"
Internal Pressure Coefficients	$GC_{pi} = +/- 0.18$

ROOF SNOW LOAD DATA*	
Ground Snow Load, P_g	50 PSF
Snow Exposure Factor, C_e	1.0
Snow Load Importance Factor, I	1.2
Thermal Factor, C_t	Heated $C_t = 1.0$ Unheated $C_t = 1.2$
Slope Factor, C_s	---
Flat Roof Snow Load, P_f	Unheated $P_f = 50$ PSF + drifting

*See Plan for Unbalanced Snow Loads & Snow Drift Loads

ROOF RAIN LOAD DATA	
Rain Intensity, i (in/hr)	$i = 7.0$

CONCRETE: (f'c) at 28 Days

4500 PSI Piers, foundation walls, and exterior slabs, 5%-7% air content

All exterior concrete work shall have 5% to 7% air entrainment.

STEEL: (Fy)

60,000 PSI ASTM A615 grade 60 reinforcing

FOUNDATION LOADS:

1,500 PSF soil bearing, assumed. Verify by Geotech.

TEMPORARY BRACING:

- Provide temporary bracing for all walls, concrete, masonry, light gage metal, or wood until they are of adequate design strength and are properly anchored in final form.
- Contractor shall provide adequate bracing and shoring during all phases of construction and erection of the structure.

GENERAL FOUNDATION NOTES:

- All foundation excavations, backfill, and compaction shall be inspected and certified by a qualified soils testing firm prior to the construction of any footings. All reports are to be submitted to Structural Engineer of Record in a timely manner.

GENERAL CONCRETE NOTES:

- Concrete construction shall comply with the provisions of the "Building Code Requirements for Structural Concrete," ACI 318-14.
- The "ACI Detailing Manual" shall govern detailing and fabrication of all reinforcing steel, unless noted otherwise.
- Reinforcing steel supplier to provide all accessories, chairs, spacing bars, and supports necessary to secure steel in accordance with "Manual of Standard Practice" by the Concrete Reinforcing Steel Institute. Clay brick is not allowed.
- Provide minimum clear concrete cover for all reinforcement as follows:

Cast against and permanently exposed to earth = 3"

Exposed to earth or weather:
#5 bars and smaller = 1 1/2"
#6 bars and larger = 2"

Not exposed to weather or in contact with ground:
Slabs, walls, & joists (#3 to #11 bars) = 3/4"
Beams, girders and columns, primary reinforcement, ties, stirrups, or spirals = 1 1/2"
- Provide corner bars at all corners and intersections of walls, grade beams, and edge beams. Corner bar to be the same size and spacing as all horizontal bars.
- At openings in slabs or walls, provide a minimum of (2)-#6 bars each side of opening. Bars are to extend a minimum of 3'-0" beyond corners of openings, unless noted otherwise. Provide (1)-#5 x 4'-0" long diagonal bar at each corner of opening in each face of wall or slab.
- No aluminum of any type shall be allowed in the concrete work, unless coated to prevent reaction with concrete.
- Maximum outside diameter of embedded conduit shall be no larger than 1/3 of the slab thickness. This restriction applies to the total height at conduit crossings. The conduit shall be placed such that it does not significantly impair the strength of construction.
- Post-installed anchors in concrete shall be ICC approved for use in cracked concrete. Approved anchors shall be Hilti Kwik HUS-EZ or a Hilti HIT-HY 200 Adhesive Anchoring System (ESR-3187), unless noted otherwise. Install anchors in strict conformance with anchor manufacturer's instructions. Anchor substitutions shall not be made without written permission from the Structural Engineer of Record.

COLD FORMED METAL FRAMING NOTES:

- All cold formed metal framing shall conform to the AISI specification for the design of Cold Formed Structural Metals (AISI S100).
- All welds shall comply with the requirements of the North American Specification for the Design of Cold-Formed Steel Structural Members (AISI S100) and the Structural Welding Code - Sheet Steel (AWS D1.3).
- All steel studs, joists, and accessories shall be ASTM A653/A653M, Grade 33 (Fy = 33 KSI) or Grade 50 (Fy = 50 KSI), either as indicated on plans, details, or required by design.
- All steel stud and joist fasteners shall be TEK screws, manufactured by ITW Buildex, or approved equal.
- Studs shall have full bearing against inside track web, prior to stud and track attachment.
- Splices in axially loaded studs shall not be permitted.
- Framing components may be preassembled into panels prior to erecting. Prefabricated panels shall be square, with components attached in a manner as to prevent racking.
- All framing components shall be cut square for attachment to perpendicular members. Members shall be held positively in place until properly fastened.
- Erect framing and panels plumb, level, and square in accordance with the shop drawings.
- Handling and lifting of prefabricated panels shall be done in a manner as to not cause distortion in any member.
- Track shall be securely anchored to the supporting structure as shown on the fabrication and erection drawings.
- At track butt joints, abutting pieces of track shall be securely anchored to a common structural element, or they shall be butt-welded or spliced together.
- Studs shall be plumbed, aligned, and securely attached to the flange or webs of both upper and lower tracks.
- Jack studs or cripples shall be installed below window sills, above window and door heads, and shall be securely attached to supporting members.
- Wall stud bridging shall be attached in a manner to prevent stud rotation. The minimum bridging shall be 5'-0" o.c. for wind loaded walls and 3'-4" o.c. for axial loaded walls.
- Cutouts, holes, or notches are not permitted in cold-formed steel roof and floor joists, headers, or beams, without prior written approval of the Structural Engineer of Record.

STRUCTURAL WOOD NOTES:

- Provide structural wood roof decking and wall sheathing as per drawings and specifications. Each panel shall be identified with the grade trademark of the American Plywood Association and shall meet the requirements of product standard (PS-1). Application and nailing of plywood panel shall be in accordance with the recommendations of the American Plywood Association, unless requirements noted on these contract documents are more stringent.
- Structural wood panels shall be orientated with face grain perpendicular to support.
- Provide 15/32" min plywood/osb wall sheathing at all exterior walls. Attach at edges of panel with screws @ 6" o.c. and to intermediate supports @ 12" o.c..

STATEMENT OF SPECIAL INSPECTION:

Special Inspections and Testing requirements per Chapter 17 of the IBC in addition to Section 110 of the IBC (Inspection performed by the Building Official). See Specs. for additional information.

Structural Testing & Special Inspection Program Summary Schedule			
IBC Section	Material	Type of Inspector	Report Frequency
1705.3	Concrete	SI-S	Weekly
1705.6	Soils/Earthwork	SI-T	Upon Completion

SI-S Special Inspector-Structural
SI-T=Special Inspector-Technical

1703.1 - APPROVALS

- Agency must be approved by the Building Official or AHJ.
- Agency must be independent of the contractor responsible for work and disclose possible conflicts of interests.

1704.2.4 - SPECIAL INSPECTOR RESPONSIBILITIES:

- Submit inspection reports to the Building Official, Architect, Engineer of Record (EOR), and Contractor, stating the work was or was not in conformance with construction documents.
- Discrepancies shall be brought to the immediate attention of the contractor for correction.
- If discrepancy is not corrected, it shall be brought to the attention of the building official and EOR in a timely manner to provide remediation or acceptance prior to the completion of work.
- Submit a final report documenting required special inspections and correction of any discrepancies noted.

TABLE 1705.6 REQUIRED VERIFICATION AND INSPECTION SOILS		
Verification and Inspection Task	Continuous During Task Listed	Periodically During Task Listed
1. Verify materials below footings are adequate to achieve the design bearing capacity.	---	X
5. Prior to placement of compacted fill, observe subgrade and verify that site has been prepared properly.	---	X

TABLE 1705.3 REQUIRED VERIFICATION AND INSPECTION OF CONCRETE CONSTRUCTION				
Verification and Inspection	Continuous	Periodic	Referenced Standard (a)	IBC Reference
4. Inspection of anchors post-installed in hardened concrete members (b).	---	X	ACI 318: 3.8.6, 8.1.3, 21.2.8	1909.1
5. Verifying use of required design mix.	---	X	ACI 318: Ch. 4, 5.2 - 5.4	1904.2, 1910.2, 1910.3
6. At the time fresh concrete is sampled to fabricate specimens for strength tests, perform slump and air content tests, and determine the temperature of the concrete.	X	---	ASTM C 172, ASTM C 31, ACI 318: 5.6, 5.8	1910.10
7. Inspection of concrete and shotcrete placement for proper application techniques.	X	---	ACI 318: 5.9, 5.10	1910.6, 1910.7, 1910.8
8. Inspection for maintenance of specified curing temperature and techniques.	---	X	ACI 318: 5.11 - 5.13	1910.9

SHEAR WALLS			
Verification and Inspection	Continuous	Periodic	IBC Reference
Verify holdown locations, manufacturer and type, anchor diameter and embedment depth.	---	X	---
Verify end jamb post size and location	---	X	---
Verify strap tie locations, manufacturer and type, fastener size and quantities	---	X	---

STRUCTURAL SHEET INDEX	
SHEET NUMBER	SHEET NAME
S0.0	GENERAL NOTES AND INSPECTION SCHEDULES
S1.0	PLANS AND SECTIONS
S2.0	SECTIONS
GRAND TOTAL: 3	

CPE ODORIZER BUILDING

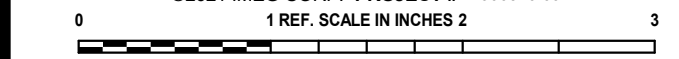
BLAINE TBS,
MONTGOMERY TBS,
NEW PRAGUE TBS,
JORDAN TBS



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PROFESSIONAL SEAL

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of MINNESOTA

Signed: *Timothy G. LaBissoniere*

Name: Timothy G. LaBissoniere
License No.: 21387
Date: 02/09/2022



Construction Results Corporation

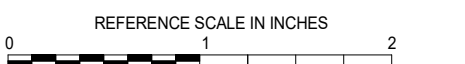
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Plymouth, MN 55442
763-559-1100
ConstructionResults.com

AGENCY APPROVAL

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REVISIONS

No. Date Revision / Issue

SHEET INFORMATION

Issue: CONSTRUCTION DOCUMENTS
Date: 02-09-2022
Job Number: 22000310.00
Drawn: EH
Checked: TGL
Approved: TGL

SHEET TITLE

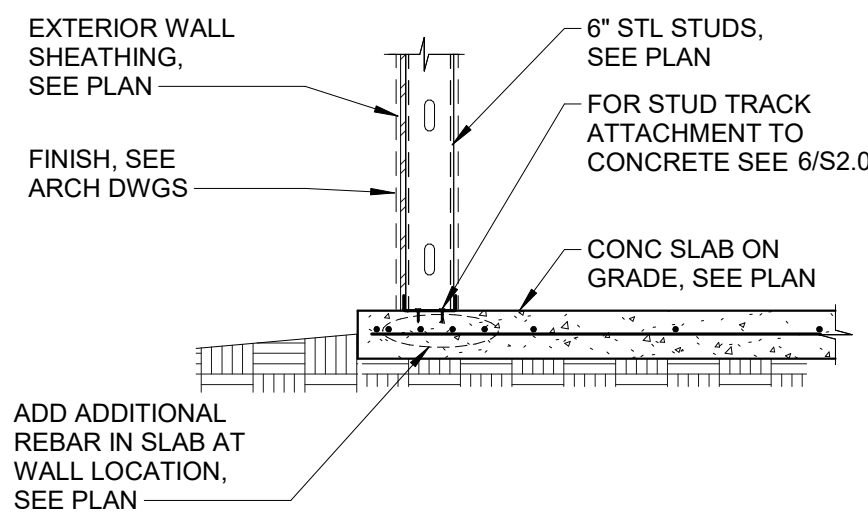
GENERAL NOTES AND INSPECTION SCHEDULES

SCALE

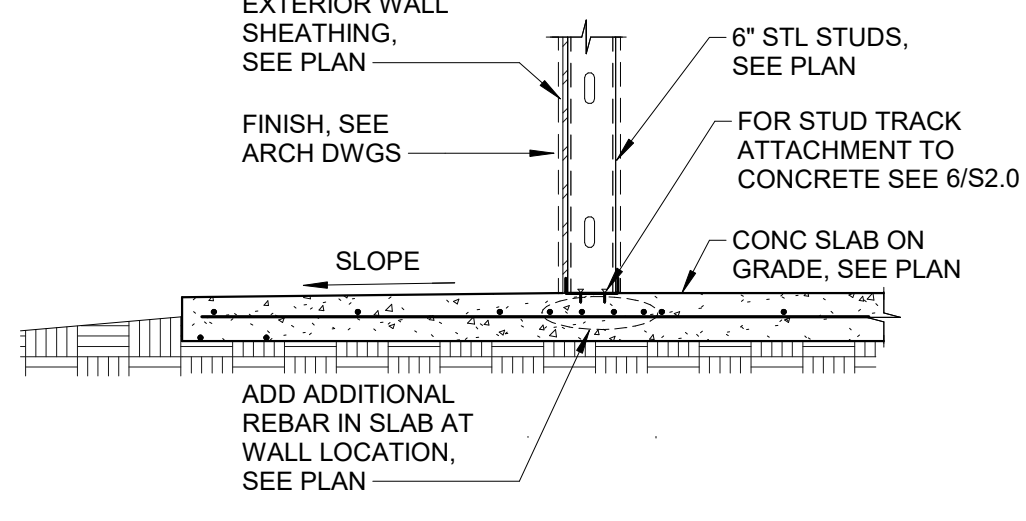
Scale:

SHEET NUMBER

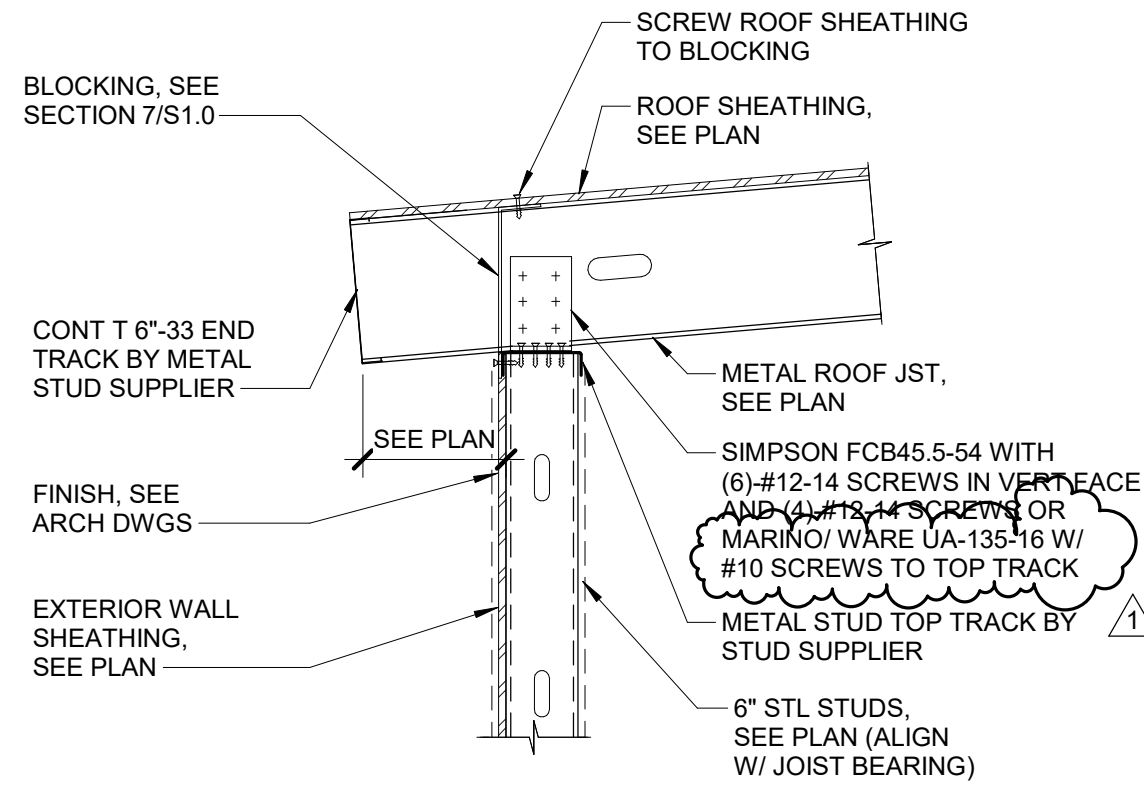
S0.0



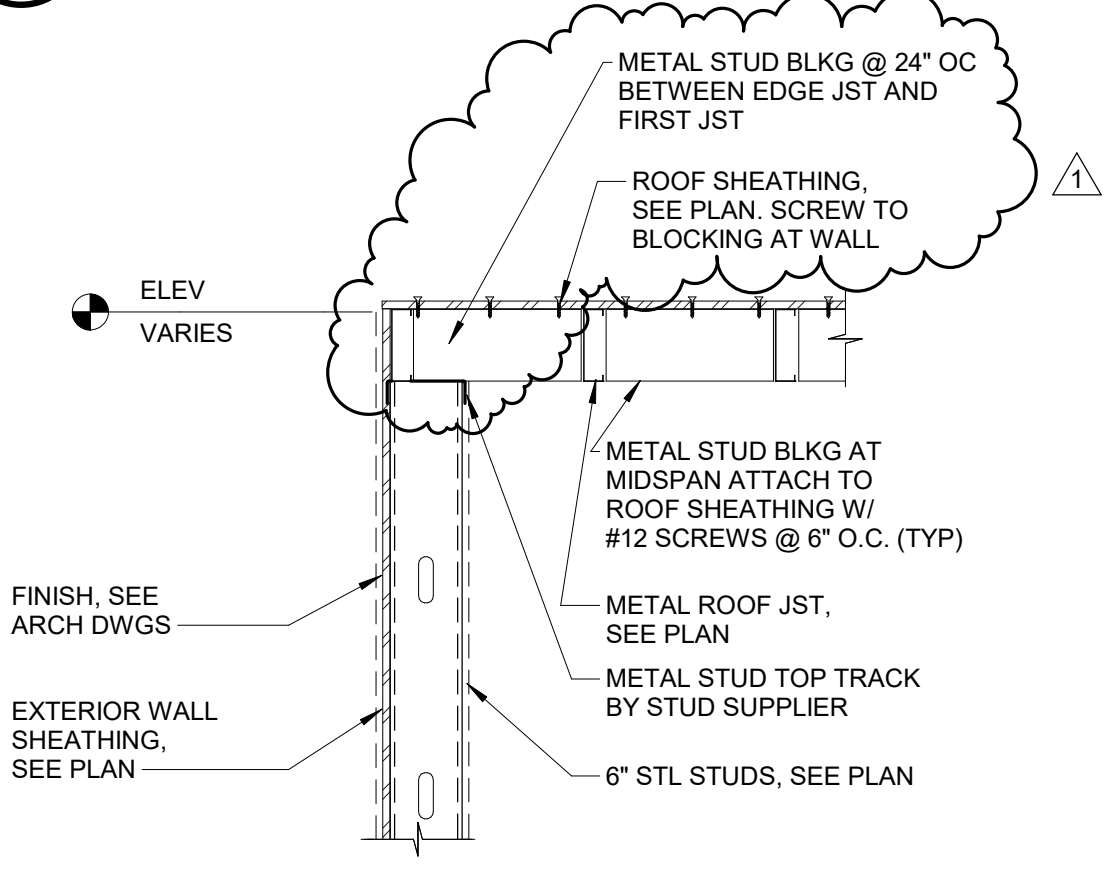
3 SECTION
1/2" = 1'-0"



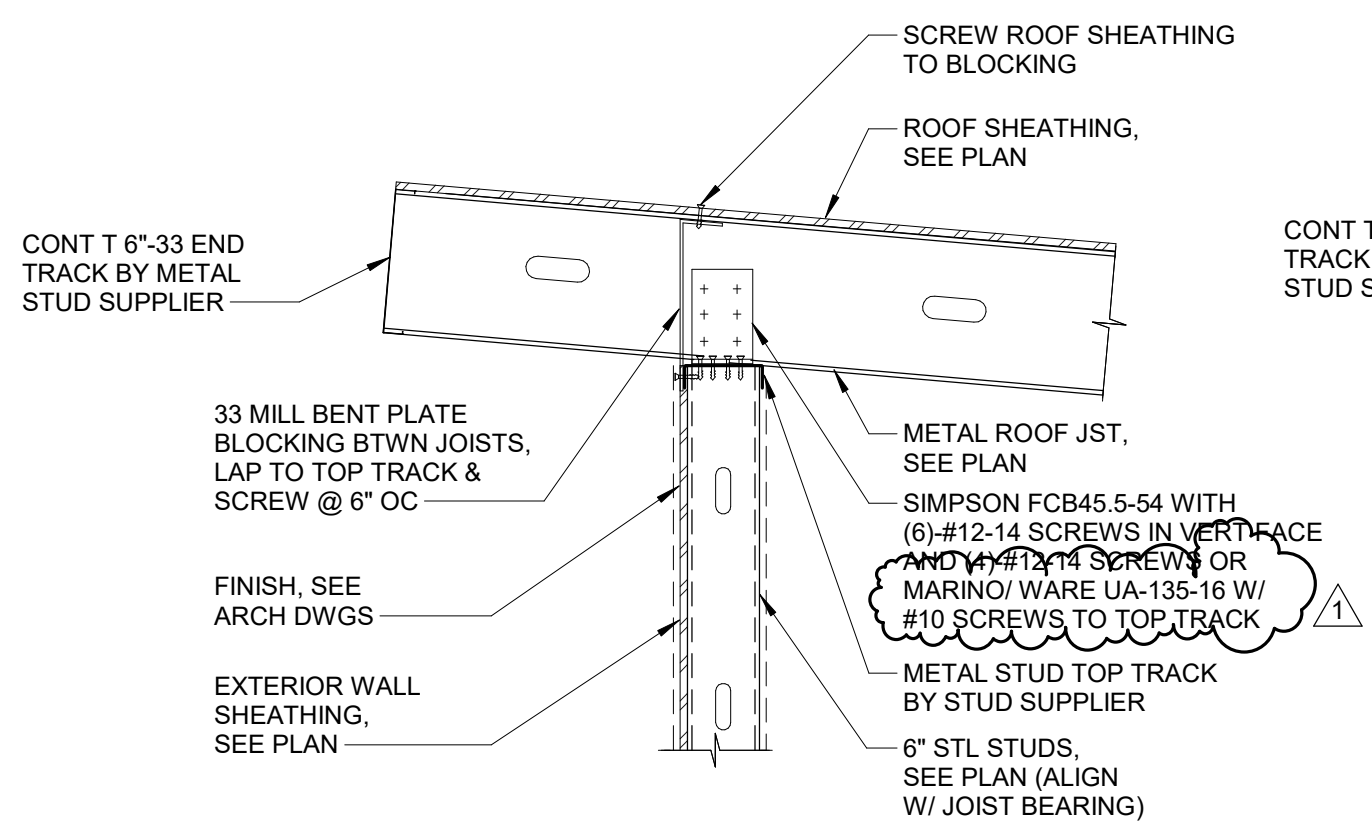
4 SECTION
1/2" = 1'-0"



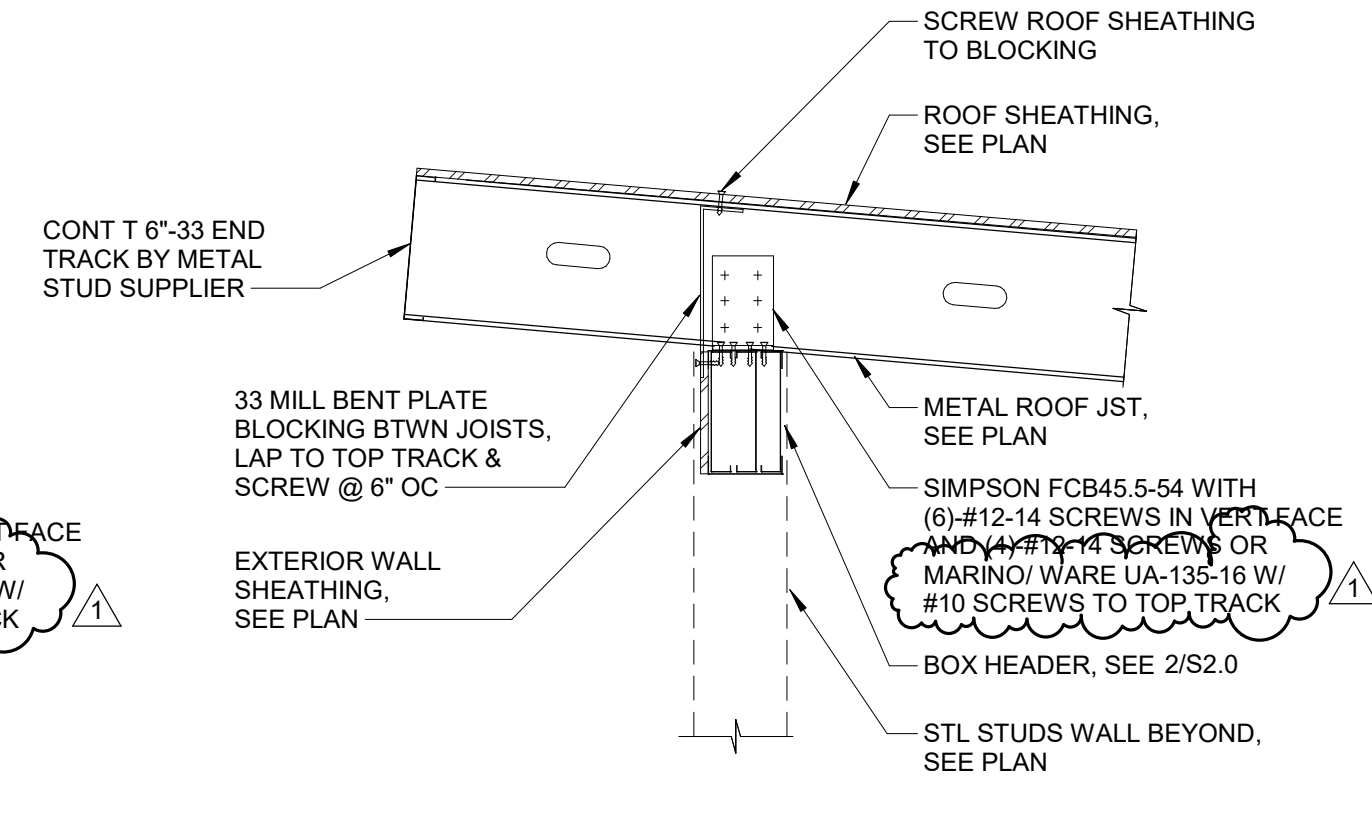
5 SECTION
3/4" = 1'-0"



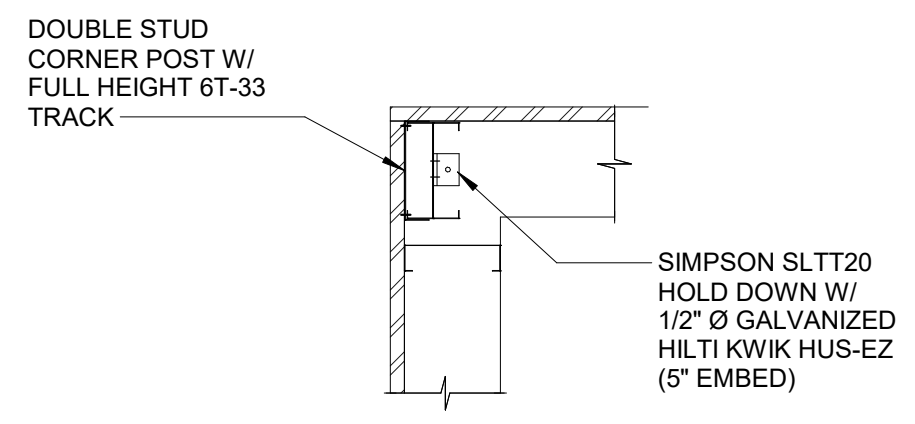
6 SECTION
3/4" = 1'-0"



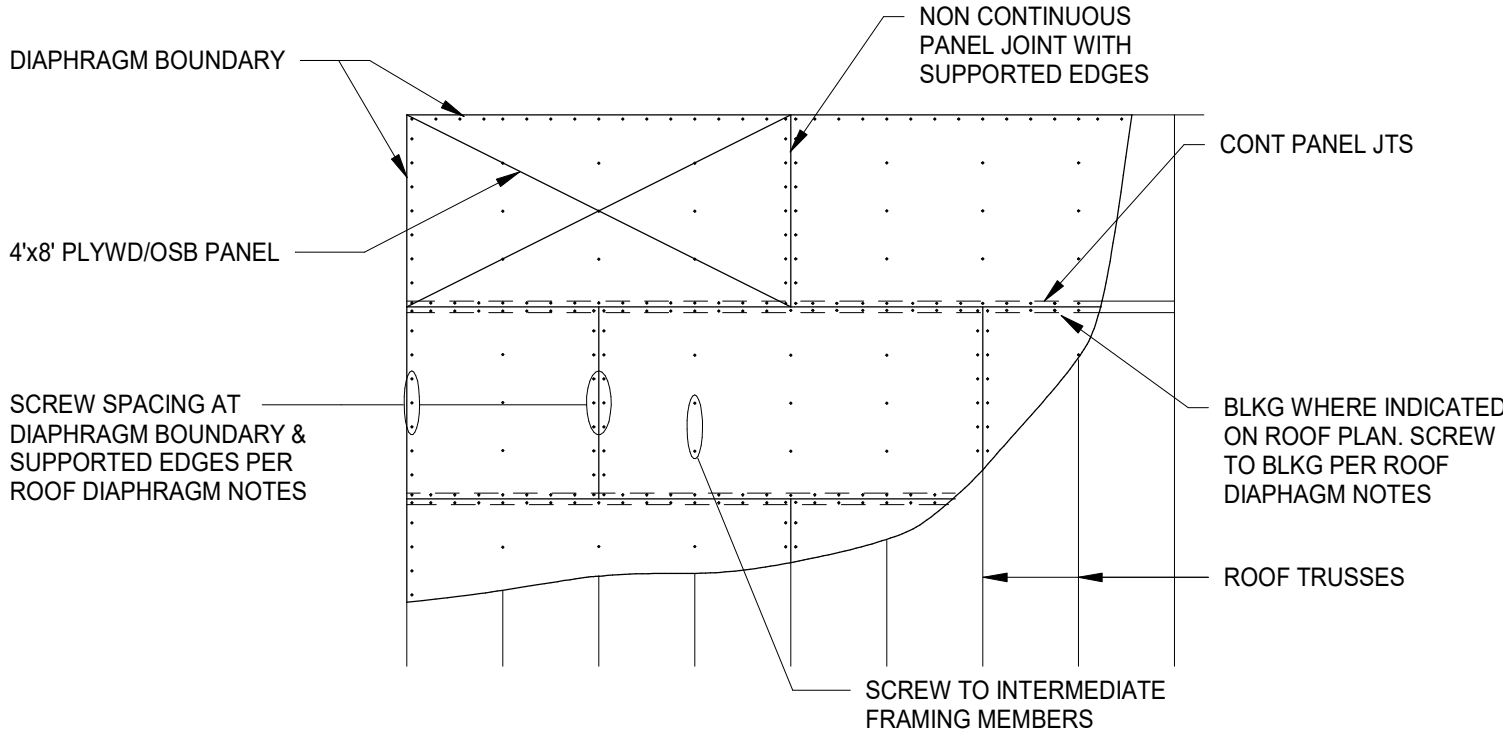
7 SECTION
3/4" = 1'-0"



8 SECTION
3/4" = 1'-0"

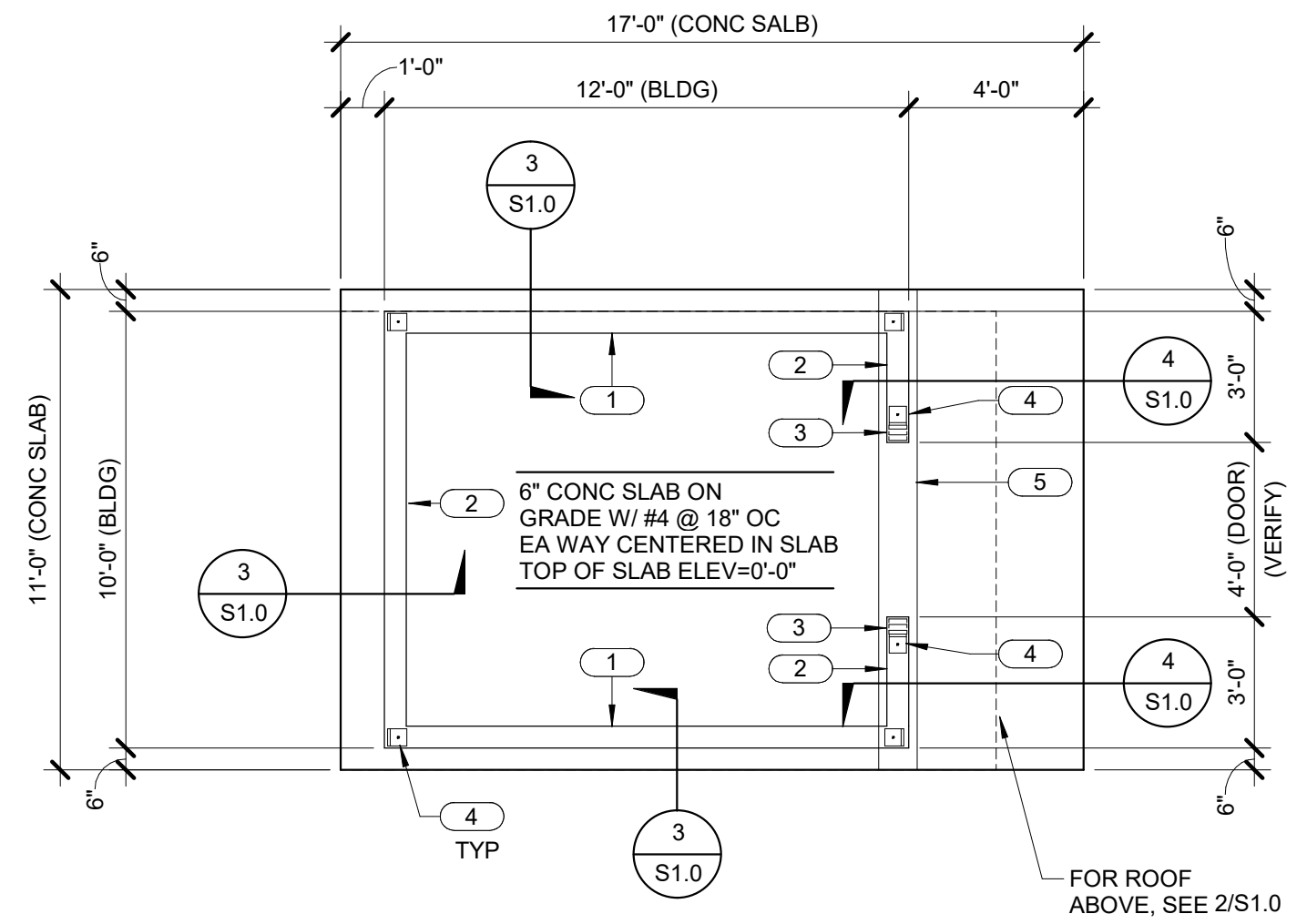


9 DETAIL
1" = 1'-0"



10 ROOF DIAPHRAGM PLAN
NOT TO SCALE

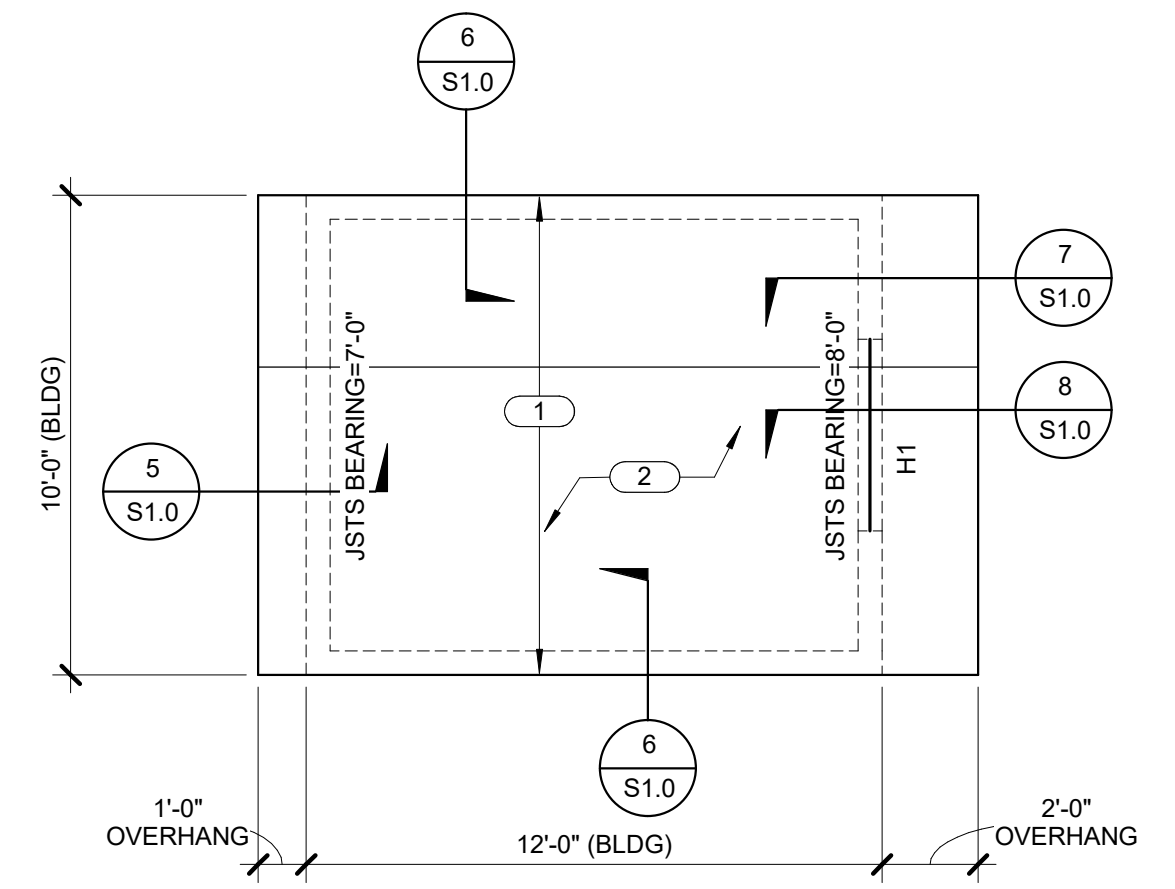
- PLYWOOD / OSB ROOF DIAPHRAGM NOTES:**
- SEE PARTIAL ROOF PLAN FOR EXPLANATION
 - 1. PLYWOOD / OSB ROOF DECK SHALL BE 19/32" APA SPAN RATED 40/20 W/ EXTERIOR GRADE GLUE.
 - 2. FOR UNBLOCKED DIAPHRAGMS SHOWN ON ROOF PLAN, PLYWOOD / OSB ROOF DECK SHALL BE ATTACHED TO SUPPORTS AS INDICATED BELOW:
 - A. PANEL SUPPORTED EDGES: #12 SCREWS @ 6" OC
 - B. DIAPHRAGM BOUNDARY: #12 SCREWS @ 6" OC
 - C. INTERMEDIATE SUPPORTS: #12 SCREWS @ 12" OC
 - 3. ORIENT CONT PANEL JOINTS PERPENDICULAR TO ROOF TRUSSES. STAGGER JOINTS IN DIRECTION PARALLEL TO SUPPORTS.
 - 4. INSTALL SHEATHING PER APA RECOMMENDATIONS.



1 FOUNDATION PLAN
1/4" = 1'-0"

- GENERAL PLAN NOTES: FOUNDATION**
1. VERIFY ALL DIMENSIONS W/ ARCH DRAWINGS.
 2. DO NOT SCALE DRAWINGS.
- KEY PLAN NOTES: FOUNDATION**
- 1 COLD FORMED 600S162-33 @ 16" OC
 - 2 COLD FORMED 600S162-33 @ 16" OC ALIGN WITH JOIST BEARING
 - 3 FOR JAMB POST, SEE 2/S2.0
 - 4 HOLDOWN, POST-INSTALL BOLT TO CONC SLAB, SEE 9/S1.0
 - 5 ADD (4)#4 CONT @ 4" OC IN SLAB BENEATH THE WALLS (ALL SIDES), SEE SECTIONS 3/S1.0 & 4/S1.0

VERIFY OWNER IS AWARE OF AND ACCEPTS THE FOUNDATIONS ARE NOT INSTALLED TO FROST DEPTH AND SOME MOVEMENT MAY OCCUR.



2 ROOF FRAMING PLAN
1/4" = 1'-0"

- GENERAL PLAN NOTES: FOUNDATION**
1. VERIFY ALL DIMENSIONS W/ ARCH DRAWINGS.
 2. DO NOT SCALE DRAWINGS.
 3. FOR HEADER SCHEDULE SEE SHEET S2.0
- KEY PLAN NOTES: FOUNDATION**
- 1 600S162-54 COLD FORMED STEEL JOIST @ 16" OC MAX SPACING. PROVIDE SOLID BLOCKING AT 4'-0" OC
 - 2 PLYWOOD / OSB ROOF SHEATHING, SEE 10/S1.0

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MONTGOMERY TBS,
NEW PRAGUE TBS,
JORDAN TBS



12755 HIGHWAY 55
SUITE 100
MINNEAPOLIS, MN 55441

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FAX: 763.541.0056
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of MINNESOTA

Signed: *Timothy G. LaBissoniere*
Name: Timothy G. LaBissoniere
License No.: 21387
Date: 02/09/2022

CONSULTANT

Construction Results Corporation
Trusted Commercial & Industrial General Contractor

5465 Hwy 169 North
Plymouth, MN 55442
763-559-1100
ConstructionResults.com

AGENCY APPROVAL

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No.	Date	Revision / Issue
1	03-01-2022	REVISION #1

Issue	Date	Job Number	Drawn	Checked	Approved
CONSTRUCTION DOCUMENTS	02-09-2022	22000310.00	EH	TGL	TGL

PLANS AND SECTIONS

SHEET NUMBER
S1.0

MILS TO GAUGE CONVERSION CHART	
MILS	GAUGE
33	20
43	18
54	16
68	14
97	12

FASTENER NOTES:
ALL P.A.F.'S ATTACHED TO CONCRETE ARE TO BE HITI X-U TYPICAL THRU-OUT
ALL SCREWS ARE TO BE ITW BUILDEX TEKS OR EQUAL TYPICAL THRU-OUT

WELD THICKNESS	
STEEL STUD THICKNESS IN MILS	WELD THICKNESS (t)
33	NO WELDING
43	1/8"
54	1/8"
68	1/8"
97	5/32"

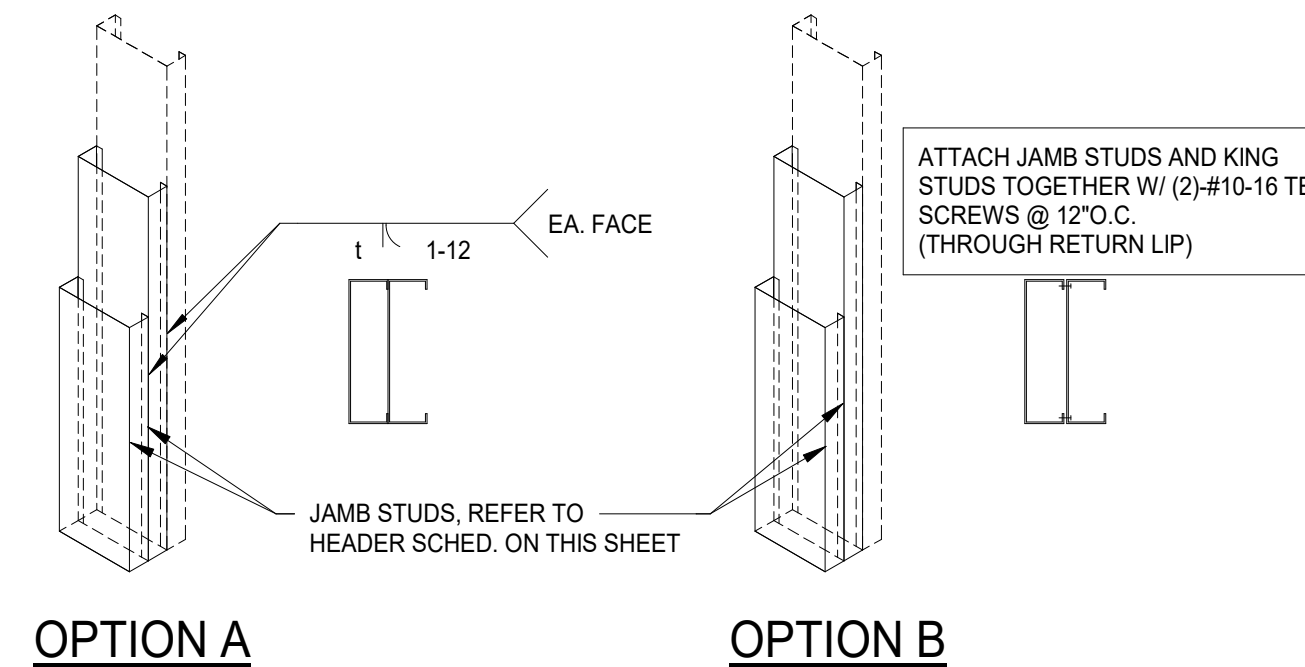
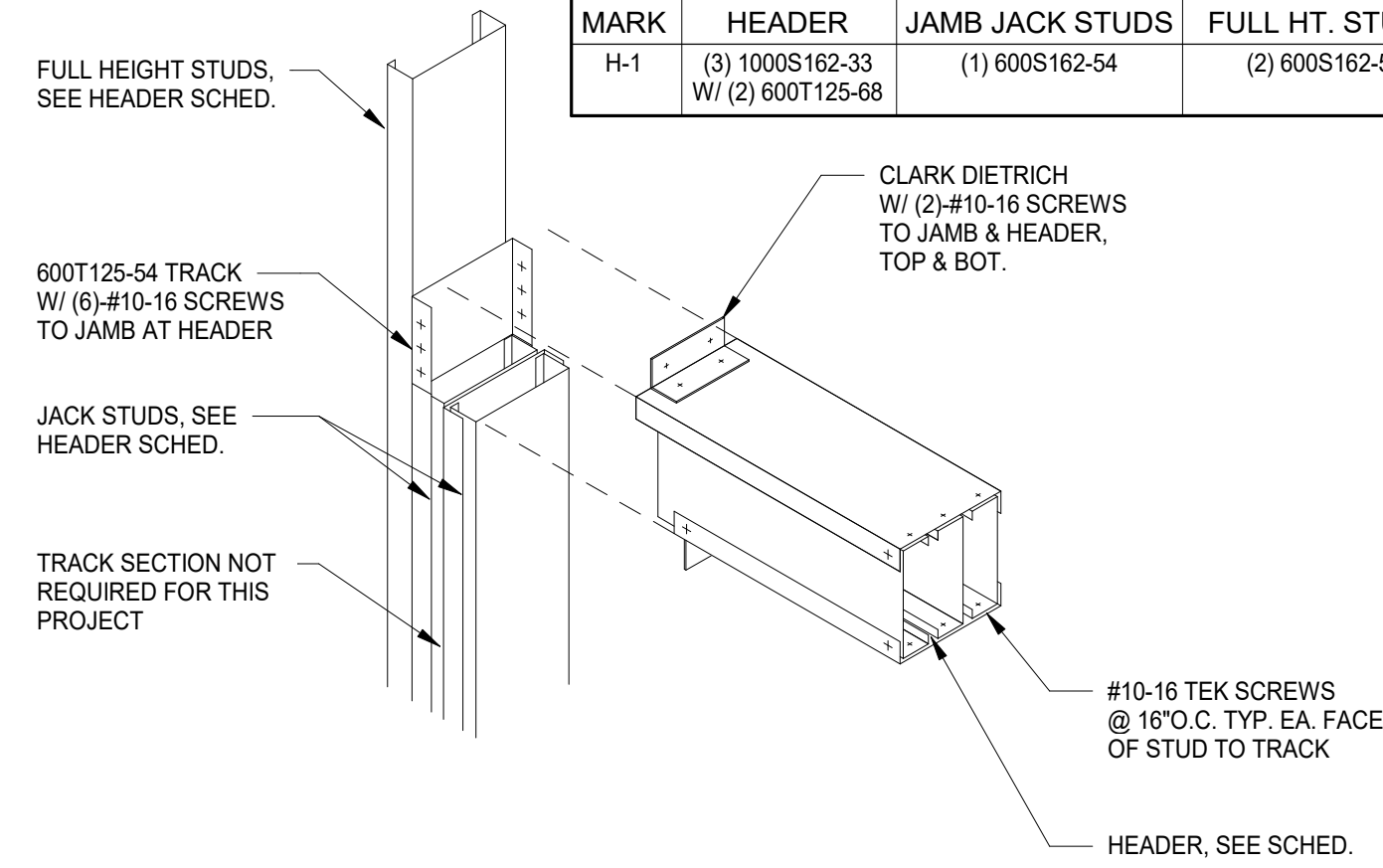
MEMBER DEPTH IN INCHES
(I.E. - 600 = 6")
(I.E. - 362 = 3 5/8")
(I.E. - 250 = 2 1/2")

