SECTION 7. SHORELAND MANAGEMENT DISTRICT

Subsection 7.1: District Description

This area consists of 40-acre parcels of land located in the unincorporated areas of Swift County which have been identified as potential shoreland areas, according to the definition, adjacent to public water bodies, rivers and streams as classified in this ordinance section.

Pursuant to Minnesota Regulations, Parts 6120.2500-6120.3900 and the planning and zoning enabling legislation in Minnesota Statutes Chapter 394, no lake, pond, or flowage less than 25 acres in size in the 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 section.

Subsection 7.2: Shoreland Classification System & Land Use Districts

A. Shoreland Classification System.

The public waters of Swift County have been classified below consistent with the criteria found in Minnesota Regulations Part 6120.3300, and the Protected Waters Inventory Map for Swift County, Minnesota. The shoreland area for the water bodies listed below shall be defined as stated under "Definitions" and as shown on the official Zoning Map.

1. Lakes

a. Natural Environment Lakes:

Identification Number	Lake Name	Section(s)	Township(s)
6-2P	Artichoke	31: 6	Hegbert & Shible
760115	Byrne	1: 6	Fairfield & Tara
760072	Camp	1: 2	Camp Lake
760092	Frovold	15, 16	Benson
760148	Griffin	32: 5	Hegbert & Shible
760140	Hart	20	Shible
760057	Hollerberg	2, 11, 12, 14	Kildare
760034	Frank	5, 6: 31	Hayes & Kerkhoven
760086	Hassel	4, 8, 9, 10, 16, 17	Benson
760094	Johnson	17, 18, 19, 20	Benson
760088	Moore	10, 11, 14, 15	Benson
760146	Oliver	26, 27, 35, 36: 1	Hegbert & Shible
37-46P	Lac Qui Parle	28, 29, 30, 33, 34	Appleton
760160	Large Henry	20, 29, 32	Hegbert
760107	Malachy	15, 21, 22	Clontarf
760108	Lynch	27	Clontarf
6-1P	Marsh	19, 30	Appleton

Continued on following page.

Identification Number	Lake Name	Section(s)	Township(s)
760033	Monson	35, 36: 1, 2	Kerkhoven & Hayes
760163	Reu	27, 28	Hegbert
760031	School	36	Hayes
12-30P	Shakopee	31	Dublin
760141	Shible	27, 28, 33, 34	Shible
61-34P	Simon	4, 5	Kerkhoven
760159	Small Henry	20, 21, 28	Hegbert
760149	S. Drywood	7, 8	Hegbert
760169	N. Drywood	5, 6	Hegbert
760130	Spring	33: 4, 5	Shible & Appleton
34-359P	Sunburg	36: 1	Kerkhoven & Hayes
76-32P	W. Sunburg	36: 1	Kerkhoven & Hayes
76009	Unnamed	1, 2, 11, 12	Hayes
760010	Unnamed	2, 3, 10, 11	Hayes
760015	Unnamed	11	Hayes
61-35WP	Unnamed	6	Kerkhoven
760037	Unnamed	3, 9, 10	Kerkhoven
760041	Unnamed	13	Kerkhoven
760043	Unnamed	28	Kerkhoven
760063	Unnamed	3	Camp Lake
760070	Unnamed	36	Camp Lake
760071	Unnamed	36	Camp Lake
760089	Unnamed	13, 24	Benson
760090	Unnamed	14, 15, 23	Benson
760105	Unnamed	21	Six Mile Grove
760110	Unnamed	3, 4	Marysland
760112	Unnamed	17, 20	Tara
760113	Unnamed	18	Tara
760116	Unnamed	13, 24: 19	Fairfield & Tara
760117	Unnamed	31	Edison
760123	Unnamed	32	Fairfield
760133	Unnamed	3, 4	Shible
760134	Unnamed	4	Shible
760135	Unnamed	4	Shible
760136	Unnamed	6	Shible
760138	Unnamed	6, 7	Shible
760147	Unnamed	34: 3	Hegbert & Shible
760156	Unnamed	19, 20	Hegbert
760157	Unnamed	19, 30	Hegbert
760158	Unnamed	20, 21	Hegbert
760161	Unnamed	22	Hegbert
760164	Unnamed	29, 30	Hegbert
760166	Unnamed	30, 31	Hegbert
760168	Unnamed	33, 34	Hegbert