FLANGE WIDTH OF MEMBER IN INCHES
(I.E. - 162 = 1 5/8")
(I.E. - 200 = 2")

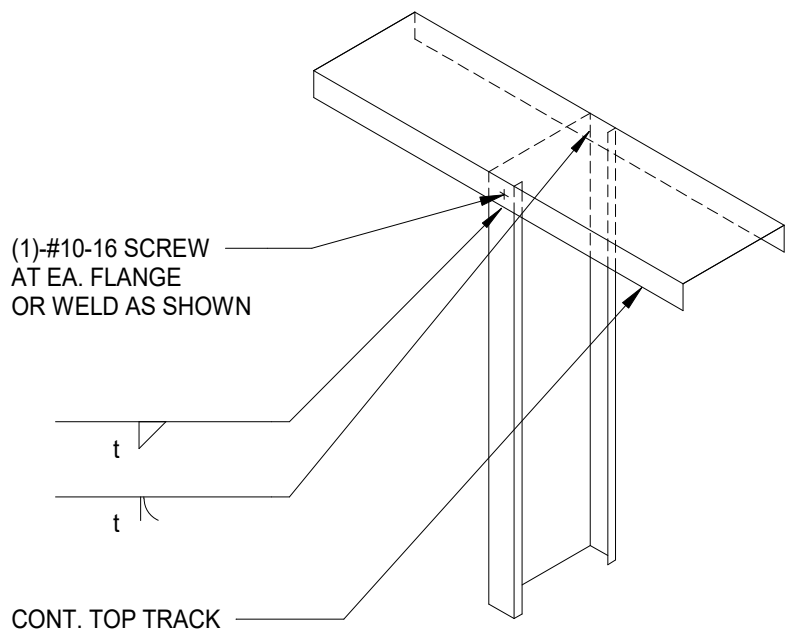
MEMBER THICKNESS IN MILS

MEMBER TYPE
(I.E. - S = STUD)
(I.E. - T = TRACK)

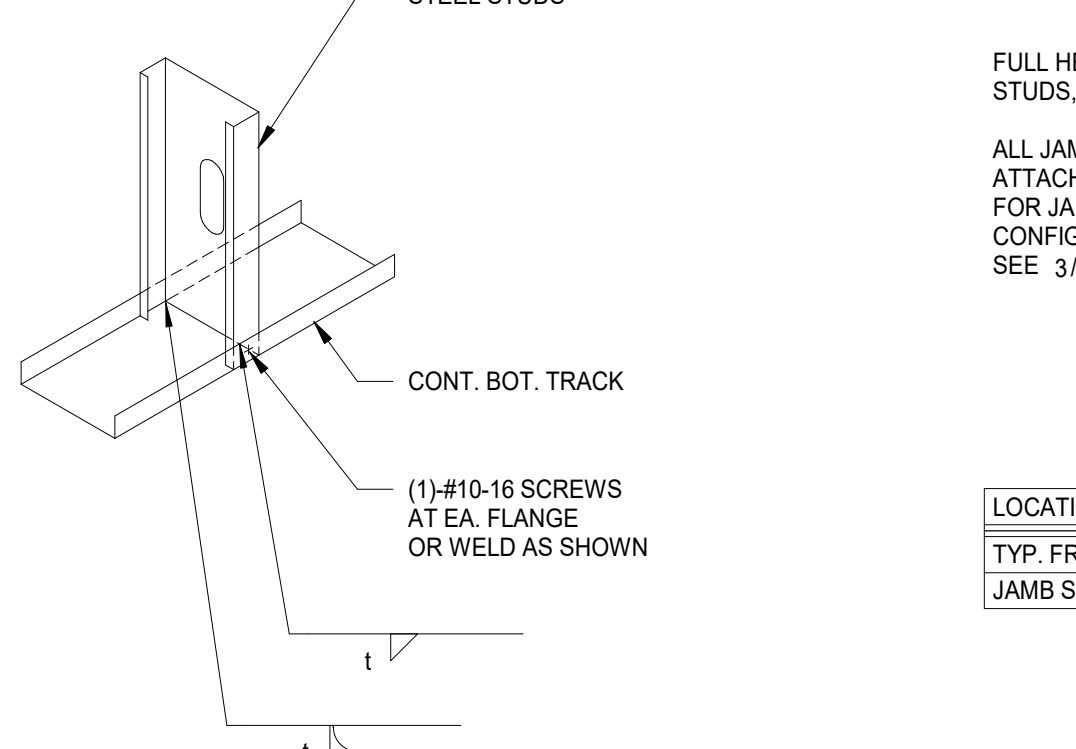
HEADER SCHEDULE				
MARK	HEADER	JAMB JACK STUDS	FULL HT. STUDS	COMMENTS
H-1	(3) 1000S162-33 W/ (2) 600T125-68	(1) 600S162-54	(2) 600S162-54	



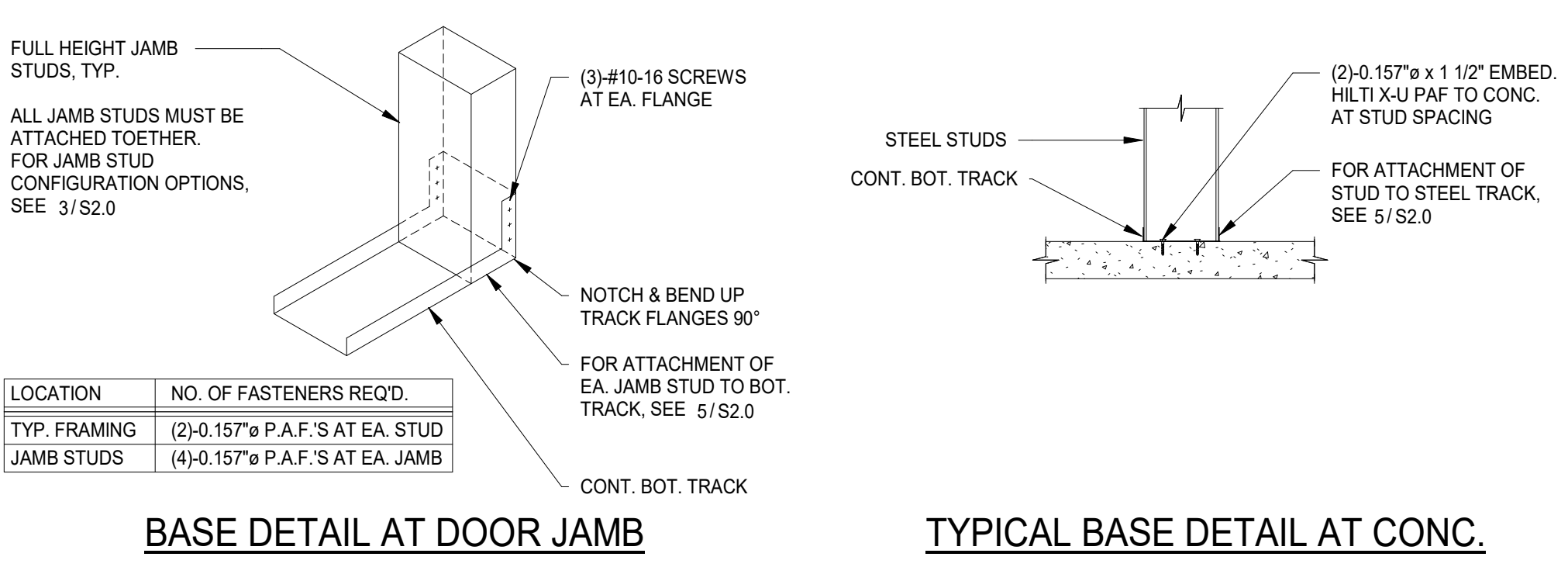
1 MEMBER DESIGNATION
No Scale



2 BOX HEADER CONNECTION
No Scale



3 BUILT-UP JAMB
No Scale

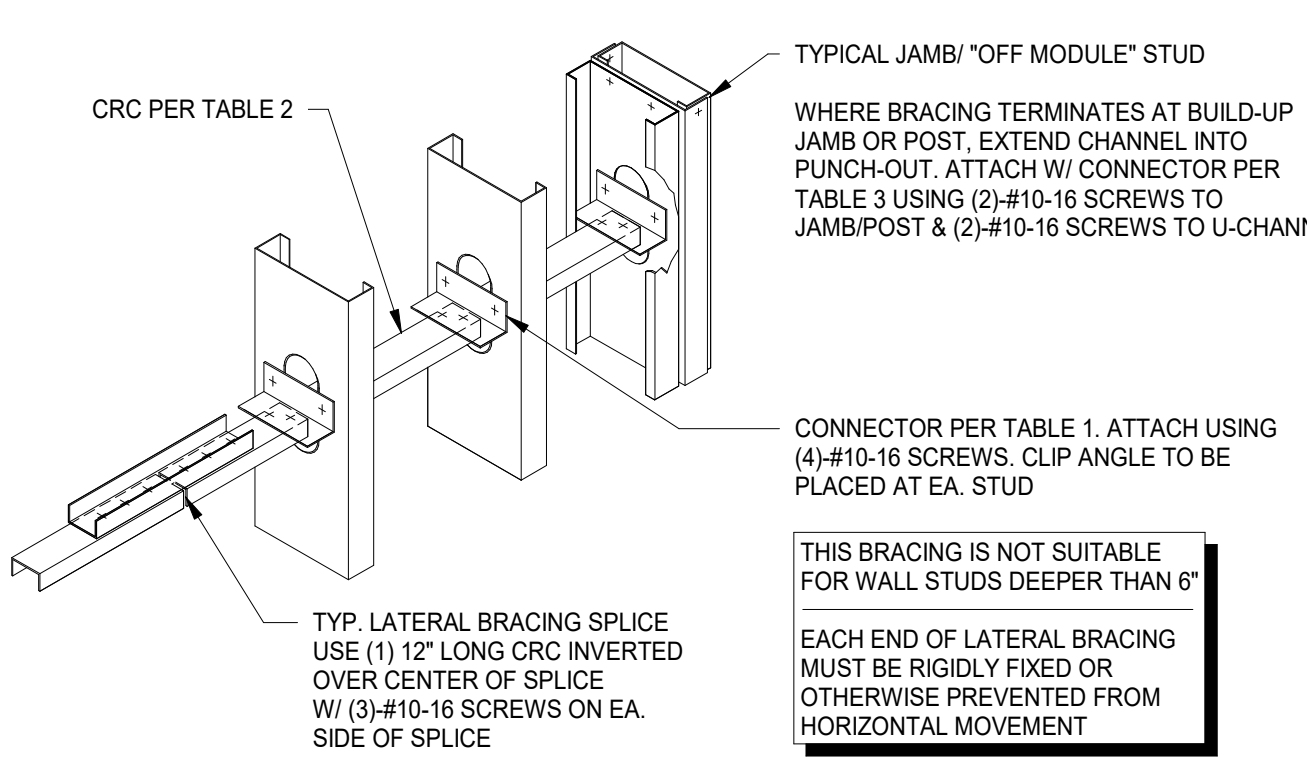


4 STUD TO TRACK CONNECTION
No Scale

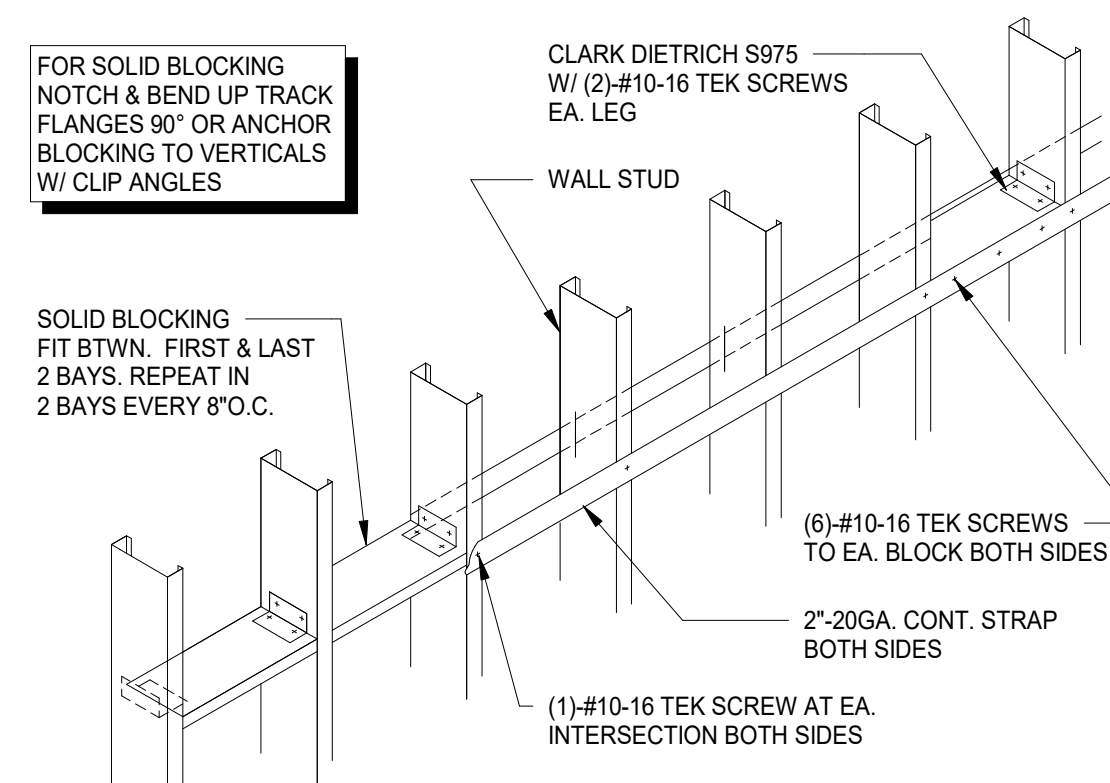
TABLE 1	
STUD WIDTH	CONNECTOR
3 5/8"	DIETRICH U543/X543
4"	DIETRICH U543/X543
6"	DIETRICH U545/X543

TABLE 2	
STUD WIDTH	CRC
3 1/2" - 6"	DIETRICH 150U50-54
2 1/2"	DIETRICH 075U50-54

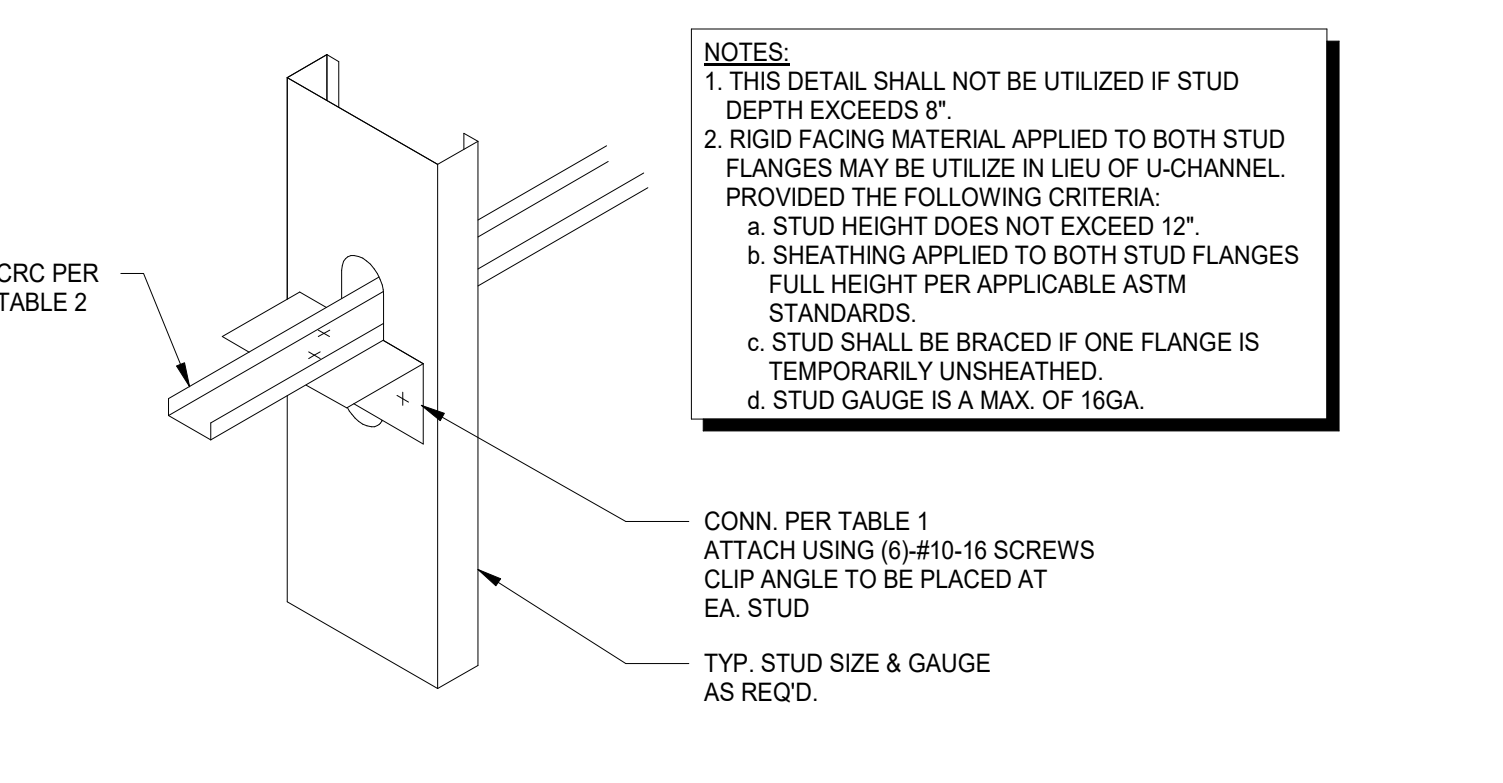
TABLE 3	
STUD WIDTH	CONNECTOR
3 5/8"	DIETRICH B543
4"	DIETRICH B543
6"	DIETRICH B545



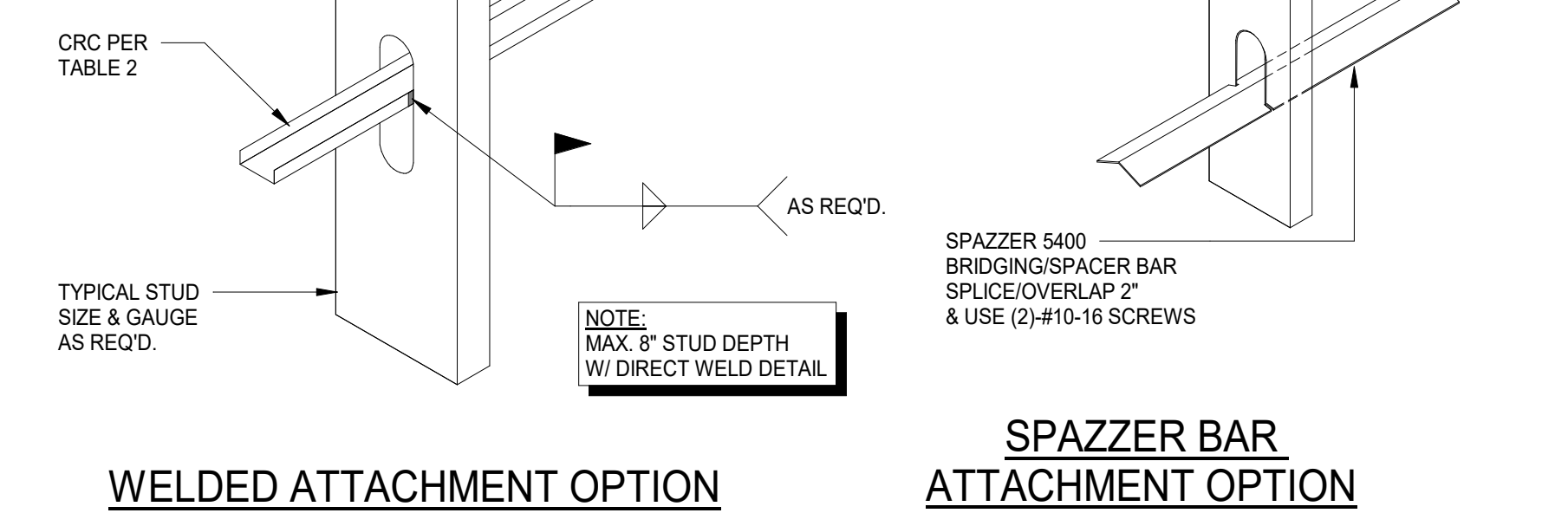
5 STUD TO TRACK CONNECTION
No Scale



6 BASE DETAILS
No Scale



7 BRIDGING ATTACHMENTS AT WALL STUDS
No Scale



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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of MINNESOTA

Signed: *Timothy G. LaBissoniere*
Name: Timothy G. LaBissoniere
License No.: 21387
Date: 02/09/2022



Trusted Commercial & Industrial General Contractor

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Plymouth, MN 55442
763-559-1100
ConstructionResults.com

22000310.00 2/8/2022 5:47:40 PM CPE ODORIZER BUILDING

REVISIONS	
No.	Date / Revision / Issue

SHEET INFORMATION	
Issue	CONSTRUCTION DOCUMENTS
Date	02-09-2022
Job Number	22000310.00
Drawn	EH
Checked	TGL
Approved	TGL

SECTIONS	
Scale	

SHEET NUMBER	
S2.0	

Item Cover Page

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: October 20, 2022

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: Public Hearing(s)

SUBJECT: Krueger Excavating
a. Variance
b. Interim Use Permit for Outdoor Storage Accessory to a Principal Use
c. Conditional Use Permit for Contractor Yard

SUGGESTED ACTION: Hold public hearing, and provide recommendation to City Council.

ATTACHMENTS:

[Krueger Staff Report PC Oct2022.pdf](#)
[Krueger Comment Memo 9_22_2022.pdf](#)
[CT2500 Review 3.pdf](#)
[Memo Septic October2022.pdf](#)
[20220923_Krueger Excavating_R1 Revision 1.pdf](#)
[Civil Set \(Updated\) 9.28.22.pdf](#)

Collaborative Planning, LLC

MEMORANDUM

TO: Planning Commission

FROM: Cindy Nash, AICP, City Planner

DATE: October 14, 2022

SUBJECT: **Krueger Excavating** for 1) Variance, 2) Interim Use Permit, and 3) Conditional Use Permit

APPLICANT: Krueger Excavating

LOCATION: Generally located north of CR and west side of Murphy Lake Boulevard

Description of Request

Krueger Excavating has submitted applications for 1) a text amendment to the zoning ordinance to permit contract yards as a conditional use in the commercial zoning district, 2) a variance from the side yard setback, and 3) a Conditional Use Permit for a contractor yard.

Krueger Excavating is an existing business operating under an Interim Use Permit (IUP) for a home occupation, which is included in the packet. The business has expanded beyond the conditions of the IUP, and they are seeking to construct an addition to the existing building. Contractor yards are not an eligible use in the Commercial Zoning District, so they have applied for the Comprehensive Plan Amendment and Rezoning to Industrial in order to be within a zoning district that allows contractor yards with a conditional use permit. However, the Comprehensive Plan Amendment process takes approximately 90 days and the applicant wishes to construct the building sooner than that so has also applied for a text amendment to the Zoning Ordinance.

Items 1: Variance from Side Yard Setback

Public Hearing: October 20, 2022 Planning Commission

The applicant is proposing to construct the addition to both the north and east sides of the building. On the east side, the proposed addition does not meet the setback of 150 feet and instead is located approximately 80 feet from the side property line.

Criteria for Granting Variances

A variance from the provisions of the Zoning Ordinance may be issued to provide relief to the landowner where the Ordinance imposes practical difficulties to the property owner in the reasonable use of this land. No use variances may be issued.

A Variance may be granted only where practical difficulties exist and upon making the following findings:

1. Granting of the variance will not be in conflict with the Comprehensive Plan.
2. Exceptional, unique, or extraordinary circumstances apply to the property which do not generally apply to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since the enactment of this Ordinance have had no control.
3. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
4. That the special conditions or circumstances do not result from the actions of the applicant.
5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.
6. The variance requested is the minimum variance which would alleviate the practical difficulty.
7. The variance would not be materially detrimental or will not essentially alter the character of the property in the same zoning district.
8. Economic considerations alone do not constitute practical difficulties.

Recommendation

The Planning Commission should review and consider the request for a variance. If recommended for approval, the following condition should be included:

City of Credit River

Krueger Excavating –Variance, Interim Use Permit, and Conditional Use Permit

Meeting Date of October 20, 2022

Page 3 of 7

1. Development of the site shall be in substantial conformance with the plans prepared by Jacobson Engineers and Surveyors dated September 28, 2022 and included as Exhibit B attached hereto.
2. This variance shall expire one (1) year from the date of issuance if the variance is not utilized.

Item 2: Interim Use Permit for Outdoor Storage

Public Hearing: October 20, 2022 Planning Commission

Existing Conditions

The project site consists of an existing approximately 80.5' by 80.5' building (6480 square feet), as well as considerable outside storage. Outside storage is not permitted under the existing Interim Use Permit for a Home Extended Business. If the property is ultimately rezoned to Industrial (application pending decision), then outdoor storage may be permitted as an Interim Use subject to meeting the following requirements in the Zoning Ordinance:

- a. The outdoor storage area occupies space other than a required front yard setback.
- b. The outdoor storage area shall be fenced, screened and/or landscaped according to a plan in compliance with Section 4 of this Ordinance and subject to the approval of the Zoning Administrator.
- c. Subject to the approval of the Zoning Administrator, the outdoor storage area is surfaced with crushed rock, crushed concrete, Class V, asphalt, or concrete paving or other similar materials approved by the Town Engineer to control surface dust.
- d. All lighting shall be hooded and so directed that the light source shall not be visible from the public right-of-way or from neighboring residences and shall be in compliance with Section 4 of this Ordinance.
- e. The outdoor storage area shall not encroach upon required parking space or required

loading space as required by this Ordinance.

f. The outdoor storage area shall not encroach into the required rear yard or side yard setback area if abutting a rural residential, residential suburban or urban expansion district.



Proposed Conditions

The applicant is proposing to construct an addition to the existing building to have a total building square footage of approximately 20,160 square feet. A parking lot is

proposed to be constructed along the eastern side of the building, but it is not clear if the surfacing material is proposed to be bituminous or gravel.

Outdoor storage is shown on the site plan currently with labels. The applicant is revising the plan to show the boundaries of the area they are proposing to use for outdoor storage as well as landscaping/screening.

Recommendation

The Planning Commission should review and consider the request for outdoor storage. Once the applicant submits revised plans that can be reviewed against the Zoning Ordinance for compliance with required conditions, staff will prepare recommended conditions for the Planning Commission's considerations if the outdoor storage meets the zoning ordinance requirements.

Item 3: Conditional Use Permit for Contractor Yard

Public Hearing: October 20, 2022 Planning Commission

A Contractor Yard may be a use that is allowed subject to a Conditional Use Permit in the Industrial district.

Findings

When considering an application for an amended Conditional Use Permit, the City must make findings on the following items:

1. *The use will not create an excessive burden on public facilities and utilities which serve or are proposed to serve the area.*
2. *The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.*
3. *Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.*
4. *The use is consistent with the purposes of the Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*
5. *The use is not in conflict with the Comprehensive Plan.*

The Credit River Comprehensive Plan allows for Industrial uses.
6. *Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.*

Access will be via Murphy Lake Boulevard. The site will be able to accommodate parking on-site.
7. *Adequate water supply, individual sewage treatment system facilities, erosion control and stormwater management are provided in accordance with applicable standards.*

No water and sewer are needed for the facility. The septic sites on the property will not be disturbed by this proposal.
8. *All buildings/structures must meet the intent of the State Building Code and/or fire codes.*

Permits as required will be secured for the construction of the buildings.

Recommendation

The Planning Commission should review and consider the request for a CUP. The CUP can only be recommended for approval if both the variance and Interim Use Permit are also recommended for approval. If recommended for approval, the following condition should be included:

3. Development of the site shall be in substantial conformance with the plans prepared by Jacobson Engineers and Surveyors dated September 28, 2022 and included as Exhibit B attached hereto.
1. The CUP shall be regulated in accordance with the Credit River Zoning Ordinance, the _____, 2022 site plan, and the conditions within this resolution.
2. Parking for maintenance and other vehicles shall be provided on-site. No parking shall be allowed on any public road unless permission is granted by the City.
3. The landscaping on the Subject Property shall be installed and maintained as shown in the _____, 2022 site plan. In the event that the plantings do not thrive, owner of the property or their successor shall replace the plantings within 3 months of written notice by the City, unless said written notice is provided between August 15th and March 30th in which case the plantings shall be replaced by the following June 30th.
4. The Subject Property shall remain in compliance with the Minnesota Noise Pollution Control Rules (Minnesota Administrative Rules Section 7030) at all times.
5. The addition to the building shall be constructed in substantial conformance with the architectural plans dated _____, 2022. No additional buildings are permitted to be constructed unless the Conditional Use Permit is amended.
6. The Applicant shall pay all fees owed to the City for the review and processing of this application prior to the issuance of any permits, or alternatively establish additional escrow with the City.

Collaborative Planning, LLC

MEMORANDUM

To: City of Credit River

From: Cindy Nash, City Planner

Date: October 14, 2022

Subj: Planning Review Comments – Krueger Excavating
Plans dated September 28, 2022

I have reviewed the plans dated September 28, 2022 and have the following comments.

1. A landscaping and screening plan must be provided. Screening must meet the requirements of Section 4-4-1 and 4-4-2 of the Zoning Ordinance.
2. The plan states that 18 new parking spaces are provided, but only 14 are shown.
3. No signage plan is provided. If approved, conditions will note that signage is not permitted unless a separate application is made.
4. The boundaries of the proposed outdoor storage shall be shown on the site plan. There are currently labels in one small area. Note that outdoor storage must not be located within any required setbacks. Outdoor storage can only be permitted as an Interim Use in the Industrial zoning district, and an Interim Use Permit application has been submitted.
5. The building is located 80 feet from the east property line. The required setback from that property line is 150 feet as the adjacent property is zoned Urban Expansion Reserve. A variance has been applied for and must be granted to receive a Conditional Use Permit for this site plan.
6. Approval must be received from Scott County septic and the plans must be revised to address their comments.

MEMORANDUM

TO: Nate Krueger

FROM: Shane Nelson

DATE: October 14, 2022

RE: Engineering Comments for Krueger Expansion and CUP

We would offer the following comments on the resubmitted materials:

1. Please provide sizing calculations for the proposed 18” Storm Pipe that is proposed to convey the off-site runoff through the site to the existing wetlands.
2. The final Stormwater Report shall be certified by the preparer.
3. Wetland Buffers are required in accordance with Section 6D-4 of the Zoning Ordinance. The wetlands buffers shall be depicted on the plans.

Please note these comments are only the engineering comments, and additional City comments may be forthcoming.



SCOTT COUNTY
Environmental Services

GOVERNMENT CENTER · 200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952) 496-8177 · Email: EnvServices@co.scott.mn.us · Web www.scottcountymn.gov

Memo

Date: October 13, 2022
To: Cindy Nash, City of Credit River
From: Mary VonEschen, Environmental Services Department
Subject: Krueger Excavating CUP & Variance (Side yard setback)

The Scott County Environmental Services Department has completed a review of the information submitted for the CUP and Variance for the property located at 7616 180 ST E in the City of Credit River. The Environmental Services Department requires the following for the CUP amendment. We have no issues with the variance application or this CUP amendment.

1. Our office will not allow the parking on top of the septic tanks.
2. When the bays become occupied the wastewater flow needs to be re-evaluated. Number of employees and business type.
3. Any floor drains in the proposed new building will need to go to a holding tank and cannot discharge to the septic system.
4. All bathroom waste shall discharge to the septic system.
5. Scott County hazardous waste license might be required depending on the type of business. You will need to contact Joan Anderson at (952) 496-8477 to see if one will need to be required.

If you have any questions or concerns, please contact me at (952)496-8344.

KRUEGER EXCAVATING BUILDING EXPANSION

PROJECT DIRECTORY

OWNER
KRUEGER EXCAVATING
 7616 180TH STREET E
 CREDIT RIVER, MN 55372

CONTACT : NATE KRUEGER
 PHONE: 952-447-8335
 EMAIL: nate@kruegerexcavating.com

ARCHITECT
PLANFORCE GROUP
 4931 WEST 35TH STREET, SUITE 200
 ST. LOUIS PARK, MN 55416

CONTACT: RYAN SCHROEDER
 CHAD BERREAU
 PHONE: 952-541-9969
 EMAIL: ryan.s@planforcegroup.com
 chad.b@planforcegroup.com

GENERAL CONTRACTOR
MESENBRINK CONSTRUCTION & ENGINEERING

7765 E 175TH ST.
 PRIOR LAKE, MN 55372

CONTACT : JOHN MESENBRINK
 PHONE: 952-447-5058
 CELL: 612-968-3800
 EMAIL: jemmbc@mesenbrinkconstruction.com

STEEL BUILDING

CIVIL ENGINEER
REHDER & ASSOCIATES, INC
 3440 FEDERAL DR., SUITE 110
 EAGAN, MN 55122

CONTACT: NICK ADAM
 PHONE: 651-452-5051
 EMAIL: nadam@rehder.com

STRUCTURAL ENGINEER
HAVTEK STRUCTURAL CONSULTING LTD.

6482 CARLSON DRIVE
 EDEN PRAIRIE, MN 55346

CONTACT: GREG HAVLIK
 PHONE: 952-935-1113
 EMAIL: greg.h@havtek.com

CONSTRUCTION NOTES

GENERAL REQUIREMENTS

- All work shall conform to all state and local building codes, including requirements for remodel of barriers for persons with handicaps. General warranty for materials and craftsmanship shall be on year from date of occupancy.
 - All areas used for staging, dumpsters, contractor parking, etc. shall be designated by the owner.
 - All areas of the jobsite must be kept broom clean, no debris shall be left on site except in designated areas.
 - Access to all entries and exists must be maintained in an orderly and safe manner.
 - Design build.
 - Plumbing
 - Electrical
 - Mechanical
 - Fire/Sprinkler
 - Data/Internet/Security
- The subcontractors will be responsible for the complete design of their scope of work. All design and costs for the work shall be presented to the owner for approval prior to the commencement of work.
- These subcontractors are responsible for all construction documentation and permits required to complete their work.
- These subcontractors are responsible for all coordination with related trades when the scope of work overlaps, ie. HVAC will provide sufficient coordination with electrical subcontractors so that all work and codes necessary to complete this work are included in the project cost.
- These subcontractors must ensure that all work is completed according to all codes enforced in the jurisdiction of the project.

MN ENERGY CODE COMPLIANCE

STATE OF MN ENERGY CODE 2020: ASHRAE 90.1, 2016

Energy code compliance reports, where provided, is for a building addition and is limited to areas where new work is performed. The existing areas that are to remain unaltered, have not been reviewed for compliance. An Energy Compliance Report with Requirements associated with the building envelope is included in this construction document set.

Power & Data plans, reflected ceiling plans and switching locations, as shown within this construction document set, are for design intent only.

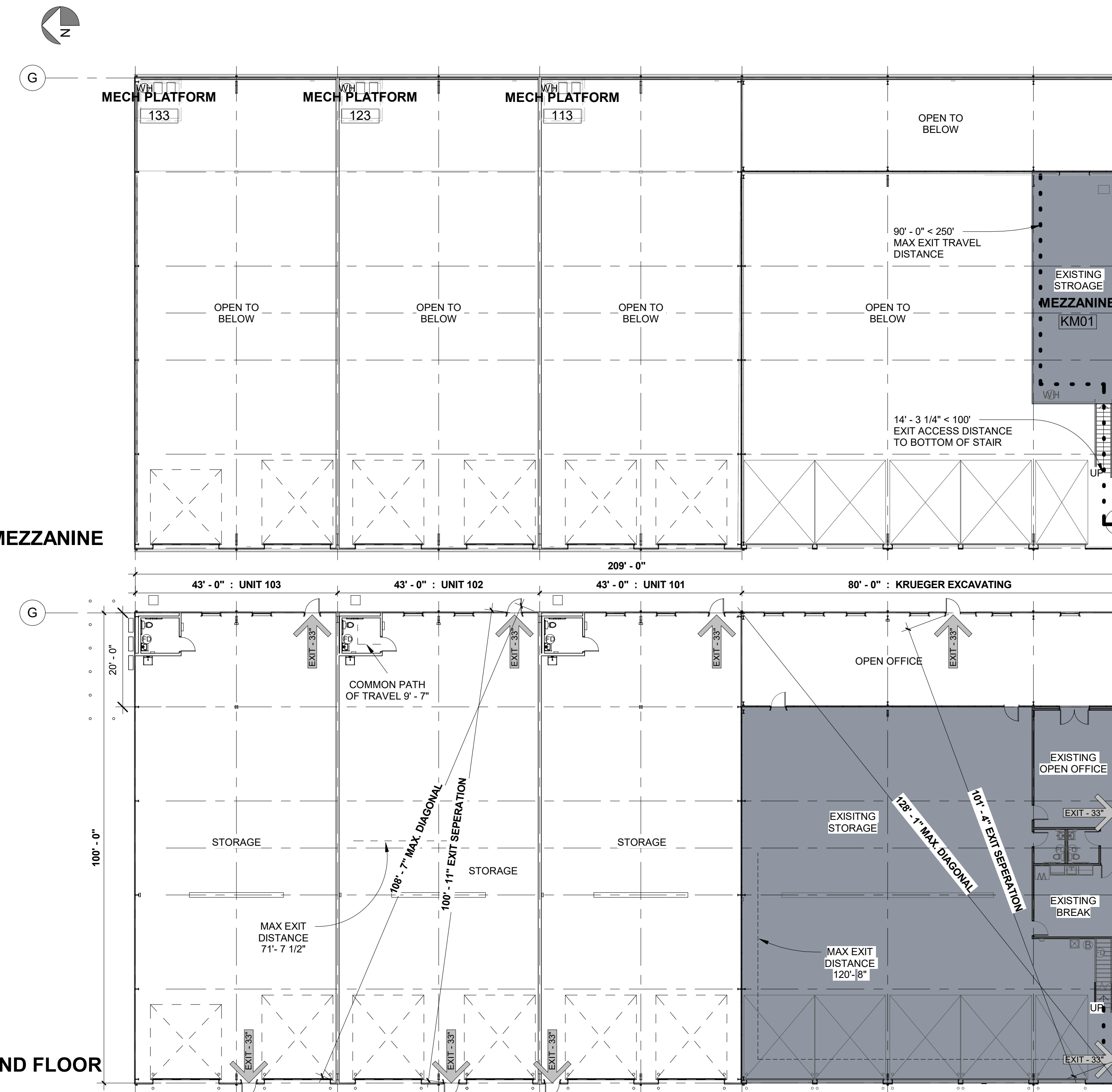
The associated design-build contractor is responsible for actual design of mechanical distribution, power distribution, switching, sensors, etc.

Mechanical and electrical design is to comply with all federal, state and local codes. The mechanical and electrical designer shall include, as part of their construction document set, any Energy Compliance Reports with Requirements where required for the project.

Contractor shall verify the Energy Compliance Reports with Requirements is included with all sets of construction documents on-site.

EXIT STUDY

1/16" = 1'-0"



CODE REVIEW

KRUEGER EXCAVATING "BUILDING ADDITION" - Code Review - 2020 MN Bldg Code

Zoning: City of Credit River
Municipality: 7616 180th St E
Building Address: PID 049080101
Site Zoning: C, General Commercial District

Codes
 State Building Code: 2020 MN Building Code
 Model Building Code: 2018 International Code Council
 Accessibility Code: 2020 MN Accessibility Code (IBC Chptr 11 & ICC-A117.1-2009)
 Energy Code: 2020 MN Energy Code (ASHRAE 90.1-2016)
 Mechanical Code: 2020 MN Mechanical and Fuel Gas Code (IMC & IFGC)
 Plumbing Code: 2015 MN Plumbing Code (UPC 2012)
 Electrical Code: 2020 MN Electrical Code (2020 NEC)
 Fire Code: 2020 MN Fire Code (IFC)

Building Data: Construction Type: Type VB - Fully-Sprinkled
 Allowed Building Height: (B/S) 60 FT Above Grade Plane
 Proposed Building Height: 23 FT Above Grade Plane
 Allowed Number of Stories: (S-1) 2 Above Grade Plane
 Proposed Number of Stories: 2 Above Grade Plane
 Building Square Footage, Total: 20,900 S.F.

Unit Square Footage
Krueger Excavating: 6,400 S.F. (Exist) - Ground Level
 1,600 S.F. (New) - Upper Level
 890 S.F. (New) - Upper Level
 4,300 S.F. - Ground Level

Storage Unit 110: 4,300 S.F. - Ground Level
Storage Unit 120: 4,300 S.F. - Ground Level
Storage Unit 130: 4,300 S.F. - Ground Level

Dead Ends (Section 1020.4)
 More than one exit or exit access doorway required:
 Exception #2 (B, E, F, M, S, U) Fully Sprinkled building: 50' max

Occupancy Classification and Use Designation (Section 302)
Krueger Excavating:
 S1 - Low-Hazard Storage 890 S.F. (Mezzanine Level)
 S2 - Moderate Hazard Storage 5,516 S.F.
 B - Business 2,484 S.F. (Ground Level)

Storage Unit, typical unit (101, 102, 103)
 S1 - Low-Hazard Storage 4,300 S.F.

Allowable Area per Story (Table 506.2)
 S-1/B, Construction Type VB, Multi Story 27,000 SF
Proposed Area per Story 20,900 SF

Non-separated Occupancies, Mixed Use and Occupancy (Section 508.3.3)
 No Separation is required between non-separated occupancies provided most restrictive, allowances, provisions, and requirements for occupancies identified is applied.

Fire Protection:
 903.2.9.1 Repair Garages required. Group S-1 fire area use for repair of commercial motore vehicles where fire area exceeds 5,000 sf. Proposed building complies and is sprinklered.

Minimum Corridor Width (Section 1020.2):
 Occupant Load less than 50 36"

ASHRAE 90.1-2016, Energy Vestibule: 5.4.3.4
 Exceptions 6: Building Entrance <1,000 sf gross conditioned area
 Exceptions 7: Space <3,000 sf, door not building entrance
 Vestibule: None Required, None Provided

Krueger Excavating Occupant Load Calculations (Section 1004/ Table 1004.5):

Occupants:	Area	Use	Occupant Load
B: Office	2,484 GSF	/ 150	17 OCC
S-2: Shop	5,516 GSF	/ 500	12 OCC
S-1: Storage, Mezzanine	890 GSF	/ 500	2 OCC
Total Occupant Load	8,890 GSF		31 OCC

Exit Width Required (Section 1005.2):
 Sprinklered 0.2 x 30 = 6.0"
 Total Required Width = 6.0"
 Exit Width Provided: 3 x 33" = 9"

Minimum Number of Exits, or Access to, per Story (Section 1006.3.2)
 Number of Exits Required: 2
 Number of Exits Provided: 3

Two Exits and Exit Access Doorway distance apart (Section 1007.1.1)
Exit Access Travel Distance Maximum (Section 1017.2):
 S-1 Occupancy, w/ Sprinkler 250' Maximum 90'-0"
 Exit Access Travel Distance Provided - Mezzanine:

RESTROOM FIXTURE CALCULATION (Table 2902.1):

Occupancy Type	Occupant Load Factor	Square Footage	Number of Occupants	Occupants by Gender	Toilets	Toilets by Gender	Urinals	Urinals by Gender	Drinking	Utility
Business Office	150	2,484	17	8.5	0.7	0.7	0.0	0.0	0.2	0.2
Warehouse	500	5,516	12	6.0	0.1	0.1	0.0	0.0	0.0	0.0
Warehouse (Mezz)	500	890	2	1.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Required			19	14.5	0.8	0.8	0.0	0.0	0.2	0.2
Provided			2	1	1	1	0	0	1	1

** A drinking fountain shall not be required in buildings or tenant spaces having an occupant load of less than 50

Sample Storage Unit (two width bay, full depth)
Occupant Load Calculations (Section 1004/ Table 1004.5):
 Occupants:
 B: Office 800 GSF / 150 6 OCC
 S-1: Storage, Grade 3,500 GSF / 500 7 OCC
 Total Occupant Load 4,300 GSF 13 OCC

Exit Width Required (Section 1005.2):
 Sprinklered 0.2 x 13 = 2.6"
 Total Required Width = 2.8"
 Exit Width Provided: 2 x 33" = 66"

Minimum Number of Exits, or Access to, per Story (Section 1006.3.2)
 Number of Exits Required: 2
 Number of Exits Provided: 2

Two Exits and Exit Access Doorway distance apart (Section 1007.1.1)
Exit Access Travel Distance Maximum (Section 1017.2):
 S-1 Occupancy, w/ Sprinkler 250' Maximum 71'-7 1/2"
 Exit Access Travel Distance Provided - Mezzanine:

Egress from Spaces (1006.2)
Egress based on Occupant Load and Common Path of Travel (1006.2.1)
Spaces with One Exit or Exit Access Doorway (Table 1006.2.1)
 Occupancy S
 Max Common Path of Egress Travel Distance with Sprinkler: 100'
 Common Path of Egress Travel: 9'-7"

Minimum Corridor Width (Section 1020.2):
 Occupant Load less than 50 36"

Dead Ends (Section 1020.4)
 More than one exit or exit access doorway required:
 Exception #2 (B, E, F, M, S, U) Fully Sprinkled building: 50' max

RESTROOM FIXTURE CALCULATION (Table 2902.1):

Occupancy Type	Occupant Load Factor	Square Footage	Number of Occupants	Occupants by Gender	Toilets	Toilets by Gender	Urinals	Urinals by Gender	Drinking	Utility
Business Office	150	800	6	3.0	0.2	0.2	0.0	0.0	0.1	0.1
Warehouse	500	3,500	7	3.5	0.1	0.1	0.0	0.0	0.0	0.0
Total Required			13	6.5	0.3	0.3	0.0	0.0	0.1	0.1
Provided			2	1	1	1	0	0	1	1

** A drinking fountain shall not be required in buildings or tenant spaces having an occupant load of less than 50



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BUILDING EXPANSION
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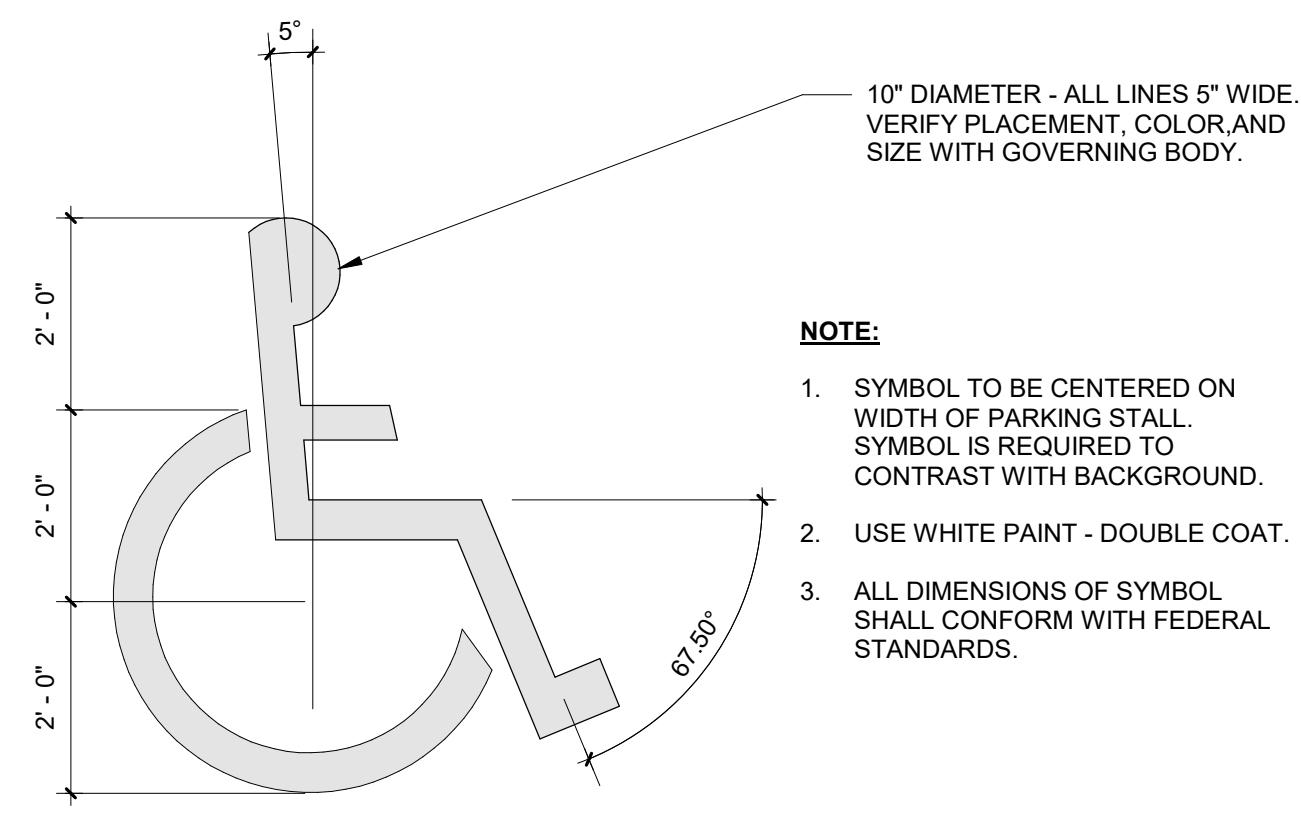


I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota.