2. Rivers and Streams (Transitional, Agricultural, Tributary):

Class	Name	To			From		
		Sec.	Twp.	Rng.	Sec.	Twp.	Rng.
Transitional	Minnesota River	30	120N	43W	30	120N	43W
Agricultural	Pomme de Terr (PDT)	5	122N	42W	3	120N	43W
Agricultural	Chippewa River	34	121N	40W	32	120N	40W
		31	120N	40W	35	120N	41W
		35	120N	40W	35	120N	40W
		35	120N	40W	34	120N	40W
Agricultural	EBCR (Basin 245)	1	122N	38W	24	122N	38W
Tributary	Dry Wood Creek (Basin 169)	5	122N	43W	5	122N	43W
		2	122N	43W	6	122N	42W
Tributary	Artichoke Creek (Basin 157)	19	122N	43W	6	122N	43W
						(Basin 169)	
Tributary	Unnamed to PDT (Basin 113)	18	122N	41W	16	122N	42W
Tributary	Unnamed to Unnamed	11	122N	42W	15	122N	42W
Tributary	Cottonwood Creek	21	120N	41W	33	120N	41W
Transitional	East Branch Chippewa River (EBCR)	3	122N	38W	32	122N	40W
						(Basin 245)	
Tributary	Mud Creek (Basin 61-477)	4	122N	37W	24	122N	39W
						(Basin 243)	
Tributary	Unnamed to River Bottom Lake	4	122N	37W	3	122N	38W
						(Basin 61-477)	
Tributary	Unnamed to River Bottom Lake	12	122N	37W	3	122N	38W
						(Basin 61-477)	
Tributary	Unnamed to Unnamed (Basin 37)	3	122N	37W	3	122N	37W
Tributary	Spring Creek	22	122N	37W	18	122N	37W
Tributary	Unnamed to EBCR (Basin 67)	20	122N	38W	30	122N	38W
Tributary	Unnamed to EBCR (Basin 84)	2	122N	39W	13	122N	39W
						(Basin 226)	
Tributary	Unnamed to EBCR (Basin 229)	26	122N	39W	26	122N	39W
Tributary	Mud Creek (MC)	12	120N	39W	12	120N	37W
Tributary	Unnamed to Mud Creek	36	121N	37W	11	120N	37W
Tributary	Unnamed to Mud Creek	22	121N	37W	3	120N	37W
Tributary	Unnamed Tributary (Basin 262)	9	121N	37W	9	121N	37W
Tributary	Unnamed Tributary (Basin 86)	9	122N	39W	21	122N	39W
Tributary	Hassel Creek	4	122N	39W	4	122N	39W
						(Basin 86)	
Tributary	Unnamed Tributary	6	122N	39W	5	122N	39W
Tributary	Unnamed Tributary	6	122N	40W	13	122N	41W
Tributary	Unnamed to Shakopee Creek	21	120N	39W	20	122N	39W

B. Land Use District Descriptions.

1. The land use districts provided below, and the allowable land uses therein for the given classifications of water bodies, shall be properly delineated on the Official Zoning Map for the shorelands of this community. These land use districts are in conformance with the criteria specified in Minnesota Regulation, Part 6120.3200,

Subp. 3. The land use districts in this section must be consistent with the goals, policies and objectives of the Swift County Comprehensive Plan and the following criteria, considerations, and objectives:

a. General Considerations and Criteria for all Land Uses:
   i. Preservation of natural areas;
   ii. Present ownership and development of shoreland areas;
   iii. Shoreland soil types and their engineering capabilities;
   iv. Topographic characteristics;
   v. Vegetative cover;
   vi. In-water physical characteristics, values, and constraints;
   vii. Recreational use of the surface water;
   viii. Road and service center accessibility;
   ix. Socioeconomic development needs and plans as they involve water and related land resources;
   x. Land requirements of industry which, by its nature, requires location in shoreland areas; and
   xi. Necessity to preserve and restore certain areas having significant historical or ecological value.