Signature: *Ryan Schroeder*
 Name: Ryan Schroeder
 Registration: #50047
 Project Contact: RYAN SCHROEDER
 Phone Number: 952-541-9969

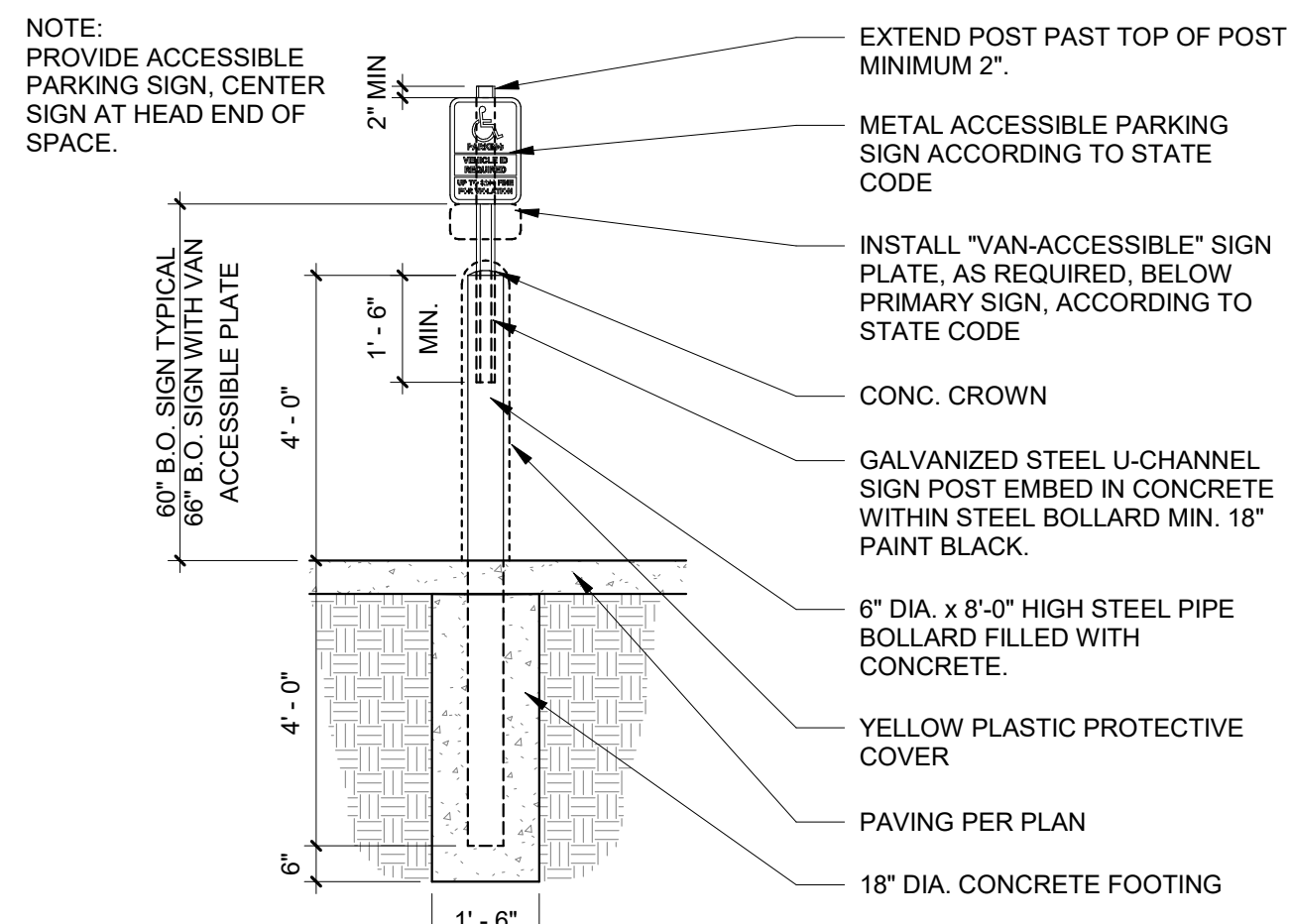
LOCATION MAP
 7577 175th St E
 Prior Lake, MN 55372



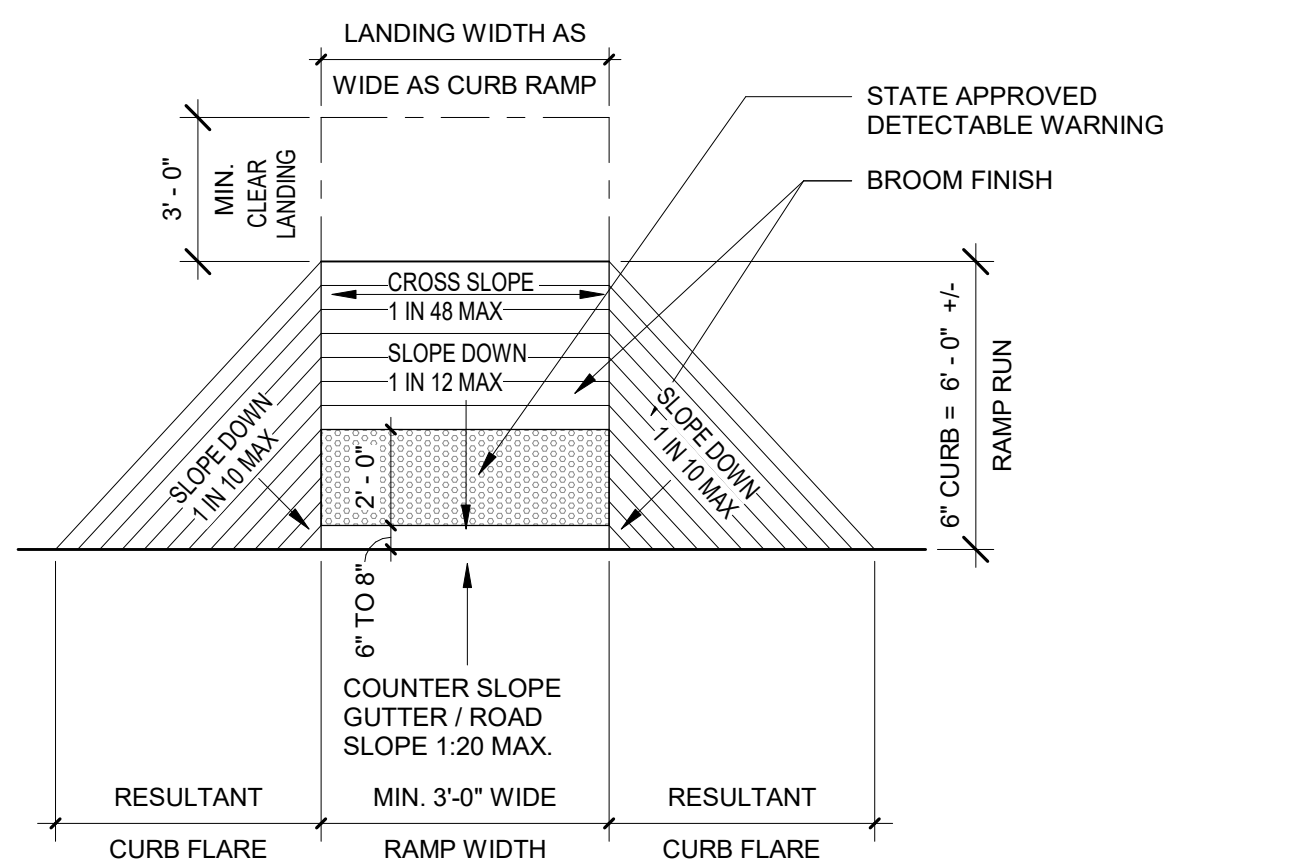


- NOTE:**
1. SYMBOL TO BE CENTERED ON WIDTH OF PARKING STALL. SYMBOL IS REQUIRED TO CONTRAST WITH BACKGROUND.
 2. USE WHITE PAINT - DOUBLE COAT.
 3. ALL DIMENSIONS OF SYMBOL SHALL CONFORM WITH FEDERAL STANDARDS.

1 SYMBOL FOR ACCESSIBILITY - PARKING STALL SURFACE 1/2" = 1'-0"

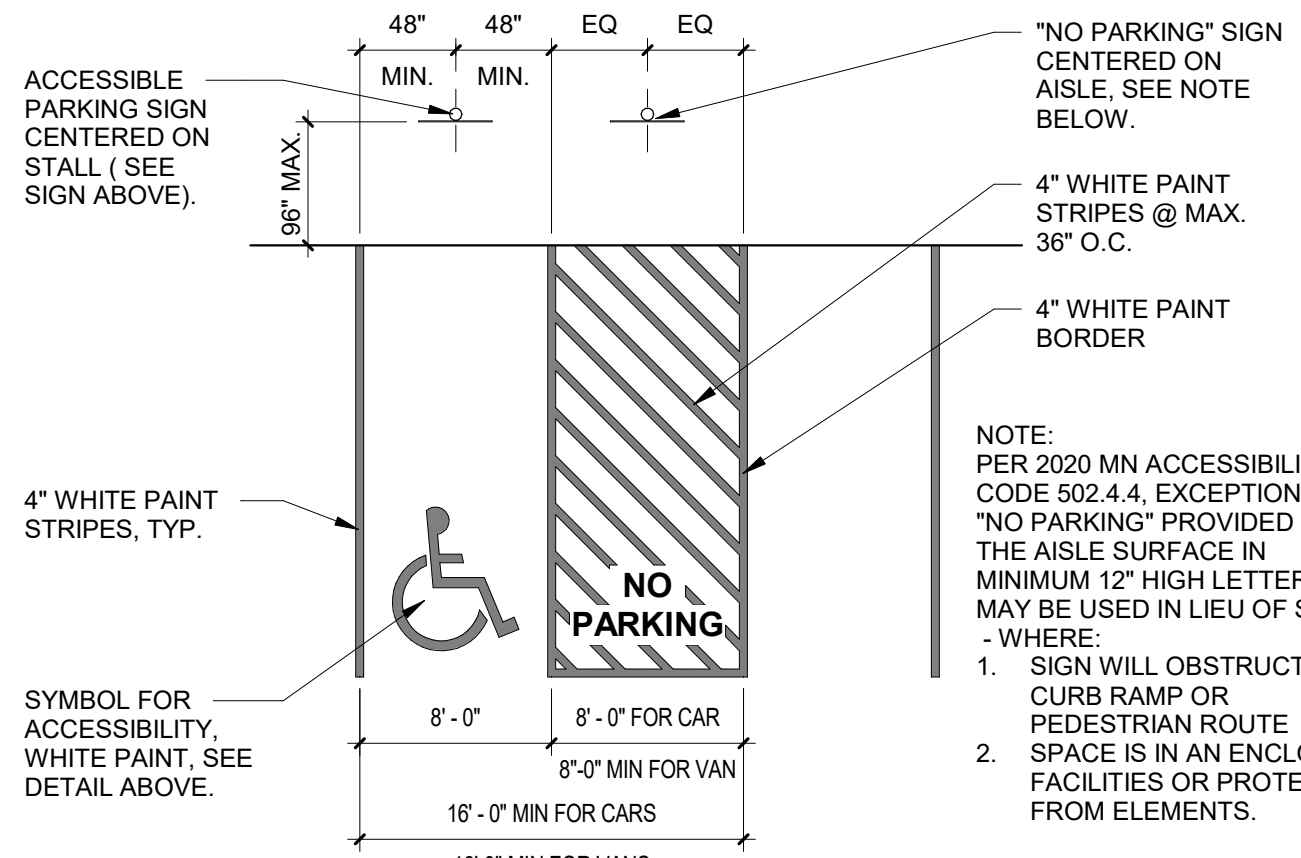


6 ACCESSIBLE PARKING SIGNAGE 3/8" = 1'-0"



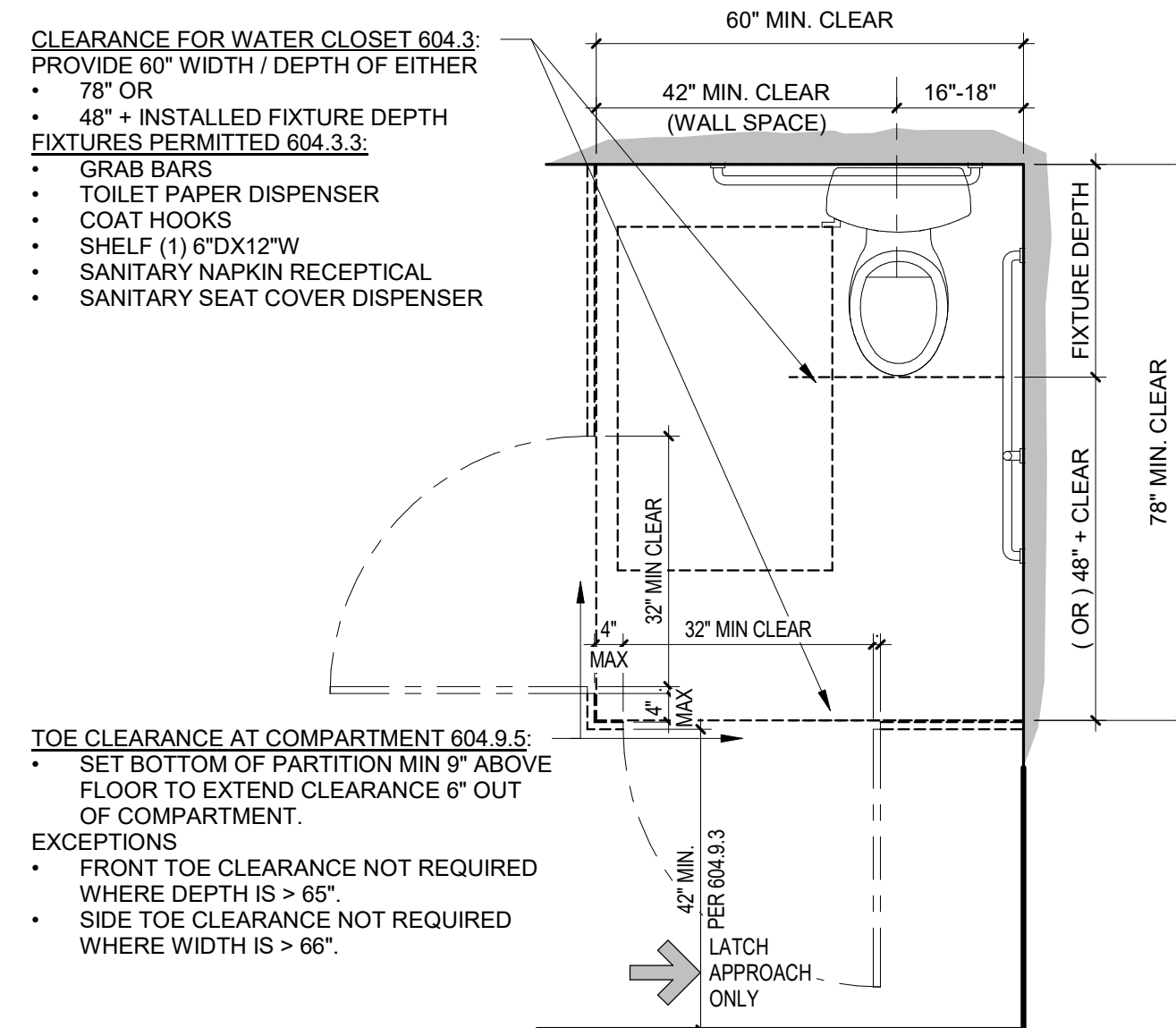
- NOTES:**
1. CURB RAMPS AND FLARES LOCATED NOT TO PROJECT INTO LANES, PARKING SPACES & AISLES.
 2. HANDRAILS ARE NOT REQUIRED AT CURB RAMPS.
 3. CURB RAMPS > 1:12 AND < 1:10, RISE LIMITED TO 6"

12 SIDEWALK CURB RAMP 1/4" = 1'-0"

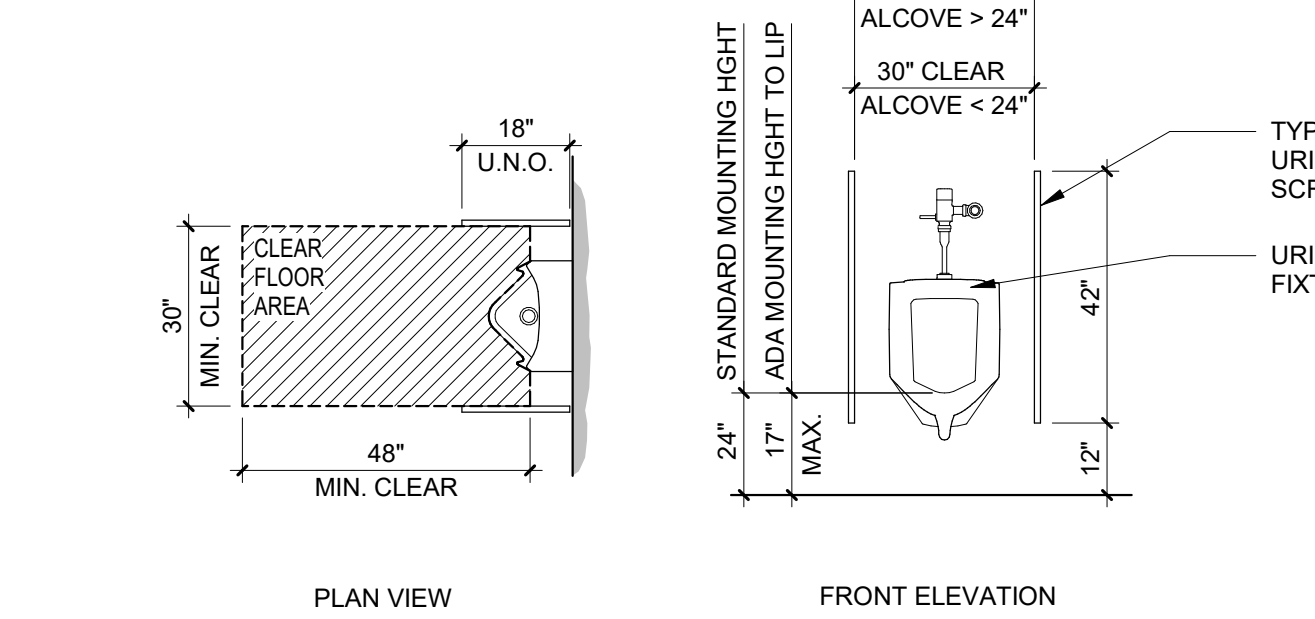


- NOTE:**
1. SLOPE & CROSS SLOPE AT ACCESSIBLE PARKING SPACES & STALLS NOT TO EXCEED 1:48
 2. PROVIDE (1) SIGN PER ACCESSIBLE SPACE. SEE SITE PLAN FOR EXACT LOCATION.
 3. ONE IN EVERY SIX ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE 96" (8'-0") WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE".

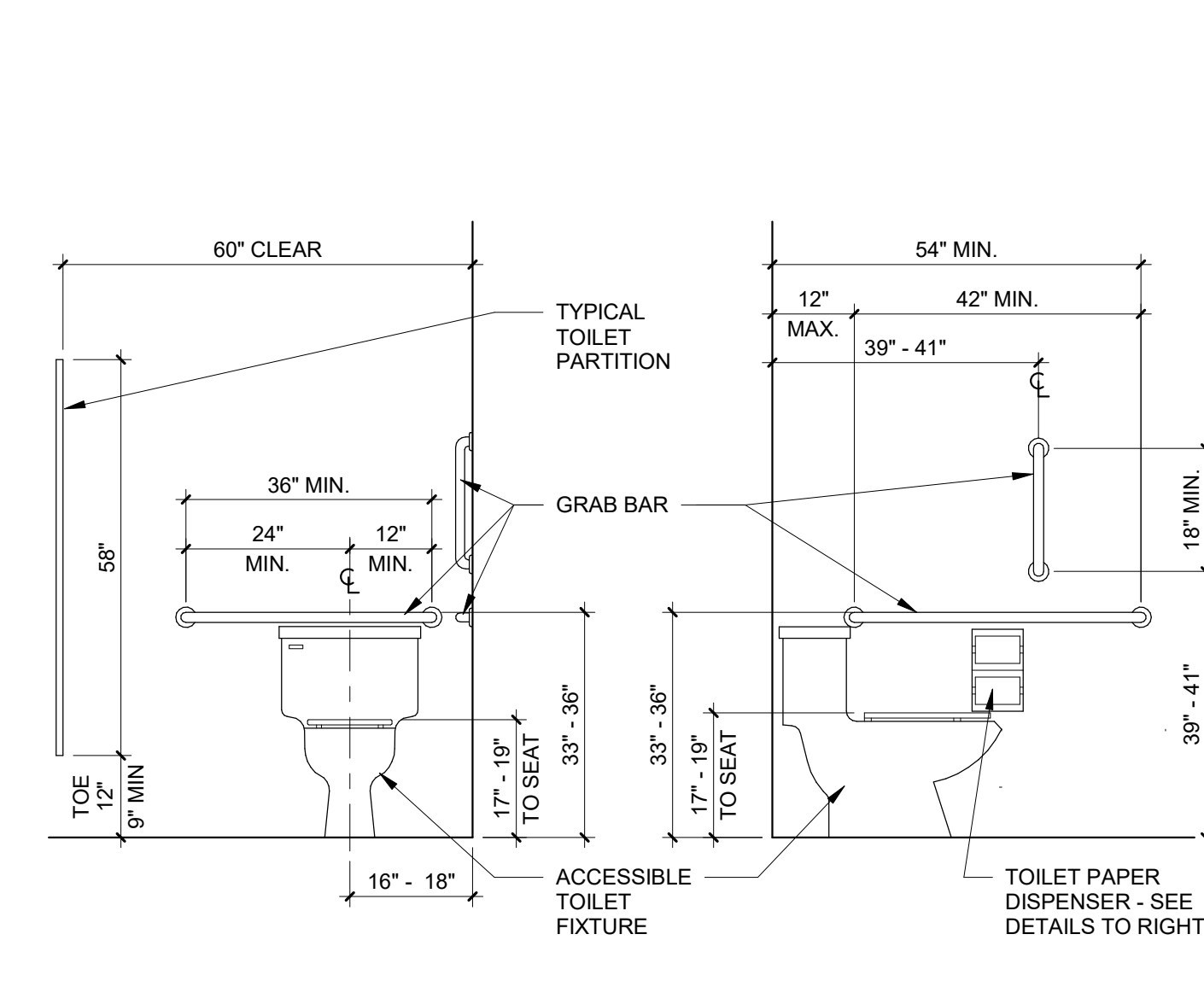
16 ACCESSIBLE PARKING SPACE MN20 1/8" = 1'-0"



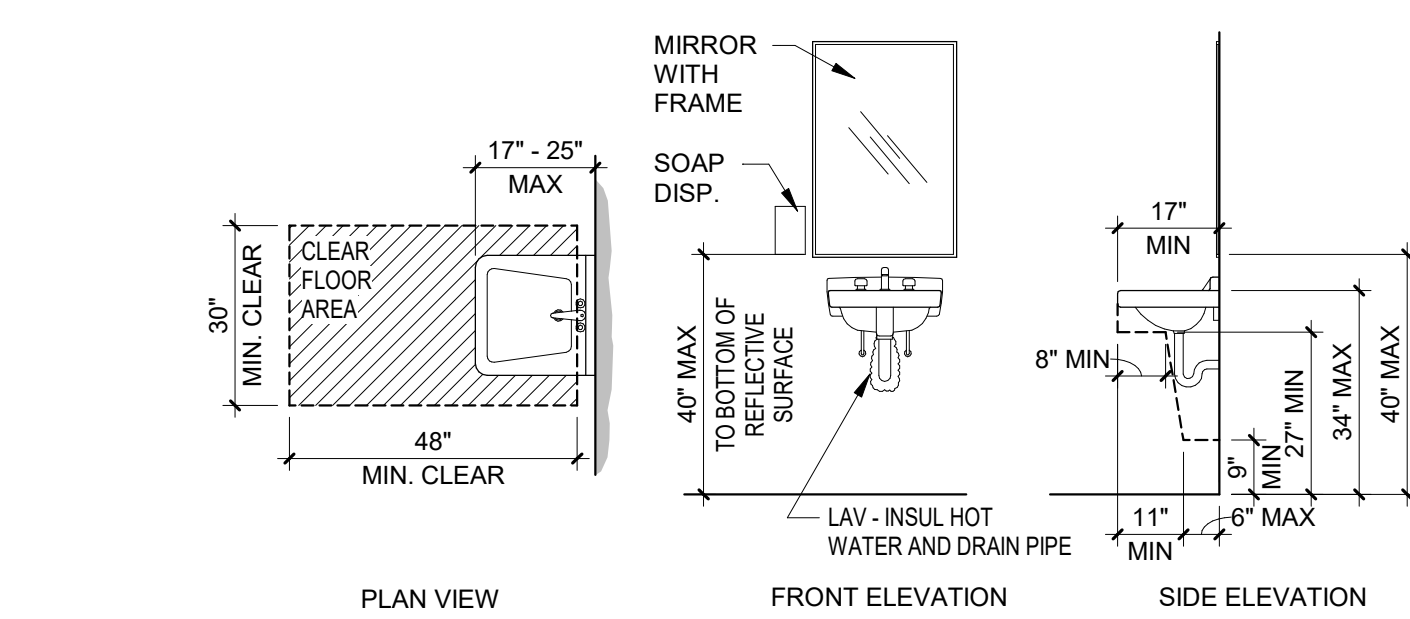
2 ACCESSIBLE TOILET LOCATION (IN-LINE COMPARTMENT) MN20 1/2" = 1'-0"



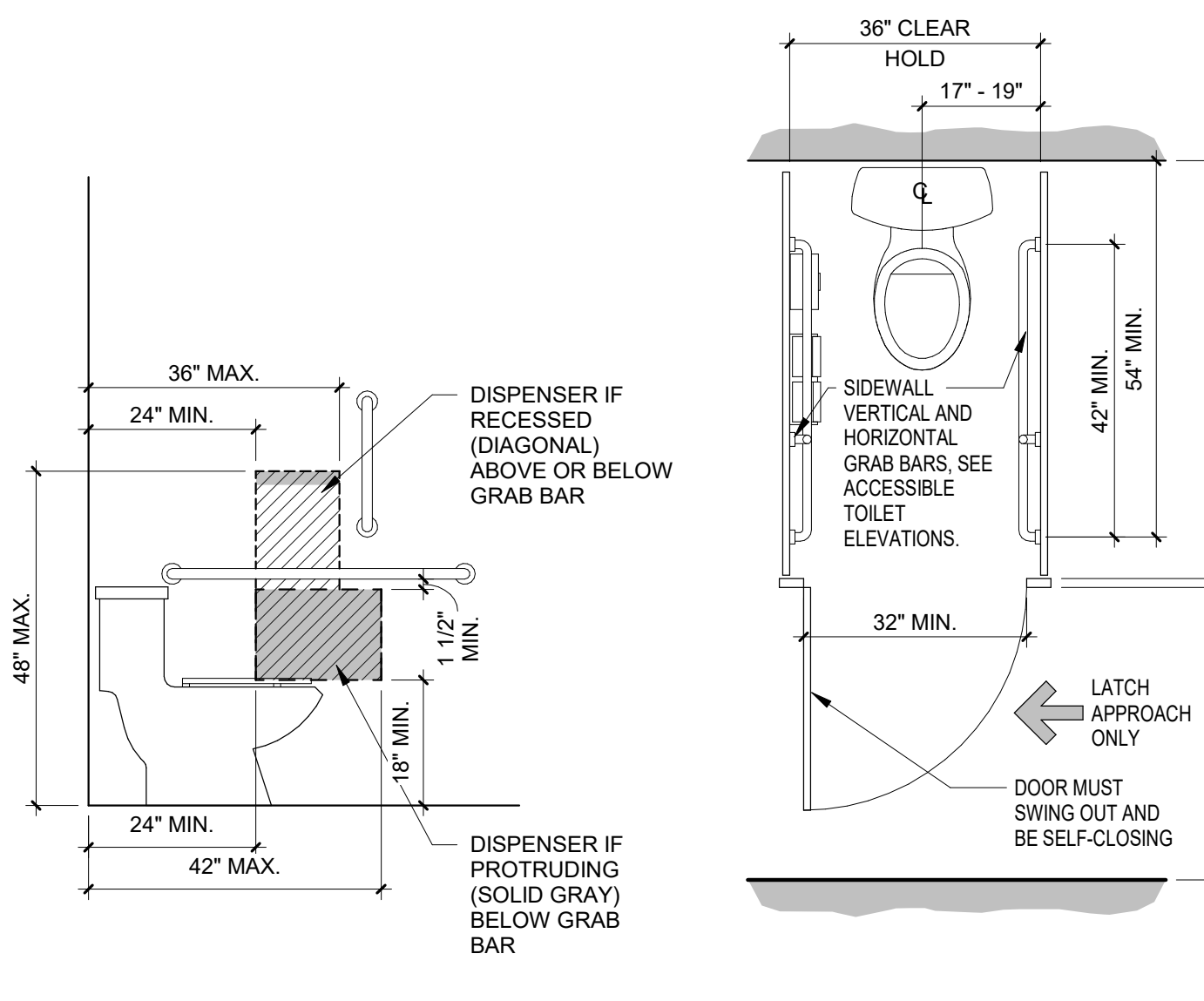
7 URINAL PLAN AND ELEVATION 3/8" = 1'-0"



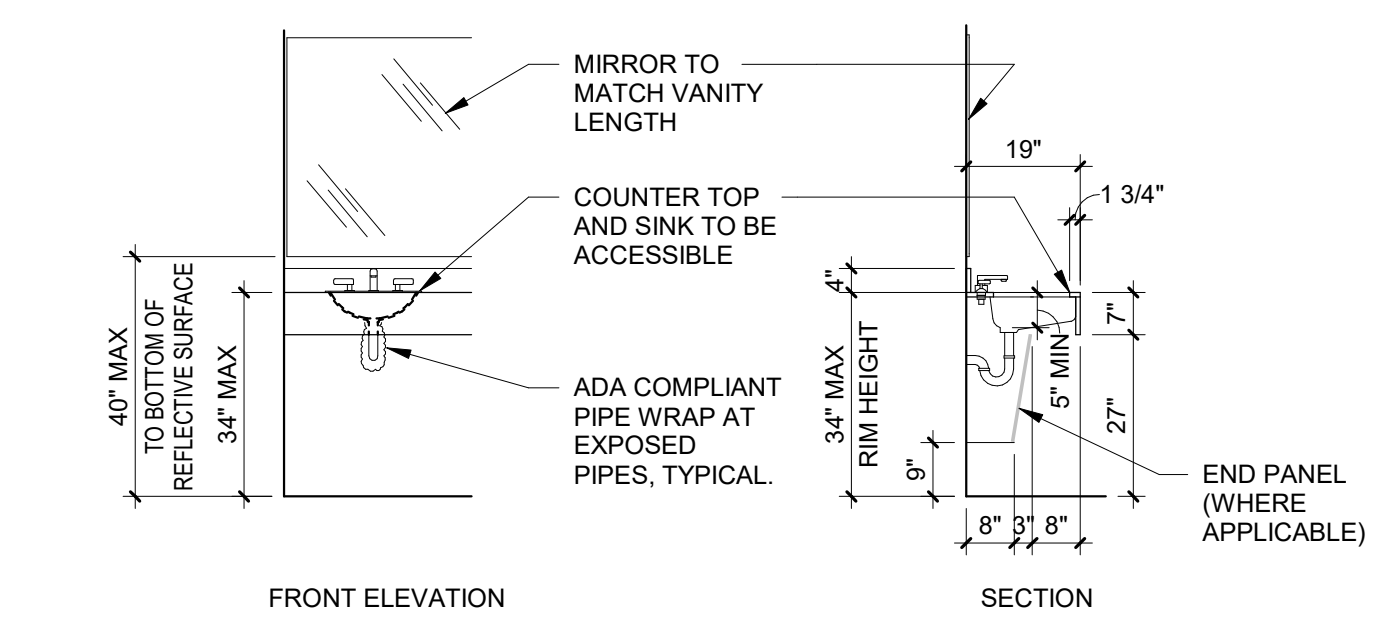
3 ACCESSIBLE TOILET ELEVATIONS 1/2" = 1'-0"



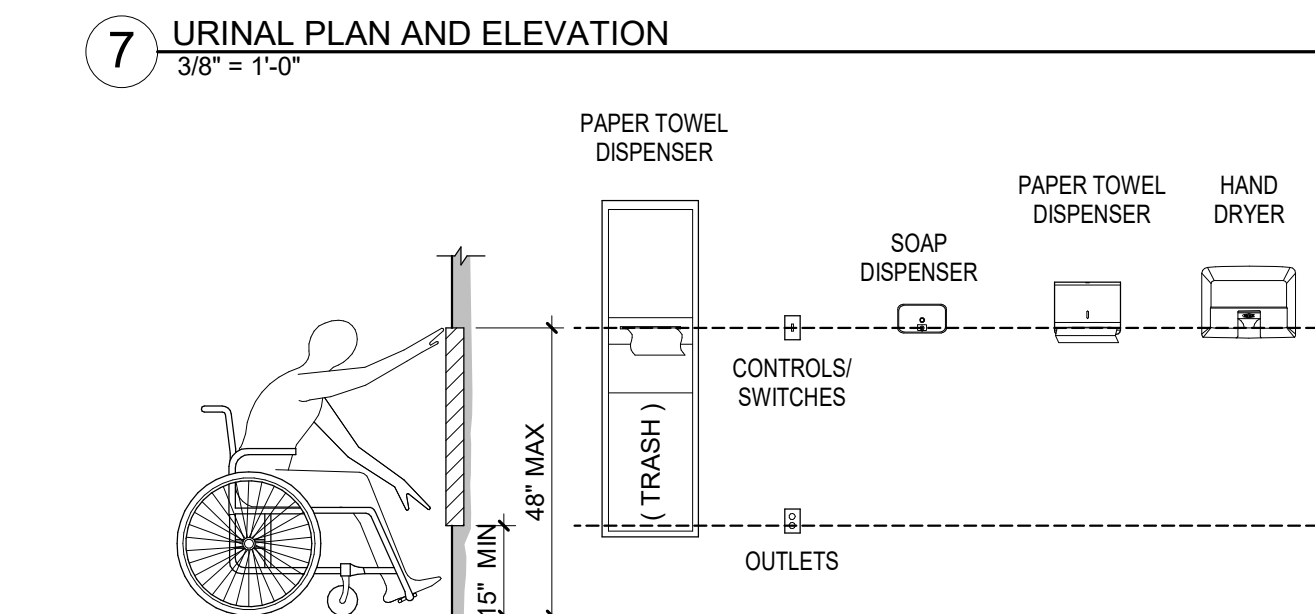
8 LAVATORY PLAN AND ELEVATION 3/8" = 1'-0"



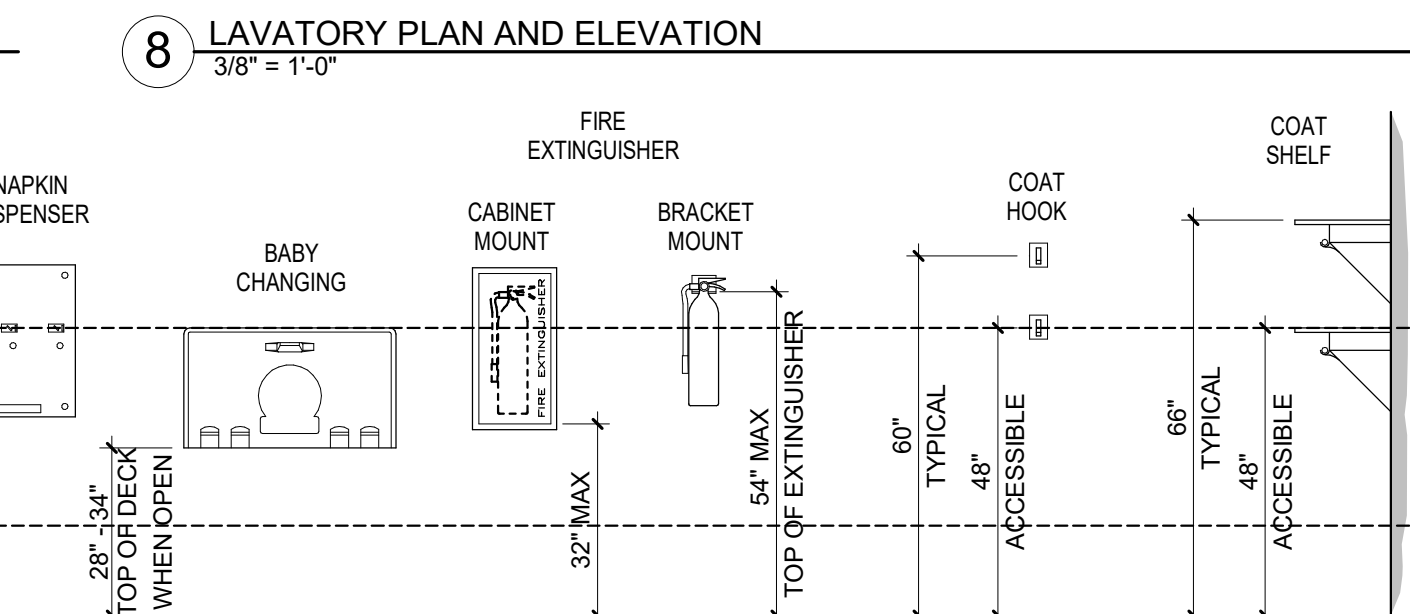
4 DISPENSER INSTALLATION LOCATION 1/2" = 1'-0"



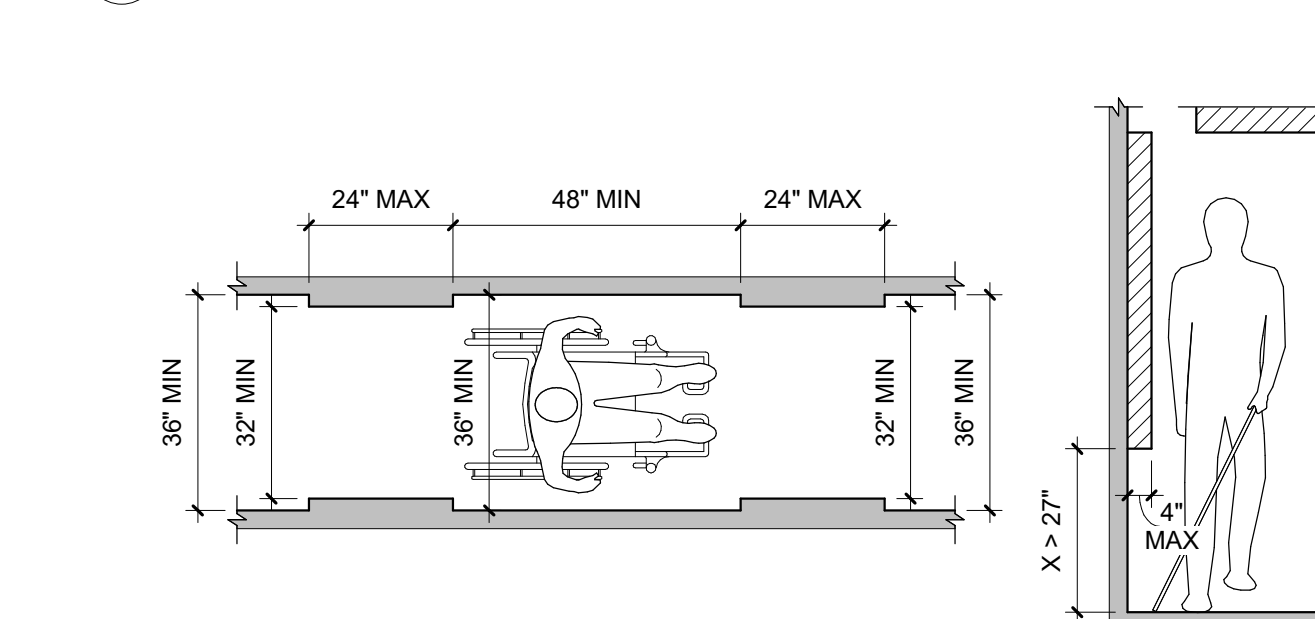
9 VANITY ELEVATION AND SECTION 3/8" = 1'-0"



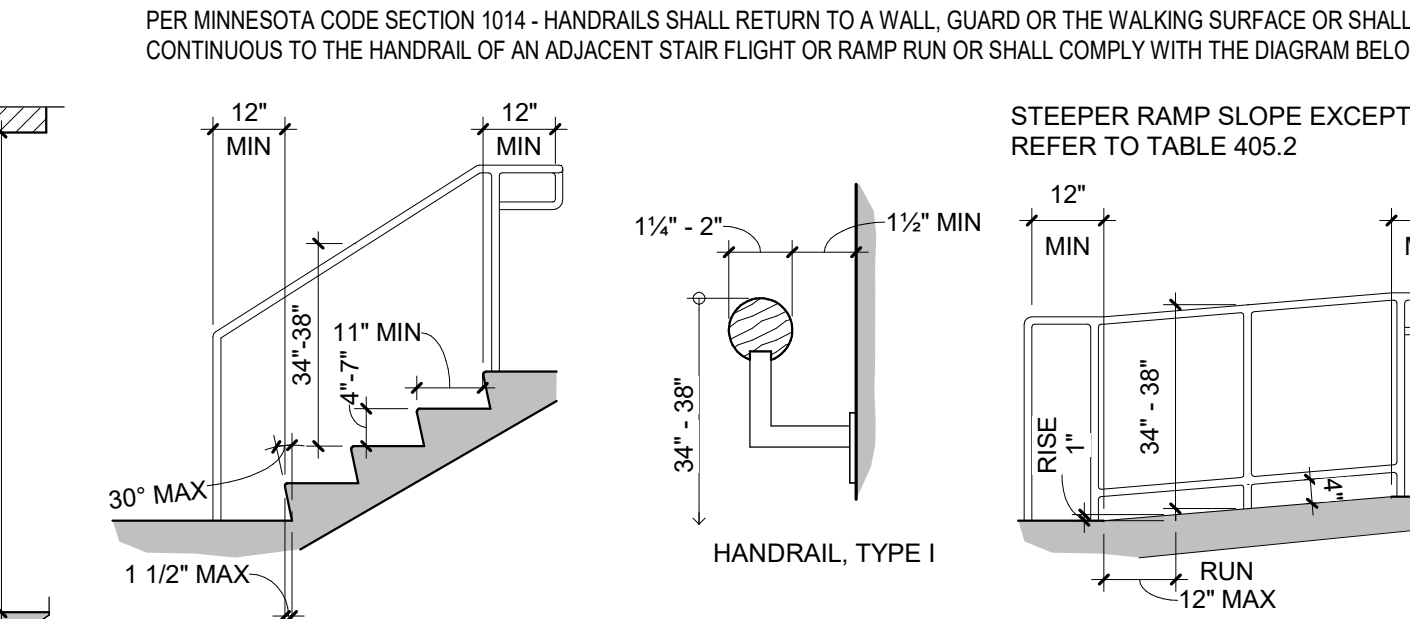
10 FRONT APPROACH ADA COMPLIANT ACCESSIBLE REACH LIMITATIONS 3/8" = 1'-0"



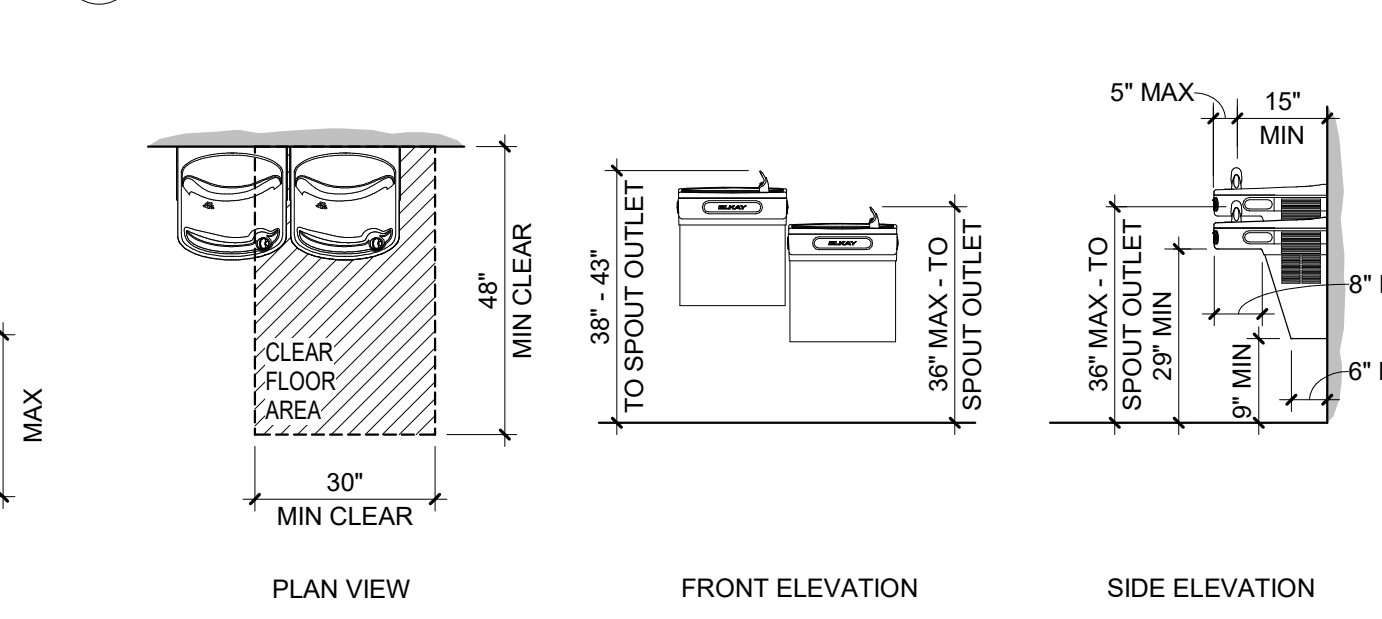
11 ADA COMPLIANT RESTROOM SIGNAGE TYPICAL LOCATION 3/8" = 1'-0"



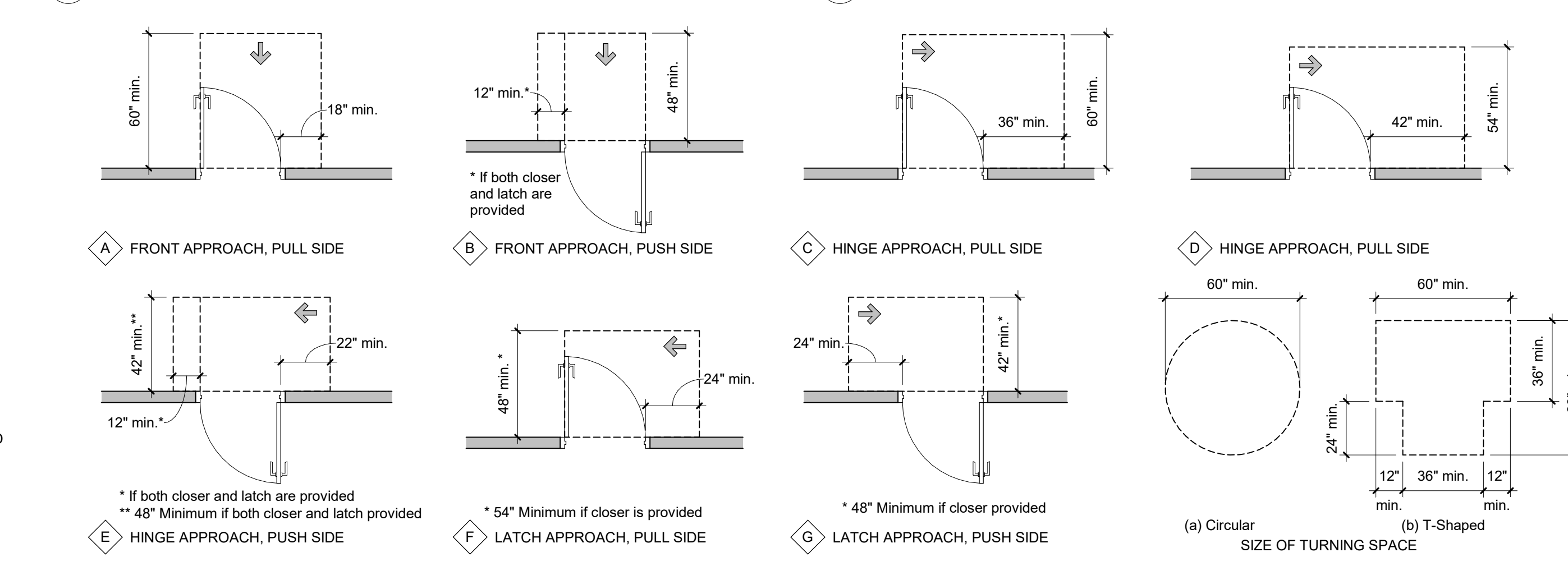
13 CLEAR WIDTH OF AN ACCESSIBLE ROUTE 3/8" = 1'-0"



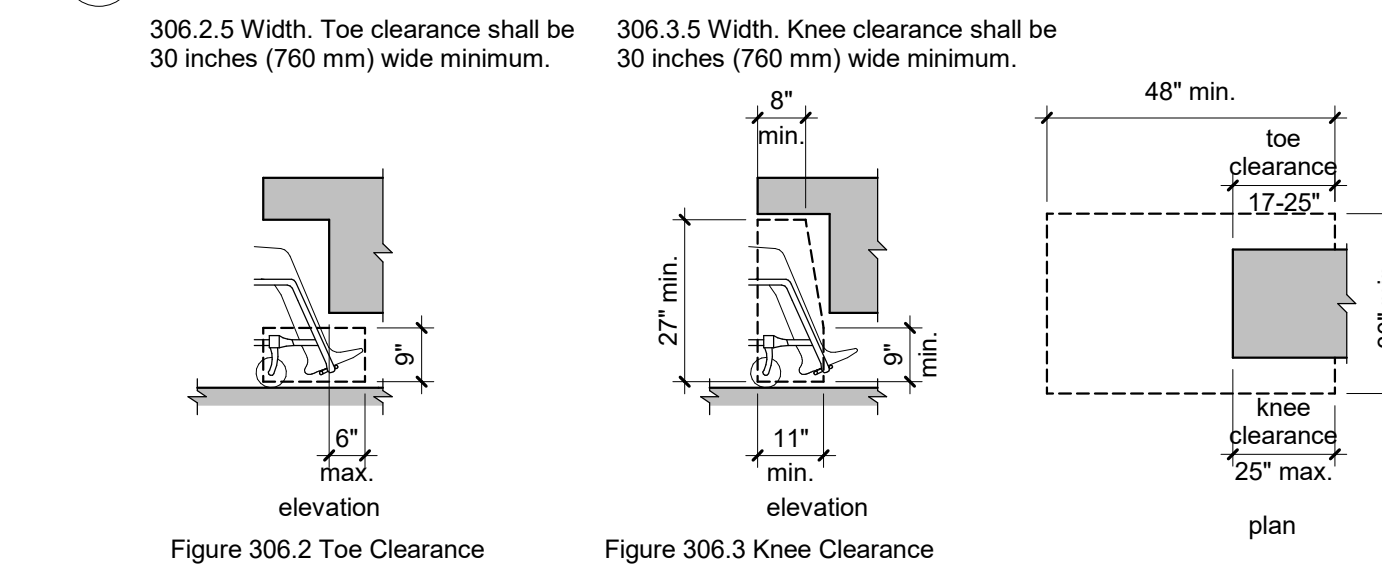
14 STAIR TREAD/ RISERS, RAMPS AND HANDRAILS IBC18 N.T.S.



15 DRINKING FOUNTAIN N.T.S.



17 MANEUVERING CLEARANCE REQUIREMENTS AT MANUAL SWINGING DOORS MN20 1/4" = 1'-0"



18 TOE AND KNEE CLEARANCE N.T.S.

1. THIS SHEET IS PROVIDED FOR GENERAL INFORMATION AND REFERENCE PURPOSES ONLY. IT IS **NOT** TO BE USED TO DETERMINE PROJECT SCOPE OF WORK.
2. ALL CONDITIONS SHOWN ON THIS SHEET MAY NOT BE PRESENT WITHIN THESE CONTRACT DOCUMENTS.
3. ANY JOB SPECIFIC DRAWINGS IN THESE CONTRACT DOCUMENTS ARE TO TAKE PRECEDENCE OVER SIMILAR DRAWINGS SHOWN ON THIS SHEET. (IF DISCREPANCIES ARE FOUND BETWEEN STANDARD OR GENERAL DETAILS AND JOB-SPECIFIC DETAILS INCLUDED IN THIS SET, PLEASE CONTACT THE ARCHITECT FOR CLARIFICATION.)
4. ALL CLEARANCES AND MOUNTING HEIGHTS ARE INTENDED TO COMPLY WITH CURRENT ACCESSIBILITY CODE.



BUILDING EXPANSION

7577 175th St E Prior Lake, MN 55372



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature: Ryan Schroeder
 Name: Ryan Schroeder
 Registration: #50047
 Project Contact: RYAN SCHROEDER
 Phone Number: 952-541-9969

NO.	Print History	Date
P1	PRELIMINARY	02.19.21
P1	PRELIMINARY PERMIT	04.29.22
P2	PRELIMINARY REVIEW	07.07.22
C1	PERMIT REVIEW	07.07.22
R1	REVISION #1	09.23.22
-	-	-
-	-	-

NO.	Revision Description	Date

REFERENCED ACCESSIBILITY DETAILS

Project 21006
 Drawn CLB
 Checked RS

A0.1
 BUILDING EXPANSION
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C1	PERMIT	07.26.22
R1	REVISION #1	09.23.22
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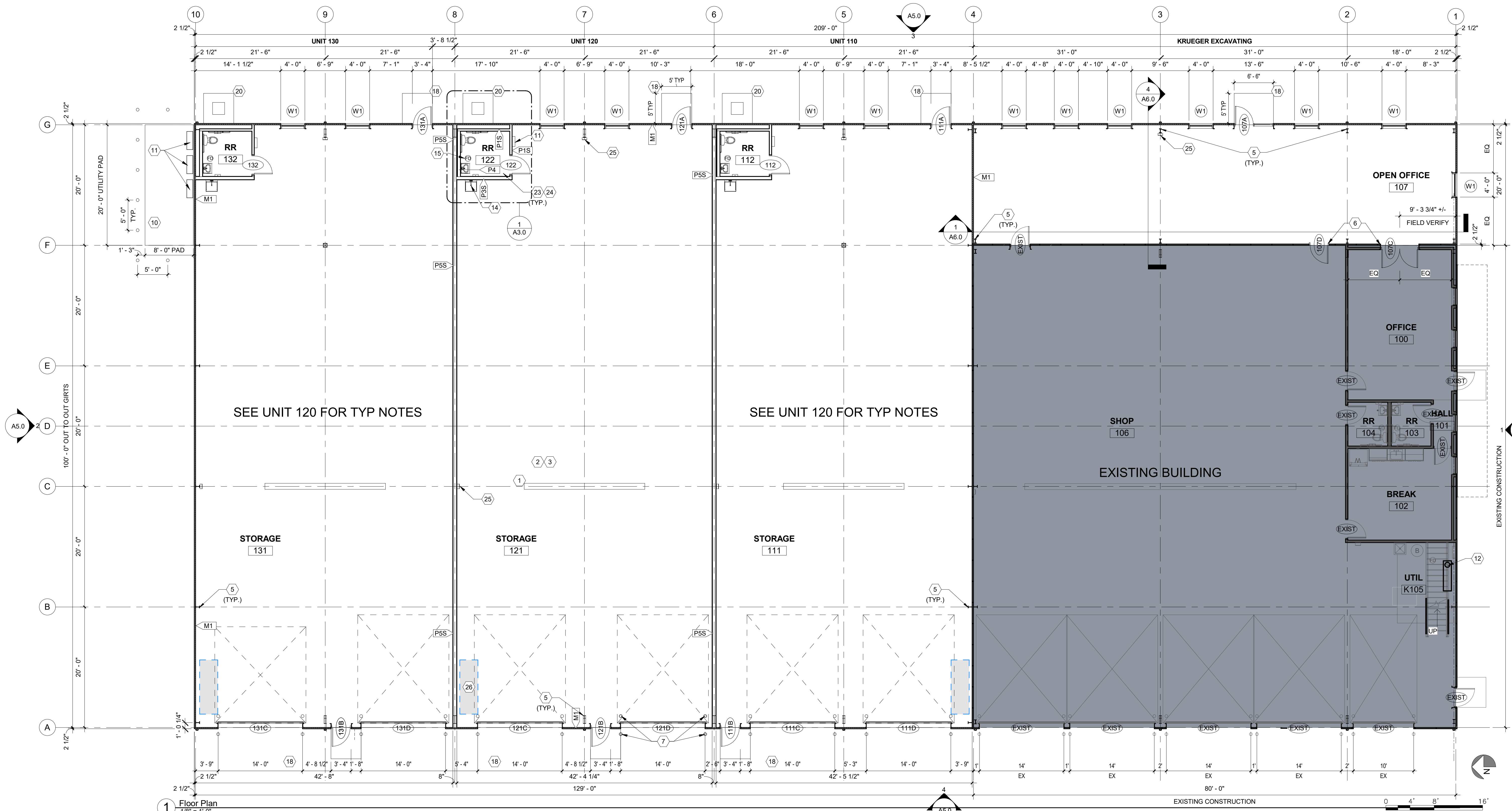
NO.	Revision Description	Date

MAIN LEVEL FLOOR PLAN

Project 21006
Drawn CLB
Checked RS

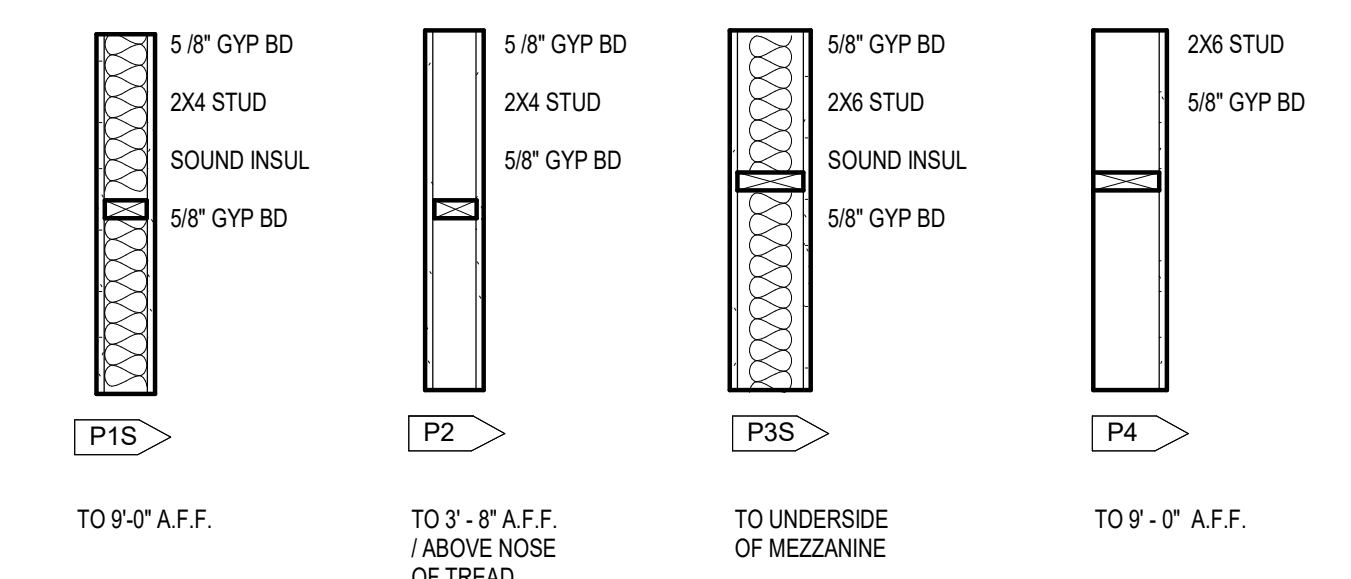
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BUILDING EXPANSION
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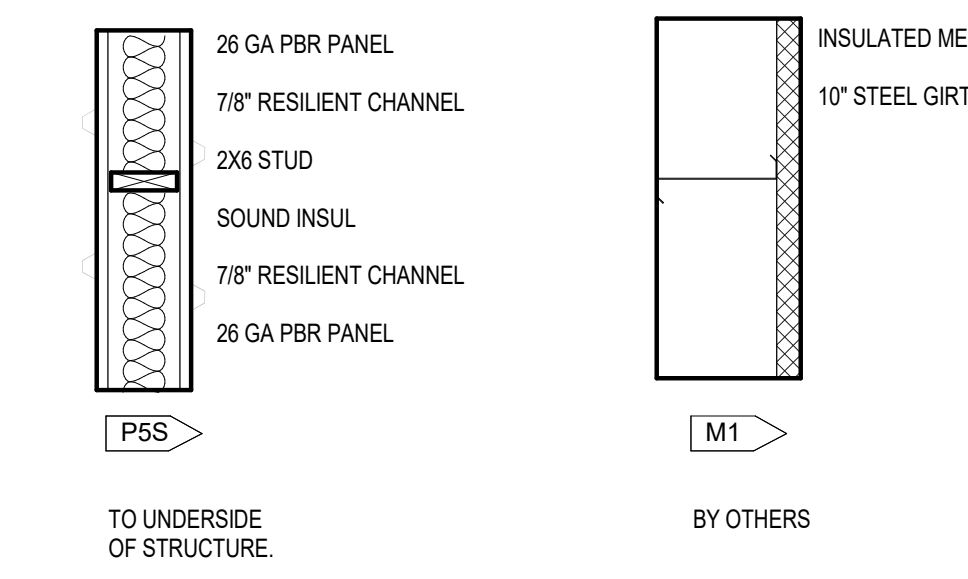
WALL TYPES/ LEGEND

- A. PARTITIONS ARE DIMENSIONED IN PLAN FINISH FACE TO FINISH FACE.
- B. CRITERIA FOR PARTITION HEIGHTS (OCCUPIED SPACES ONLY), U.N.O.
 - PARTITIONS WITHOUT SUSPENDED CEILINGS ON BOTH SIDES OF PARTITION EXTEND TO STRUCTURE.
 - PARTITIONS WITH SUSPENDED CEILINGS ON BOTH SIDES OF PARTITION TERMINATE 4" ABOVE SUSPENDED CEILINGS, UNLESS NOTED OTHERWISE.
 - PARTITIONS WITH SUSPENDED CEILINGS ON ONE SIDE AND NO CEILING ON THE OTHER SIDE OF PARTITION EXTEND TO STRUCTURE WITH GYP BD FULL HEIGHT ON ONE SIDE, UNLESS NOTED OTHERWISE.
 - "F" AS PART OF PARTITION TYPE INDICATOR DESIGNATES EXCEPTIONS OR CLARIFICATIONS TO THE ABOVE CRITERIA.
- C. PARTITION SYMBOL MAY BE USED IN CONJUNCTION WITH NOTES TO MODIFY CONSTRUCTION FOR UNIQUE CONDITIONS.
- D. STUD WALLS, BEARING - SEE STRUCTURAL.
- E. STUD WALLS, NON-BEARING ARE 24" O.C. MAXIMUM UNLESS OTHERWISE NOTED.
- F. SUPPLIER IS RESPONSIBLE TO MEET LOCAL CODE REQUIREMENTS.



SYMBOL DESIGNATION

- E = EXISTING WALL
- M = INSULATED METAL PANEL PROVIDED BY OTHERS
- P = PARTITION
- C = CONCRETE / CMU
- R = RATED WALL
- S = SOUND INSULATION
- F = FULL HEIGHT GYP. BD. EACH SIDE
- A = ALTERNATE CONSTRUCTION
- 3 = SEE WALL TYPES LEGEND FOR MATERIAL TYPE & DIMENSION

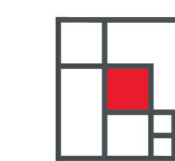


FLOOR PLAN NOTES

- * VERIFY ALL DIMENSIONS FOR NEW WALLS AND FLOOR COVERINGS. VERIFY THESE DIMENSIONS WITHIN THE INSULATED METAL BUILDING SHELL PRIOR TO ANY CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECTS OFFICE IMMEDIATELY.
- A. DIMENSIONS ARE TO THE EXTERIOR FACE OF THE METAL BUILDING SHELL STRUCTURE (GIRT) / INTERIOR FACE OF INSULATED METAL PANEL AND OPENINGS UNLESS NOTED OTHERWISE.
- B. TYPICAL EXTERIOR WALL CONSTRUCTION IS P4 AT OFFICES UNLESS NOTED OTHERWISE.
- C. TYPICAL INTERIOR WALL CONSTRUCTION IS P1S UNLESS NOTED OTHERWISE.
- D. PROVIDE HORIZONTAL BRACING AT TOP OF WALLS AS NEEDED AT LOW PARTITION WALLS THAT ARE FREE STANDING.
- E. G.C. IS RESPONSIBLE FOR CONSTRUCTION AND INSTALLATION OF ALL CUSTOM CABINETS, SHELVING, COUNTERTOPS, ETC. AS SHOWN.
- F. G.C. IS RESPONSIBLE TO COORDINATE THE WORK AND SCHEDULE OF THE OWNERS SECURITY CONTRACTOR.
- G. PROVIDE ANY/ ALL WOOD BLOCKING REQUIRED IN WALLS FOR CABINETS, COUNTERTOPS, SHELVING, GRAB BARS, LAVATORIES, DISPLAYS, ETC.
- H. PROVIDE MOISTURE RESISTANT GYP. BD. IN RESTROOMS.
- I. G.C. IS TO TAPE AND SAND SMOOTH TO A LEVEL FOUR FINISH ALL NEW GYP. BD. SURFACES.
- J. PROVIDE ACOUSTIC INSULATION AT INTERIOR WALL CONSTRUCTION SURROUNDING OFFICES AND RESTROOMS.
- K. UNLESS NOTED OTHERWISE, ALL NEW MECHANICAL, PLUMBING, ELECTRICAL AND LIGHT FIXTURES ARE TO BE PROVIDED AND INSTALLED BY THE GENERAL CONTRACTOR.

FLOOR PLAN KEYNOTES

NO.	DESCRIPTION
1	12"X20'-0" (FIELD VERIFY) TRENCH DRAIN. PROVIDE VENTING AS REQUIRED BY CODE. SEE PLUMBING
2	FLOOR RADIANT HEATING SYSTEM THROUGHOUT SHOP AREA. SEE MECHANICAL
3	CONCRETE FLOOR SLAB. SLOPE TOWARDS TRENCH DRAIN WITHIN SHOP. SEE STRUCTURAL
5	SHELL BUILDING METAL PANELS AND STRUCTURAL SYSTEM. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
6	PROVIDE NEW DOOR OPENING IN EXISTING INSULATED METAL PANEL WALL.
7	PIPE BOLLARD. PROVIDE 2 EXTERIOR AND 2 INTERIOR @ ALL EXTERIOR OVERHEAD DOORS @ GRADE. SEE DETAIL 1/A7.0
8	PIPE BOLLARD, TYPE B. SEE DETAIL 1 A7.0.
10	4" CONCRETE UTILITY PAD. SLOPE AWAY FROM BUILDING. PROVIDE BOLLARDS (TYPE 'A' 1/4" O) AT 5'-0" O.C. MAX.
11	ELECTRICAL PANEL. SEE ELECTRICAL
12	FIRE SPRINKLER RISER. SEE FIRE PROTECTION.
14	MOP SINK. SEE PLUMBING
15	FLOOR DRAIN. SEE PLUMBING
18	CONCRETE STOOP, DOWEL TO FOUNDATION, SEE STRUCTURAL. MINIMUM 4'-8"WX4'-4"D AT SINGLE DOOR
20	4" CONCRETE UTILITY PAD. SLOPE AWAY FROM BUILDING AC CONDENSER, SEE MECHANICAL.
23	MEZZANINE FLOOR. SEE STRUCTURAL.
24	GUARD RAIL AT MEZZANINE / STAIR, MIN. 42" AFF/STAIR NOSING, WALL TYPE P2.
25	FIRE EXTINGUISHER. VERIFY FINAL LOCATION W/ FIRE MARSHAL.
26	TRASH & RECYCLING SPACE.



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**BUILDING
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Prior Lake, MN 55372



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature: Ryan Schroeder
Name: Ryan Schroeder
Registration: #50047
Project Contact: RYAN SCHROEDER
Phone Number: 952-541-9969

NO.	Print History	Date
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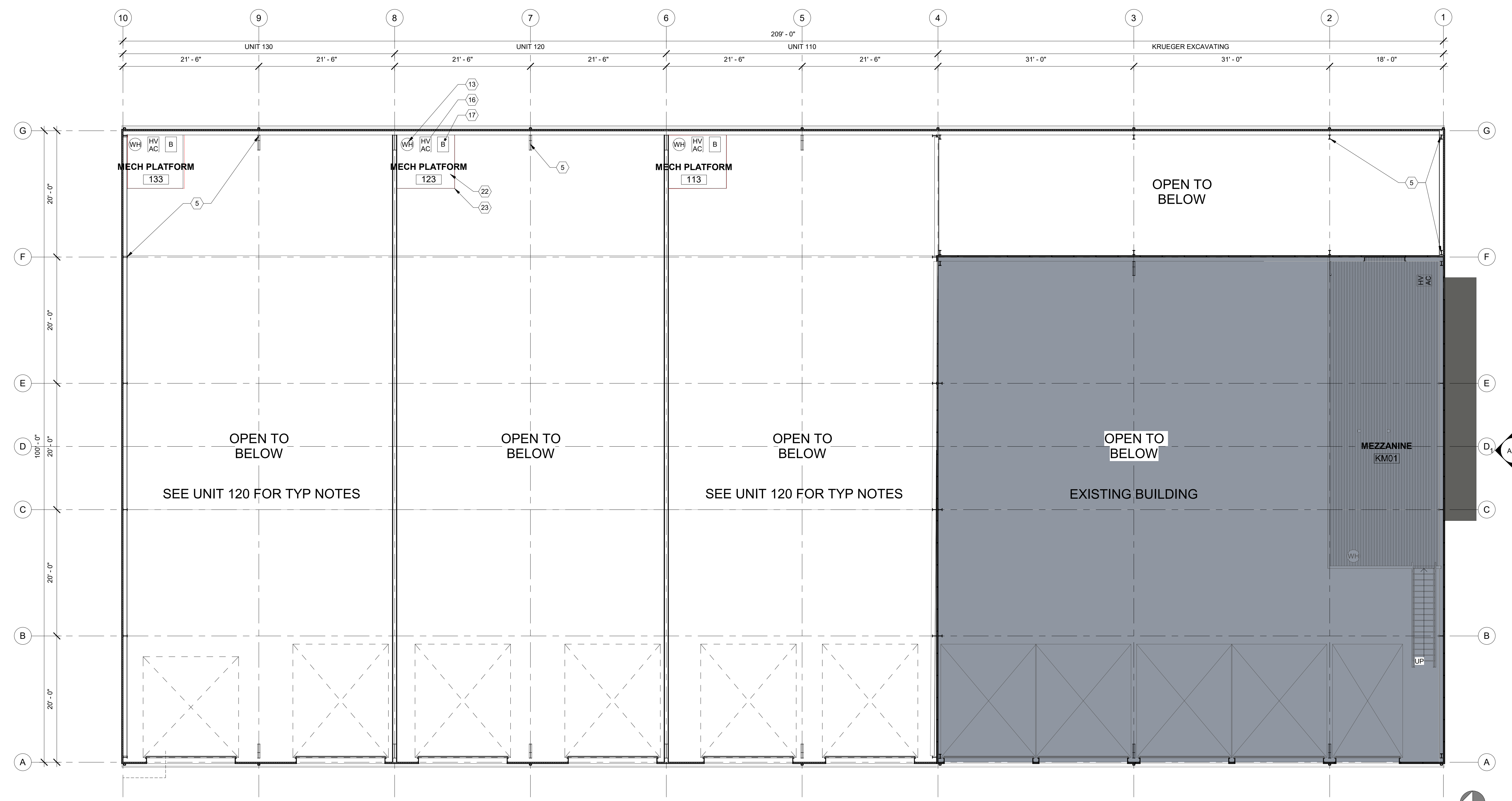
NO.	Revision Description	Date

MEZZANINE LEVEL
FLOOR PLAN

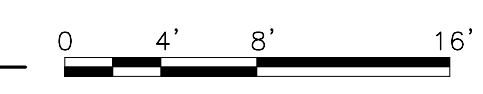
Project 21006
Drawn CLB
Checked RS

A1.1

BUILDING EXPANSION
7577 175th St E
Prior Lake, MN 55372



1 Floor Plan, Mezzanine
1/8" = 1'-0"

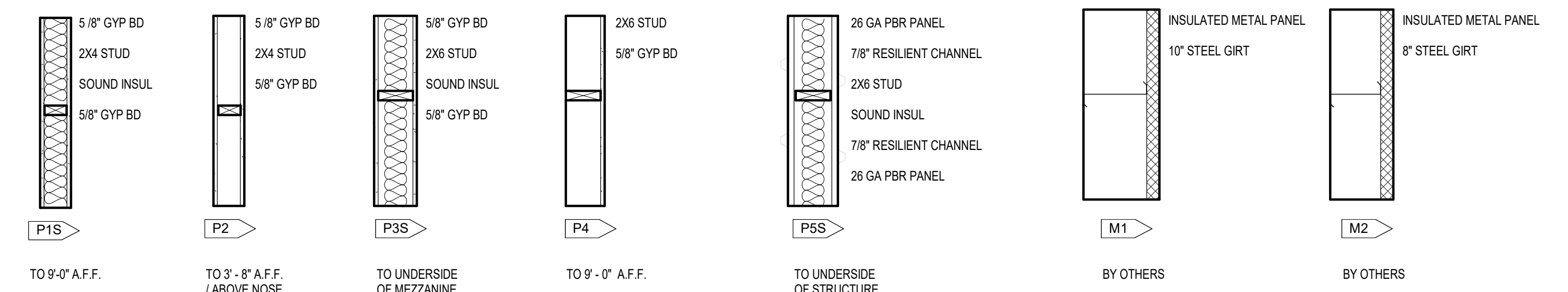


WALL TYPES/ LEGEND

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 - PARTITIONS WITH SUSPENDED CEILINGS ON ONE SIDE AND NO CEILING ON THE OTHER SIDE OF PARTITION EXTEND TO STRUCTURE WITH GYP BD FULL HEIGHT ON ONE SIDE, UNLESS NOTED OTHERWISE.
 - * AS PART OF PARTITION TYPE INDICATOR DESIGNATES EXCEPTIONS OR CLARIFICATIONS TO THE ABOVE CRITERIA.
C. PARTITION SYMBOL MAY BE USED IN CONJUNCTION WITH NOTES TO MODIFY CONSTRUCTION FOR UNIQUE CONDITIONS.
D. STUD WALLS, BEARING - SEE STRUCTURAL.
E. STUD WALLS, NON-BEARING ARE 24" O.C. MAXIMUM UNLESS OTHERWISE NOTED.
F. SUPPLIER IS RESPONSIBLE TO MEET LOCAL CODE REQUIREMENTS.

SYMBOL DESIGNATION

- E = EXISTING WALL
M = INSULATED METAL PANEL PROVIDED BY OTHERS
P = PARTITION
C = CONCRETE / CMU
R = RATED WALL
S = SOUND INSULATION
F = FULL HEIGHT GYP. BD. EACH SIDE
A = ALTERNATE CONSTRUCTION
3 = SEE WALL TYPES LEGEND FOR MATERIAL TYPE & DIMENSION

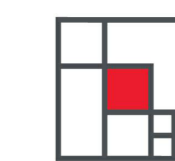


FLOOR PLAN NOTES

- * VERIFY ALL DIMENSIONS FOR NEW WALLS AND FLOOR COVERINGS. VERIFY THESE DIMENSIONS WITHIN THE INSULATED METAL BUILDING SHELL PRIOR TO ANY CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE ARCHITECTS OFFICE IMMEDIATELY.
- DIMENSIONS ARE TO THE EXTERIOR FACE OF THE METAL BUILDING SHELL STRUCTURE (GIRT) / INTERIOR FACE OF INSULATED METAL PANEL AND OPENINGS UNLESS NOTED OTHERWISE.
 - TYPICAL EXTERIOR WALL CONSTRUCTION IS P4 AT OFFICES UNLESS NOTED OTHERWISE.
 - TYPICAL INTERIOR WALL CONSTRUCTION IS P1S UNLESS NOTED OTHERWISE.
 - PROVIDE HORIZONTAL BRACING AT TOP OF WALLS AS NEEDED AT LOW PARTITION WALLS THAT ARE FREE STANDING.
 - G.C. IS RESPONSIBLE FOR CONSTRUCTION AND INSTALLATION OF ALL CUSTOM CABINETS, SHELVING, COUNTERTOPS, ETC. AS SHOWN.
 - G.C. IS RESPONSIBLE TO COORDINATE THE WORK AND SCHEDULE OF THE OWNERS SECURITY CONTRACTOR.
 - PROVIDE ANY/ ALL WOOD BLOCKING REQUIRED IN WALLS FOR CABINETS, COUNTERTOPS, SHELVING, GRAB BARS, LAVATORIES, DISPLAYS, ETC.
 - PROVIDE MOISTURE RESISTANT GYP. BD. IN RESTROOMS.
 - G.C. IS TO TAPE AND SAND SMOOTH TO A LEVEL FOUR FINISH ALL NEW GYP. BD. SURFACES.
 - PROVIDE ACOUSTIC INSULATION AT INTERIOR WALL CONSTRUCTION SURROUNDING OFFICES AND RESTROOMS.
 - UNLESS NOTED OTHERWISE, ALL NEW MECHANICAL, PLUMBING, ELECTRICAL AND LIGHT FIXTURES ARE TO BE PROVIDED AND INSTALLED BY THE GENERAL CONTRACTOR.

FLOOR PLAN KEYNOTES

NO.	DESCRIPTION
13	WATER HEATER, SEE PLUMBING
16	FORCED AIR HVAC SYSTEM, INSTALLED ON MEZZANINE. DUCT RUN LOCATED ABOVE MEZZANINE FLOOR. SUPPLY SHALL BE PUNCHED DOWN THROUGH FLOOR/CEILING ASSEMBLY BELOW. SEE MECHANICAL.
17	BOILER SERVING FLOOR RADIANT HEATING SYSTEM, SEE MECHANICAL.
22	MEZZANINE GUARD RAIL, 4X4 POST AT 8'-0" O.C. WITH (3) 2X4 CROSS RAILS, 42" HEIGHT MIN.
23	MEZZANINE FLOOR, SEE STRUCTURAL.



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Prior Lake, MN 55372



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature: Ryan Schroeder
Name: Ryan Schroeder
Registration: #50047
Project Contact: RYAN SCHROEDER
Phone Number: 952-541-9969

NO.	Print History	Date
P1	PRELIMINARY	02.19.21
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P2	PRELIMINARY	07.07.22
C1	PERMIT REVIEW	07.07.22
C1	PERMIT	07.26.22
R1	REVISION #1	09.23.22
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-	-	-

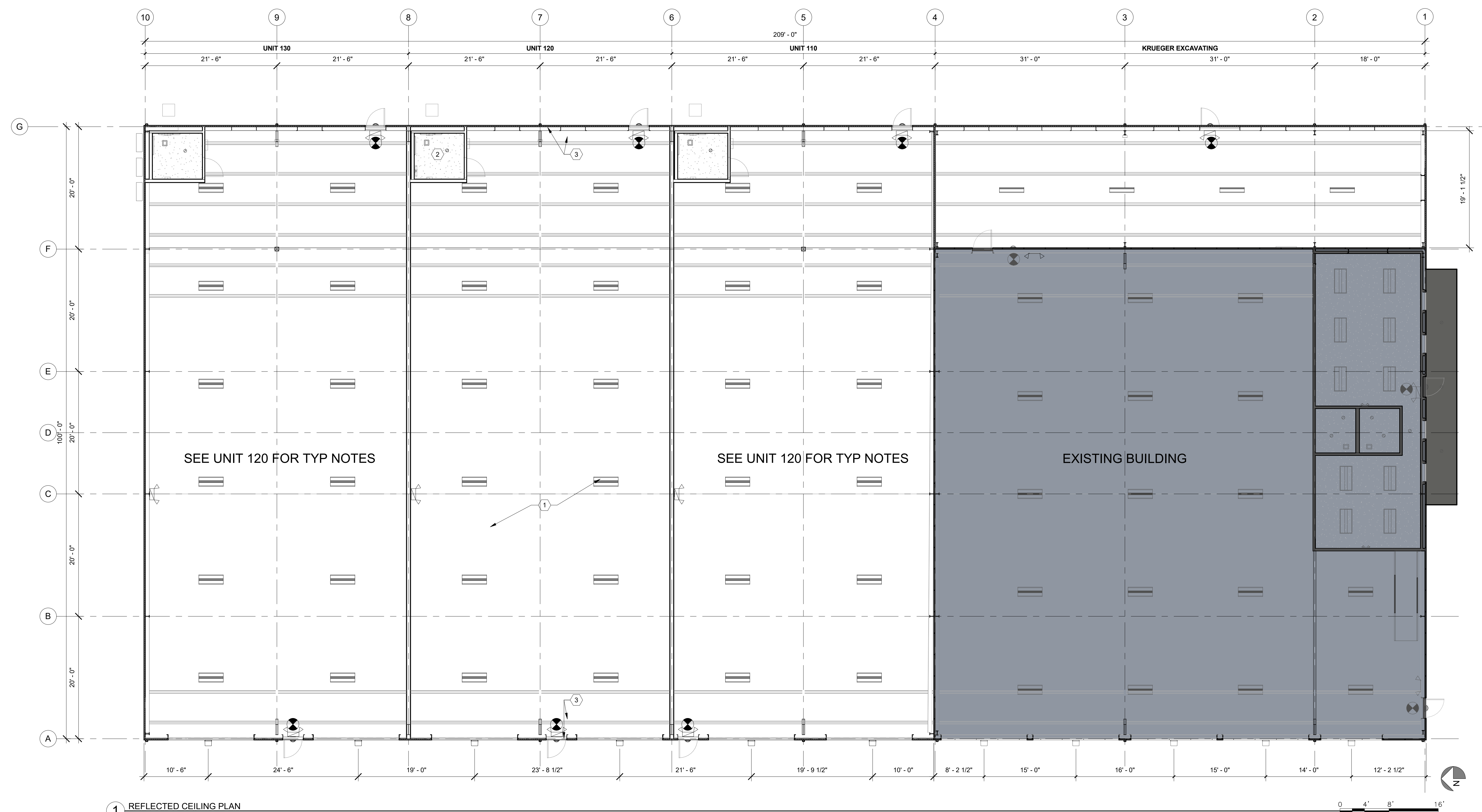
NO.	Revision Description	Date

**MAIN LEVEL
REFLECTED CEILING
PLAN**

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1 REFLECTED CEILING PLAN
1/8" = 1'-0"

MN ENERGY CODE COMPLIANCE

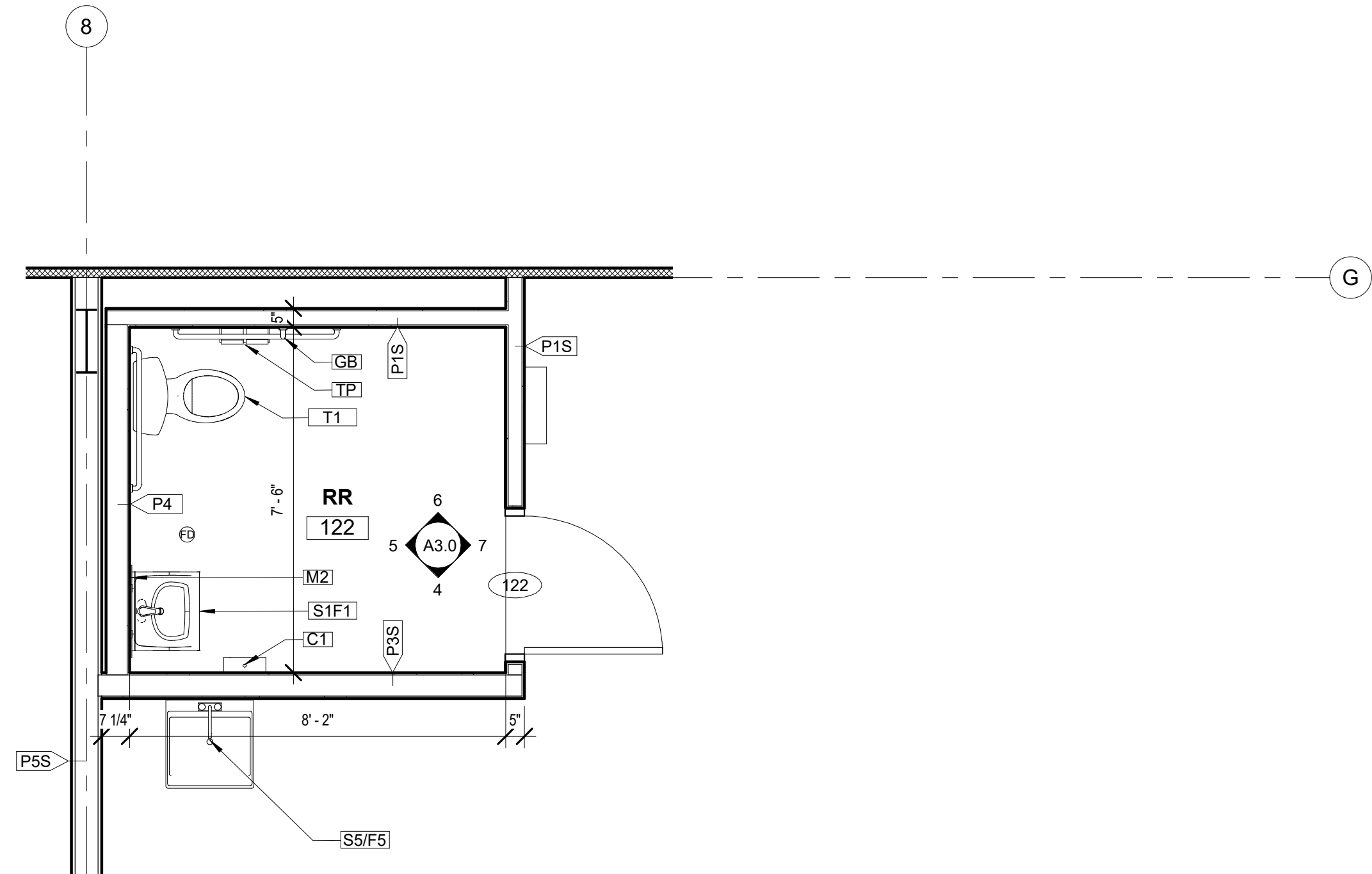
STATE OF MN ENERGY CODE 2020: ASHRAE 90.1, 2016
Energy code compliance reports, where provided, is for a building addition and is limited to areas where new work is performed. The existing areas that are to remain unaltered, have not been reviewed for compliance. An Energy Compliance Report with Requirements associated with the building envelope is included in this construction document set. Power & Data plans, reflected ceiling plans and switching locations, as shown within this construction document set, are for design intent only. The associated design-build contractor is responsible for actual design of mechanical distribution, power distribution, switching, sensors, etc. Mechanical and electrical design is to comply with all federal, state and local codes. The mechanical and electrical designer shall include, as part of their construction document set, any Energy Compliance Reports with Requirements where required for the project. Contractor shall verify the Energy Compliance Reports with Requirements is included with all sets of construction documents on-site.

CEILING SYMBOLS

- GYPSUM BOARD AT 9'-0" A.F.F.
- SURFACE MOUNTED LITHONIA LBL LED SERIES LBL4W (6000 LUMEN, 50.1 WATT) OR APPROVED EQUAL.
- HIGH-BAY LIGHT - MOUNT AT 17'-0" AFF LITHONIA I-BEAM IBE (30,000 LUMEN, 215 WATT) OR APPROVED EQUAL.
- SUSPENDED STRIP LIGHT (8'-0") - MOUNT AT 9'-6" AFF LITHONIA ZL1N (5,000 LUMEN, 34 WATT) OR APPROVED EQUAL.
- RECESSED DOWN LIGHT - EATON HALO LT560 (700 LUMEN, 10 WATT) OR APPROVED EQUAL.
- VANITY LIGHT - TO BE SELECTED
- WALL PACK - RAB LIGHTING - WP LED 52 (9,000 LUMEN, 80 WATT) OR APPROVED EQUAL.
- EMERGENCY LIGHT. VERIFY LOCATION AND QUANTITY WITH BUILDING OFFICIAL.
- EXIT LIGHT
- FAN

1 CEILING PLAN KEYNOTES

NO.	DESCRIPTION
1	EXPOSED ROOF STRUCTURE/ INSULATION ABOVE
2	GYPSUM BOARD CEILING AT 9'-0" A.F.F.
3	SHELL BUILDING METAL PANELS AND STRUCTURAL SYSTEM. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
4	FORCED AIR HVAC SYSTEM, INSTALLED ON MEZZANINE. DUCT RUN LOCATED ABOVE MEZZANINE FLOOR. SUPPLY SHALL BE PUNCHED DOWN THROUGH FLOOR/CEILING ASSEMBLY BELOW. SEE MECHANICAL.



1 Floor Plan - Typical Unit Enlarged Room
3/8" = 1'-0"

PLUMBING FIXTURE SYMBOL

SUBSTITUTIONS BY APPROVAL ONLY.

- M2 MIRROR: (FRAMELESS) AT LAVATORY:
BRADLEY: MODEL 747 (CLIP FASTENERS)
- C1 C-FOLD TOWEL DISPENSOR:
BRADLEY: MODEL 250-15
- TP TOILET TISSUE DISPENSER:
BRADLEY: MODEL 5224 (DUAL ROLL)
- GB GRAB BARS:
BRADLEY: MODEL 812
- T1 PLUMBING FIXTURES:
T1: TOILET: WHITE CHINA
AMERICAN STANDARD: CADET RIGHT HEIGHT ELONGATED TOILET
WITH FLUSH RIGHT SYSTEM; 2386: WHITE FULL SEAT, TRIP
LEVER TO OPEN SIDE OF STALL (FLOOR MOUNT)
TOILET SEAT:
AMERICAN STANDARD: ELONGATED, OPEN FRONT, NO LID.
- S1/F1 AMERICAN STANDARD: LUCERNE 0355.012, 4" CENTERS (WALL
HUNG)
FAUCET: AMERICAN STANDARD INNSBROOK SELECTRONIC,
HARD-WIRED, AC POWERED, 6059.202
(W/O POP-UP, WITH GRID DRAIN)
- S5/F5 LAUNDRY: TUB & FAUCET: MUSTEE UTILAB COMBO,
20" COMPOSITE BASIN OR EQUAL
- PW PIPE WRAP:
TRU BRO: MODEL 103, ON ALL EXPOSED DRAIN LINES
- WH WATER HEATER:
SIZE ACCORDING TO LOAD (ELEC), 120V, SINGLE ELEMENT.
- FD 2" FLOOR DRAIN WITH BRASS GRATE.

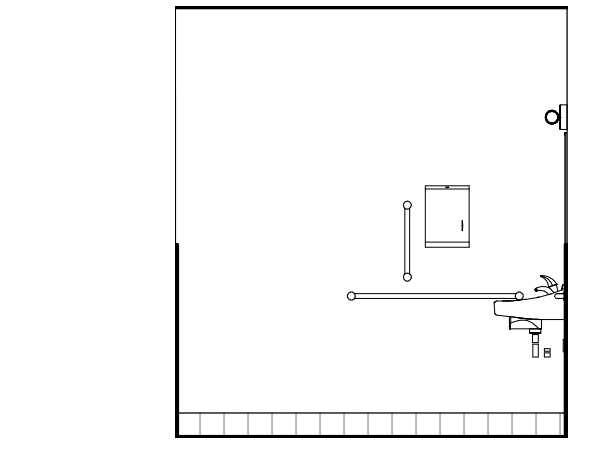
1 FLOOR PLAN KEYNOTES

NO.	DESCRIPTION
2	FLOOR RADIANT HEATING SYSTEM THROUGHOUT SHOP AREA. SEE MECHANICAL.
3	CONCRETE FLOOR SLAB. SLOPE TOWARDS TRENCH DRAIN WITHIN SHOP. SEE STRUCTURAL.
5	SHELL BUILDING METAL PANELS AND STRUCTURAL SYSTEM. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
9	BOX-OUT COLUMN TIGHT AS POSSIBLE
11	ELECTRICAL PANEL. SEE ELECTRICAL.
14	MOP SINK. SEE PLUMBING
19	CANOPY / BUILDING ROOF, BY METAL BUILDING SUPPLIER. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
21	NEW WOOD STAIR AND STRINGER. RISER 7" MAX. TREAD 11" MIN. WITH HANDRAIL EACH SIDE, T.O. RAIL 36" ABOVE TREAD. EXTEND RAIL 12" BEYOND FIRST AND LAST TREAD.
22	MEZZANINE GUARD RAIL, 4X4 POST AT 8'-0" O.C. WITH (3) 2X4 CROSS RAILS, 42" HEIGHT MIN.
24	GUARD RAIL AT MEZZANINE / STAIR, MIN. 42" AFF/STAIR NOSING, WALL TYPE P2.
25	FIRE EXTINGUISHER. VERIFY FINAL LOCATION W/ FIRE MARSHAL.
28	MEZZANINE LIGHT FIXTURES. SEE REFLECTED CEILING PLAN SHEET A2.1 FOR LOCATIONS AND ADDITIONAL INFORMATION.