2. Land Use Districts for Lakes:

Land Use Districts	**General Development Lakes**	**Recreational Development Lakes**	**Natural Environment Lakes**
Special Protection District – Uses			
Forest Management	P	P	P
Sensitive Resource Management	P	P	P
Agricultural: Cropland & Pasture	P	P	P
Agricultural Feedlots	C	C	C
Parks & Historic Sites	C	C	C
Extractive Uses	C	C	C
Single Residential	C	C	C
Mining of Metallic Minerals & Peat	P	P	C
Urban Development District - Uses			
Single Residential	P	P	P
Semipublic	C	C	C
Parks & Historic Sites	C	C	C
Extractive Use	C	C	C
Duplex, Triplex, Quad Residential	P	P	C
Forest Management	P	P	P
Mining of Metallic Minerals & Peat	P	P	C

*Planned Unit Developments are not allowed on any Shoreland District.

3. Land Use Districts for Rivers & Streams:

Land Use Districts	General Development Lakes	Recreational Development Lakes	Natural Environment Lakes
Special Protection District – Uses			
Forest Management	P	P	P
Sensitive Resource Management	P	P	P
Agricultural: Cropland & Pasture	P	P	P
Agricultural Feedlots	C	C	C
Parks & Historic Sites	C	C	C
Extractive Uses	C	C	C
Single Residential	C	C	C
Mining of Metallic Minerals & Peat	P	P	P
Urban Development District - Uses			
Single Residential	P	P	P
Semipublic	C	C	C
Parks & Historic Sites	C	C	C
Extractive Use	C	C	C
Duplex, Triplex, Quad Residential	C	C	C
Forest Management	P	P	P
Mining of Metallic Minerals & Peat	P	P	P

*Planned Unit Developments are not allowed on any Shoreland District.

4. Use and Upgrading of Inconsistent Land Use Districts:
    a. The Land Use Districts adopted in this ordinance section, as they apply to shoreland areas, and their delineated boundaries on the Official Zoning Map, are not consistent with the land use district designation criteria specified above. These inconsistent land use designations may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundaries of an existing land use district shown on the Official Zoning Map;
    b. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
        i. Lakes. When a revision to a land use district designation on a lake is being considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this ordinance section on said lake must be revised to make them substantially compatible with the framework previously described in this ordinance section;
        ii. Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this ordinance section must be revised to make them substantially compatible with the framework previously described in this ordinance section. If the same river classification

is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or to the class boundary if closer, need be evaluated and revised.

c. When an interpretation question arises about whether a specific land use fits within a given "use" category, the interpretation shall be made by the Board of Adjustment. When a question arises as the whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Planning Commission;
d. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Planning Commission will direct the Zoning Administrator to provide such additional information for the water body as is necessary to satisfy items 1 & 2;
e. The Planning Commission must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said water body, are consistent with the enumerated criteria and use provisions of this ordinance section.