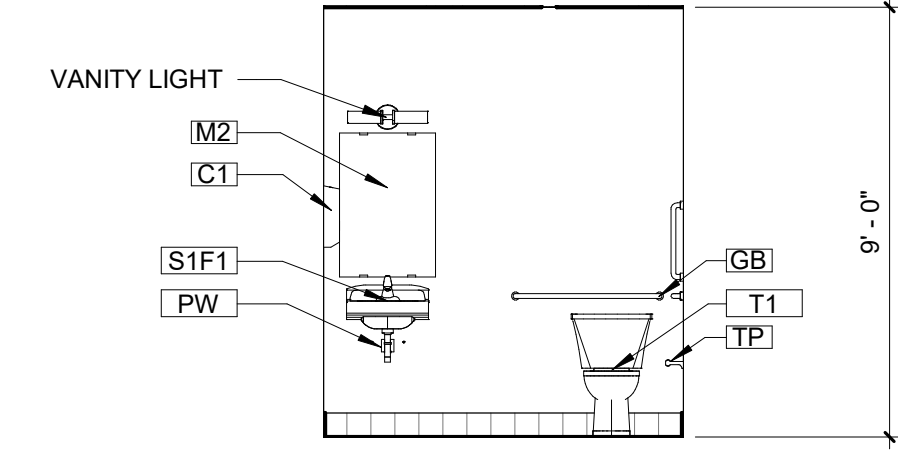
PT INTERIOR ELEVATIONS FINISHES

NO.	DESCRIPTION
CB	CERAMIC TILE, BASE, COLOR TO BE SELECTED
FRP	FIBERGLASS REINFORCED PANEL, COLOR TO BE SELECTED
PT	PAINT
TF	CERAMIC TILE, FLOOR, COLOR TO BE SELECTED

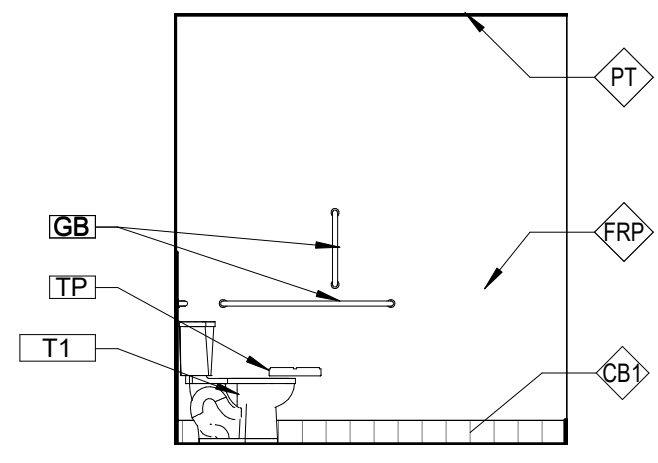
4 Elevation - TR Unit Lavatory Sidewall
1/4" = 1'-0"



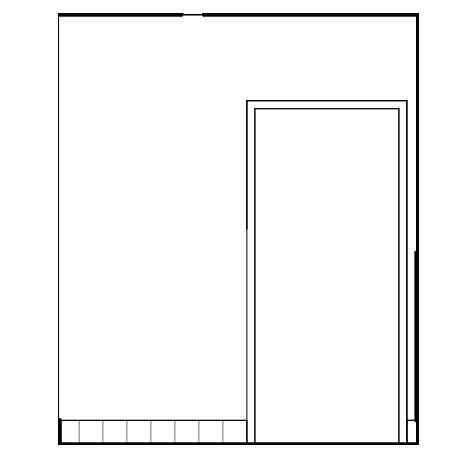
5 Elevation - TR Unit Wetwall
1/4" = 1'-0"



6 Elevation - TR Unit WC Sidewall
1/4" = 1'-0"



7 Elevation - TR Unit Door
1/4" = 1'-0"



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Project Contact: RYAN SCHROEDER
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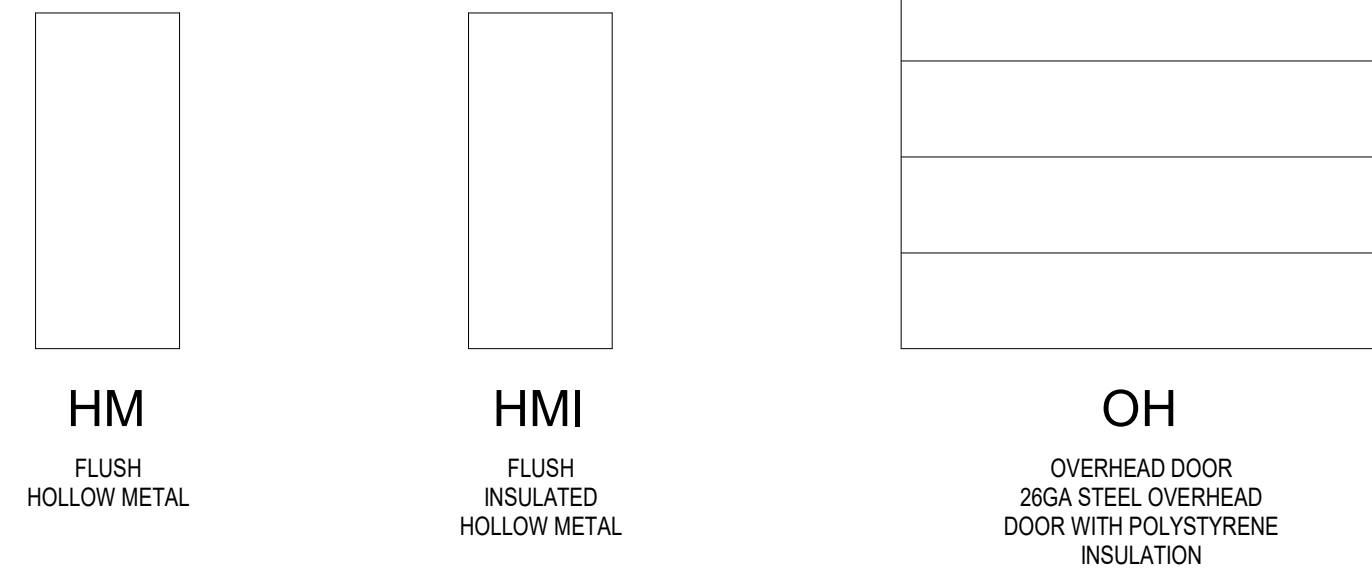
NO.	Revision Description	Date

TYPICAL UNIT RESTROOM PLAN AND ELEVATIONS

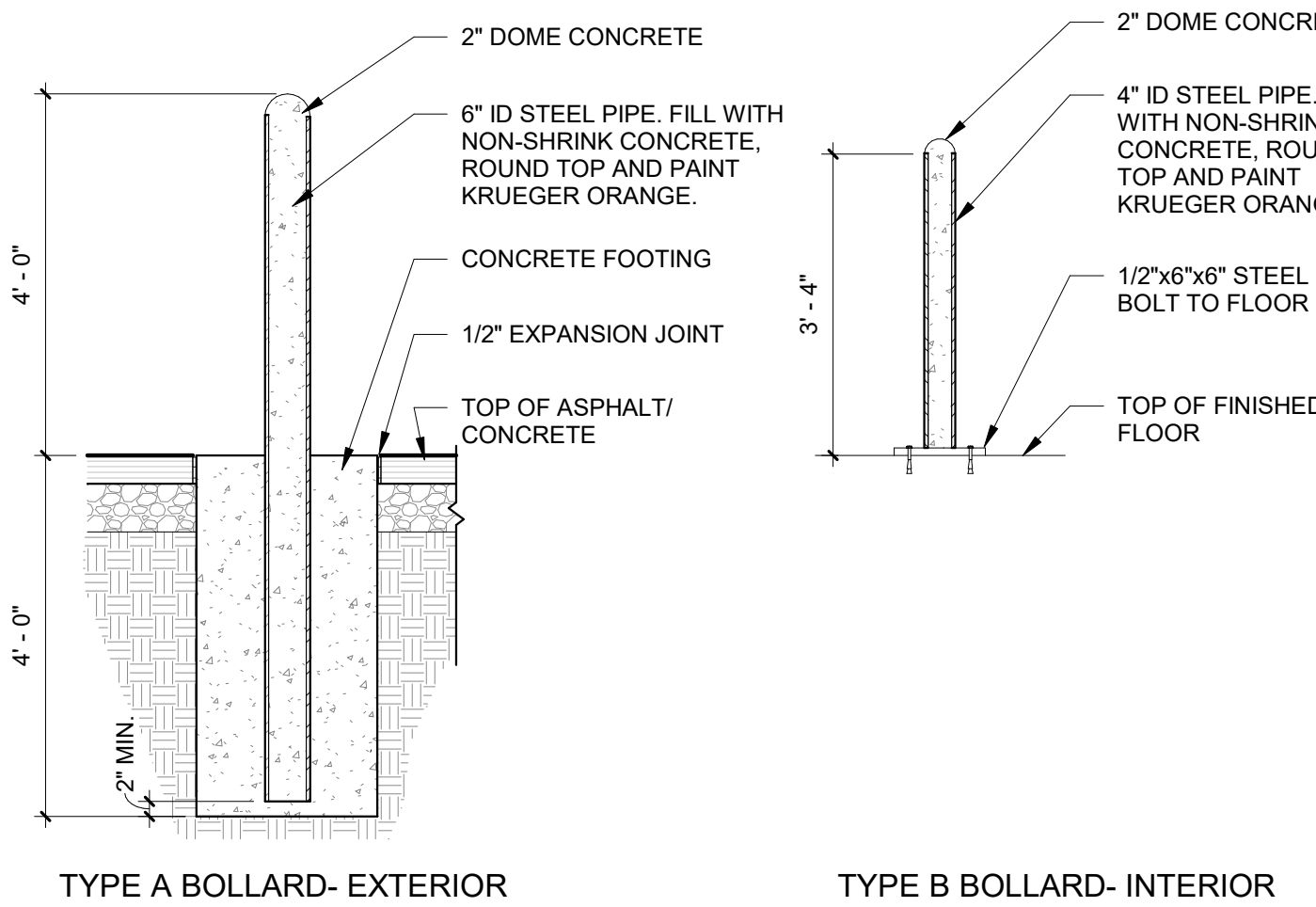
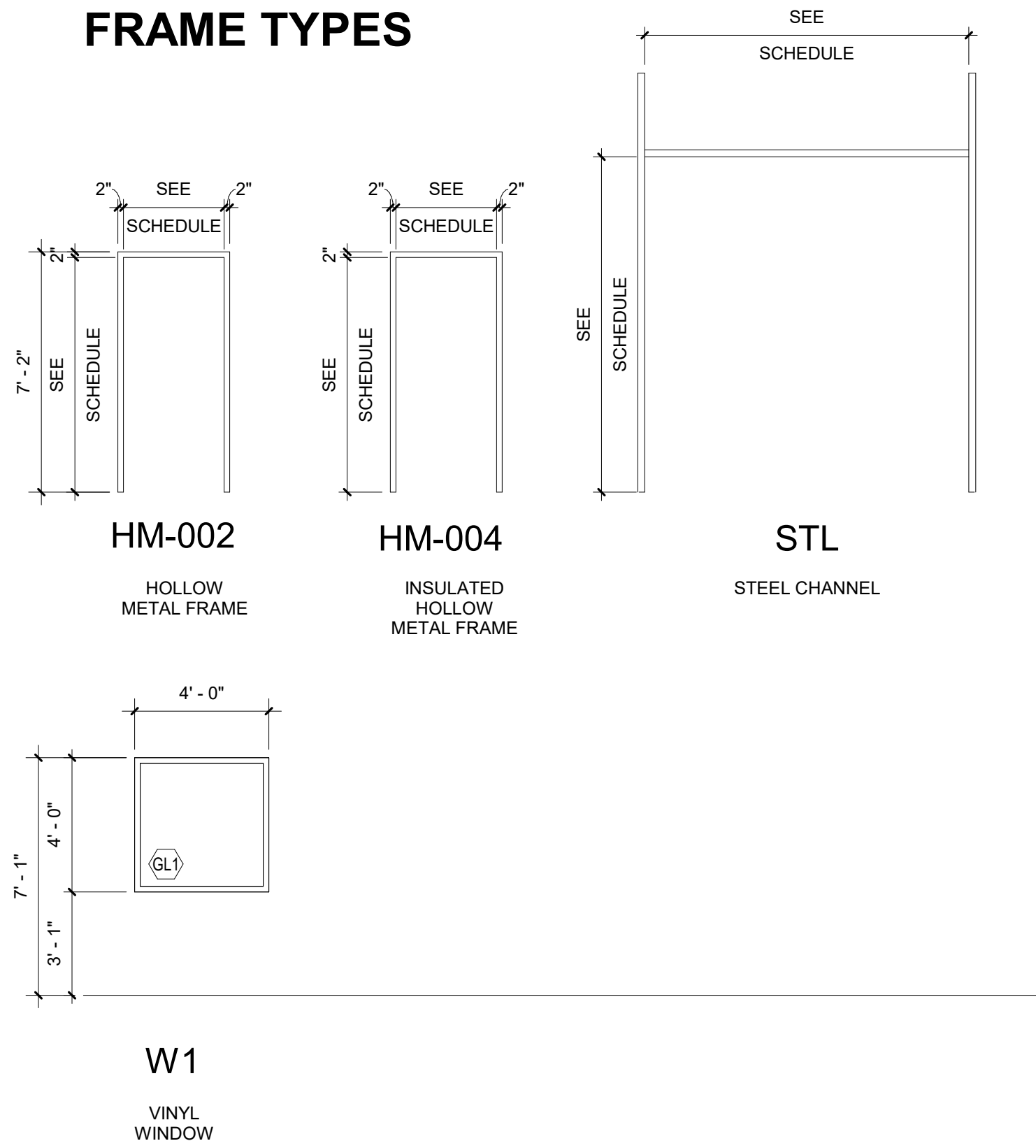
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DOOR TYPES



FRAME TYPES



1 PIPE BOLLARD
1/2" = 1'-0"

HARDWARE NOTES

- DETAILING** - SUPPLIER SHALL BE RESPONSIBLE FOR THOROUGHLY DETAILING THE ENTIRE PROJECT TO ASSURE THAT THE ITEMS SPECIFIED WILL FUNCTION PROPERLY IN THE LOCATIONS INDICATED. ITEMS NOT SPECIFIED BUT REQUIRED TO SUITABLY COMPLETE THE PROJECT SHALL BE FURNISHED FOR THE SERVICE REQUIRED. ALL HARDWARE TO MEET PANIC, SMOKE, TEMPERATURE RISE, ACCESSIBILITY, FIRE, ETC. CODES.
- FUNCTION** - HARDWARE IS DESIGNATED BY FUNCTION ONLY. SUPPLIER SHALL PROPOSE MANUFACTURER AND STYLE UNLESS SPECIFICALLY INDICATED. SUPPLIER SHALL PREPARE A COMPLETE HARDWARE SCHEDULE FOR EACH OPENING TO BE REVIEWED BY THE ARCHITECT AND/OR OWNER.
- HARDWARE** - ALL FINISH HARDWARE SHALL BE DELIVERED WITH AN APPROVED SCHEDULE AND ALL NECESSARY TEMPLATES, FASTENERS, ETC. EACH ITEM IS TO BE LABELED SEPERATELY.
- HARDWARE** - EQUIVALENT ITEMS MAY BE PROVIDED BY: STANLEY, HAGER, LAWRENCE, CORBIN, RUSSWIN, LCN, YALE, NORTON, HIAWATHA, GLYNN-JOHNSON, IVES, NATIONAL GUARD, PEMKO, REESE, DETEX, VON DUPRIN.
- PRODUCTS:**
 - HINGES: STANLEY FBB179 X US320 4 1/2" X 4 1/2" EXTERIOR DOORS TO HAVE NRP.
 - LATCHSETS/ LOCKSETS: SCHLAGE D SERIES X 626, CYLINDRICAL, JUPITER LEVERSET
 - OFFICE FUNCTION AL50PD
 - CLASSROOM FUNCTION AL70PD
 - PASSAGE FUNCTION AL10S
 - ENTRANCE FUNCTION AL53PD
 - PRIVACY AL40S
 - ENTRANCE AL53PD
 - DEADBOLT: SCHLAGE B SERIES X 626 B460P HEAVY DUTY SINGLE CYLINDER WITH THUMBTURN
 - EXIT DEVICES: DETEX #230 EXIT ONLY WITH BATTERY ALARM
 - CYLINDER LOCKS: SCHLAGE 21-020
 - CLOSERS: LCN 1460, LCN 1460N WITH HOLD-OPEN X ALUM. 90 DEGREES
 - STOPS: GLYNN-JOHNSON 50W
 - PUSH PLATES: HIAWATHA 200H
 - PUSH BARS: HIAWATHA 1081-LBP
 - PULLS: HIAWATHA 536 B
 - KICKPLATES: HIAWATHA, DOOR WIDTH MINUS 2"x10"x.050" STAINLESS STEEL WITH FOUR BEVELED EDGES
 - FLUSH BOLT/ DUSTPROOF STRIKE: GLYNN-JOHNSON FB6, FB7, DP-1
 - COORDINATOR: GLYNN-JOHNSON - 'COR' SERIES
 - THRESHOLD: PEMKO 171A
 - WEATHERSTRIPPING: PEMKO S88
 - SWEEPS: PEMKO 368CN
 - ASTRAGALS: PEMKO 355PWS
 - PANIC EXT DEVICE: VON DUPRIN 35A
 - CENTER MULLION: SARGENT 980 REMOVABLE ALUMINUM MULLION

GLASS TYPES

(GL) 1" INSULATED GLASS,
U=0.29, SHGC=0.45

DOOR AND FRAME SCHEDULE															
DOOR NO.	ROOM NAME	DOOR					GLAZING GL2T	FIRE RATING	Lockset	Closer	Exit Device	FRAME			NOTES
		WIDTH	HEIGHT	QTY	TYPE	FINISH						TYPE	FINISH	GLAZING	
107A	OPEN OFFICE	3'-0"	7'-0"	1	AL-FG	AL1	--	--	Yes	No	No	HM-004	PT	--	-
107C	OPEN OFFICE	6'-0"	7'-0"	1	HM	PT	--	--	Yes	No	No	HM-004	PT	--	-
107D	OPEN OFFICE	3'-0"	7'-0"	1	HM	PT	--	--	Yes	Yes	No	HM-002	PT	--	-
111A	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
111B	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
111C	STORAGE	14'-0"	16'-0"	1	OH	PRE	--	--				STL	PRE	--	5
111D	STORAGE	14'-0"	16'-0"	1	OH	PRE	--	--				STL	PRE	--	5
112	RR	3'-0"	7'-0"	1	HM	PT	--	--	Yes	Yes	No	HM-002	PT	--	1, 4
121A	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
121B	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
121C	STORAGE	16'-0"	14'-0"	1	OH	PRE	--	--				STL	PRE	--	5
121D	STORAGE	16'-0"	14'-0"	1	OH	PRE	--	--				STL	PRE	--	5
122	RR	3'-0"	7'-0"	1	HM	PT	--	--	Yes	Yes	No	HM-002	PT	--	1, 4
131A	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
131B	STORAGE	3'-0"	7'-0"	1	HMI	PRE	--	--	Yes	Yes	No	HM-004	PRE	--	3
131C	STORAGE	14'-0"	14'-0"	1	OH	PRE	--	--				STL	PRE	--	5
131D	STORAGE	14'-0"	16'-0"	1	OH	PRE	--	--				STL	PRE	--	5
132	RR	3'-0"	7'-0"	1	HM	PT	--	--	Yes	Yes	No	HM-002	PT	--	1, 4

DOOR SCHEDULE NOTES

- UNDERCUT RESTROOM DOOR 1".
- PROVIDE WEATHERSTRIP AND SWEEP.
- PROVIDE ALUMINUM THRESHOLD SET IN FULL BED OF SEALANT, DRIP, WEATHERSTRIP AND SWEEP.
- PROVIDE RESTROOM SIGNAGE.
- PROVIDE OPERATOR.
- DOOR TO REMAIN LOCKED DURING BUSINESS HOURS

GENERAL DOOR NOTES

- LEVER HANDLES - ALL DOORS SHALL HAVE LEVER HANDLES.
- HOLLOW METAL DOORS:
 - EXTERIOR - 16 GAUGE DOOR, 14 GAUGE FRAME INSULATED DOOR AND FRAME. PROVIDE WEATHER STRIPPING AND THRESHOLD.
 - INTERIOR - 18 GAUGE DOOR, 16 GAUGE FRAME.
- FRAMES - ALL DOOR FRAMES SHALL BE WELDED.
- ALL EXITS - SHALL BE OPERABLE FROM INSIDE WITHOUT USING A KEY, OR EFFORT OR SPECIAL KNOWLEDGE.
- PAINT - WHEN FACES OF A DOOR ARE DIFFERENT COLORS, PAINT SHALL RETURN AROUND EDGES SO TRANSITION OCCURS AT CONCEALED INSIDE CORNER AT DOOR STOP.



BUILDING EXPANSION

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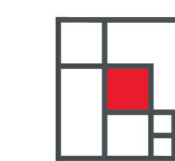
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-	-	-
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NO.	Revision Description	Date

SCHEDULES

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-	-	-
-	-	-

NO.	Revision Description	Date
1	Revision 1	09.23.22

**EXTERIOR
ELEVATIONS**

Project 21006
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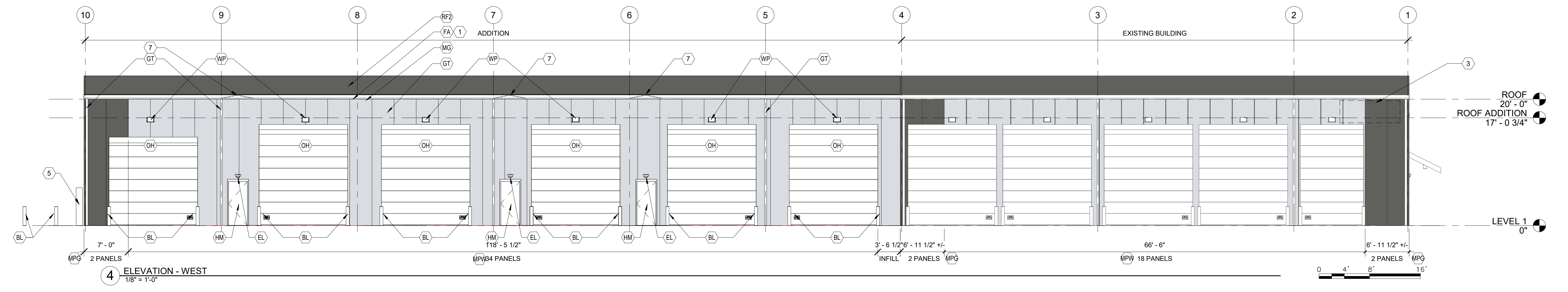
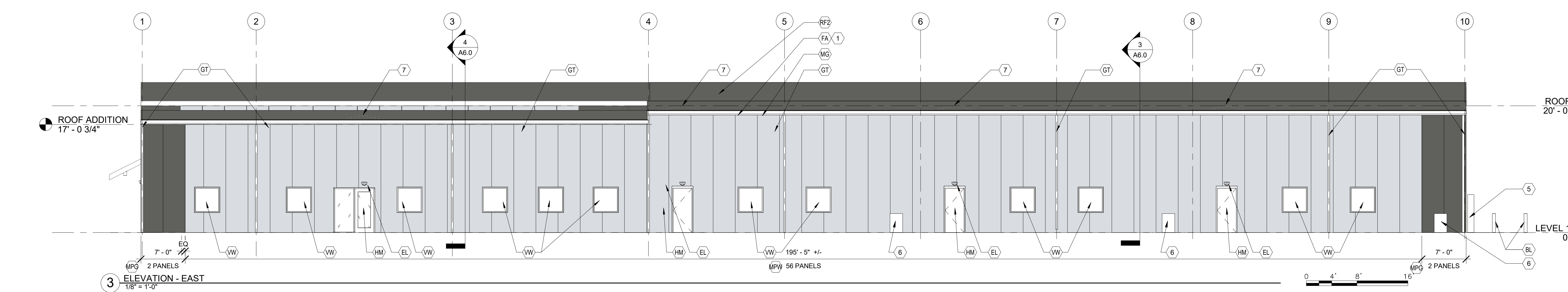
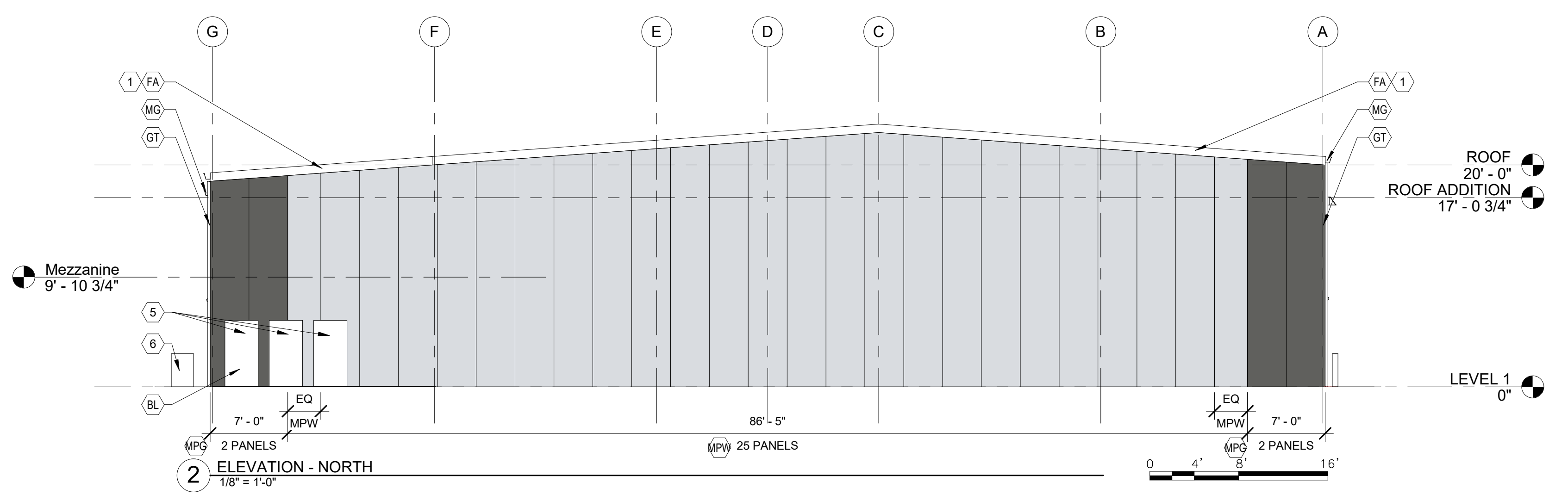
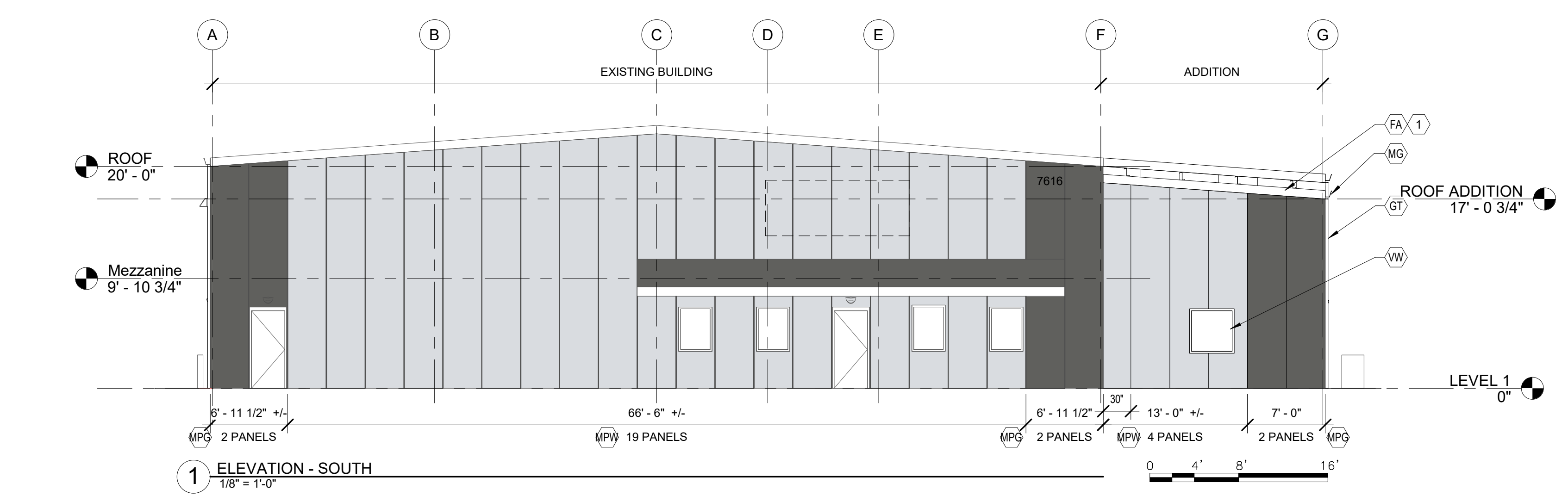
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EXTERIOR ELEVATION KEYNOTES	
NO.	DESCRIPTION
1	FASCIA, PREFINISHED ORANGE BY METAL BUILDING SUPPLIER
2	CANOPY / BUILDING ROOF, PREFINISHED SLATE GREY BY METAL BUILDING SUPPLIER
3	SIGN, WALL MOUNTED. PROVIDE BLOCKING AND POWER AS REQUIRED.
4	BUILDING ADDRESS
5	ELECTRICAL PANEL
6	AC CONDENSOR
7	PROVIDE SNOW STOPS AT ALL ACCESS DOORS

EXTERIOR ELEVATION KEY NOTES				
NO.	BASE MATERIAL	FINISH	COLOR	NOTES
BL	BOLLARD	PAINT	KRUEGER ORANGE	--
EL	EMERGENCY LIGHTING W/ BATTERY BACK-UP	PREFINISHED	SNOW WHITE	--
FA	METAL FASCIA	PREFINISHED	KRUEGER ORANGE	--
GT	GUTTER AND DOWNSPOUT	PREFINISHED	KRUEGER ORANGE	--
HM	HOLLOW METAL DOOR	PAINT	SLATE GREY	--
MG	METAL GUTTER	PREFINISHED	KRUEGER ORANGE	--
MPG	2 1/2" INSULATED METAL PANEL	PREFINISHED	SLATE GREY	KINGSPAN SHADOWLINE PROFILE
MPW	2 1/2" INSULATED METAL PANEL	PREFINISHED	SNOW WHITE	KINGSPAN SHADOWLINE PROFILE
OH	OVERHEAD DOOR	PREFINISHED	WHITE	--
RF2	METAL ROOF	PREFINISHED	GALVALUME	KINGSPAN
VW	VINYL WINDOW	PREFINISHED	SNOW WHITE	GERKIN
WP	WALL PACK LIGHT FIXTURE	PREFINISHED	WHITE	--

*** VERIFY ALL COLOR SELECTIONS WITH OWNER PRIOR TO ORDERING OF MATERIALS.**





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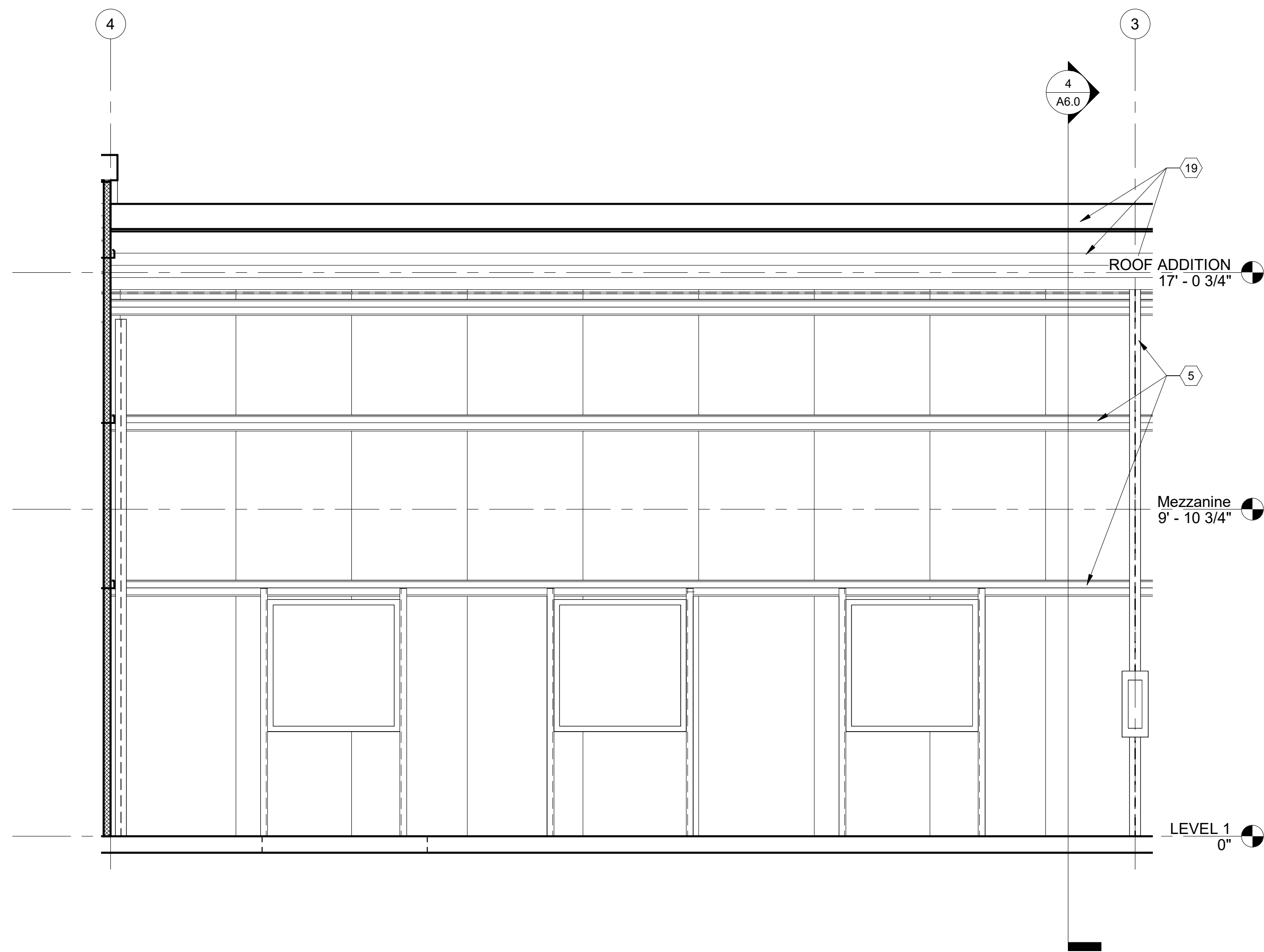
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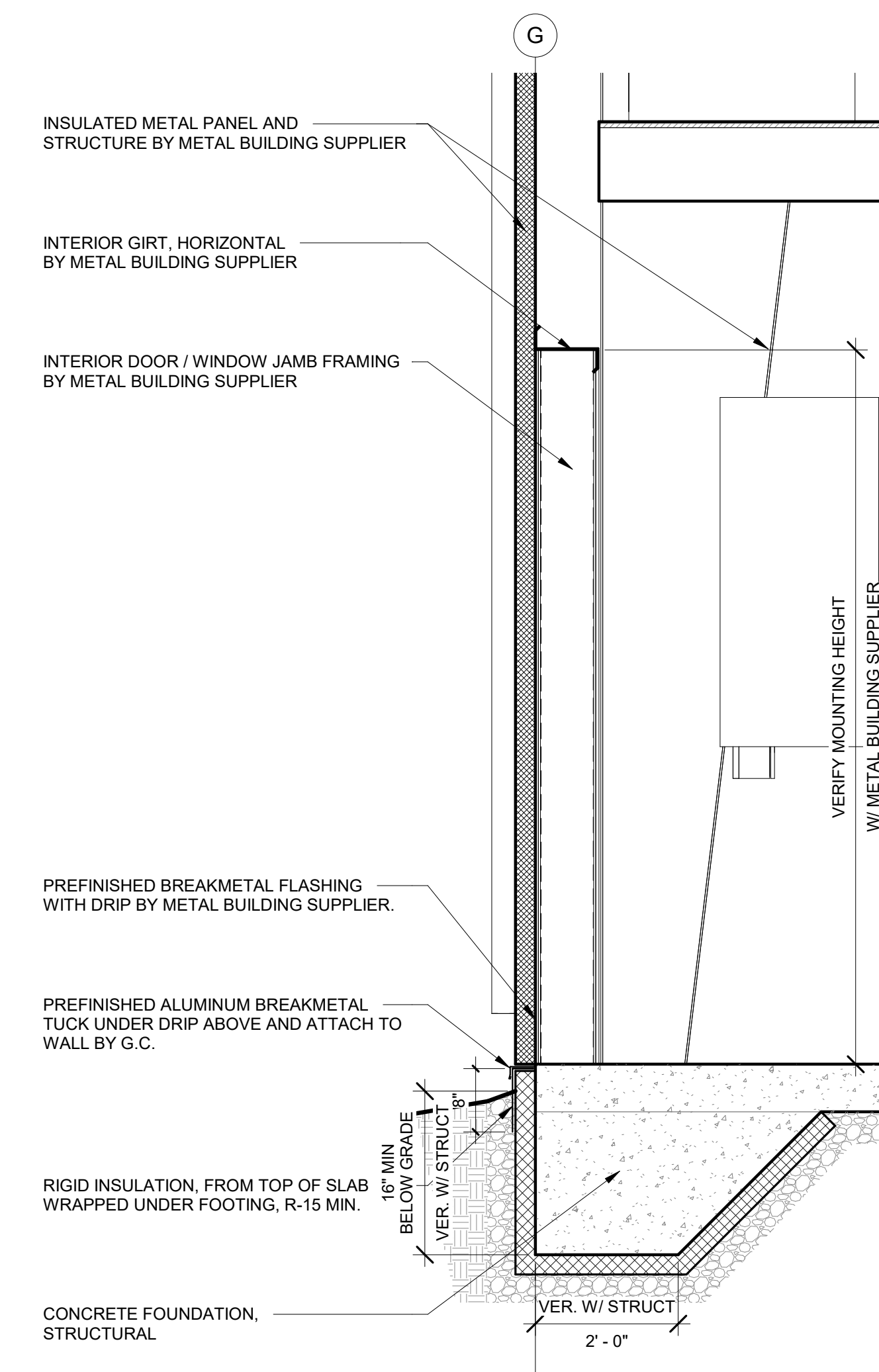
**BUILDING
EXPANSION**

7577 175th St E
Prior Lake, MN 55372

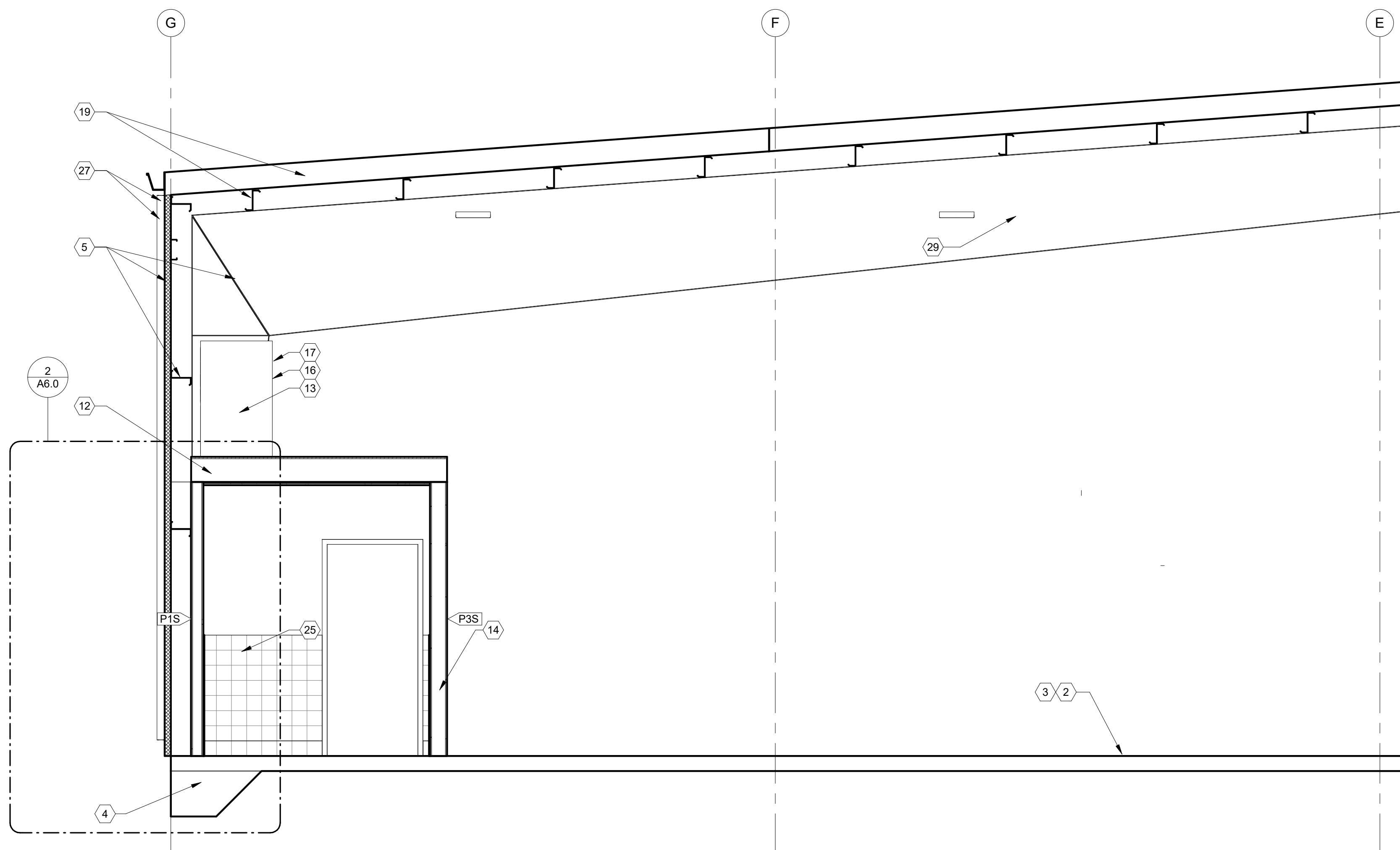
BUILDING SECTION KEYNOTES	
NO.	DESCRIPTION
2	FLOOR RADIANT HEATING SYSTEM THROUGHOUT SHOP AREA. SEE MECHANICAL.
3	CONCRETE FLOOR SLAB. SLOPE TOWARDS TRENCH DRAIN WITHIN SHOP. SEE STRUCTURAL.
4	POURED CONCRETE FOOTINGS, FOUNDATION WALL AND SLAB; AND FROST STOOP. SEE STRUCTURAL DESIGN FOR DESIGN.
5	SHELL BUILDING METAL PANELS AND STRUCTURAL SYSTEM. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
12	MEZZANINE FLOOR. SEE STRUCTURAL.
13	WATER HEATER. SEE PLUMBING.
14	MOP SINK. SEE PLUMBING.
16	FORCED AIR HVAC SYSTEM, INSTALLED ON MEZZANINE. DUCT RUN LOCATED ABOVE MEZZANINE FLOOR. SUPPLY SHALL BE PUNCHED DOWN THROUGH FLOOR/CEILING ASSEMBLY BELOW. SEE MECHANICAL.
17	BOILER SERVING FLOOR RADIANT HEATING SYSTEM. SEE MECHANICAL.
19	CANOPY / BUILDING ROOF. BY METAL BUILDING SUPPLIER. SEE METAL BUILDING PACKAGE DOCUMENTS FOR ADDITIONAL INFORMATION.
22	MEZZANINE GUARD RAIL, 4X4 POST AT 8'-0" O.C. WITH (3) 2X4 CROSS RAILS, 42" HEIGHT MIN.
25	FIRE EXTINGUISHER. VERIFY FINAL LOCATION W/ FIRE MARSHAL.
27	GUTTER WITH DOWNSPOUTS. VERIFY ALL DOWNSPOUT LOCATIONS.
29	HIGH BAY LIGHT FIXTURES. SEE REFLECTED CEILING PLAN SHEET A2.0 FOR LOCATIONS AND ADDITIONAL INFORMATION.
30	REMOVE EXISTING GUTTER AND DOWNSPOUT.
31	MODIFY EXISTING METAL PANEL TO PASS THROUGH NEW STEEL STRUCTURE.
32	ATTACH NEW STEEL STRUCTURE TO EXISTING.
33	NEW ROOFING SURFACE. EXTEND PITCH TO MATCH EXISTING.



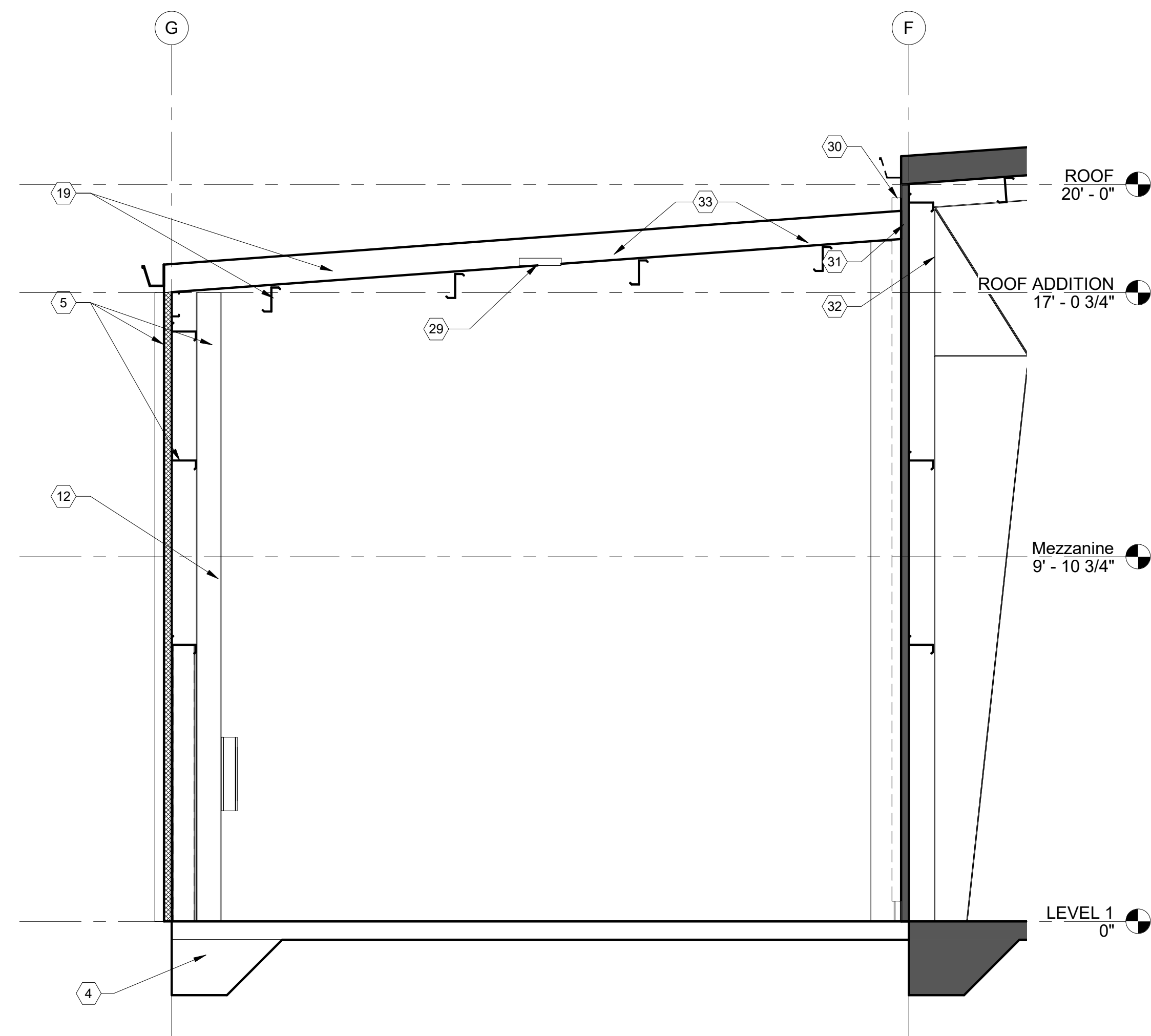
1 SECTION - KRUEGER EXCAVATING MEZZANINE
3/8" = 1'-0"



2 SECTION - TYPICAL FOUNDATION
3/4" = 1'-0"



3 SECTION - STORAGE UNIT TYPICAL MEZZANINE SECTION
3/8" = 1'-0"



4 SECTION - KE EXTENSION
3/8" = 1'-0"



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the State of Minnesota

Signature: *Ryan Schroeder*
Name: Ryan Schroeder
Registration: #50047
Project Contact: RYAN SCHROEDER
Phone Number: 952-541-9969

NO.	Print History	Date
P1	PRELIMINARY	02.19.21
P1	PRELIMINARY PERMIT	04.29.22
P2	PRELIMINARY	07.07.22
C1	PERMIT REVIEW	07.07.22
C1	PERMIT	07.26.22
R1	REVISION #1	09.23.22
-	-	-
-	-	-

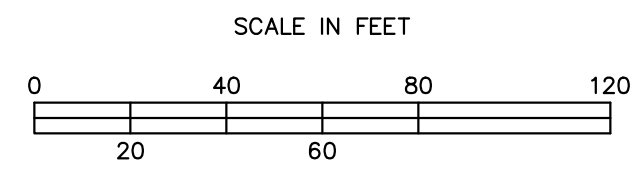
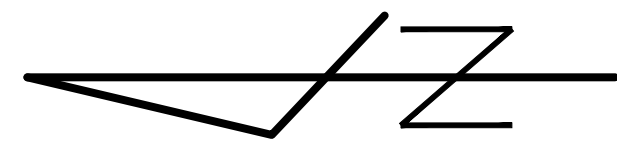
NO.	Revision Description	Date

SECTIONS

Project 21006
Drawn CLB
Checked RS

A6.0

BUILDING EXPANSION
7577 175th St E
Prior Lake, MN 55372

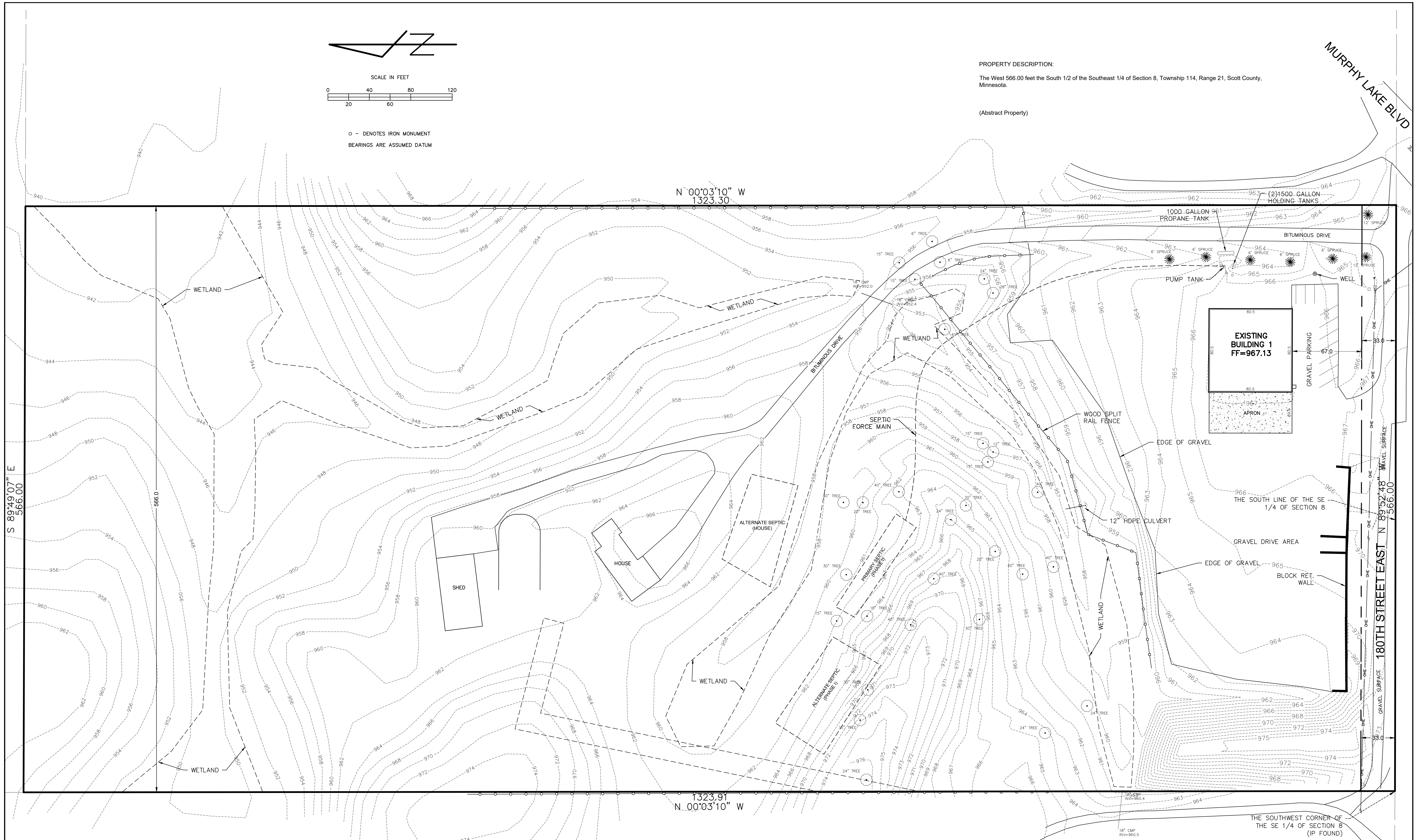


o - DENOTES IRON MONUMENT
BEARINGS ARE ASSUMED DATUM

PROPERTY DESCRIPTION:

The West 566.00 feet the South 1/2 of the Southeast 1/4 of Section 8, Township 114, Range 21, Scott County, Minnesota.

(Abstract Property)



S 89°19'07" E
566.00

N 00°03'10" W
1323.30

1323.91
N 00°03'10" W

MURPHY LAKE BLVD

180TH STREET EAST N 89°52'48" W
7366.00

THE SOUTHWEST CORNER OF THE SE 1/4 OF SECTION 8 (IP FOUND)

REVISIONS	PROJ. NO:	222075
	DRAWN:	GDJ
	CHECKED:	GDJ
	SCALE:	AS SHOWN
	FIELD BOOK:	A
	DATE:	06/01/22

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Minnesota.

Signature: *Grant D. Jacobson* License No: **23189**

Print Name: *GRANT D. JACOBSON* Date: **09/28/22**

JACOBSON ENGINEERS & SURVEYORS

Jacobson@engrsurv.com 21029 HERON WAY LAKEVILLE, MN 55044 FAX (952) 469-4624
(952) 469-4328

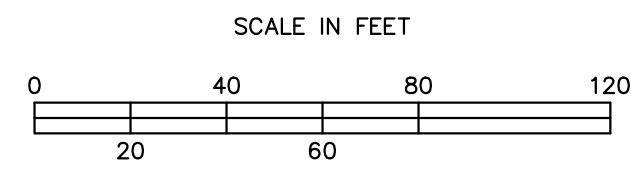
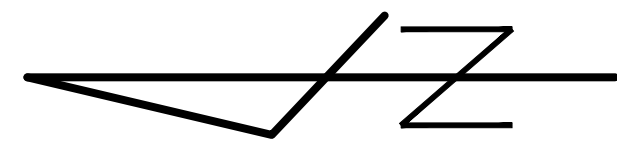
PREPARED FOR:

Nate Krueger
7616 180th Street East
Prior Lake, MN 55372
952-292-1393

CERTIFICATE OF SURVEY AND TOPOGRAPHIC SURVEY

KRUEGER EXCAVATING, INC. CREDIT RIVER, MN

SHEET NO.
C-1
4



o - DENOTES IRON MONUMENT
BEARINGS ARE ASSUMED DATUM

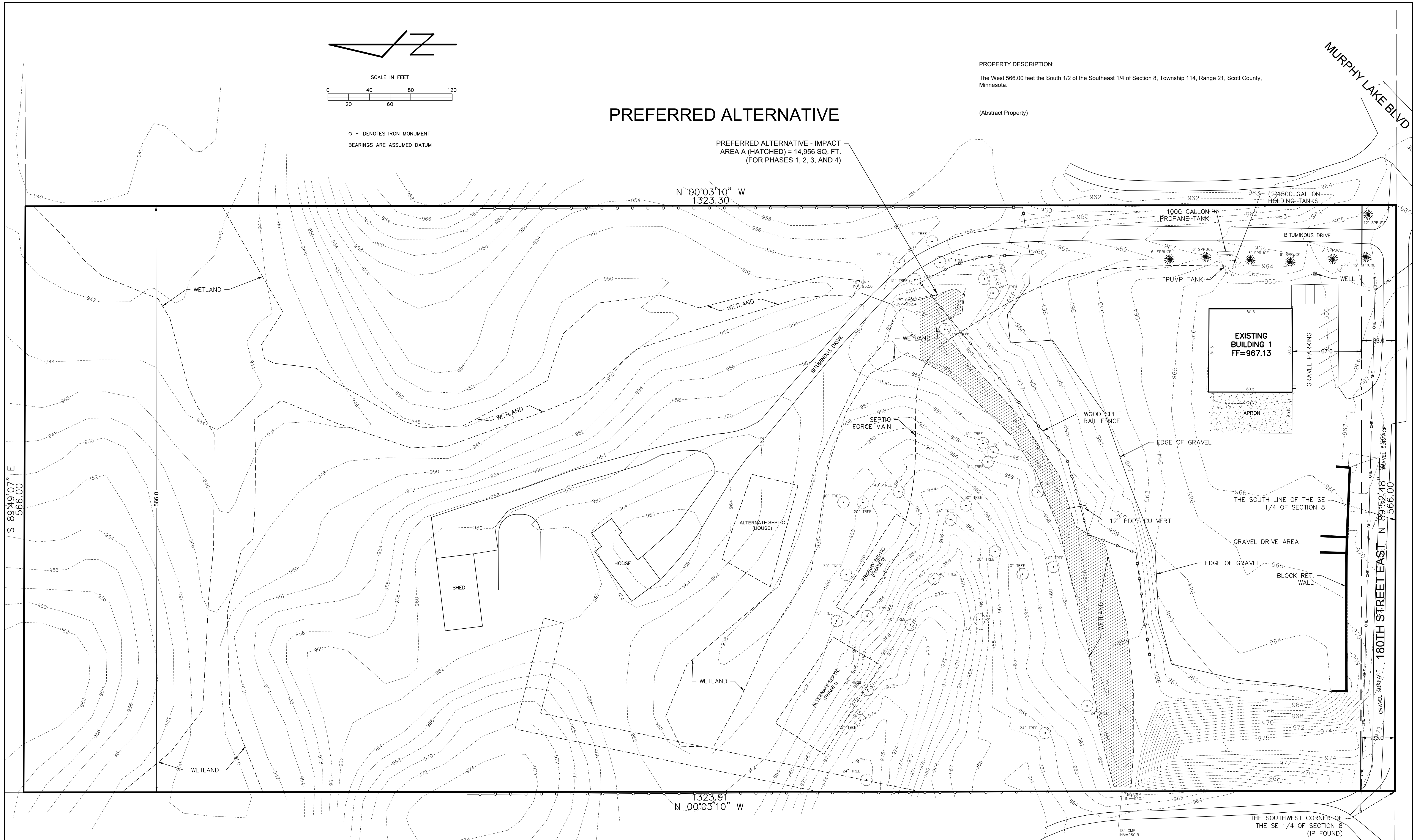
PREFERRED ALTERNATIVE

PREFERRED ALTERNATIVE - IMPACT
AREA A (HATCHED) = 14,956 SQ. FT.
(FOR PHASES 1, 2, 3, AND 4)

PROPERTY DESCRIPTION:

The West 566.00 feet the South 1/2 of the Southeast 1/4 of Section 8, Township 114, Range 21, Scott County, Minnesota.

(Abstract Property)



S 89°19'07" E
566.00

N 00°03'10" W
1323.30

1323.91
N 00°03'10" W

MURPHY LAKE BLVD

180TH STREET EAST N 89°52'48" W
7366.00

THE SOUTHWEST CORNER OF
THE SE 1/4 OF SECTION 8
(IP FOUND)

REVISIONS	PROJ. NO:	222075	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Minnesota. Signature: <i>Grant P. Jacobson</i> License No: 23189 Print Name: <i>GRANT P. JACOBSON</i> Date: 09/28/22	JACOBSON ENGINEERS & SURVEYORS jacobson@engrsurv.com 21029 HERON WAY LAKEVILLE, MN 55044 FAX (952) 469-4624	PREPARED FOR: Nate Krueger 7616 180th Street East Prior Lake, MN 55372 952-292-1393	WETLAND DELINEATION AND PREFERRED ALTERNATIVE	KRUEGER EXCAVATING, INC. CREDIT RIVER, MN	SHEET NO. C-2 4
	DRAWN:	GDJ						
	CHECKED:	GDJ						
	SCALE:	AS SHOWN						
	FIELD BOOK:	A						
DATE:	06/01/22							

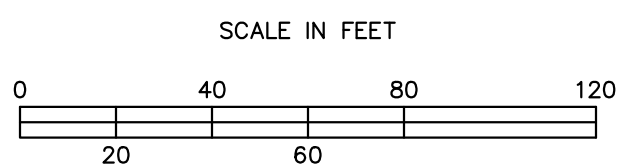
NOTES

- 1) UTILITIES SHOWN ARE APPROXIMATE LOCATION. LOCATIONS OF UNDERGROUND UTILITIES COMPILED FROM VISUAL EVIDENCE (FLAGGING & PAINT MARKS) AND RECORD DRAWINGS (DESIGN & AS-BUILT). CALL GOPHER STATE ONE CALL AT 811 FOR ALL UTILITY, GAS LINE, AND ELECTRICAL LINE LOCATIONS PRIOR TO EXCAVATION.
- 2) TOPOGRAPHIC SURVEY COMPLETED IN MAY 2022.
- 3) CONSTRUCT TEMPORARY ROCK CONSTRUCTION ENTRANCE PER CITY SPECIFICATIONS AT DETERMINED LOCATION.
- 4) INSTALL SILT FENCE/SILT SOCKS PRIOR TO EXCAVATION AS SHOWN.
- 5) RE-VEGETATE THE SITE WITHIN 48 HOURS OF FINAL GRADING.
- 6) THE STREET MUST BE CLEARED OR DEBRIS AT THE END OF EACH DAY. ADDITIONAL SWEEPING WILL BE REQUIRED DURING THE HAULING PROCESS. ALL STREETS MUST BE MAINTAINED TO SAFE DRIVING CONDITIONS.
- 7) CONTRACTOR SHALL DETERMINE STOCK PILE AREAS AND CONCRETE WASHOUT AREAS PRIOR TO EXCAVATION AND PROVIDE NECESSARY EROSION CONTROL.
- 8) PROPOSED SLOPES AS SHOWN ARE NOT GREATER THAN 3:1.
- 9) PROTECT INFILTRATION BASIN FROM EQUIPMENT.

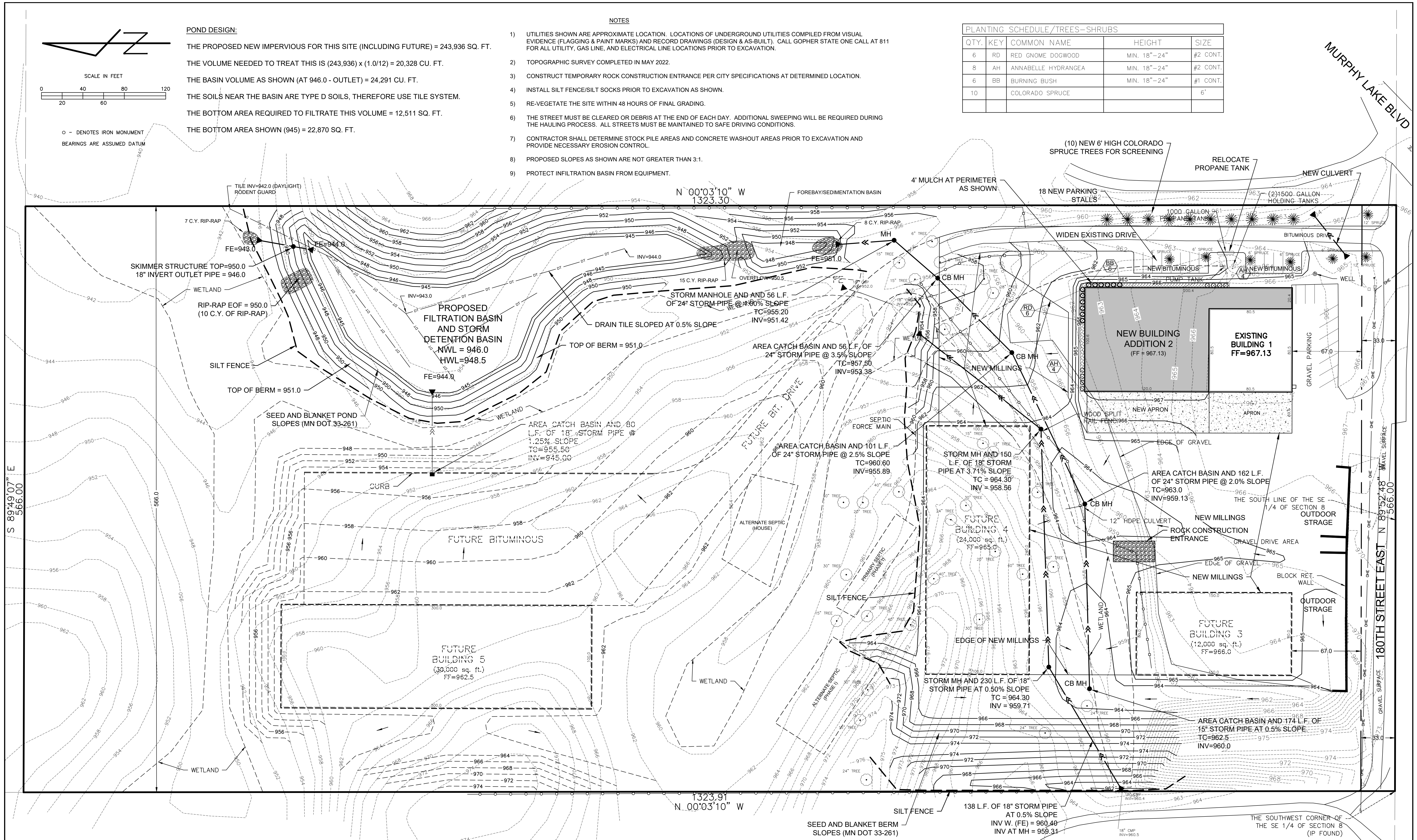
PLANTING SCHEDULE/TREES-SHRUBS				
QTY.	KEY	COMMON NAME	HEIGHT	SIZE
6	RD	RED GNOME DOGWOOD	MIN. 18"-24"	#2 CONT.
8	AH	ANNABELLE HYDRANGEA	MIN. 18"-24"	#2 CONT.
6	BB	BURNING BUSH	MIN. 18"-24"	#1 CONT.
10		COLORADO SPRUCE		6'

POND DESIGN:

THE PROPOSED NEW IMPERVIOUS FOR THIS SITE (INCLUDING FUTURE) = 243,936 SQ. FT.
 THE VOLUME NEEDED TO TREAT THIS IS (243,936) x (1.0/12) = 20,328 CU. FT.
 THE BASIN VOLUME AS SHOWN (AT 946.0 - OUTLET) = 24,291 CU. FT.
 THE SOILS NEAR THE BASIN ARE TYPE D SOILS, THEREFORE USE TILE SYSTEM.
 THE BOTTOM AREA REQUIRED TO FILTRATE THIS VOLUME = 12,511 SQ. FT.
 THE BOTTOM AREA SHOWN (945) = 22,870 SQ. FT.



o - DENOTES IRON MONUMENT
 BEARINGS ARE ASSUMED DATUM



S 89°19'07" E 566.00

N 00°03'10" W 1323.91

N 89°52'48" W 1366.00

GRAVEL SURFACE

GRAVEL SURFACE

GRAVEL SURFACE

GRAVEL SURFACE

REVISIONS 	PROJ. NO: 222075 DRAWN: GDJ CHECKED: GDJ SCALE: AS SHOWN FIELD BOOK: A DATE: 06/01/22	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Minnesota. Signature: <i>Grant D. Jacobson</i> License No: 23189 Print Name: GRANT D. JACOBSON Date: 09/28/22	JACOBSON ENGINEERS & SURVEYORS jacobson@engrsurv.com (952) 469-4328 21029 HERON WAY LAKEVILLE, MN 55044 FAX (952) 469-4624	PREPARED FOR: Nate Krueger 7616 180th Street East Prior Lake, MN 55372 952-292-1393	MASTER SITE AND GRADING AND UTILITY PLAN, AND LANDSCAPE PLAN	KRUEGER EXCAVATING, INC. CREDIT RIVER, MN	SHEET NO. C-3 4
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KRUEGER EXCAVATING – SWPPP

CREDIT RIVER, MN

PROJECT DESCRIPTION/AREAS:

THE PROPOSED PROJECT IS LOCATED ON 17.2 ACRES IN CREDIT RIVER, MN. THE CURRENT LAND USE IS COMMERCIAL/INDUSTRIAL. TOTAL PROJECT DISTURBED AREA = 9.5 AC. EXISTING AREA OF IMPERVIOUS SURFACE = 2.9 AC. POST CONSTRUCTION AREA OF IMPERVIOUS SURFACE = 8.5 AC. TOTAL NEW IMPERVIOUS SURFACE AREA CREATED = 5.6 AC.

PROJECT LOCATION					
COUNTY	SECTION	TOWNSHIP	RANGE	LATITUDE	LONGITUDE
SCOTT	8	114	21	44.68906	-93.36789

DESCRIPTION OF CONSTRUCTION ACTIVITIES AND EXISTING STORMWATER:

CONSTRUCTION ACTIVITIES INCLUDE: SITE STRIPPING AND STOCKPILING, SITE GRADING, TEMPORARY EROSION AND SEDIMENT CONTROL, PERMANENT STABILIZATION, INSTALLATION OF PAVEMENT, BUILDINGS, UTILITIES, FENCING, PONDING, AND LANDSCAPE INSTALLATION.

THE EXISTING SITE DISCHARGES TO THE NORTHEAST TO ON-SITE WETLANDS. THE PROPOSED SITE WILL DISCHARGE IN THE SAME DIRECTION. A NEW FILTRATION/RETENTION BASIN WILL BE CONSTRUCTED. THE BASIN IS SIZED FOR THE NEW IMPERVIOUS AND RATE REQUIREMENTS. THE BASIN SHALL BE MARKED PRIOR TO SITE CONSTRUCTION TO KEEP CONSTRUCTION EQUIPMENT TRAFFIC OUT OF THE BASIN TO PREVENT SOIL COMPACTION AND SEDIMENTATION ENTERING.

OWNER

COMPANY: KRUEGER EXCAVATING, INC.
CONTACT: NATE KRUEGER
PHONE: 952-447-8335

CONTRACTOR

COMPANY: KRUEGER EXCAVATING, INC.
CONTACT: NATE KRUEGER
PHONE: 952-447-8335

KNOWLEDGEABLE PERSON/CHAIN OF RESPONSIBILITY			
	COMPANY	CONTACT	E-MAIL
Site Inspector			
Construction Installer	Krueger Excavating, Inc.	Nate Krueger	nate@kruegerexcavating.com
SWPPP Designer	Jacobson Engineers & Surveyors	Grant Jacobson	grantj@engrsurv.com
Long Term O&M			

THE CONTRACTOR MUST IDENTIFY A PERSON KNOWLEDGEABLE AND EXPERIENCED IN THE APPLICATION OF EROSION PREVENTION AND SEDIMENT CONTROL BMPs WHO WILL OVERSEE THE IMPLEMENTATION OF THE SWPPP, AND THE INSTALLATION, INSPECTION AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMPs BEFORE AND DURING CONSTRUCTION.

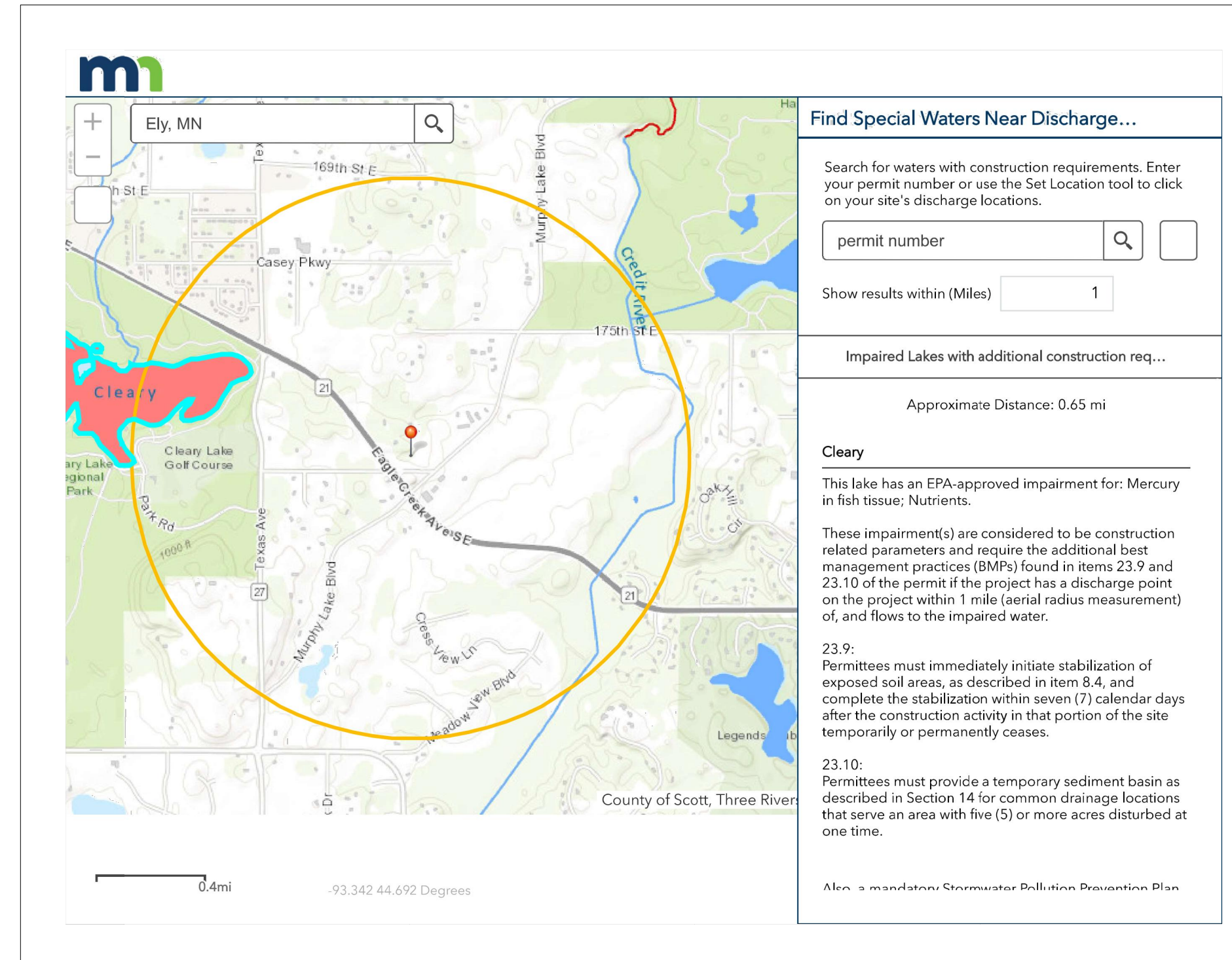
THE CONTRACTOR SHALL INCLUDE A CHAIN OF RESPONSIBILITY WITH ALL OPERATORS ON THE SITE, OR IF NOT KNOWN, THE TITLE OR POSITION OF THE RESPONSIBLE PARTY, TO ENSURE THAT THE SWPPP WILL BE IMPLEMENTED AND STAY IN EFFECT UNTIL THE CONSTRUCTION PROJECT IS COMPLETE, THE ENTIRE SITE HAS UNDERGONE FINAL STABILIZATION, AND A NOTICE OF TERMINATION (NOT) HAS BEEN SUBMITTED TO THE MPCA. ONCE THE IDENTITY OF THE RESPONSIBLE PARTY IS KNOWN, THE SWPPP MUST BE AMENDED TO INCLUDE THIS INFORMATION.

THE CONTRACTOR AND ALL SUBCONTRACTORS INVOLVED WITH A CONSTRUCTION ACTIVITY THAT DISTURBS SITE SOIL OR WHO IMPLEMENT A POLLUTANT CONTROL MEASURE IDENTIFIED IN THE SWPPP MUST COMPLY WITH THE REQUIREMENTS OF THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT AND ANY LOCAL GOVERNING AGENCY HAVING JURISDICTION CONCERNING EROSION AND SEDIMENTATION CONTROL.

THE CONTRACTOR IS RESPONSIBLE FOR KEEPING A COPY OF THIS SWPPP (NARRATIVE, PLANS AND SPECS) ON SITE AT ALL TIMES OF CONSTRUCTION AS WELL AS COPIES OF APPLICABLE PERMITS AND INSPECTION REPORTS.

BMP QUANTITIES		
BMP	UNIT	QUANTITY
ROCK CONSTRUCTION ENTRANCE	EACH	1
SILT FENCE	LF	1,550
EROSION CONTROL BLANKET	SF	52,200
RIP-RAP	CY	24
SEED/MULCH	ACRES	4

RECEIVING WATERS				
NAME OF WATER BODY	TYPE	SPECIAL WATER?	IMPAIRED WATER?	APPROVED TMDL?
WETLAND	WETLAND	NO	NO	N/A



TEMPORARY SEDIMENT BASINS:

WHERE 10 OR MORE ACRES OF DISTURBED SOIL DRAIN TO A COMMON LOCATION, THE PERMITTEE MUST PROVIDE A TEMPORARY SEDIMENT BASIN TO PROVIDE TREATMENT TO THE RUNOFF BEFORE IT LEAVES THE CONSTRUCTION SITE OR ENTERS SURFACE WATERS.

THE TEMPORARY BASIN OUTLET MUST BE INSTALLED TO PREVENT SHORT-CIRCUITING, AND SHALL WITHDRAW WATER FROM THE SURFACE IN ORDER TO MINIMIZE THE DISCHARGE OF FLOATING DEBRIS AND POLLUTANTS. THE BASIN MUST BE DESIGNED WITH THE ABILITY TO ALLOW COMPLETE BASIN DRAINAGE FOR MAINTENANCE ACTIVITIES, MUST INCLUDE A STABILIZED EMERGENCY OVERFLOW, AND SHALL HAVE ENERGY DISSIPATION AT THE OUTLET.

THE TEMPORARY BASIN MUST BE CONSTRUCTED AND MADE OPERATIONAL PRIOR TO 10 OR MORE ACRES OF DISTURBED SOIL AREA DRAINING TO IT.

PERMANENT STORMWATER MANAGEMENT SYSTEM:

THE PERMANENT STORMWATER MANAGEMENT SYSTEM WILL CONSIST OF A FILTRATION BASIN. THE BASIN MEET THE STANDARDS FOR THE 1.0" RUNOFF FROM ALL NEW IMPERVIOUS AREAS.

NEW IMPERVIOUS AREA = 5.6 ACRES
VOLUME REQUIRED FOR PONDING = (5.6 ACRES) X (43,560 SF/ACRE) X (1.0") / (12 IN/FT) = 20,328 CU.FT.
EXISTING VOLUME DESIGNED FOR PONDING = 24,291 CU.FT. > 20,328 CU.FT.

DUE TO SITE SOILS, THE BASIN WILL BE A FILTRATION BASIN WITH A TILE SYSTEM BELOW GRADE. ONCE THE SITE HAS BEEN GRADED PER DESIGN, THE BASIN SHALL BE CLEANED AND HAVE THE ELEVATIONS VERIFIED. THEN WITHIN 24 HOURS, THE BASIN SLOPES SHALL BE SEDED/MULCHED/AND BLANKETED.

EROSION PREVENTION PRACTICES:

THE CONTRACTOR MUST PLAN FOR AND IMPLEMENT APPROPRIATE BMPs SUCH AS CONSTRUCTION PHASING, VEGETATIVE BUFFER STRIPS, HORIZONTAL SLOPE GRADING, INSPECTION AND MAINTENANCE AND OTHER CONSTRUCTION PRACTICES THAT MINIMIZE EROSION.

THE LOCATION OF AREAS NOT TO BE DISTURBED MUST BE IDENTIFIED WITH FLAGS, STAKES, SIGNS, SILT FENCE ETC. BEFORE CONSTRUCTION BEGINS.

THE CONTRACTOR MUST MINIMIZE THE NEED FOR DISTURBANCE OF PORTIONS OF THE PROJECT THAT HAVE STEEP SLOPES.

ALL EXPOSED SOIL AREAS MUST BE STABILIZED. STABILIZATION MUST BE COMPLETED AS SOON AS POSSIBLE, BUT NO LATER THAN 7 CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED.

TEMPORARY SOIL STOCKPILES MUST HAVE EFFECTIVE SEDIMENT CONTROL AND CAN NOT BE PLACED IN SURFACE WATERS OR STORM WATER CONVEYANCE SYSTEMS. TEMPORARY STOCKPILES WITHOUT SIGNIFICANT AMOUNT OF SILT OR CLAY OR ORGANIC MATERIALS ARE EXEMPT. STORMWATER CONVEYANCE CHANNELS MUST ROUTE WATER AROUND UNSTABILIZED AREAS ON THE SITE AND REDUCE EROSION. EROSION CONTROLS AND VELOCITY DISSIPATION DEVICES SHALL BE USED AT OUTLETS WITHIN AND ALONG THE LENGTH OF ANY CHANNEL.

THE NORMAL WETTED PERIMETER OF ANY TEMPORARY OR PERMANENT DRAINAGE DITCH OR SWALE THAT DRAINS WATER FROM ANY PORTION OF THE CONSTRUCTION SITE, OR DIVERTS WATER AROUND THE SITE, WITHIN 200 LINEAL FEET FROM THE PROPERTY EDGE, OR FROM THE POINT OF DISCHARGE MUST BE STABILIZED. STABILIZATION OF THE LAST 200 LINEAL FEET MUST BE COMPLETED WITHIN 24 HOURS AFTER CONNECTION.

REMAINING TEMPORARY OR PERMANENT DITCHES OR SWALES MUST BE STABILIZED WITHIN 24 HOURS AFTER CONNECTING TO A SURFACE WATER OR PROPERTY EDGE AND CONSTRUCTION IN THAT PORTION OF THE DITCH HAS TEMPORARILY OR PERMANENTLY CEASED. PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER.

STORMWATER DISCHARGE FROM BMPs SHALL BE DIRECTED TO VEGETATED AREAS OF THE SITE, IF FEASIBLE, TO INCREASE SEDIMENT REMOVAL AND MAXIMIZE STORMWATER INFILTRATION.

SEDIMENT CONTROL PRACTICES:

SEDIMENT CONTROL PRACTICES MUST BE ESTABLISHED ON ALL DOWN GRADIENT PERIMETERS AND BE LOCATED UPGRADIENT OF ANY BUFFER ZONES. THE PERIMETER SEDIMENT CONTROL PRACTICE MUST BE IN PLACE BEFORE ANY UPGRADIENT LAND-DISTURBING ACTIVITIES BEGIN.

ALL SEDIMENT CONTROL PRACTICES THAT HAVE BEEN ADJUSTED OR REMOVED TO ACCOMMODATE SHORT-TERM ACTIVITIES SHALL BE RE-INSTALLED IMMEDIATELY AFTER THE ACTIVITY HAS BEEN COMPLETED. SEDIMENT CONTROL PRACTICES MUST BE RE-INSTALLED BEFORE THE NEXT PRECIPITATION EVENT, EVEN IF THE SHORT-TERM ACTIVITY IS NOT COMPLETE.

ALL STORM DRAIN INLETS MUST BE PROTECTED BY APPROPRIATE BMPs DURING CONSTRUCTION UNTIL ALL SOURCES WITH POTENTIAL FOR DISCHARGING TO THE INLET HAVE BEEN STABILIZED.

TEMPORARY SOIL STOCKPILES MUST HAVE SILT FENCE OR OTHER EFFECTIVE SEDIMENT CONTROLS, AND CANNOT BE PLACED IN ANY NATURAL BUFFERS OR SURFACE WATERS, INCLUDING STORMWATER CONVEYANCES UNLESS THERE IS A BYPASS IN PLACE.

VEHICLE TRACKING BMPs MUST BE INSTALLED TO MINIMIZE THE TRACK OUT OF SEDIMENT FROM THE CONSTRUCTION SITE. IF SUCH BMPs ARE NOT ADEQUATE TO PREVENT SEDIMENT FROM BEING TRACKED ONTO THE SITE, STREET SWEEPING MUST BE USED.

SOIL COMPACTION SHALL BE MINIMIZED AND TOP SOIL PRESERVED, UNLESS INFEASIBLE, OR WHERE THE FUNCTION OF A SPECIFIC AREA OF THE SITE DICTATES THAT IT BE COMPACTED.

A 50 FOOT NATURAL BUFFER MUST BE PRESERVED WHEN A SURFACE WATER IS LOCATED WITHIN 50 FEET OF THE PROJECT'S EARTH DISTURBANCES AND STORMWATER FLOWS TO THE SURFACE WATER. IF A BUFFER IS INFEASIBLE ON THE SITE, PROVIDE REDUNDANT SEDIMENT CONTROLS.

DEWATERING AND BASIN DRAINING:

DEWATERING OR BASIN DRAINING (E.G., PUMPED DISCHARGES, TRENCH/DITCH CUTS FOR DRAINAGE) RELATED TO THE CONSTRUCTION ACTIVITY THAT MAY HAVE TURBID OR SEDIMENT LADEN DISCHARGE WATER MUST BE DISCHARGED TO A TEMPORARY OR PERMANENT SEDIMENTATION BASIN ON THE PROJECT SITE WHENEVER POSSIBLE. IF THE WATER CANNOT BE DISCHARGED TO A SEDIMENTATION BASIN PRIOR TO ENTERING THE SURFACE WATER, IT MUST BE TREATED WITH THE APPROPRIATE BMPs SUCH THAT THE DISCHARGE DOES NOT ADVERSELY AFFECT THE RECEIVING WATER, DOWNSTREAM LANDOWNERS OR WETLANDS. THE CONTRACTOR MUST ENSURE THAT DISCHARGE POINTS ARE ADEQUATELY PROTECTED FROM EROSION AND SCOUR. THE DISCHARGE MUST BE DISPERSED OVER NATURAL ROCK RIPRAP, SAND BAGS, PLASTIC SHEATHING OR OTHER ACCEPTED ENERGY DISSIPATION MEASURES. ADEQUATE SEDIMENTATION CONTROL MEASURES ARE REQUIRED FOR DISCHARGE WATER THAT CONTAINS SUSPENDED SOLIDS INCLUDING THE USE OF SILT SOCK OR DIRECTING THE FLOW TO A VEGETATED AREA..

INSPECTIONS AND MAINTENANCE:

THE CONTRACTOR IS RESPONSIBLE AT ALL TIMES FOR THE MAINTENANCE AND PROPER OPERATION OF EROSION AND SEDIMENT CONTROL FACILITIES. THE CONTRACTOR SHALL AT A MINIMUM, INSPECT, MAINTAIN AND REPAIR ALL DISTURBED SURFACES AND ALL EROSION AND SEDIMENT CONTROL FACILITIES AND SOIL STABILIZATION MEASURES ONCE EVERY SEVEN (7) DAYS DURING ACTIVE CONSTRUCTION AND WITHIN 24 HOURS FOLLOWING A RAINFALL OF 0.5 INCHES OR GREATER UNTIL LAND-DISTURBING ACTIVITY HAS CEASED. THEREAFTER THE CONTRACTOR SHALL PERFORM THESE RESPONSIBILITIES AT LEAST WEEKLY UNTIL VEGETATIVE COVER IS ESTABLISHED.

ALL INSPECTIONS AND MAINTENANCE CONDUCTED DURING CONSTRUCTION MUST BE RECORDED WITHIN 24 HOURS IN WRITING AND THESE RECORDS MUST BE RETAINED WITH THE SWPPP.

BASED ON INSPECTION RESULTS THE CONTRACTOR MAY MODIFY THE SWPPP IN ORDER TO PREVENT POLLUTANTS FROM LEAVING THE SITE VIA STORM WATER RUNOFF. THIS MODIFICATION MUST BE MADE WITHIN 7 CALENDAR DAYS OF THE INSPECTION UNLESS OTHERWISE REQUIRED BY THE TERMS OF THE PERMIT, LEGAL, REGULATORY, OR PHYSICAL ACCESS CONSTRAINTS.

INSPECTION REPORTS MUST BE KEPT ON FILE BY THE CONTRACTOR AS AN INTEGRAL PART OF THE SWPPP FOR AT LEAST 3 YEARS FROM THE DATE OF COMPLETION OF THIS PROJECT.

ALL EROSION PREVENTION AND SEDIMENT CONTROL BMPs SHALL BE INSPECTED TO ENSURE INTEGRITY AND EFFECTIVENESS DURING ALL ROUTINE AND POST-RAINFALL EVENT INSPECTIONS. ALL NONFUNCTIONAL BMPs (WHEN FOUND TO BE 1/2 FULL) MUST BE REPAIRED, REPLACED, OR SUPPLEMENTED WITH FUNCTIONAL BMPs BY THE END OF THE NEXT BUSINESS DAY AFTER DISCOVERY, OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.

ALL INFILTRATION AREAS MUST BE INSPECTED TO ENSURE THAT NO SEDIMENT FROM ONGOING CONSTRUCTION ACTIVITY IS REACHING THE INFILTRATION AREA, OR THAT EQUIPMENT IS NOT BEING DRIVEN ACROSS THE INFILTRATION AREA.

POLLUTION PREVENTION MANAGEMENT:

THE CONTRACTOR SHALL IMPLEMENT THE FOLLOWING POLLUTION PREVENTION MANAGEMENT MEASURES ON THE SITE:

SOLID WASTE: COLLECTED SEDIMENT, ASPHALT AND CONCRETE MILLINGS, FLOATING DEBRIS, PAPER, PLASTIC, FABRIC, CONSTRUCTION AND DEMOLITION DEBRIS AND OTHER WASTES MUST BE DISPOSED OF PROPERLY AND MUST COMPLY WITH MINNESOTA POLLUTION CONTROL AGENCY (MPCA) DISPOSAL REQUIREMENTS.

HAZARDOUS MATERIALS: OIL, GASOLINE, PAINT AND ANY HAZARDOUS SUBSTANCES MUST BE PROPERLY STORED, INCLUDING SECONDARY CONTAINMENT TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGE. RESTRICTED ACCESS TO STORAGE AREAS MUST BE PROVIDED TO PREVENT VANDALISM. STORAGE AND DISPOSAL OF HAZARDOUS WASTE MUST BE IN COMPLIANCE WITH MPCA REGULATIONS.

EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION VEHICLES MUST BE LIMITED TO A DEFINED AREA OF THE SITE. RUNOFF MUST BE CONTAINED AND WASTEWATER PROPERLY DISPOSED OF. NO ENGINE DEGREASING IS ALLOWED ON SITE.

ALL LIQUID AND SOLID WASTES GENERATED BY WASHOUT OPERATIONS (CONCRETE, STUCCO, PAINT, FORM RELEASE OILS, CURING COMPOUNDS AND OTHER CONSTRUCTION MATERIALS) RELATED TO THE CONSTRUCTION ACTIVITY MUST HAVE EFFECTIVE CONTAINMENT. THE CONTAINMENT AREA MUST BE MARKED ON SITE WITH A SIGN.

FINAL STABILIZATION:

THE CONTRACTOR MUST ENSURE FINAL STABILIZATION OF THE SITE ACCORDING TO THE DEFINITIONS IN THE NPDES GENERAL PERMIT PART IV SECTION G.

ALL SOIL DISTURBING ACTIVITIES AT THE SITE HAVE BEEN COMPLETED AND ALL SOILS ARE STABILIZED BY A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70 PERCENT OF ITS EXPECTED FINAL GROWTH DENSITY OVER THE ENTIRE PERVIOUS SURFACE AREA, OR OTHER EQUIVALENT MEANS NECESSARY TO PREVENT SOIL FAILURE UNDER EROSION CONDITIONS.

THE PERMANENT STORMWATER MANAGEMENT SYSTEM IS CONSTRUCTED, MEETS ALL REQUIREMENTS AND IS OPERATING AS DESIGNED. TEMPORARY OR PERMANENT SEDIMENTATION BASINS THAT ARE TO BE USED AS PERMANENT WATER QUALITY MANAGEMENT BASINS HAVE BEEN CLEANED OF ANY ACCUMULATED SEDIMENT. ALL SEDIMENT HAS BEEN REMOVED FROM CONVEYANCE SYSTEMS AND DITCHES ARE STABILIZED WITH PERMANENT COVER.

ALL TEMPORARY SYNTHETIC AND STRUCTURAL EROSION PREVENTION AND SEDIMENT CONTROL BMPs (SUCH AS SILT FENCE) HAVE BEEN REMOVED ON THE PORTIONS OF THE SITE FOR WHICH THE CONTRACTOR IS RESPONSIBLE. BMPs DESIGNED TO DECOMPOSE ON SITE MAY BE LEFT IN PLACE.

FOR RESIDENTIAL CONSTRUCTION ONLY, INDIVIDUAL LOTS ARE CONSIDERED FINALLY STABILIZED IF THE STRUCTURE(S) ARE FINISHED AND TEMPORARY EROSION PROTECTION AND DOWNGRADIENT PERIMETER CONTROL HAS BEEN COMPLETED AND THE RESIDENCE HAS BEEN SOLD TO THE HOMEOWNER. ADDITIONALLY, THE CONTRACTOR HAS DISTRIBUTED THE MPCA'S "HOMEOWNER FACT SHEET" TO THE HOMEOWNER TO INFORM THE HOMEOWNER OF THE NEED FOR, AND BENEFITS OF, PERMANENT COVER.

FOR CONSTRUCTION PROJECTS ON AGRICULTURAL LAND, THE DISTURBED LAND HAS BEEN RETURNED TO ITS PRECONSTRUCTION AGRICULTURAL USE.

REVISIONS	PROJ. NO: 222075	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Minnesota.	JACOBSON ENGINEERS & SURVEYORS Nate Krueger 7616 180th Street East Prior Lake, MN 55372 952-292-1393	PREPARED FOR: SWPPP	KRUEGER EXCAVATING, INC. CREDIT RIVER, MN	SHEET NO. C-4 4
	DRAWN: GDJ	Signature: <i>Grant D. Jacobson</i> License No: 23189				
	CHECKED: GDJ	Print Name: <i>Grant D. Jacobson</i> Date: 09/28/22				
	SCALE: AS SHOWN					
	FIELD BOOK: A					
	DATE: 06/01/22					

Item Cover Page

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: October 20, 2022

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: Public Hearing(s)

SUBJECT: Ordinance Amendment Related to Planning Commission

SUGGESTED ACTION:

ATTACHMENTS:

[Agenda Report Ordinance PC.pdf](#)
[Ordinance Establishing a Planning Commission.pdf](#)
[PC Ordinance redline.pdf](#)



Planning Commission Agenda Report

MEETING DATE: October 20, 2022

PREPARED BY: Cindy Nash, City Planner

PRESENTED BY: Cindy Nash, City Planner

OBJECTIVE:

Consideration of amendment to ordinance related to Planning Commission

RECOMMENDED ACTION:

Public Hearing and consideration of draft ordinance

BACKGROUND:

The City currently has a requirement that all Planning Commission members must be residents of the City. The proposed amendment would remove that requirement.

The reasons for potentially including people who are not residents include but are not limited to:

- Address temporary residency situations while a member is between moves
- Include business owners or managers
- Include property owners that do not live in the community.

FINANCIAL IMPACT:

Not applicable.

ALTERNATIVES:

1. Do nothing and ordinance remains the same with a requirement that members be residents.
2. Include a time limit that someone can live outside the city.

ATTACHMENTS:

1. Draft Ordinance
2. Redline ordinance

**CITY OF CREDIT RIVER
SCOTT COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2022-____

**AN ORDINANCE ESTABLISHING AND FIXING THE DUTIES OF A CITY
PLANNING COMMISSION WITHIN THE CITY OF CREDIT RIVER**

The City Council of Credit River, Minnesota ordains:

SECTION 1. RESCIND AND REPLACE SECTION. Section 2-4 of the Credit River Zoning Ordinance is hereby rescinded and a new Section 2-4 is added as follows:

2-4 PLANNING COMMISSION

2-4-1 Establishment of Planning Commission

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by Minn. Stat. § 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

2-4-2. Composition and Terms.

- A. **Composition, Number.** Such Planning Commission shall consist of five members. Members shall be appointed by the City Council, and may at the discretion of the City Council contain one or more City Council members. In addition, if no members of the Planning Commission are City Council members, then the City Council shall select one council member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The council liaison shall be a non-voting member who is not counted for quorum purposes.
- B. **Terms.** Of the members of the Commission first appointed, two shall be appointed for the term of one (1) year, and three for the term of two (2) years, their successors shall be appointed for terms of two (2) years except for members that are also members of the City Council who shall only hold office for either their appointed term or so long as they hold the office of City Council member whichever is shorter. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. Terms shall expire each year on December 31.
- C. **Compensation.** All members shall be compensated at a fixed rate per meeting attended (regular and special) in an amount determined by the City Council.

- D. **Removal.** Members may be removed by the City Council with or without cause by a four-fifths vote of the City Council.
- E. **Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

2-4-3 Organization, Meetings, Minutes and Expenditures

- A. **Officers.** At its first meeting and thereafter at the first regular meeting in January, the Planning Commission shall elect a Chairperson, a Vice-Chairperson from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.
- B. **Meeting.** The Planning Commission may hold at least one meeting each month as needed at the time and place as established by the City Council by resolution. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.
- C. **Minutes.** Written minutes of meetings shall be kept and filed with the City Clerk but shall be subject to approval at the next Planning Commission meeting.
- D. **Expenditures.** No expenditures by the City on behalf of the Planning Commission shall be made unless and until authorized by the City Council.

2-4-4. Attendance

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences are noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

2-4-5. Staff for the Commission

The City Clerk or Administrator, Building Inspector, City Planner, City Engineer and City Attorney may act as staff for the Planning Commission and may be required at times to attend commission meetings. City staff may provide the Commission with information as requested by the Commission. The City Clerk or Administrator or their designee may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

2-4-6 Powers and Duties

- A. **Generally.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by this ordinance.
- B. **Comprehensive Plan.** It shall be the purpose of the Planning Commission to prepare and adopt a comprehensive plan pursuant to Minn. Stat. § 473.858, Subd. 1. This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan, the Planning Commission may periodically, but at least every ten years, review the comprehensive plan and any ordinances or programs implementing the plan.
- C. **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.
- D. **Zoning Ordinance.** Pursuant to Minn. Stat. § 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.
- E. **Conditional Use Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- F. **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit if allowed by current law and under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.

- G. **Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- H. **Zoning Variances.** All applications for variances may be referred to the Planning Commission and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in Minn. Stat. § 462.357, subd. 6, as it may be amended from time to time for its decision.
- I. **Official Map.** Pursuant to Minn. Stat. § 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The governing body may, after holding a public hearing, adopt and amend the official map by ordinance. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be recorded with the county recorder as provided in sections 462.351 to 462.364.
- J. **Purchase and Sale of Real Property.** Pursuant to Minn. Stat. § 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed acquisitions or disposals of publicly owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote of those present dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.
- K. **Capital Improvements.** Pursuant to Minn. Stat. § 462.356, subd. 2, as it may be amended from time to time, and if a comprehensive plan has been adopted, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make

findings as to the compliance of the proposed capital improvement with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

- L. **Comprehensive Plan Amendments.** Pursuant to Minn. Stat. § 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

SECTION 2. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

SECTION 3. REPEALER

All prior ordinances to the extent that they are inconsistent with the terms and provisions of this Ordinance, shall be deemed repealed after the effective date of this Ordinance with regard to those inconsistent terms and provisions.

Passed by the City Council of Credit River this 7th day of November, 2022.

Chris Kostik, Mayor

Attested:

Karen Donovan, City Clerk

2-4 PLANNING COMMISSION

2-4-1 Establishment of Planning Commission

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by Minn. Stat. § 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

2-4-2. Composition and Terms.

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Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.

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- C. **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend

to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.

- D. **Zoning Ordinance.** Pursuant to Minn. Stat. § 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the zoning ordinance, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.
- E. **Conditional Use Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
- F. **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit if allowed by current law and under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
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of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The governing body may, after holding a public hearing, adopt and amend the official map by ordinance. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor. After adoption, a copy of the official map, or sections thereof with a copy of the adopting ordinance attached shall be recorded with the county recorder as provided in sections 462.351 to 462.364.