Subsection 7.3: Zoning & Water Supply/Sanitary Provisions

A. Lot Area and Width Standards.

The lot area (in square feet) and lot width standards (in feet) for single, duplex, triple and quad residential lots created after the date of enactment of this ordinance section for the lake and river/stream classifications are the following:

1. Unsewered Lakes.

a. Natural Environment:

Residential Lots	**Riparian Lots**		**Non-Riparian Lots**	
	Area	Width	Area	Width
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

b. General Development:

Residential Lots	**Riparian Lots**		**Non-Riparian Lots**	
	Area	Width	Area	Width
Single	20,000	100	40,000	150
Duplex	40,000	180	80,000	265
Triplex	60,000	260	120,000	375
Quad	80,000	340	160,000	490

2. Sewered Lakes.
    a. Natural Environment:

Residential Lots	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
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

    b. General Development:

Residential Lots	Riparian Lots		Non-Riparian Lots	
	Area	Width	Area	Width
Single	15,000	75	10,000	75
Duplex	26,000	135	17,500	135
Triplex	38,000	195	25,000	190
Quad	49,000	255	32,500	245

3. River/Stream Lot Width Standards – Minimum lot size requirement of 2 ½ acres for rivers and streams. The lot width standards for single, duplex, triplex and quad residential developments for the two river/stream classifications are:

Residential Lots	Transitional	Agricultural
Single	250	150
Duplex	375	225
Triplex	500	300
Quad	625	375

4. Additional Special Provisions.
    a. Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:
        i. Each building must be set back at least 200 feet from the Ordinary High Water Level;
        ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
        iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
        iv. No more than twenty-five percent (25%) of a lake's shoreline can be in duplex, triplex or quad developments.

    b. One guest cottage may b e allowed on lots meeting or exceeding the duplex lot area and width dimensions, provided the following standards are met:
        i. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;

ii. A guest cottage must not cover more than 700 square feet of land surface and must not exceed 15 feet in height; and
iii. 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.

c. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
   i. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots;
   ii. If docking, mooring, or over-water storage of more than six (6) watercrafts is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:
      1) Controlled Access Lot Frontage Requirements:

Ratio of Lake Size to Shore Length (acres/mile)	Required Increase in Frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

   iii. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lots; and
   iv. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include: swimming, sunbathing or picnicking. The covenant must limit the total number of watercrafts allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking area,

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.

B. Placement of Structures on Lots.

1. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the Ordinary Water Level provided the proposed building site is not located in a shoe impact zone or in a bluff impact zone. Structures shall be located as follows:

   a. Structures and Onsite Sewage Systems Setbacks (in feet) from Ordinary High Water Level;

Setbacks			
Classes of Public Waters	**Structures**		**Sewage Treatment System**
	Unsewered	**Sewered**	
Lakes			
Natural Environment	150	150	150
Recreational Development	100	75	75
General Development	75	50	50
Rivers			
Remote	200	200	150
Forested & Transition	150	150	100
Agricultural, Urban & Tributary	100	50	75
One water-oriented accessory structure designed in accordance with the Design Criteria For Structures section of this Ordinanace may be set back a minimum distance of ten (10) feet from the Ordinary High Water Level.			

   b. Additional Structures Setback. The following additional structure setbacks apply, regardless of the classification of the water body:

Setback From:	**Setback (in feet)**
Top of Bluff	30
Unplatted Cemetery	50
Right-of-Way line of Federal, State, County highway or town road	50
Right-of-Way line of public street, or other roads or streets not classified	20

   c. Bluff Impact Zones. Structures and accessory facilities, except stairways and lands, must not be placed within bluff impact zones;

   d. Uses Without Water-Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set

back double the normal Ordinary High Water Level setback or be substantially screen from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Design Criteria for Structures.
    a. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest flood, including the basement, is placed or flood-proofed must be determined as follows:
        i. 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;
        ii. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is not available, by placing the lowest floor at least three feet above the Ordinary High Water Level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts of the Ordinance governing the management of floodplain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
        iii. Water-oriented accessory structures may have the lowest flood placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
    b. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in the Placement of Structures on Lots section of this ordinance section if this water-oriented accessory structure complies with the following provisions:
        i. The structure or facility must not exceed ten feet in height, exclusive of safety rail, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet above grade at any point;
        ii. The setback of the structure or facility from the Ordinary High Water Level must be at least ten feet;
        iii. 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.
        iv. The roof may be used as a deck with safety rail, but must not be enclosed or used as a storage area;

v. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

c. 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:
   i. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public open-space recreational properties;
   ii. Landings for stairways must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public open-space recreational properties.
   iii. Canopies or roofs are not allowed on stairways, lifts, or landings;
   iv. Stairways, lifts and landings may either be constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
   v. Stairways, lifts and landings must be located in the lots visually inconspicuous portion of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
   vi. Facilities such as ramps, lifts, or mobility paths for physically disabled persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards 1-5 are complied within in addition to the requirements of Minnesota Regulations, Chapter 1340.