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- L. **Comprehensive Plan Amendments.** Pursuant to Minn. Stat. § 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, if any, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

Item Cover Page

PLANNING COMMISSION AGENDA ITEM REPORT

DATE: October 20, 2022

SUBMITTED BY: Cindy Nash, Planning

ITEM TYPE: Agenda Report

AGENDA SECTION: Public Hearing(s)

SUBJECT: Shoreland Ordinance

SUGGESTED ACTION:

ATTACHMENTS:

[Agenda Report Ordinance shoreland Oct2022.pdf](#)
[Shoreland draft2.pdf](#)
[Shoreland Overlay Map.pdf](#)
[shoreland_model_ordinance_with_commentary \(1\).pdf](#)



Planning Commission Agenda Report

MEETING DATE: October 20, 2022

PREPARED BY: Cindy Nash, City Planner

PRESENTED BY: Cindy Nash, City Planner

OBJECTIVE:

Public Hearing and consideration of draft shoreland ordinance

RECOMMENDED ACTION:

No action at this time

BACKGROUND:

The City is required to adopt a shoreland ordinance that meets the requirements of state statute. This draft ordinance has been updated to reflect comments received to date from the DNR. Review with the DNR is continuing.

The City has requested flexibility to permit structures with a building height of 35 feet instead of the 25-foot typical requirement.

A copy of the DNR's model shoreland ordinance with commentary is included in the packet for review and comparison purposes.

FINANCIAL IMPACT:

Not applicable.

ALTERNATIVES:

Not application at this time.

ATTACHMENTS:

1. Draft Shoreland Ordinance
2. Map of Shoreland Overlay Zone
3. DNR Model Shoreland Ordinance with commentary.

CREDIT RIVER SHORELAND ORDINANCE – CHANGES TO DEFINITIONS AND NEW SECTION 70
October 13, 2022 – Draft 2

1-6 DEFINITIONS

The following words or terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Structure: A structure of secondary or subordinate use to the principal structure, located on the same lot.

Animal feedlot: A facility as defined by [Minnesota Rules, part 7020.0300](#).

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- a) Part or all of the feature is located in a shoreland area;
- b) The slope must drain toward the waterbody;
- c) The slope rises at least 25 feet above the ordinary high water level; and
- d) 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 (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

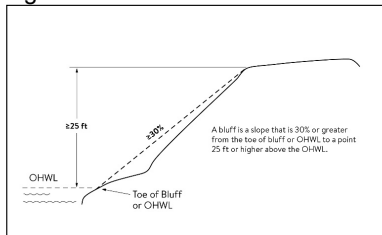
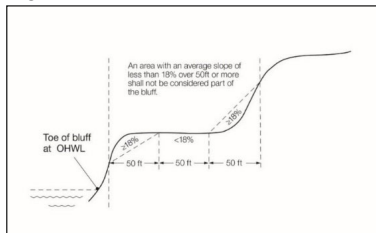


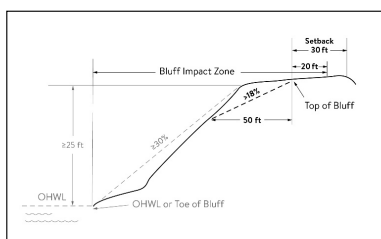
Figure 2. Exception to Bluff



Bluff impact zone: A bluff and land located within 20 feet of the top of a bluff.

See Figure 3

Figure 3. Bluff Impact Zone and Top of Bluff



Bluff, Toe of: The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.

Bluff, Top of: For the purposes of measuring setbacks, bluff impact zone, and administering vegetation management standards, the higher point of a 50-foot segment with an average slope exceeding 18 percent. See Figure in definition for Bluff Impact Zone.

Boathouse: A facility as defined by Minnesota Statutes, Section 103G.245.

Buffer: The use of land, topography, difference in elevation, space, fences or landscape plantings to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts. OR When referenced in the shoreland district, a vegetative feature as defined by Minnesota Statutes, Section 103F.48.

Building Line: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Controlled access lot: A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.

Commercial planned unit development: Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods and services.

Commissioner: The commissioner of the Department of Natural Resources.

Conditional Use: A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning 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.

Conservation Easement: A legal agreement creating an interest in real property

Deck: A horizontal, unenclosed platform, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use

Duplex, triplex, and quad: A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling, Single Family: A building containing a single dwelling unit designed exclusively for and occupied exclusively by one (1) family.

Dwelling site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit: A residential building or portion thereof intended for occupancy by one (1) or more persons with facilities for living, sleeping, cooking and eating.

Extractive use: The use of 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.

Forest land conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Height of building: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a

pitched or hipped roof (see Figure 3).

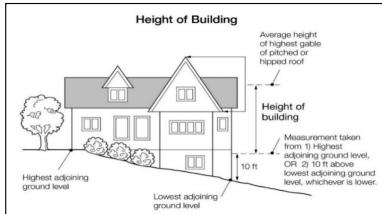


Figure 3. Height of Building

Impervious surface: A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities or other wholesale items.

Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. In all cases, a road shall be considered a property line.

Lot Width: The minimum distance between:

- a) Side lot lines measured at the midpoint of the building line; and
- b) For cul-de-sac lots, lot width shall mean the minimum required horizontal distance between the side lot lines, measured along a straight line at the midpoint of the front setback line.
- c) Side lot lines at the ordinary high water level, if applicable (see Figure 4).

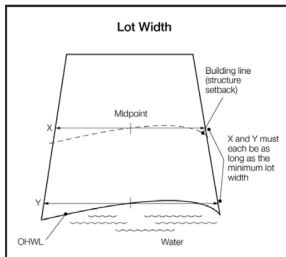


Figure 4. Lot Width

Non-Conformity: 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 controls had been in effect prior to the date it was established, recorded or authorized.

Ordinary High Water Level: The boundary of public waters and wetlands, and shall be an 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 the natural vegetation changes from predominantly 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 flowage, the ordinary high water level is the operating elevation of the normal summer pool.

Planned Unit Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease; also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses.

Except within the shoreland overlay area, internal site design standard deviations from this Ordinance may be allowed to improve site design and operation. Where appropriate this development control advocates: (1) a mixture of land uses, (2) the clustering of residential land uses providing common and public open space, and (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.

Public Waters: Any "public waters" as defined in Minnesota Statutes Section 103G.005, subdivision 15.

Residential planned unit development: A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences

would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Resort: “Resort” has the meaning in Minnesota Statute, Section 103F.227.

Semi-Public Use: The use of land by a private, non-profit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Setback: The minimum horizontal distance between a structure, individual sewage treatment system, or other facility, and a road, road right-of-way, property line, top of bluff, or the ordinary high water level of a lake, stream, river, or other protected water.

Sewage Treatment System: “Sewage treatment system” has the meaning given under [Minnesota Rules, part 7080.1100, Subp. 82](#).

Sewer system: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone: 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 (see Figure 5).

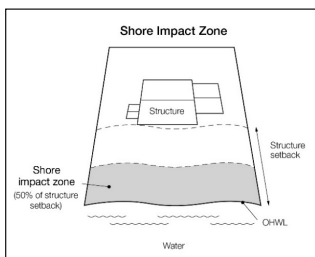


Figure 5. Shore Impact Zone

Shoreland: “Shoreland” means land located within the following distances from public waters:

- a) 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- d) 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 (see Figure 6).

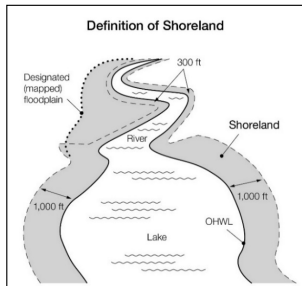


Figure 6. Definition of Shoreland

Shoreland Alteration: Grading and filling in shoreland areas or any alteration of the natural topography where the slope of the land is toward a public water or a watercourse leading to a public water.

Shore recreation facilities: Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

Significant Historic Site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. 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.

Steep Slope: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.

Structure: Anything constructed or installed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground, including decks and pools, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision: The creation of one or more lots under the provisions of the Credit River Subdivision Regulations.

Suitability analysis: An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands;

soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.

Variance: "Variance" means the same as that defined in Minnesota Statutes, Section 462.357 Subd. 6 (2)

Water-oriented accessory structure or facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.

Water-dependent use: The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.

Wetland: "Wetland" has the meaning given under Minnesota Rule, part 8420.0111.

CHAPTER 70: SL, SHORELAND DISTRICT

70-1 PURPOSE

The uncontrolled use of shoreland within Credit River affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shoreland of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the State to regulate the subdivision, use and development of the shoreland 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.

70-2 JURISDICTION

The provisions of this Chapter shall apply to the shoreland of the public water bodies as classified in Section 70-6 of this Chapter within Credit River. Pursuant to Minnesota

Rules, Parts 6120.2500 - 6120.3900, no lake, pond or flowage less than ten (10) acres in size need be regulated in the shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of Credit River, be exempted from this Chapter.

70-3 COMPLIANCE

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 Chapter and other applicable regulations.

70-4 APPLICATION OF RULES

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

ENFORCEMENT. The City Planner 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 constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.2 of this ordinance.

SEVERABILITY. 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.

ABROGATION AND GREATER RESTRICTIONS. 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.

70-5 ADMINISTRATION

70-5-1 Permits Required

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 individual sewage treatment systems, and those grading and filling activities not exempted by Section 70-8-7 of this Chapter. Application for a permit shall be made

to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.

A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subpart 3 is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

Certificate of Zoning Compliance. The City Planner shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.2 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 70-4 of this ordinance.

70-5-2 Variances

Variances may only be granted in accordance with Minnesota State Statutes Chapter 462.387, and Section 2-3 of this Ordinance, as applicable. A variance may not circumvent the general purposes and intent of this Chapter. 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 development on adjacent properties.

The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. 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 70-5- 3 shall also include the Board of Adjustment's summary of the public record/testimony, the findings of facts and conclusions which supported the issuance of the variance.

For properties with existing sewage treatment systems, a certificate of compliance, consistent with [Minnesota Rules Chapter 7082.0700 Subp. 3](#), is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system's improper setback from the ordinary high water level.

70-5-3 Conditional Use Permits

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in Section 2-6 of this Ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

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 individual sewage treatment system; 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.

70-5-4 Mitigation

1. In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, where appropriate, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - b) Advanced storm water runoff management treatment;
 - e) Reducing impervious surfaces;
 - f) Increasing setbacks from the ordinary high water level;
 - g) Restoration of wetlands;
 - h) Limiting vegetation removal and/or riparian vegetation restoration;
 - i) Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
 - j) Other conditions the zoning authority deems necessary.
2. In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.

70-5-5 Nonconformities

1. All legally established nonconformities as of the date of this ordinance may

continue, but will be managed according to Minnesota Statutes, Section [462.357 Subd. 1e](#) and other regulations of Credit River for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

- 2 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of Chapter 70 of this ordinance. Any deviation from these requirements must be authorized by a variance.

70-5-6 Notifications to the Department of Natural Resources

1. All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. Credit River will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.
2. All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
3. All approved ordinance amendments and subdivisions/plats, and final decisions approving 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. 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 shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
4. Any request to change the shoreland management classification of public waters within Credit River must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.
5. Any request to reduce the boundaries of shorelands of public waters within Credit River must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

70-5-6 Mandatory EAW.

An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of [Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.](#)

70-6 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS

70-6-1 Shoreland Classification System

The public waters of Credit River as classified below are regulated consistent with the classifications assigned by the commissioner under [Minnesota Rules, part 6120.3300.](#)

70-6-2 Lakes

Natural Environment Lakes

ID #	NAME	OHWL (NAVD88)	SECTION	TOWNSHIP	RANG
70-10	Murphy Lake		3, 4	114	21
70-11	Unnamed		10, 11	114	21
70-12	Unnamed		9, 16	114	21
70-22	Cleary Lake	938.0	7	114	21
70-23	Unnamed	953.8	19	114	21
70-24	Kane Lake	956.2	19, 30	114	21
70-200	Unnamed		29,30	114	21
70-290	Unnamed		34	114	21

Recreational Development Lakes

ID #	NAME	OHWL (NAVD 88)	SECTION	TOWNSHIP	RANG
70-21	Markley Lake	893.4	6	114	21

70-6-2 Rivers and Streams

Tributary Rivers

All public rivers and streams shown on the Public Waters Inventory Map for Scott County, a copy of which is hereby adopted by reference, shall be considered "Tributary".

70-7 LAND USE DISTRICT DESCRIPTIONS

The land use districts in Chapters 25 through 60 of this Zoning Ordinance are delineated on the Official Zoning Map or in this Ordinance for the shoreland in Credit River. For any property located within the shoreland overlay district, both the standards of the underlying zoning district and the shoreland overlay district shall apply, whichever is more restrictive..Land uses are as permitted in the underlying district as per Table 20-4.

70-8 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

70-8-1 Lot Area and Width Standards

The lot area and lot width standards for single family homes created after the date of enactment of this Chapter for the lake and river/stream classifications are the following:

1. For all lake and river/stream classifications, the minimum lot size and lot width shall meet the requirements of the zoning district in which the shoreland lot is located, or the requirements of this section, whichever is greater.
2. Only land above the ordinary high water level of public waters and excluding right-of-way shall be used to meet lot area and lot width standards.
3. Lot width standards must be met at both the ordinary high water level and at the building line.
4. The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property.
5. Residential subdivisions with dwelling unit densities exceeding those in paragraphs 6. And 7. Below are allowed only if designed and approved as residential PUDS under **Section** _____ of this ordinance.
6. Lake Minimum Lot Area and Width Standards:

c) Recreational development lake – **No sewer**

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375

Quad	160,000	375	160,000	490
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d) Recreational development lake – Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

e) Natural environment lake – No sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

f) Natural environment lake – Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

7. River/Stream Minimum Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

Lot Type	Urban & Tributary No Sewer	Urban & Tributary Sewer
Single	100	75
Duplex	150	115
Triplex	200	150
Quad	250	190

8. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following additional standards:
 - a) Each building must be set back at least 200 feet from the ordinary high water level;
 - b) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
 - c) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
 - d) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.
9. Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
 - a) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade **patios**;
 - b) The structure or facility is not in the Bluff Impact Zone;
 - c) The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - d) The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);
 - e) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - f) The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
 - g) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - h) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
 - i) Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 70-8-4 if the structure is designed to accommodate internal flooding, 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.

70-8-2 Access to Public Waters

Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:

3. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;
4. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

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

5. 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; and
6. Covenants or other equally effective legal instruments must be developed that:
 - a. Specify which lot owners have authority to use the access lot;
 - b. Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - c. Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
 - d. Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - e. 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.

70-8-3 **Placement, Design, and Height of Structures**

1. **OHWL Setback for Structures and Sewage Treatment Systems.** When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewered properties can only be used if publicly owned sewer system service is available.

Waterbody Classification	Structures with <u>No Sewer</u>	Structures with <u>Sewer</u>	Sewage Treatment Systems
Natural Environment Lakes	150	150	150
Recreational Development Lakes	100	75	75
Tributary Rivers	100	50	75

- a) **OHWL Setbacks.** Structures, **impervious surfaces**, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 7.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:
- b) **Setback averaging.** Where **principal** structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining **principal structure** setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 7);

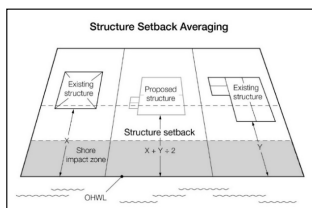


Figure. 7 Structure Setback Averaging

- c) **Setbacks of decks.** 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 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 is no closer than 30 feet from the OHWL, whichever is more restrictive; and
- (4) The deck is constructed primarily of wood, and is not roofed or screened (see **Figure 8**).

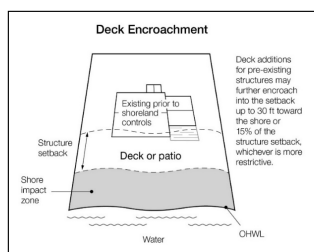


Figure 8. Deck Encroachment

d) *Additional structure setbacks.* Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from: (ft)	Setback
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

d) *Bluff Impact Zones.* Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

70-8-4 Design Criteria for Structures

1. Lowest Floor Elevation.

Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement must be placed or flood-proofed at an elevation determined using the following methodology:

- (1) 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 (see **Figure 9**);
- (2) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see **Figure 9**), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.

Methods for placement.

- (1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.
- (2) If elevation methods involving fill would result in filling in the shore impact zone, then structures must instead be elevated through floodproofing methods in accordance with 6.43(B)(3) below;
- (3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

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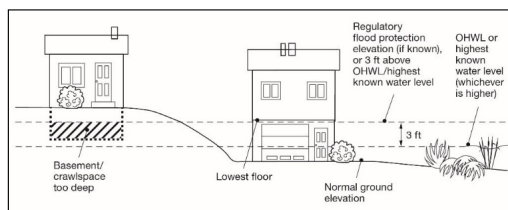


Figure 9. Lowest Floor Elevation

2. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties and planned unit developments;
 - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational

properties and planned unit developments;

- c. Canopies or roofs are not allowed on stairways, lifts or landings;
 - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - 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 sub items (a) to (e) are complied with in addition to the requirements of Minnesota Rules, Chapter 1341.
3. Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions as well as the setbacks in the underlying zoning district:
- (1) The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
 - (2) The structure or facility is not in the Bluff Impact Zone;
 - (3) The setback of the structure or facility from the ordinary high water level must be at least ten feet;
 - (4) The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;
 - (5) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - (6) The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
 - (7) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
 - (8) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
 - (9) Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6.43 if the structure is designed to accommodate internal flooding, 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.

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. All buildings and structures must be in accordance with the State Building Code.

70-8-5 Height of Structures

All structures in zoning districts, except churches and agricultural structures, must not exceed thirty-five (35) feet in height.

70-8-6 Shoreland Alterations

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

1. Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
 - b. The construction of public roads and parking areas if consistent with Section ____ of this ordinance;
 - c. Forest management uses consistent with Section __ of this ordinance; and
 - d. Agricultural uses consistent with Section ____ of this ordinance.
2. Removal or alteration of vegetation, except for agricultural uses as regulated in Section 70-8-11 is allowed subject to the following standards:
 - a. Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section __ of this ordinance.
 - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access

areas, 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 safety hazards.
3. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

70-8-7 Topographic Alterations/Grading and Filling

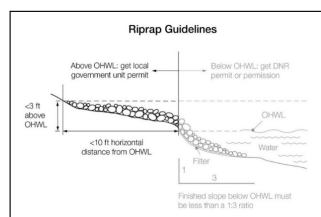
1. Grading and filling and excavations necessary for the construction of structures, individual sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, individual sewage treatment systems and driveways. Land disturbing activity regulations of Chapter 6 of this Ordinance shall apply, if applicable.
2. Public roads and parking areas are regulated by Section 70-8-8 of this Chapter.
3. For all other work not included in paragraphs 1 or 2 above, a grading and filling permit will be required for:
 - e. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - f. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - g. The placement of retaining walls, including border walls, within the shore impact zone or bluff impact zone provided that:
 - (1) if the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
 - (2) the structures are used only to correct a documented existing erosion problem and not for aesthetic reasons.

(3) the height and length are the minimum necessary to control the erosion problem and are not higher than 4 feet or longer than 10 feet, unless the zoning administrator determines that a larger wall is necessary to correct the erosion problem.

Commented [CN2]: This paragraph is optional

- h. The placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket is permitted if:
- (1) if the project includes work at or below the OHWL, the commissioner has already approved or permitted the project;
 - (2) the finished slope does not exceed three feet horizontal to one-foot vertical;
 - (3) the landward extent of the riprap is within ten feet of the ordinary high water level; and
 - (4) the height of the riprap above the ordinary high water level does not exceed three feet (see **Figure 10**).
 - (5) A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.

Figure 10. Riprap Guidelines



4. Grading, filling and excavation activities must meet the following standards:
- g) Grading or filling of any wetland must meet or exceed the wetland protection standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;

Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:

- (6) Limiting the amount and time of bare ground exposure;
- (7) Using temporary ground covers such as mulches or similar materials;
- (8) Establishing permanent, **deep-rooted and dense** vegetation cover as soon as possible;
- (9) Using sediment traps, vegetated buffer strips or other appropriate

techniques;

- (10) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (11) Not placing fill or excavated material in a manner that creates unstable slopes. 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;
 - (12) Fill or excavated material must not be placed in bluff impact zones;
 - (13) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under [Minnesota Statutes, Section 103G](#); and
 - (14) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties
5. Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).

70-8-8 Placement and Design of Roads, Driveways, and Parking Areas

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a licensed professional that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the Soil and Water Conservation District or other applicable technical materials.

1. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
2. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 70-8-7 of this Chapter must be met.

70-8-9 Stormwater Management

The following general and specific standards shall apply, as well as those in Chapter 6 of this Ordinance.

1. General Standards

- a. 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.
- b. 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 the site.
- c. 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 designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards

- a. Impervious surface coverage of lots must not exceed twenty-five percent (25%) of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a licensed professional that they are designed and installed consistent with the field office technical guide of the Soil and Water Conservation District or the Minnesota Stormwater Manual, as applicable.
- c. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

70-8-10 Standards for Commercial, Industrial, Public, and Semipublic Uses

Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

1. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Chapter and Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
2. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; 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 placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - b. Signs placed within the shore impact zone are:
 - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

70-8-11 Agriculture Use Standards

1. Buffers.
 - a. 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.
 - b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil

- and water conservation district.
2. New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
 - a. Feedlots must be designed consistent with [Minnesota Rules, Chapter 7020](#);
 - b. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - c. Old feedlots not currently in operation may resume operation consistent with [Minnesota Statutes, Section 116.0711](#).

70-8-12 Forest Management Standards.

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

70-8-13 Extractive Use Standards. Extractive uses are interim uses in the shoreland district. In addition to complying with **Section** of this ordinance, extractive uses must meet the following additional standards:

1. Site Development and Reclamation Plan. A mining and reclamation 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 mining activities end.
2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

70-8-14 Water Supply and Sewage Treatment

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.

Any premises used for human occupancy must either be connected to a publicly-owned sewer system where available or comply with following if the property is served by an Individual Sewage Treatment System:

1. All Individual Sewage Treatment Systems shall meet the requirements of the Scott County Individual Sewage Treatment System Ordinance No. 4.
2. Individual Sewage Treatment Systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 70- 8-3 of this Chapter.
3. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with the ordinances of Scott County.

70-9 SUBDIVISION/PLATTING PROVISIONS

70-9-1 Land Suitability

Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

70-9-2 Consistency with Other Controls

Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

70-9-3 Water and Sewer Design Standards

1. A potable water supply and a sewage treatment system consistent with [Minnesota Rules, Chapters 7080 – 7081](#) must be provided for every lot.
2. Each lot must include at least two soil treatment and dispersal areas that support systems described in [Minnesota Rules, parts 7080.2200 to 7080.223](#) or site conditions described in [part 7081.0270, subparts 3 to 7](#), as applicable.
3. Lots that would require use of holding tanks are prohibited.

70-9-4 Information Requirements

Sufficient information shall be submitted by the applicant for Credit River to make a

determination of land suitability. The information shall include at least the following:

1. Topographic contours at two-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
2. The surface water features required in Minnesota State Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;
3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from soil borings and percolation tests performed in accordance with the Scott County Individual Sewage Treatment System Ordinances;
4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
5. Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
6. A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

70-9-5 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.

70-9-6 Platting

All subdivisions shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

Controlled Access Lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section _____ of this ordinance.

70-10 PLANNED UNIT DEVELOPMENTS (PUDS)

70-10-1 Types of PUDs Permissible.

Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met.

70-10-2 Processing of PUDs.

Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures **in Section _____**. Approval cannot occur until all applicable environmental reviews are complete.

70-10-3 Application for a PUD.

The applicant for a PUD must submit the following documents prior to final action on the application request:

1. Site plan and/or plat showing:
 - a) Locations of property boundaries;
 - b) Surface water features;
 - c) Existing and proposed structures and other facilities;
 - d) Land alterations;
 - e) Sewage treatment and water supply systems (where public systems will not be provided);
 - f) Topographic contours at ten-foot intervals or less; and
 - g) Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
2. A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.6 of this ordinance.
3. Deed restrictions, covenants, permanent easements or other instruments that:
 - a) Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b) Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.
4. A master plan/site plan describing the project and showing floor plans for all

commercial structures.

5. Additional documents necessary to explain how the PUD will be designed and will function.

70-10-4 **Density Determination.**

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

1. **Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:**

Waterbody Classification (ft)	No Sewer (ft)	Sewer
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All Rivers	300	300

2. **Step 2. Calculate Suitable Area for Development.**

Calculate the suitable area within each tier by excluding all road rights-of way or easements, wetlands, bluffs, or land below the ordinary high water level of public waters.

3. **Step 3. Determine Base Density:**

- a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.
- b. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - For recreational vehicles, campers or tents, use 400 sf.

- (2) Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Section 70-10-4 3.a.

Inside Living Floor Area or Dwelling Site Area (sf)	Tributary Rivers	Recreational Development Lakes	Natural Environment Lakes
< 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

- c. Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.
- (1) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B
1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.
- d. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- e. All PUDs with densities at or below the base density must meet the design standards in Section 10.6
4. **Step 4. Determine if the Site can Accommodate Increased Density:**
- a. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54,

item B:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- b. Structure setbacks from the ordinary high water level:
 - (1) Are increased to at least 50 percent greater than the minimum setback; or
 - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

70-10-5 Design Criteria. All PUDs must meet the following design criteria.

- 1. General Design Standards.
 - a. All residential planned unit developments must contain at least five dwelling units or sites.
 - b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section __ of this ordinance. Sewage treatment systems must meet the setback standards of Section __ of this ordinance.
 - c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.
 - d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections __, __, and __.
 - e. Shore recreation facilities:
 - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
 - (2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
 - (3) 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.
 - f. Structures, parking areas, and other facilities must be treated to reduce

visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

- g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- h. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.

1. Open Space Requirements.

- a. Open space must constitute at least 50 percent of the total project area and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
 - (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (b) For new residential PUDs, at least 70 percent of the shore impact zone.
 - (c) For all commercial PUD's, at least 50 percent of the shore impact zone.
- b. Open space may include:
 - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
 - (3) Non-public water wetlands.
- c. Open space shall not include:
 - (1) Dwelling sites or lots, unless owned in common by an owners association;
 - (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
 - (3) Road rights-of-way or land covered by road surfaces and parking areas;

- (4) Land below the OHWL of public waters; and
- (5) Commercial facilities or uses.

2. Open Space Maintenance and Administration Requirements.

- a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

- (1) Commercial uses (for residential PUD's);
- (2) Vegetation and topographic alterations other than routine maintenance;
- (3) Construction of additional buildings or storage of vehicles and other materials; and
- (4) Uncontrolled beaching of watercraft.

- b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

- (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
- (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
- (3) Assessments must be adjustable to accommodate changing conditions; and
- (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

3. Erosion Control and Stormwater Management.

- a. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.
 - (1) For residential PUDs, impervious surface for the entire project site must not exceed 25%.
 - (2) For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area.

70-10-6 Conversions.

Local governments may allow existing resorts or other land uses and facilities to be

converted to residential PUDs if all of the following standards are met:

1. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
3. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 - c. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Shoreland Management Model Ordinance

Introduction

This model is intended to help local governments develop new shoreland ordinances and amend existing ordinances. This model ordinance is consistent with Minnesota’s shoreland management rules (6120.2500 – 6120.3800). The model ordinance includes some provisions that differ from those in rule. This is because the model is periodically updated to be consistent with changes made to statute and other agency rules since the rules were published in 1989. The model also contains administrative language not in rule to help clarify and administer provisions in the ordinance.

Clarifications & Higher Standards

Blue bold text in the “Ordinance Language” column indicates any language that provides clarity on topics not sufficiently addressed in rule, or reflects a higher standard than the minimum in rule. This text is optional and is identified as such in the “Commentary” column. (Note that higher standards may be additions to or deletions from the rules.) There are many higher standards that communities can consider besides those mentioned in this model. Please see the [Innovative Standards Webpage](#) for examples of what other communities are doing.

Implementation Flexibility

Some shoreland ordinance provisions provide greater levels of shoreland protection than other provisions. Many of these provisions deal with dimensional standards such as lot area/width, setbacks, impervious surface, etc. In general, they must be as strict as the model language, otherwise deviations must be approved by the DNR consistent with the implementation flexibility criteria in rule (6120.2800 Subp. 3). Approval to deviate from these provisions usually requires some type of offsetting higher standard on another provision in the ordinance, and must be negotiated and documented in an agreement with the DNR before the DNR will provide conditional approval of the ordinance or ordinance amendment.

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<p>1.0 STATUTORY AUTHORIZATION AND POLICY</p>	
<p>1.1 Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Rules, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 (for counties) or Chapter 462 (for municipalities).</p> <p>1.2 Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by (insert name of Community).</p>	<p>1.1. Ensures that LGU authority to administer and enforce the ordinance is connected to state regulatory policy.</p> <p>1.2. Reinforces the responsibility of local governments to regulate shorelands in their jurisdiction.</p>
<p>2.0 GENERAL PROVISIONS AND DEFINITIONS</p>	
<p>2.1 Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 4.1 of this ordinance, and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by Minnesota Statute, Chapter 462.357 Subd 1. Pursuant to Minnesota Rules, 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 government’s shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.</p> <p>2.2 Enforcement. The (insert name of local government or designated official) 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 constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.2 of this ordinance.</p> <p>2.3 Severability. 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.</p> <p>2.4 Abrogation and Greater Restrictions. 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.</p> <p>2.5 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable</p>	<p>2.1. Identifies the size of waterbodies that must be included in the ordinance as directed by rule. Water bodies meeting these thresholds must be listed in Section 4.0. Optional provision for cities that have extra-territorial zoning authority.</p> <p>2.2 – 2.4. If these provisions are already included in the zoning ordinance, they are not needed.</p> <p>2.5. These definitions are the minimum necessary for a compliant ordinance. Some definitions may not be needed if a given feature or land use is not present or not allowed in the community.</p>

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application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

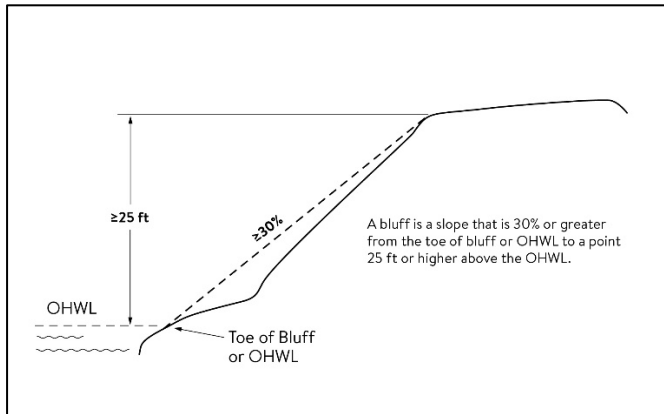
2.511 **Accessory structure or facility.** Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks. **Examples include: swimming pools, saunas, detached garages, and storage sheds.**

2.512 **Animal feedlot.** A facility as defined by [Minnesota Rules, part 7020.0300](#).

2.513 **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope must drain toward the waterbody;
- C. The slope rises at least 25 feet above the ordinary high water level; and
- D. 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 (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

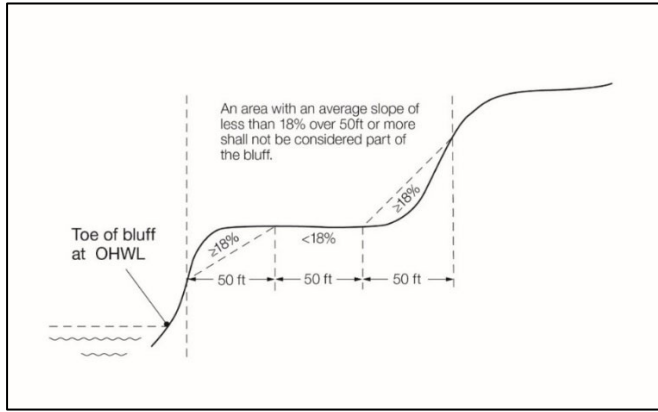


2.511. *Optional. Adding examples helps communicate what accessory structures or facilities are.*

2.513. *The DNR’s bluff mapping tool, a GIS script, is available for download from the [Minnesota Geospatial Commons](#). This tool is helpful for identifying bluffs for general mapping and planning purposes.*

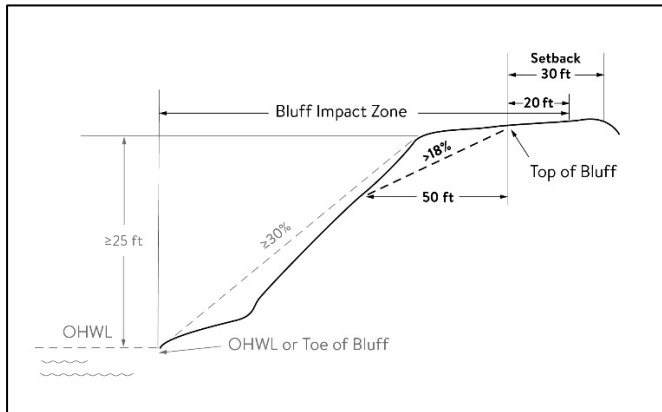
2.513.D. *The phrase “except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff,” identifies terraces or large relatively flat areas that separate bluff features above and below the terrace. According to the Shoreland Rules SONAR, these areas are buildable if setback standards can be met. This phrase is not to be used in conjunction with the top of bluff definition to reduce the size of the bluff.*

Figure 2. Exception to Bluff



2.514 **Bluff impact zone.** A bluff and land located within 20 feet of the top of a bluff. See Figure 3

Figure 3. Bluff Impact Zone and Top of Bluff



2.515 **Bluff, Toe of.** The lower point of a 50-foot segment with an average slope exceeding 18 percent **or the ordinary high water level, whichever is higher.**

2.516 **Bluff, Top of.** For the purposes of measuring setbacks, **bluff impact zone, and administering vegetation management standards,** the higher point of a 50-foot segment with an average slope exceeding 18 percent. See Figure 3.

2.517 **Boathouse.** A facility as defined by [Minnesota Statutes, Section 103G.245](#).

2.518 **Buffer.** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).

2.515. *This optional text is added to improve clarity.*

2.516 *Optional language helps to clarify that the top of bluff is used for administering other provisions in addition to bluff setbacks.*

2.517. *Boathouses are prohibited by statute, and are different than water-oriented accessory structures (2.562) which are allowed in the rules.*

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<p>2.519 Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.</p> <p>2.520 Controlled access lot. A lot used to access public waters or as a recreation area for owners of nonriparian lots within the same subdivision containing the controlled access lot.</p> <p>2.521 Commercial planned unit developments. Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.</p> <p>2.522 Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.</p> <p>2.523 Commissioner. The commissioner of the Department of Natural Resources.</p> <p>2.524 Conditional use. A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning 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.</p> <p>2.525 Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.</p> <p>2.526 Duplex, triplex, and quad. A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.</p> <p>2.527 Dwelling site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.</p> <p>2.528 Dwelling unit. 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.</p> <p>2.529 Expansion. Any increase in a dimension such as number of units or size, area, volume, or height of an existing structure or accessory structure or facility.</p> <p>2.530 Extractive use. The use of 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.</p> <p>2.531 Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.</p>	<p>2.525. <i>Any feature meeting this definition is also a structure (see structure definition) and must meet structure setbacks. Decks must meet floodplain standards. Decks that are accessory to a residential use are prohibited in floodways. Optional language. Make all decks a structure subject to permitting by eliminating the “three-feet above ground” language.</i></p> <p>2.529. <i>Optional. New definition to clarify nonconformity terms used in MS 462.357 and 394.36.</i></p>

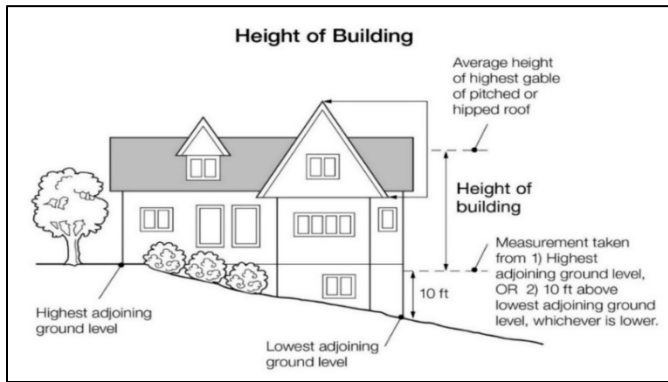
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2.532 **Guest cottage.** A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

2.533 **Height of building.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 3).

Figure 3. Height of Building



2.534 **Impervious surface.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

2.535 **Improvement.** Making an existing structure or accessory structure or facility of better quality, more efficient, or more aesthetically pleasing, that does not replicate what pre-existed, but does not include an expansion, enlargement, or intensification.

2.536 **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

2.537 **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

2.538 **Lot.** 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.

2.539 **Lot width.** The minimum distance between:

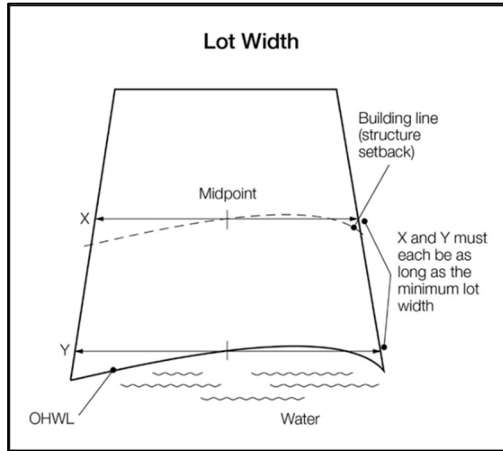
- A. Side lot lines measured at the midpoint of the building line; and

2.534. *Optional definition. An impervious surface definition is not in rule, but is very helpful for administering the required impervious surface standards in Section 8.4 of this model. Gravel driveways are defined as impervious since soils become compacted after use and impair infiltration of water, and they are often eventually paved over by property owners and such work doesn't usually require a permit. Permeable pavers are also included to eliminate their use as a "work around" to meeting impervious coverage standards in Section 8.4. Permeable pavement can reduce stormwater runoff, if maintained, but as a hard surface they remove habitat/vegetation and thus also impact shoreland aesthetics, both of which are shoreland protection goals.*

2.535. *Optional. New definition to clarify nonconformity terms used in MS 462.357 and 394.36.*

B. Side lot lines at the ordinary high water level, if applicable (see Figure 4).

Figure 4. Lot Width



2.540 Maintenance and repair. Upkeep or preservation of an existing structure or accessory structure or facility against normal wear and tear or degradation over time that does not change exterior dimensions. Examples include the rehabilitation or replacement of windows, siding, a roof, or exterior finishes such as paint or stain.

2.541 Metallic minerals and peat. “Metallic minerals and peat” has the meaning given under [Minnesota Statutes, Sections 93.44 to 93.51](#).

2.542 Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.

2.543 Ordinary high water level. The boundary of public waters and wetlands, and shall be an 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 the natural vegetation changes from predominantly 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.

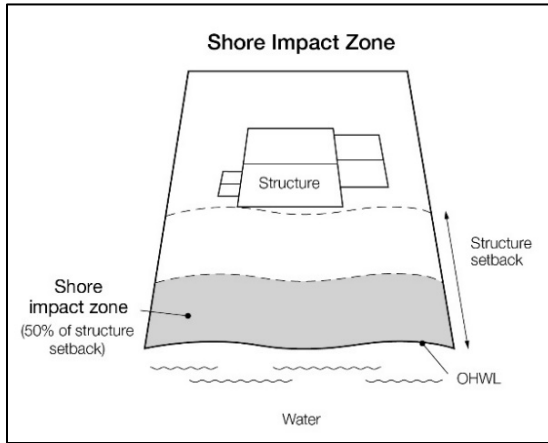
2.544 Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any

2.540. Optional. New definition to clarify nonconformity terms used in MN 462.357 and 394.36.

2.543. This is the same definition as 103G.005 Subd. 14.

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<p>combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.</p> <p>2.545 Public waters. Any water as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a.</p> <p>2.546 Replacement and restoration. Reconstruction of part or all of an existing structure or accessory structure or facility that closely matches or replicates the preexisting structure or facility.</p> <p>2.547 Residential planned unit development. A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.</p> <p>2.548 Resort. “Resort” has the meaning in Minnesota Statute, Section 103F.227.</p> <p>2.549 Semipublic use. The use of 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.</p> <p>2.550 Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.</p> <p>2.551 Sewage treatment system. “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.</p> <p>2.552 Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.</p> <p>2.553 Shore impact zone. 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 (see Figure 5).</p>	<p>2.546. <i>Optional. New definition to clarify nonconformity terms used in MS 462.357 and 394.36.</i></p>

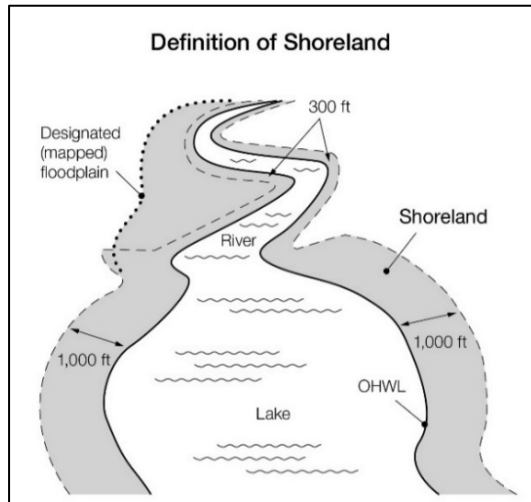
Figure 5. Shore Impact Zone



2.554 **Shoreland.** "Shoreland" means land located within the following distances from public waters:

- A. 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and
- B. 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 (see Figure 6).

Figure 6. Definition of Shoreland



2.555 **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

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<p>2.556 Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. 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.</p> <p>2.557 Steep slope. Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. Where specific information is not available, steep slopes are Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.</p> <p>2.558 Structure. 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.</p> <p>2.559 Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.</p> <p>2.560 Suitability analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.</p> <p>2.561 Variance. "Variance" means the same as that defined in Minnesota Statutes, Section 394.27 Subd. 7 (for counties) or Section 462.357 Subd. 6 (2) (for municipalities).</p> <p>2.562 Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.</p> <p>2.563 Water-dependent use. The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas,</p>	<p>2.557. <i>Optional deletion. This is a difficult definition to administer. Simplifying this definition to include only average slopes over 12% will make administration easier and improve resource protection.</i></p> <p>2.562. <i>Optional addition. Local governments may consider, decks and patios as water-oriented accessory structures (WOAS) to help clarify administration. The treatment of patios, specifically, in the shore impact zone (SIZ) is a common source of confusion. As a WOAS, patios could be allowed in the SIZ and counted towards the size limitation of WOAS in Section 7.3.</i></p> <p>2.563. <i>"Water-dependent use" is used instead of the term "surface water-oriented commercial use" and is expanded to include industrial, public, and semi-public uses with similar needs to have access to and use of public waters. This helped to streamline the standards in Section 6.1 of the model..</i></p>

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<p>resorts, and restaurants with transient docking facilities are examples of uses typically found in shoreland areas.</p> <p>2.564 Wetland. “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.</p> <p>3.0 ADMINISTRATION</p> <p>3.1 Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.</p> <p>3.2 Permits.</p> <p>3.21 A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 8.3 of this ordinance.</p> <p>3.22 A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water level.</p> <p>3.3 Application materials. Application for permits and other zoning applications such as variances shall be made to the <i>(insert designated official)</i> on the forms provided. The application shall include the necessary information so that the <i>(insert designated official)</i> can evaluate how the application complies with the provisions of this ordinance.</p> <p>3.4 Certificate of Zoning Compliance. The <i>(insert designated official)</i> shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.2 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.2 of this ordinance.</p> <p>3.5 Variances. Variances may only be granted in accordance with Minnesota Statutes, Section 394.27 <i>(for counties)</i> or Section 462.357 <i>(for municipalities)</i> and are subject to the following:</p> <p>3.51 A variance may not circumvent the general purposes and intent of this ordinance; and</p> <p>3.52 For properties with existing sewage treatment systems, a certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required for variance approval. A sewage treatment system shall be considered compliant if the only deficiency is the system’s improper setback from the ordinary high water level.</p> <p>3.6 Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:</p>	<p>3.1. <i>All purpose statements in the model are optional but strongly encouraged. They help explain the intent of zoning provisions, which is useful to local governments for explaining provisions to property owners and developing findings for variance decisions.</i></p> <p>3.5. <i>The statutory criteria for evaluating variance applications are broad, one-size-fits-all, for use with all variances. Variances to shoreland protection standards affect public waters, resources to be protected for all state residents. Because of the special status of these waters, communities may want to establish special criteria for evaluating shoreland variances to ensure variances do not adversely affect public water resources.</i></p>

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<p>3.61 The prevention of soil erosion or other possible pollution of public waters, both during and after construction;</p> <p>3.62 The visibility of structures and other facilities as viewed from public waters is limited;</p> <p>3.63 There is adequate water supply and on-site sewage treatment; and</p> <p>3.64 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 watercrafts.</p> <p>3.7 Mitigation.</p> <p>3.71 In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address, when appropriate, the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:</p> <ul style="list-style-type: none"> A. Advanced storm water runoff management treatment; B. Reducing impervious surfaces; C. Increasing setbacks from the ordinary high water level; D. Restoration of wetlands; E. Limiting vegetation removal and/or riparian vegetation restoration; F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and G. Other conditions the zoning authority deems necessary. <p>3.72 In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions 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 shall be attached to permits.</p>	<p>3.71. This language is consistent with Minnesota Statute, sections 394.36 Subd. 5(f) (counties) and 462.357 Subd. 1e(i)(municipalities). Conditions come verbatim from statute or are a slight modification of statutory conditions and those from 6120.3900 Subp. 3A (b). Optional deletion provides stronger authority to apply conditions. The phrase “when related to and proportional to the impact” makes clear that conditions will be appropriately applied.</p>
<p>3.8 Nonconformities.</p> <p>3.81 All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, Sections 394.36 Subd. 5 (for counties) and 462.357 Subd. 1e (for cities) and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.</p> <p>3.82 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, lowest floor elevations, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a variance.</p>	<p>3.81. Variances to statutory requirements (394.36 Subd. 5 (d) or 462.357 Subd. 1e (g)) to combine contiguous nonconforming lots under common ownership are prohibited. See “Considerations in Managing Nonconforming Lots in Shoreland Areas.”</p> <p>3.82. Consistent with Minnesota Statutes, sections 394.36, Subd. 4 (counties) and 462.357, Subd. 1e (municipalities).</p>

Ordinance Language	Commentary in Public Version of Model
<p>3.9 Notifications to the Department of Natural Resources.</p> <p>3.91 All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The (insert local government name) will submit the proposed ordinance amendments to the commissioner or the commissioner’s designated representative at least 30 days before any scheduled public hearings.</p> <p>3.92 All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner’s designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.</p> <p>3.93 All approved ordinance amendments and subdivisions/plats, and final decisions approving 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. 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 shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.</p> <p>3.94 Any request to change the shoreland management classification of public waters within (insert local government name) must be sent to the commissioner or the commissioner’s designated representative for approval, and must include a resolution and supporting data as required by Minnesota Rules, part 6120.3000, subp.4.</p> <p>3.95 Any request to reduce the boundaries of shorelands of public waters within (insert local government name) must be sent to the commissioner or the commissioner’s designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.</p> <p>3.10 Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.</p>	<p>3.9. DNR’s preferred notification method is via email to the appropriate DNR Area Hydrologist.</p> <p>3.91. Submittal of ordinances and amendments to the DNR is required under statute. The optional language provides for submittal of amendments earlier than the 10-day notification required of public hearings (Section 3.92). Submittal of amendments 30 days prior to public hearing is mutually beneficial; it provides DNR with sufficient time to complete a review and make an approval decision in time for public hearings, thus minimizing delays in the local government’s adoption schedule. Amendments involving rezonings or zoning map changes that affect shorelands (e.g. changes to underlying zoning when shoreland provisions refer to underlying zoning) also require DNR review and approval.</p> <p>3.94. Reclassifications require a formal request, and are usually only approved to correct an error in the original classification. Provisions for implementation flexibility (6120.2800, Subp. 3), rather than reclassification, may be used for requesting changes in standards for certain areas. Local governments may also adopt special protection classifications, a useful approach for applying higher standards around waters in need of greater protection.</p> <p>3.10. Mandatory EAWs are required for many projects in shorelands. In most cases, the local government is the Responsible Government Unit (RGU) for completing the EAW.</p>
<p>4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES</p> <p>4.1 Shoreland Classification System.</p> <p>4.11 Purpose. To ensure that shoreland development on the public waters of (insert local government name) is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.</p>	<p>4.1. The ordinance must list all public water shoreland within the community’s jurisdiction including public waters not in the jurisdiction but with surrounding shoreland that is in the jurisdiction.</p>

Ordinance Language	Commentary in Public Version of Model																														
<p>4.12 The shoreland area for the waterbodies listed in Sections 4.13 to 4.15 are defined in Section 2.550 and are shown on the Official Zoning Map.</p> <p>4.13 <u>Lakes</u> are classified as follows:</p> <p>A. General development (GD);</p> <table border="1" data-bbox="352 321 1344 456"> <thead> <tr> <th>General Development Lake Name</th> <th>DNR Public Waters I.D. #</th> </tr> </thead> <tbody> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> </tbody> </table> <p>B. Recreational development (RD); and</p> <table border="1" data-bbox="352 558 1344 693"> <thead> <tr> <th>Recreational Development Lake Name</th> <th>DNR Public Waters I.D. #</th> </tr> </thead> <tbody> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> </tbody> </table> <p>C. Natural environment (NE).</p> <table border="1" data-bbox="352 795 1344 930"> <thead> <tr> <th>Natural Environment Lake Name</th> <th>DNR Public Waters I.D. #</th> </tr> </thead> <tbody> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> <tr> <td>(Insert lake name)</td> <td>(Insert DNR Public Waters I.D. #)</td> </tr> </tbody> </table> <p>4.14 <u>Rivers and Streams</u> are classified as follows:</p> <p>A. Urban;</p> <table border="1" data-bbox="352 1084 1344 1219"> <thead> <tr> <th>Urban River Name</th> <th>Legal Description</th> </tr> </thead> <tbody> <tr> <td>(Insert river name)</td> <td>(Insert legal description)</td> </tr> <tr> <td>(Insert river name)</td> <td>(Insert legal description)</td> </tr> </tbody> </table> <p>Agriculture;</p> <table border="1" data-bbox="352 1308 1344 1443"> <thead> <tr> <th>Agriculture River Name</th> <th>Legal Description</th> </tr> </thead> <tbody> <tr> <td>(Insert river name)</td> <td>(Insert legal description)</td> </tr> <tr> <td>(Insert river name)</td> <td>(Insert legal description)</td> </tr> </tbody> </table>	General Development Lake Name	DNR Public Waters I.D. #	(Insert lake name)	(Insert DNR Public Waters I.D. #)	(Insert lake name)	(Insert DNR Public Waters I.D. #)	Recreational Development Lake Name	DNR Public Waters I.D. #	(Insert lake name)	(Insert DNR Public Waters I.D. #)	(Insert lake name)	(Insert DNR Public Waters I.D. #)	Natural Environment Lake Name	DNR Public Waters I.D. #	(Insert lake name)	(Insert DNR Public Waters I.D. #)	(Insert lake name)	(Insert DNR Public Waters I.D. #)	Urban River Name	Legal Description	(Insert river name)	(Insert legal description)	(Insert river name)	(Insert legal description)	Agriculture River Name	Legal Description	(Insert river name)	(Insert legal description)	(Insert river name)	(Insert legal description)	<p>4.12. <i>Optional provision. It is helpful to show the shoreland areas for lakes and rivers on the zoning map along with their classifications.</i></p> <p>4.13. <i>Cities must list lakes that are 10 or more acres, and counties 25 or more acres (Minnesota Rules, part 6120.2500, Subp. 13). Cities that annex land or townships that incorporate with lakes that are 10 acres or more must amend their ordinances to include those lakes. List lakes along with the DNR public waters ID number.</i></p> <p>4.14. <i>List river names here along with township, range and section number of the river reach.</i></p> <p><i>Optional. Communities with sensitive shorelines or waters that are at risk to degradation due to nonpoint source nutrient pollution may designate those waters (lakes and rivers) with a special protection classification and regulate the shoreland of those waters with more restrictive development standards such as lot area, setback, riparian buffers, etc.</i></p>
General Development Lake Name	DNR Public Waters I.D. #																														
(Insert lake name)	(Insert DNR Public Waters I.D. #)																														
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(Insert river name)	(Insert legal description)																														

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B. Transition;

Transition River Name	Legal Description
<i>(Insert river name)</i>	<i>(Insert legal description)</i>
<i>(Insert river name)</i>	<i>(Insert legal description)</i>

C. Forested; and

Forested River Name	Legal Description
<i>(Insert river name)</i>	<i>(Insert legal description)</i>
<i>(Insert river name)</i>	<i>(Insert legal description)</i>

D. Remote.

Remote River Name	Legal Description
<i>(Insert river name)</i>	<i>(Insert legal description)</i>
<i>(Insert river name)</i>	<i>(Insert legal description)</i>

4.15 All public rivers and streams shown on the Public Waters Inventory Map for *(insert name of county)*, a copy of which is adopted by reference, not given a classification in Section 4.14 shall be considered "Tributary."