d. 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;

e. Steep slopes. The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

3. Height of Structures.

All structures in residential districts, except churches and nonresidential agricultural structures must not exceed twenty-five (25) feet in height.

C. Shoreland Alterations.

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

1. Vegetation Alterations:
    a. Vegetation alternation necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by the Placement and Design of Roads, Driveways, and Parking Areas section of this ordinance section are exempt from the vegetation alteration standards that follow;
    b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in the Ordinance is allowed subject to the following standards:
        i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control sedimentation plan is developed and approved by the soil and water conservation district in which the property is located;
        ii. 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 landing, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
            1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
            2) Along rivers, existing shading of water surface 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.
2. Topographic Alterations/Grading and Filling.
    a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems and driveways;
    b. Public roads and parking areas are regulated by the section of this ordinance section dealing with Placement and Design of Roads, Driveways, and Parking Areas;

c. Notwithstanding items 1 & 2 above, a grading and filling permit will be required for:
    i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
    ii. The movement of more than 50 cubic yards outside of steep slopes and shore and bluff impact zones.
d. The following considerations and conditions must be adhered to during the issuance of construction permits, variances and subdivisions approvals:
    i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:
        1) Sediment and pollutant trapping and retention;
        2) Storage of surface runoff to prevent or reduce flood damage;
        3) Fish and Wildlife habitat;
        4) Recreational use;
        5) Shoreline or bank stabilization; and
        6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

        *This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
    ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
    iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
    iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
    v. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United State Soil Conservation Service;
    vi. Fill or excavated material must not be placed in a manner that creates an unstable slope;
    vii. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slop stability and must not create finished slopes of 30 percent or greater;
    viii. Fill or excavated material must be placed in bluff impact zones;

ix. Any alterations below the Ordinary High Water Level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 105.42;

x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and

xi. Placement of natural rock riprap, including associated grading of the shoreline ad placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the Ordinary High Water Level, and the height of the riprap above the Ordinary High Water Level does not exceed three feet.

e. Connections to public waters. Excavation where the intended purpose is connection to public water, such as boat slips, canals, lagoons and harbors must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public water.

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

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas area designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts (permit required).
3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of the Topographic Alterations/Grading and Filling section of this ordinance section must be met.

E. Stormwater Management.

The following general and specific standards shall apply:

1. General Standards
    a. When possible, existing natural drainage ways, 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 skimming devices, dikes, waterways and ponds may be used. Preferences must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities.

2. Specific Standards.
   a. Impervious surface coverage of lots must not exceed 25 percent of the lot area;
   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 districts;
   c. New constructed stormwater outfalls to public waters must provide for filtering or setline of suspended solids and skimming of surface debris before discharge.

F. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.
   1. Standards for Commercial, Industrial, Public and Semipublic Uses.
      a. Surface water-oriented commercial uses and industrial, public or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
         i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
         ii. 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
         iii. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey the needed information to the public, subject to the following general standards:
            1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages maybe placed in or on public waters by a public authority or under a permit issued by the county sheriff;
            2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed

information such as product brand and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

3) 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.

b. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be setback double the normal Ordinary High Water Level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

2. Agricultural Use Standards.
    a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses is steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the Ordinary High Water Level;
    b. Animal Feedlots must meet the flowing standards:
        i. New feedlots must not be located in the shoreland of watercourses or in the bluff impact zones and must meet a minimum setback of 300 feet from the Ordinary High Water Level of all public waters basins; and
        ii. Modifications or expansions to existing feedlots that are located within 300 feet of the Ordinary High Water Level or within a bluff impact zone are allowed if they do not further encroach into the existing Ordinary High Water Level setback or encroach on bluff impact zones.