4.15. Instead of this provision, local governments may list all tributaries in the table in Section 4.14, and/or provide a map of all watercourses subject to the tributary class. This is a practical alternative if the number of tributaries is relatively small.

4.2 Land Uses.

4.21 Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

4.22 Shoreland district land uses listed in Sections 4.23 and 4.24 are regulated as:

- A. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
- B. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3.6 of this ordinance and any additional conditions listed in this ordinance; and
- C. Not permitted uses (N). These uses are prohibited.

4.22. Land uses in the shoreland district are listed as permitted, not permitted, or conditional for each water body classification. Land uses for each lake classification are in Section 4.23, and uses for each river classification are in 4.24. The allowed land uses in these two tables were consolidated from the "land use district" tables in MR 6120.3200. In situations where the allowable use classification (P, C, N) varied for a given land use in different districts, the most restrictive allowable use classification was used for these two tables. There may be some situations where the less

4.23 Land uses for lake classifications:

Ordinance Language				Commentary in Public Version of Model
Land Uses	General Development	Recreational Development	Natural Environment	
Single residential	P	P	P	<p>restrictive standard may be relevant for a specific community. If so, please explain why when you submit your ordinance to the DNR</p> <p>Local governments may further clarify if the listed “permitted” uses are allowed <u>with or without a permit</u>. Uses listed as “conditional” require a Conditional Use Permit (CUP). Underlying zoning should be consistent with these uses to alleviate potential conflicts.</p> <p>Optional. Add solar power as a conditional use including criteria or conditions of approval. See “Consideration in Siting Solar Power Facilities in Shoreland Areas” for ideas for conditions.</p> <p>New feedlots are prohibited in shorelands per Minnesota Rules, part 7020. Minnesota statute 116.0711 allows the resumption of existing feedlots.</p>
Duplex, triplex, quad residential	P	P	C	
Residential PUD	C	C	C	
Water-dependent (Resorts are also Commercial PUDs)	C	C	C	
Commercial	P	P	C	
Commercial PUD (Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.)	C	C	C	
Solar Power Facilities (principal land use)	C	C	C	
Parks & historic sites	C	C	C	
Public, semipublic	P	P	C	
Industrial	C	C	N	
Agricultural: cropland and pasture	P	P	P	
Agricultural feedlots: New	N	N	N	
Agricultural feedlots: Expansion or resumption of existing	C	C	C	
Forest management	P	P	P	
Forest land conversion	C	C	C	
Extractive use	C	C	C	
Mining of metallic minerals and peat	P	P	P	

Ordinance Language							Commentary in Public Version of Model
4.24 Land uses for river and stream classifications:							
Land Uses	Remote	Forested	Transition	Agriculture	Urban	Tributary	
Single residential	P	P	P	P	P	P	
Duplex, triplex, quad residential	C	P	P	P	P	P	
Residential PUD	C	C	C	C	C	C	
Water-dependent commercial - Accessory to residential PUD	C	C	C	C	C	C	
Commercial	C	C	C	C	P	P	
Commercial PUD - Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.	C	C	C	C	C	C	
Solar Power Facilities (principal land use)	C	C	C	C	C	C	<i>Optional. Add solar power as a conditional use including criteria or conditions of approval. See "Consideration in Siting Solar Power Facilities in Shoreland Areas" for ideas for conditions.</i>
Parks & historic sites	C	C	C	C	C	C	
Public, semipublic	C	C	C	C	P	P	
Industrial	N	C	N	N	C	C	
Agricultural: cropland and pasture	P	P	P	P	P	P	
Agricultural feedlots: New	N	N	N	N	N	N	<i>New feedlots are prohibited in shorelands per Minnesota Rules, part 7020. Minnesota statute 116.0711 allows the resumption of existing feedlots.</i>
Agricultural feedlots: Expansion or resumption of existing	C	C	C	C	C	C	
Forest management	P	P	P	P	P	P	
Forest land conversion	C	C	C	C	C	C	
Extractive use	C	C	C	C	C	C	
Mining of metallic minerals and peat	P	P	P	P	P	P	
5.0 SPECIAL LAND USE PROVISIONS							
5.1 Commercial, Industrial, Public, and Semipublic Use Standards.							
5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:							
A. The use complies with provisions of Section 7.0;							<i>5.0. The uses and their special conditions in this section must be in the shoreland ordinance if the use is allowed. If not, the provision may be excluded from this section, however, it should be added to the land use tables in 4.23 and 4.24 and listed as "N." Note that some of these uses are conditional uses and must be identified as such in use tables 4.23 and 4.24.</i>

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<p>B. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;</p> <p>C. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and</p> <p>D. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:</p> <p>(1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and</p> <p>(2) Signs placed within the shore impact zone are:</p> <p>(a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and</p> <p>(b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and</p> <p>(3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.</p> <p>5.12 Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.</p> <p>5.2 Agriculture Use Standards.</p> <p>5.21 Buffers.</p> <p>A. 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.</p> <p>B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan that includes alternative riparian water quality practices consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.</p> <p>5.22 New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are <u>conditional uses</u> and must meet the following standards:</p>	<p>5.11.D. This provision was modified from rules for consistency with the Supreme Court decision in <i>Reed vs Town of Gilbert</i> regarding the first amendment and signage.</p> <p>5.21. The DNR will consider a 50-foot average, 30-foot minimum buffer and language defining alternative water quality practices consistent with Minnesota Statutes, section 103F.48 as being consistent with 6120.3300, Subp. 7. Please see guidance and model language for acceptable language.</p> <p>5.21.B. Optional deletion. Eliminating the option to use alternative practices instead of the required buffer will reduce nutrient runoff and improve surface water quality.</p>

Ordinance Language	Commentary in Public Version of Model
<p>A. Feedlots must be designed consistent with Minnesota Rules, Chapter 7020;</p> <p>B. Feedlots must not further encroach into the existing ordinary high water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,</p> <p>C. Old feedlots not currently in operation may resume operation consistent with Minnesota Statutes, Section 116.0711.</p> <p>5.3 Forest Management Standards.</p> <p>5.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.</p> <p>5.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.</p> <p>5.4 Extractive Use Standards. Extractive uses are conditional uses and must meet the following standards:</p> <p>5.41. Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:</p> <p>A. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;</p> <p>B. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and</p> <p>C. Clearly explain how the site will be rehabilitated after extractive activities end.</p> <p>5.42 Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high water levels and from bluffs.</p> <p>5.5 Metallic and Peat Mining Standards. Mining of metallic minerals and peat is a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51, are satisfied.</p> <p>6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS</p> <p>6.1 Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.</p> <p>6.2 Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 6.25 and 6.26, subject to the following standards:</p>	

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Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

D. Recreational development lake – Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	20,000	75	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

E. Natural environment lake – No sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

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F. Natural environment lake – Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

6.26 River/Stream Minimum Lot Width Standards. There are no minimum lot area requirements for rivers and streams. The lot width standards in feet are:

Lot Type	Remote	Forested	Transition	Agriculture	Urban & Tributary No Sewer	Urban & Tributary Sewer
Single	300	200	250	150	100	75
Duplex	450	300	375	225	150	115
Triplex	600	400	500	300	200	150
Quad	750	500	625	375	250	190

6.3 Special Residential Lot Provisions.

6.31 Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

- A. Each building must be set back at least 200 feet from the ordinary high water level;
- B. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- D. No more than 25 percent of a lake’s shoreline can be in duplex, triplex, or quad developments.

6.32. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Sections 6.25 and 6.26, provided the following standards are met:

- A. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;

6.26. Local governments may want to establish minimum lot area requirements and require larger lot width and area standards than those listed.

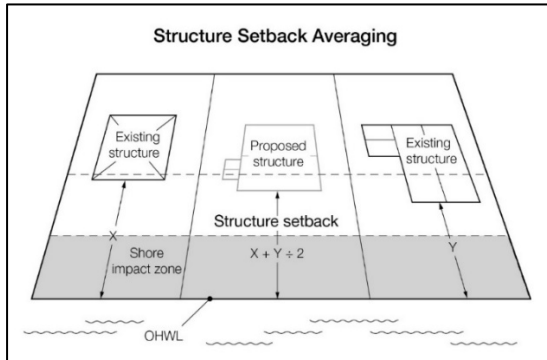
6.31. If a community does not have NE lakes this provision may be omitted. If a community has NE lakes but prohibits duplex, triplex or quads on NE lakes, this provision may be omitted. However, duplex, triplex or quad structures must be listed in the land use tables 4.23 and 4.24 as “N.”

6.32. If a community does not allow guest cottages or secondary dwelling units, this provision may be omitted. However, guest cottages must be listed in the land use tables 4.23 and 4.24 as “N.”

Ordinance Language	Commentary in Public Version of Model												
<p>B. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and</p> <p>C. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.</p> <p>6.33 Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:</p> <p>A. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;</p> <p>B. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:</p> <table border="1" data-bbox="352 662 947 966"> <thead> <tr> <th>Ratio of lake size to shore length (acres/mile)</th> <th>Required percent increase in frontage</th> </tr> </thead> <tbody> <tr> <td>Less than 100</td> <td>25%</td> </tr> <tr> <td>100 – 200</td> <td>20%</td> </tr> <tr> <td>201 – 300</td> <td>15%</td> </tr> <tr> <td>301 – 400</td> <td>10%</td> </tr> <tr> <td>Greater than 400</td> <td>5%</td> </tr> </tbody> </table> <p>C. 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; and</p> <p>D. Covenants or other equally effective legal instruments must be developed that:</p> <ol style="list-style-type: none"> (1) Specify which lot owners have authority to use the access lot; (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking; (3) Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water; (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and 	Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage	Less than 100	25%	100 – 200	20%	201 – 300	15%	301 – 400	10%	Greater than 400	5%	<p>6.33. Controlled access lots are the only method to allow riparian access for non-riparian property and are only allowed at the time of subdivision. Communities concerned about overcrowding of surface waters may choose to prohibit controlled access lots. If a community does not allow controlled access lots, this provision may be omitted. However, controlled access lots must be listed in the land use tables in 4.23 and 4.24 as “N.”</p>
Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage												
Less than 100	25%												
100 – 200	20%												
201 – 300	15%												
301 – 400	10%												
Greater than 400	5%												

Ordinance Language	Commentary in Public Version of Model																												
<p>(5) 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.</p> <p>6.34 Access Easements. Easements providing access to boat docking and mooring facilities to non-riparian property owners are prohibited.</p> <p>6.4 Placement, Height, and Design of Structures.</p> <p>6.41 OHWL Setback for Structures and Sewage Treatment Systems. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewered properties can only be used if publicly owned sewer system service is available.</p>	<p>6.34. <i>Optional. Communities concerned about crowding of surface waters may want to prohibit access easements and the additional boats that result from their use.</i></p> <p>6.4. <i>Local governments may apply stricter standards than those listed here. Increasing structure setbacks can help reduce the risk of erosion in near shore areas and enhance the aesthetic character of lakes and shorelands. Larger setbacks also allow room for larger riparian buffers. Increasing septic system setbacks increases reduces the risk of subsurface effluent reaching surface waters.</i></p> <p>6.41 <i>Optional addition. This language clarifies that the "sewer" standards only apply if a publicly owned sewer system is available to the property to be consistent with similar language in Section 6.23 which is specified in rule.</i></p> <p>6.41.A. <i>Optional language. Keeping impervious surfaces away from the riparian edge is important for reducing the risk of erosion in the near shore area and nutrient loading into surface waters due to runoff. Section 7.3 of this ordinance allows for some exceptions for impervious surfaces in the near shore area. ALL accessory structures must meet floodplain standards and are prohibited in floodways.</i></p> <p>6.41.B. <i>Local governments may choose to exclude this provision from their ordinance or only apply it to nonconforming lots. Optional addition of "principal" is helpful to ensure that new structures are not sited based on location of nonconforming accessory structures.</i></p>																												
<table border="1"> <thead> <tr> <th data-bbox="302 544 751 625">Waterbody Classification</th> <th data-bbox="751 544 991 625">Structures with <u>No Sewer</u></th> <th data-bbox="991 544 1192 625">Structures with <u>Sewer</u></th> <th data-bbox="1192 544 1444 625">Sewage Treatment Systems</th> </tr> </thead> <tbody> <tr> <td data-bbox="302 625 751 665">Natural Environment Lakes</td> <td data-bbox="751 625 991 665">150</td> <td data-bbox="991 625 1192 665">150</td> <td data-bbox="1192 625 1444 665">150</td> </tr> <tr> <td data-bbox="302 665 751 706">Recreational Development Lakes</td> <td data-bbox="751 665 991 706">100</td> <td data-bbox="991 665 1192 706">75</td> <td data-bbox="1192 665 1444 706">75</td> </tr> <tr> <td data-bbox="302 706 751 747">General Development Lakes</td> <td data-bbox="751 706 991 747">75</td> <td data-bbox="991 706 1192 747">50</td> <td data-bbox="1192 706 1444 747">50</td> </tr> <tr> <td data-bbox="302 747 751 787">Remote Rivers</td> <td data-bbox="751 747 991 787">200</td> <td data-bbox="991 747 1192 787">200</td> <td data-bbox="1192 747 1444 787">150</td> </tr> <tr> <td data-bbox="302 787 751 828">Forested and Transition Rivers</td> <td data-bbox="751 787 991 828">150</td> <td data-bbox="991 787 1192 828">150</td> <td data-bbox="1192 787 1444 828">100</td> </tr> <tr> <td data-bbox="302 828 751 889">Agriculture, Urban, & Tributary Rivers</td> <td data-bbox="751 828 991 889">100</td> <td data-bbox="991 828 1192 889">50</td> <td data-bbox="1192 828 1444 889">75</td> </tr> </tbody> </table>	Waterbody Classification	Structures with <u>No Sewer</u>	Structures with <u>Sewer</u>	Sewage Treatment Systems	Natural Environment Lakes	150	150	150	Recreational Development Lakes	100	75	75	General Development Lakes	75	50	50	Remote Rivers	200	200	150	Forested and Transition Rivers	150	150	100	Agriculture, Urban, & Tributary Rivers	100	50	75	
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<p>A. <i>OHWL Setbacks.</i> Structures, impervious surfaces, and sewage treatment systems must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 7.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:</p> <p>B. <i>Setback averaging.</i> Where principal structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining principal structure setbacks from the OHWL, provided the proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 7);</p>																													

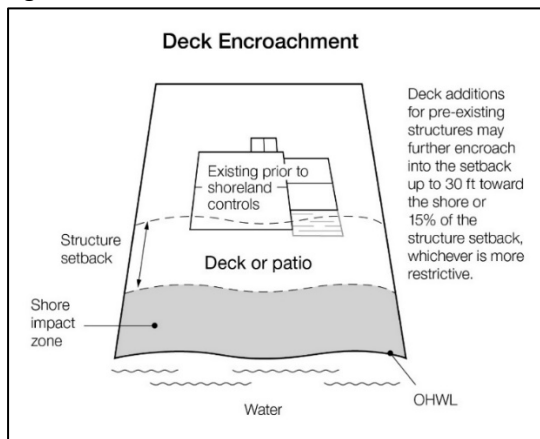
Figure. 7 Structure Setback Averaging



- C. *Setbacks of decks.* 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 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 is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - (4) The deck is constructed primarily of wood, and is not roofed or screened (see Figure 8).

6.41.C. Local governments may choose to exclude this provision from their ordinance.

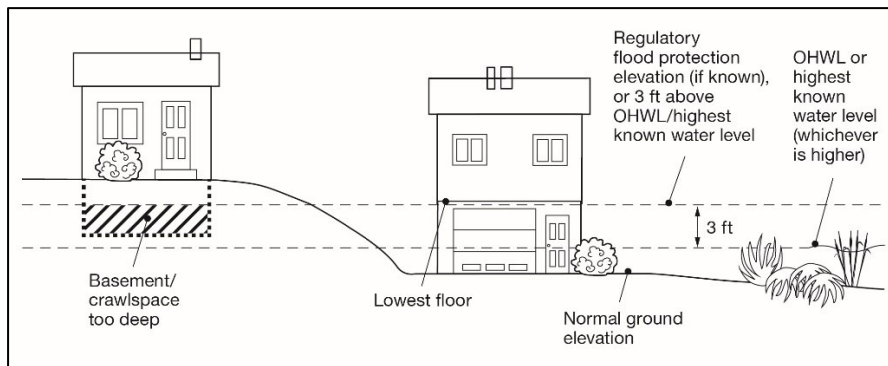
Figure 8. Deck Encroachment



Ordinance Language	Commentary in Public Version of Model										
<p>D. <i>Additional structure setbacks.</i> Structures must also meet the following setbacks, regardless of the waterbody classification:</p> <table border="1" data-bbox="327 215 1415 440"> <thead> <tr> <th>Setback from:</th> <th>Setback (ft)</th> </tr> </thead> <tbody> <tr> <td>Top of bluff</td> <td>30</td> </tr> <tr> <td>Unplatted cemetery</td> <td>50</td> </tr> <tr> <td>Right-of-way line of federal, state, or county highway</td> <td>50</td> </tr> <tr> <td>Right-of-way line of town road, public street, or other roads not classified</td> <td>20</td> </tr> </tbody> </table> <p>E. <i>Bluff Impact Zones.</i> Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.</p> <p>6.42 <u>Height of Structures.</u> All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.</p> <p>6.43 <u>Lowest Floor Elevation.</u></p> <p>A. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these elevations are not known, the lowest floor, including basement, must be placed or flood-proofed at an elevation determined using the following methodology:</p> <ol style="list-style-type: none"> (1) 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 (see Figure 9); (2) For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200. <p>B. Methods for placement.</p> <ol style="list-style-type: none"> (1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A. (2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with 6.43(B)(3) below; 	Setback from:	Setback (ft)	Top of bluff	30	Unplatted cemetery	50	Right-of-way line of federal, state, or county highway	50	Right-of-way line of town road, public street, or other roads not classified	20	<p>6.41.D. <i>Local governments may apply stricter standards than those listed. The presence of permeable soils on top of bedrock, combined with steep slopes or bluffs, can increase risk of septic effluent leakage out the sides of slopes or bluffs. Establishing septic system setbacks from the top of bluffs can reduce this risk.</i></p> <p>6.41.E. <i>Optional. Keeping impervious surfaces out of the bluff impact zone is important for reducing the risk of slope erosion and failure and nutrient loading into surface waters due to runoff.</i></p> <p>6.42. <i>Height standards only apply to residential districts in cities (MR 6120.3300 Subp. 3.G.).</i></p> <p>6.43.A. <i>If flood elevations are known along all public waters and stream reaches in the community, everything in part A after the first sentence can be deleted (this would only typically apply to small cities with few waterbodies).</i></p> <p>6.43.B(2) <i>Optional. Elevation on fill can often lead to significant alterations and vegetation removal in the highly sensitive shore impact zone. The addition of this standard would help to minimize near shore impacts.</i></p>
Setback from:	Setback (ft)										
Top of bluff	30										
Unplatted cemetery	50										
Right-of-way line of federal, state, or county highway	50										
Right-of-way line of town road, public street, or other roads not classified	20										

- (3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3.

Figure 9. Lowest Floor Elevation



6.44 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.

6.5 Water Supply and Sewage Treatment.

6.51 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.

6.52 Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with [Minnesota Rules, Chapters 7080 – 7081](#).

7.0 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

7.1 Placement and Design of Roads, Driveways, and Parking Areas. These facilities must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters. They must be constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local SWCD and comply with the following standards:

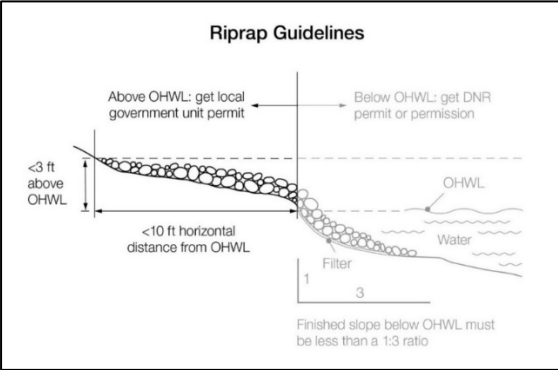
7.11 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;

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<p>7.12 Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;</p> <p>7.13 Private watercraft access ramps, approach roads, and access-related parking areas are prohibited.</p> <p>7.13 Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and</p> <p>7.14 For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.</p> <p>7.2 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, lifts, and landings must meet the following design requirements:</p> <p>7.21 Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;</p> <p>7.22 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 commercial properties, public-space recreational uses, and planned unit developments;</p> <p>7.23 Canopies or roofs are not allowed on stairways, lifts, or landings;</p> <p>7.24 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;</p> <p>7.25 Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and</p> <p>7.26 Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items 7.21 to 7.25 and the requirements of Minnesota Rules, Chapter 1341.</p> <p>7.3 Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:</p> <p>7.31 The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;</p> <p>7.32 The structure or facility is not in the Bluff Impact Zone;</p>	<p>7.13. <i>Optional higher standard to minimize spread of Aquatic Invasive Species (AIS). If this optional standard used, old provision 7.13 MUST be deleted. Alternatively, private facilities could be prohibited only on lakes with existing public access. If this approach used, old provision 7.13 should be kept and renumbered.</i></p> <p>7.3. <i>If a community does not allow water-oriented accessory structures or facilities (WOAS), this provision may be omitted. However, such structures and facilities must be listed in the land use tables in 4.23 and 4.24 as "N."</i></p> <p>7.31. <i>Optional addition. Including "patios" as a water-oriented accessory structure (WOAS) or facility makes patios subject to the limitations of this provision. This</i></p>

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<p>7.33 The setback of the structure or facility from the ordinary high water level must be at least ten feet;</p> <p>7.34 The structure is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245;</p> <p>7.35 The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;</p> <p>7.36 The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;</p> <p>7.37 The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;</p> <p>7.38 As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and</p> <p>7.39 Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6.43 if the structure is designed to accommodate internal flooding, 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.</p>	<p><i>helps to simplify administration and limit the amount of impervious surfaces within the shore impact zone. "Patios" should only be included here if they are also included in the definition of WOAS in Section 2.562. It's acceptable to allocate the 250 SF limit between multiple structures and facilities.</i></p> <p><i>7.36. Optional addition. The additional language helps to clarify structure design and keep such structures smaller and less noticeable. Rules don't specifically prohibit roofs but they do say "must not be enclosed" A reasonable interpretation is that roofs constitute and enclosure.</i></p>
<p>7.4. Fences. Fences between principal structures and the waterbody are allowed if fences are:</p> <p>7.41 Not higher than six feet.</p> <p>7.42 Not located within the SIZ and BIZ, except for farm fences.</p> <p>7.43 Not located in the regulatory floodplain, except for farm fences.</p> <p>7.5 Lighting. Within the OHWL setback:</p> <p>7.51 Lighting shall be fully shielded and directed away from the water.</p> <p>7.52 Uplighting viewable from the water is prohibited.</p>	<p><i>7.4. Optional. Fence regulation can help eliminate conflicts between property owners and minimize impacts to shoreland and floodplain resources.</i></p> <p><i>7.5. Optional. Lighting regulation can help eliminate conflicts between property owners and minimize impacts to shoreland resources, especially waterfowl.</i></p>
<p>8.0 VEGETATION AND LAND ALTERATIONS</p>	<p><i>8.0. These standards prohibit or limit vegetation removal in specified areas. These are difficult to administer and enforce, and once vegetation has been removed there are no requirements to restore it. Communities concerned about the loss of riparian vegetation and habit, erosion control and aesthetics may consider establishing a requirement to maintain a</i></p>
<p>8.1 Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.</p>	<p><i>8.0. These standards prohibit or limit vegetation removal in specified areas. These are difficult to administer and enforce, and once vegetation has been removed there are no requirements to restore it. Communities concerned about the loss of riparian vegetation and habit, erosion control and aesthetics may consider establishing a requirement to maintain a</i></p>

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<p>8.2 Vegetation Management.</p> <p>8.21 A vegetation permit is required prior to to vegetative clearing in the shore impact zone and bluff impact zone and on steep slopes. No clearing is allowed until a plan is submitted and approved consistent with these vegetation management provisions.</p> <p>8.22 Removal or alteration of vegetation must comply with the provisions of this subsection except for:</p> <ul style="list-style-type: none"> A. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities; B. The construction of public roads and parking areas if consistent with Section 7.1 of this ordinance; C. Forest management uses consistent with Section 5.3 of this ordinance; and D. Agricultural uses consistent with Section 5.2 of this ordinance. <p>8.23 Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5.3 of this ordinance.</p> <p>8.24 Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:</p> <ul style="list-style-type: none"> A. Vegetation be maintained to The screening of structures, vehicles, or other facilities by at least 50% as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced. The maximum view corridor shall be less than 50 feet or one-third of the parcel width, whichever is less; B. Existing shading of water surfaces along rivers is preserved; C. Cutting debris or slash shall be scattered and not mounded on the ground; and D. Perennial ground cover is retained. E. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones. <p>8.25 Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.</p> <p>8.26 Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.</p>	<p><i>riparian buffer and restoration to the required standard as a condition of any permit approval. This is one of the most important actions any community can take – See the Innovative Standards Webpage .</i></p> <p><i>8.21. Optional higher standard. Requiring a permit for vegetation clearance in sensitive areas provides opportunity for LGU staff to guide the clearing activities and ensure activities are consistent with regulations. See Section 9.0 of the DNR MRCCA model ordinance for specific ideas on permitting vegetation management activities.</i></p> <p><i>8.24 A. Optional. Having quantitative measures helps to communicate standards to property owners as well as enforce the ordinance.</i></p> <p><i>8.23 C, D, and E. Optional. These standards provide additional protection for vegetation and reduce land disturbance in bluff impact areas that enhance habitat and protect water quality.</i></p> <p><i>8.26. Optional. Requiring restoration and maintenance for violations of vegetation standards communicates that there are consequences for cutting vegetation. These provisions may be modified to address local concerns.</i></p>

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<p>8.27 Violations of the vegetation standards shall be subject to a Restoration Order including vegetation restoration plan and a three-year maintenance plan prepared by the land owner and approved by the zoning administrator. Near shore or highly erodible locations are to be restored with a mix of deep-rooted woody and herbaceous vegetation with high stem-density, suitable for the location.</p> <p>8.3 Grading and Filling.</p> <p>8.31 Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7.1 of this ordinance.</p> <p>8.32 Permit Requirements.</p> <p>A. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 8.33 of this ordinance must be incorporated into the permit.</p> <p>B. For all other work, including driveways not part of another permit, a grading and filling permit is required for:</p> <ol style="list-style-type: none"> (1) the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones. (3) placement of retaining walls, including boulder walls within the SIZ and BIZ provided that: <ol style="list-style-type: none"> a. if the project includes work at or below the OHWL, the commissioner has already approved or permitted the project. b. the structures are used only to correct a documented existing erosion problem and not for aesthetic reasons. c. the height and length are the minimum necessary to control the erosion problem and are not higher than 4 feet or longer than 10 feet, unless the zoning administrator determines that a larger wall is necessary to correct the erosion problem; and d. walls are screened by vegetation to not be visible from the waterbody. (4) Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket is permitted if: <ol style="list-style-type: none"> a. if the project includes work at or below the OHWL, the commissioner has already approved or permitted the project; 	<p>8.3. Note that Minnesota Rules, part 4410.4300, Subp. 36a provides thresholds for mandatory EAWs for certain land conversions and alterations in shoreland. The local government is the Responsible Government Unit (RGU) unless otherwise specified.</p> <p>8.32.A. The 1999 model ordinance included driveways in this provision even though they are not included in rule. If ordinances include driveways in this provision they should also include the driveway language in 8.32.B. to communicate that driveways, as a stand-alone project, do need a permit if they meet the stated disturbance thresholds.</p> <p>8.32.B. Optional. In addition to a cubic yard threshold for permitting, also include a square footage threshold. Most property owners can visualize square footage better than cubic yards and will thus aid in permitting compliance. An area that is 270 square feet (16.43 ft. X 16.43 ft.) by 1 foot deep is 270 cubic feet or 10 cubic yards. An area that is 1,350 square feet (36.74 ft. X 36.74 ft.) by 1 foot deep is 1,350 cubic feet or 50 cubic yards.</p> <p>8.32.B.(1). Optional. Consider prohibiting filling in the SIZ or if filling is allowed, require conditions of approval that, at a minimum, require vegetation restoration.</p> <p>8.32 B. (3). Optional. The SL rules and SONAR are not clear on how to address retaining walls in the SIZ/BIZ. LGUs may prohibit them or require a permit subject to conditions (as provided in this example). These conditions may be modified to address local concerns.</p> <p>8.32. B. (4). This provision and items b. – d. are required under the SL rules. By locating this provision here, a permit is always required for placing rip rap. Under the rules, a permit is only needed for placing rip</p>

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<p>b. the finished slope does not exceed three feet horizontal to one-foot vertical;</p> <p>c. the landward extent of the riprap is within ten feet of the ordinary high water level; and</p> <p>d. the height of the riprap above the ordinary high water level does not exceed three feet (see Figure 10).</p> <p>e. A vegetative buffer, consisting of deep rooted and woody vegetation, is to be established at a distance no less than ten feet from the landward extent of the riprap.</p> <p>f. Figure 10. Riprap Guidelines</p>  <p>8.33 Grading, filling and excavation activities must meet the following standards:</p> <p>A. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;</p> <p>B. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:</p> <ol style="list-style-type: none"> (1) Limiting the amount and time of bare ground exposure; (2) Using temporary ground covers such as mulches or similar materials; (3) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible; (4) Using sediment traps, vegetated buffer strips or other appropriate techniques; (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district; 	<p><i>rap if it disturbs more than 10 cubic yards. To keep the rule based-approach, 8.32 B (4) and items b. – d. can be located as item (10) under 8.33 B (its original location).</i></p> <p><i>8.32.B.(4).a. Optional. It is good practice to coordinate rip rap installation with the DNR – may avoid violations of public water rules and restorations.</i></p> <p><i>8.32.B.(4)e. Optional. This provision provides replacement habitat and aesthetic screening, as well as enhanced protection against erosion.</i></p> <p><i>8.33.B.(3). Optional addition of deep-rooted and dense vegetation to improve soil stability.</i></p>

Ordinance Language	Commentary in Public Version of Model
<p>(6) Not placing fill or excavated material in a manner that creates unstable slopes. 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;</p> <p>(7) Fill or excavated material must not be placed in bluff impact zones;</p> <p>(8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G; and</p> <p>(9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties</p> <p>8.34 Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with Minnesota Rules, Chapter 6115.</p> <p>8.4 Stormwater Management.</p> <p>8.41 General Standards:</p> <p>A. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.</p> <p>B. 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 as soon as possible and appropriate facilities or methods used to retain sediment on the site.</p> <p>C. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.</p> <p>8.42 Specific Standards:</p> <p>A. Impervious surfaces of lots must not exceed 25 percent of the lot area.</p> <p>B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.</p> <p>C. New constructed stormwater outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.</p>	<p><i>8.34. DNR permits for public water excavations require that the local government have a DNR-approved shoreland zoning ordinance (Minnesota Statute, Section 103G.245, Subd. 8(1)) as a condition of a public water permit approval. The DNR may deny a permit for public waters excavations if there is no shoreland ordinance or if the current ordinance is not consistent with the ordinance the DNR has approved.</i></p> <p><i>8.41. These are common stormwater management BMPs. If any of these specific provisions exist elsewhere in a local ordinance and are similar, they may be omitted here.</i></p> <p><i>8.42.A. Local governments may reduce the maximum amount of impervious surface allowed. Reducing the amount of allowed impervious surface will reduce the runoff volume and rate reducing the risk of erosion and nutrient loading into surface waters. Requiring a lower minimum (15% or 20%) only on new lots avoids the creation of nonconformities.</i></p>
<p>9.0 SUBDIVISION/PLATTING PROVISIONS</p>	

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<p>9.1 Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.</p> <p>9.2 Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.</p> <p>9.3 Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.</p> <p>9.4 Water and Sewer Design Standards.</p> <p>9.41 A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.</p> <p>9.42 Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.</p> <p>9.43 Lots that would require use of holding tanks are prohibited.</p> <p>9.5 Information requirements.</p> <p>9.51 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;</p> <p>9.52 The surface water features required in Minnesota Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;</p> <p>9.53 Adequate soils information to determine suitability for building and 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;</p> <p>9.54 Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;</p> <p>9.55 Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and</p> <p>9.56 A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.</p>	<p>9.51. In addition to paper based topographic information, MnTOPO is a web-based application for viewing, printing and downloading high-resolution elevation data. It can also be used to generate elevation profiles for locating bluffs, watershed boundaries or other topographical features of interest.</p>

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<p>9.6 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.</p> <p>9.7 Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a (<i>cities</i>) and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.</p> <p>9.8 Controlled Access Lots. Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.</p>	<p>9.7. <i>Optional. "Cumulatively" is recommended to close a loophole where a parcel is subdivided at different times, each time creating fewer than 5 parcels to avoid the requirement to plat. Both Minnesota Statutes, sections 462 and 394 say official controls are to provide for "orderly" development. Applying this provision cumulatively to parcels supports this purpose.</i></p>
<p>10.0 PLANNED UNIT DEVELOPMENTS (PUDs)</p>	
<p>10.1 Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.</p> <p>10.2 Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met.</p> <p>10.3 Processing of PUDs. Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.</p> <p>10.4 Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:</p>	<p>10.0 <i>Shoreland PUDs require a conditional use permit (CUP) and are best thought of as a conditional use to allow higher density in shoreland areas. Provisions in this section are conditions of approval that are <u>required</u> to approve a Shoreland PUD (CUP) and cannot be weakened through the negotiation process of a local government's general PUD ordinance.</i></p> <p>10.3. <i>Optional addition to ensure that a community's "general PUD" ordinance isn't used to undermine the shoreland standards in these shoreland PUD provisions. If a community does not allow PUDs in shoreland, Section 10.0 should be omitted. However, PUDs must be listed in the land use tables in 4.23 and 4.24 as "N."</i></p> <p><i>If the local government does not have DNR-approved shoreland PUD provisions in its ordinance but still allows PUDs in shoreland, Minnesota Rules, part 6120.3800, Subp. 1 gives the DNR authority to review PUDs in shoreland for compliance with state rules. In this case, the ordinance must have a provision that states "The DNR must approve all PUDs located in shorelands."</i></p>
<p>10.41 Site plan and/or plat showing:</p> <ul style="list-style-type: none"> A. Locations of property boundaries; B. Surface water features; C. Existing and proposed structures and other facilities; D. Land alterations; E. Sewage treatment and water supply systems (where public systems will not be provided); F. Topographic contours at ten-foot intervals or less; and 	

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<p>G. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).</p> <p>10.42 A property owner’s association agreement (for residential PUD’s) with mandatory membership, and consistent with Section 10.6 of this ordinance.</p> <p>10.43 Deed restrictions, covenants, permanent easements or other instruments that:</p> <p>A. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and</p> <p>B. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.</p> <p>10.44 A master plan/site plan describing the project and showing floor plans for all commercial structures.</p> <p>10.45 Additional documents necessary to explain how the PUD will be designed and will function.</p> <p>10.5 Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.</p> <p>10.51 <u>Step 1. Identify Density Analysis Tiers.</u> Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:</p> <table border="1" data-bbox="228 797 1444 1065"> <thead> <tr> <th>Waterbody Classification</th> <th>No Sewer (ft)</th> <th>Sewer (ft)</th> </tr> </thead> <tbody> <tr> <td>General Development Lakes – 1st tier</td> <td>200</td> <td>200</td> </tr> <tr> <td>General Development Lakes – all other tiers</td> <td>267</td> <td>200</td> </tr> <tr> <td>Recreational Development Lakes</td> <td>267</td> <td>267</td> </tr> <tr> <td>Natural Environment Lakes</td> <td>400</td> <td>320</td> </tr> <tr> <td>All Rivers</td> <td>300</td> <td>300</td> </tr> </tbody> </table> <p>10.52 <u>Step 2. Calculate Suitable Area for Development.</u> Calculate the suitable area within each tier by excluding all road rights-of way or easements, wetlands, bluffs, or land below the ordinary high water level of public waters.</p> <p>10.53 <u>Step 3. Determine Base Density:</u></p> <p>A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.</p> <p>B. For commercial PUDs:</p>	Waterbody Classification	No Sewer (ft)	Sewer (ft)	General Development Lakes – 1st tier	200	200	General Development Lakes – all other tiers	267	200	Recreational Development Lakes	267	267	Natural Environment Lakes	400	320	All Rivers	300	300	<p><i>10.5. Determining and evaluating proposed project density may be complex depending on the project. Please review the Residential PUD Guidance Document for determining density and/or contact your Area Hydrologist for assistance.</i></p> <p><i>10.52. Optional. Road rights-of-way or easements are not developable and should thus not be included in area considered suitable for development on which allowable density is calculated.</i></p> <p><i>10.53.A. For LGUs that have specified a minimum lot area for river lots, the process for determining base density for lakes and rivers will be the same – tier area divided by lot area. Note that tier width is the same thing as the river frontage along a given parcel.</i></p>
Waterbody Classification	No Sewer (ft)	Sewer (ft)																	
General Development Lakes – 1st tier	200	200																	
General Development Lakes – all other tiers	267	200																	
Recreational Development Lakes	267	267																	
Natural Environment Lakes	400	320																	
All Rivers	300	300																	

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- (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
 - (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - For recreational vehicles, campers or tents, use 400 sf.
- (2) Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes <u>w/Sewer</u> – all tiers General Development Lakes <u>w/no sewer</u> – 1 st tier Agricultural, Urban and Tributary Rivers	General Development Lakes <u>w/no sewer</u> – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036

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<table border="1" data-bbox="352 126 1402 175"> <tr> <td data-bbox="352 126 478 175">≥ 1,500</td> <td data-bbox="478 126 835 175">.150</td> <td data-bbox="835 126 1150 175">.075</td> <td data-bbox="1150 126 1402 175">.038</td> </tr> </table> <p data-bbox="352 232 1423 329">(3) Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.</p> <p data-bbox="352 354 1423 483">(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.</p> <p data-bbox="300 508 1423 573">C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.</p> <p data-bbox="300 597 1423 621">D. All PUDs with densities at or below the base density must meet the design standards in Section 10.6</p> <p data-bbox="226 646 1024 670">10.54 <u>Step 4. Determine if the Site can Accommodate Increased Density:</u></p> <p data-bbox="300 695 1423 792">A. The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:</p> <table border="1" data-bbox="352 816 924 1117"> <thead> <tr> <th data-bbox="352 816 562 889">Shoreland Tier</th> <th data-bbox="562 816 924 889">Maximum density increase within each tier (percent)</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 889 562 938">1st</td> <td data-bbox="562 889 924 938">50</td> </tr> <tr> <td data-bbox="352 938 562 979">2nd</td> <td data-bbox="562 938 924 979">100</td> </tr> <tr> <td data-bbox="352 979 562 1027">3rd</td> <td data-bbox="562 979 924 1027">200</td> </tr> <tr> <td data-bbox="352 1027 562 1068">4th</td> <td data-bbox="562 1027 924 1068">200</td> </tr> <tr> <td data-bbox="352 1068 562 1117">5th</td> <td data-bbox="562 1068 924 1117">200</td> </tr> </tbody> </table> <p data-bbox="300 1174 940 1198">B. Structure setbacks from the ordinary high water level:</p> <p data-bbox="352 1222 1203 1247">(1) Are increased to at least 50 percent greater than the minimum setback; or</p> <p data-bbox="352 1271 1350 1369">(2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.</p> <p data-bbox="163 1393 919 1417">10.6 Design Criteria. All PUDs must meet the following design criteria.</p> <p data-bbox="226 1442 594 1466">10.61 General Design Standards.</p>	≥ 1,500	.150	.075	.038	Shoreland Tier	Maximum density increase within each tier (percent)	1 st	50	2 nd	100	3 rd	200	4 th	200	5 th	200	<p data-bbox="1455 638 1990 1011"><i>10.54. This provision allows very high densities leading to overcrowding of surface waters and increases the risk to phosphorus sensitive lakes and sensitive shoreline areas. Even without this density bonus provision, the Shoreland PUD allows for significantly greater density over standard lot and block subdivisions due to design flexibility of not requiring a minimum lot size. Local governments concerned about overuse of surface waters, degradation of water quality, compatibility with adjacent development, and overall community character should omit or reduce this density bonus provision.</i></p>
≥ 1,500	.150	.075	.038														
Shoreland Tier	Maximum density increase within each tier (percent)																
1 st	50																
2 nd	100																
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5 th	200																

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<p>A. All residential planned unit developments must contain at least five dwelling units or sites.</p> <p>B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, item A of this ordinance.</p> <p>C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.</p> <p>D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.41, 6.42, and 6.43:</p> <p>E. Shore recreation facilities:</p> <ol style="list-style-type: none"> (1) Must be centralized and located in areas suitable for them based on a suitability analysis. (2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). (3) 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. <p>F. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.</p> <p>G. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.</p> <p>H. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.</p> <p>10.62 Open Space Requirements.</p> <p>A. Open space must constitute at least 50 percent of the total project area and must include:</p> <ol style="list-style-type: none"> (1) Areas with physical characteristics unsuitable for development in their natural state; (2) Areas containing significant historic sites or unplatted cemeteries; (3) Portions of the shore impact zone preserved in its natural or existing state as follows: <ol style="list-style-type: none"> (a) For existing residential PUD's, at least 50 percent of the shore impact zone 	<p><i>10.61.D MR 6120.3800 Subp. 5.B.3.(b) states that dwelling units must be designed to meet/exceed the dimensional standards for OHWL setback, elevation, height.</i></p> <p><i>10.62. Open space provides significant ecological, recreational, and economic benefits. Local governments may want to add additional specifications for its design and maintenance. This could include specifying the amount and type of native vegetation, its long-term maintenance, and connectivity to adjacent natural areas. Other options include limiting the amount of open space that may be used for high intensity recreational areas (trails, playgrounds, etc.), stormwater and sewage treatment, etc.</i></p>

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<p>(b) For new residential PUDs, at least 70 percent of the shore impact zone.</p> <p>(c) For all commercial PUD's, at least 50 percent of the shore impact zone.</p> <p>B. Open space may include:</p> <p>(1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;</p> <p>(2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and</p> <p>(3) Non-public water wetlands.</p> <p>C. Open space shall not include:</p> <p>(1) Dwelling sites or lots, unless owned in common by an owners association;</p> <p>(2) Dwelling units or structures, except water-oriented accessory structures or facilities;</p> <p>(3) Road rights-of-way or land covered by road surfaces and parking areas;</p> <p>(4) Land below the OHWL of public waters; and</p> <p>(5) Commercial facilities or uses.</p> <p>10.63 Open Space Maintenance and Administration Requirements.</p> <p>A. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:</p> <p>(1) Commercial uses (for residential PUD's);</p> <p>(2) Vegetation and topographic alterations other than routine maintenance;</p> <p>(3) Construction of additional buildings or storage of vehicles and other materials; and</p> <p>(4) Uncontrolled beaching of watercraft.</p> <p>B. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:</p> <p>(1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;</p>	<p><i>10.62.B.(3). WCA or other non-public water wetlands may be included in open space. Public waters, including public water wetlands, are already public open space and cannot be counted as open space.</i></p> <p><i>10.62.C.(1). Optional. "Dwelling sites" are not the same as lots (see definition in Section 2). Dwelling sites in a residential subdivision is the area within a lot not covered by a dwelling unit or structure (plus a buffer area around the sites or structures) that can be included as open space. Privately owned residential "open space" is very difficult to manage and maintain for ecological benefits, even with the required conservation easements. Communities concerned about developing and maintaining valuable habitat and water quality through open space preservation or about the ability to "administer" protection of open space on residential lots, may choose to add "lots, unless owned in common by an owner's association."</i></p> <p><i>10.62.C.(4) clarifies that open space cannot include land below the OHWL of public waters. Use of the water above this land is already a "public" open space. The purpose of the open space is to set-aside and permanently protect private land for recreation, habitat, and water quality purposes and to offset higher development densities allowed.</i></p>

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<p>(2) Each member must pay a pro rata share of the association’s expenses, and unpaid assessments can become liens on units or dwelling sites;</p> <p>(3) Assessments must be adjustable to accommodate changing conditions; and</p> <p>(4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.</p> <p>10.64 Erosion Control and Stormwater Management.</p> <p>A. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.</p> <p>B. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.</p> <p>(1) For residential PUDs, impervious surface for the entire project site must not exceed 25%.</p> <p>(2) For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section 8.0 of this ordinance.</p> <p>10.7 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:</p> <p>10.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;</p> <p>10.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;</p> <p>10.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:</p> <p>A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;</p> <p>B. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and</p> <p>C. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide</p>	<p><i>10.64.B.(1) Optional higher standard to ensure that the impervious surface for the entire development does not exceed 25%</i></p> <p><i>10.64.B.(2) Optional deletion. Local governments may choose to require a 25% impervious surface limit in all tiers for commercial PUDs by deleting the provisions that allows a 35% impervious surface limit. This spreads out the impervious surface and limits it in near shore areas thus preserving habitat and shoreland aesthetics.</i></p>

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<p>for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.</p> <p>10.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.</p>	