3. Forest Management Standards.

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

4. Extractive Use Standards.
    a. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hour and duration of operation,

and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end;

b. Setbacks for Processing Machinery. Processing machinery must be location consistent with setback standards for structures from Ordinary High Water Levels of public waters and from bluffs;

c. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes sec. 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes sec 93.44 to 93.51 are satisfied.

G. Conditional Uses.

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

1. Evaluation Criteria. A thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:
    a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
    b. The visibility of structures and other facilities as viewed from public waters is limited;
    c. The site is adequate for water supply and onsite sewage treatment; and
    d. 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.
2. Conditions attached to Conditional Use Permits. The Planning Commission, upon consideration of the criteria listed above and the purposes of this ordinance section, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this ordinance section. Such conditions may include, but are not limited to, the following:
    a. Increased setbacks form the Ordinary High Water Level;
    b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
    c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

H. Water Supply and Sewage Treatment.

1. 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.
2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
    a. Publicly-owned sewer systems must be used where available;

b. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance section;
c. Onsite sewage treatment systems must be set back from the Ordinary High Water Level in accordance with the setbacks contained in the Placement of Structures on Lots section of this ordinance section;
d. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the evaluation criteria in subitems 1-4. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from onsite field investigations. Evaluation Criteria:
    i. Depth to the highest known or calculated ground water table or bedrock;
    ii. Soil conditions, properties and permeability;
    iii. Slope;
    iv. The existence of lowlands, local surface depressions, and rock outcrops.
e. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with this ordinance section.

Subsection 7.4: Nonconformities

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

A. Construction on Nonconforming Lots of Record.
    1. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of the Lot Area and Width Standards of this ordinance section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the same time, and sewage treatment and setback requirements of this ordinance section are met.
    2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
    3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of the Lot Area and Width Standards section of this ordinance section the lot must not be considered as a

separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the lot requirements of this ordinance section as much as possible.

B. Additions/Expansions to Nonconforming Structures.
   1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this ordinance section. Any deviation from these requirements must be authorized by a variance.
   2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the Ordinary High Water Level if all of the following criteria and standards are met:
      a. The structure existed on the date the structure setbacks were established;
      b. A thorough evaluation of property and structure reveals no reasonable location for a deck meeting or exceeding the Ordinary High Water Level setback of the structure;
      c. The deck encroachment toward the Ordinary High Water Level does not exceed 15 percent of the existing setback of the structure from the Ordinary High Water Level or does not encroach closer than 30 feet, whichever is more restrictive; and
      d. The Deck is constructed primarily of wood, and is not roofed or screened.

C. Nonconforming Sewage Treatment Systems.
   1. A sewage treatment system not meeting the standards of the Water Supply and Sewage Treatment System section of this ordinance section must be upgraded, at a minimum, at any time a land transfer occurs, a zoning permit or variance of any type is applied for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the Ordinary High Water Level.
   2. The governing body of Swift County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. Swift County will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statues sec. 103F, in effect at the time of installation may be considered conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by MPCA's Chapter 7080 for design of onsite sewage treatment systems, shall be considered nonconforming.

Subsection 7.5: Subdivision/Platting Provisions

A. Land Suitability. Each lot created through subdivision must be suitable to its natural state for the proposed use with minimum alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitation for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

B. Consistency with Other Controls. Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance form one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with MPCA and this ordinance section's standards can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of the Lot Area and Width Standards section of this ordinance section, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. Information Requirements. Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:
   1. Topographic contours at ten-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 Statutes sec 505.02, sub. 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 onsite sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests or other methods.
   4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater 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.

D. 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.

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

F. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria under the Additional Special Provisions section of this ordinance section.