SECTION IV - SHORELAND MANAGEMENT DISTRICT(S)

The uncontrolled use of shoreland in Lincoln County, Minnesota affects the public health, safety, and general welfare by not only contributing to pollution of public water, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of the shoreland of public waters. The Legislature of Minnesota has delegated responsibility to local governments 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 utilization of waters and related land resources. Lincoln County, Minnesota recognizes this responsibility.

SUBDIVISION 100.0 STATUTORY AUTHORIZATION

101.0 Statutory Authorization

The Lincoln County Shoreland Management Ordinance is adopted pursuant to the authorization and policies contained in Minn. Statutes, Chapter 103G, Minnesota Regulations, and Parts 6120.2500 through 6120.3900, and the planning and zoning enabling legislation in Minn. Statutes, Chapter 394.

102.0 Policy

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. This responsibility is hereby recognized by Lincoln County.

SUBDIVISION 200.0 GENERAL PROVISIONS

201.0 Jurisdiction

Jurisdiction. The Shoreland Management District shall include the shoreland of all designated public waters in Lincoln County, Minnesota, excepting those within incorporated cities. The provisions of this ordinance apply to the shoreland of the public water bodies as classified in Subdivision 400.0 of this section, and to the shoreland 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 Minn. 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.

202.0 Enforcement

The County of Lincoln 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 XVI, Subdivision 1000.

203.0 Severability

If any subdivision, 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.

204.0 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.

205.0 Definitions

Refer to Section I, Subdivision 1700.

SUBDIVISION 300.0 ADMINISTRATION

301.0 Purpose

The purpose of this Subdivision is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.

302.0 Permits

302.1 Permit Requirements

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 subdivision 803.0 of this ordinance.

302.2 Certificate Of Compliance

A certificate of compliance for a sewage treatment system, 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.

303.0 Application Materials

Application for permits and other zoning applications such as variances shall be made to the County of Lincoln on the forms provided. The application shall include the necessary information so that the County of Lincoln can evaluate how the application complies with the provisions of this ordinance.

304.0 Variances

Variances may only be granted when practical difficulties exist, and in accordance with Minn. Statutes, Subdivision 394.27 and are subject to the following:

304.1 Variance Conditions

A variance may not circumvent the general purposes and intent of this ordinance; and

304.2 Variance Requirements

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.

305.0 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:

305.1 Conditional Use Soil And Public Waters Pollution Standards

The prevention of soil erosion or other possible pollution of public waters, both during and after construction;

305.2 Conditional Use Standards Visibility Of Structures From Public Waters Standards

The visibility of structures and other facilities as viewed from public waters is limited;

305.3 Conditional Use Water Supply And On-Site Sewage Treatment Standards

There is adequate water supply and on-site sewage treatment; and

305.4 Conditional Uses Watercraft Standards

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.

306.0 Mitigation

306.1 Conditions That Property Owners Must Address

In evaluating all variances, conditional uses, zoning and building permit applications, the property owner must 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:

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 County deems necessary

306.2 Improvements On Steep Slopes Standards.

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.

307.0 Nonconformities

307.1 Legally Established Nonconformities

All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minn. Statutes, Subdivision 394.36 Subd. 5 and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

307.2 Additions Or Expansions To Outer Dimensions Of Existing Nonconforming Structures

All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Subdivision 500.0 to 800.0 of this section. Any deviation from these requirements must be authorized by a variance.

308.0 Notifications To The Department Of Natural Resources

308.1 Amendments To Shore Land Ordinances Notification Process

All amendments to this shore land ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. The County of Lincoln will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.

308.2 Public Hearing Regarding Variance Notification Standards

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.

308.3 Approved Ordinance Amendments Notification Standards

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.

308.4 Request To Change The Shoreland Management Classification Of Public Waters Process.

Any request to change the shoreland management classification of public waters within the County of Lincoln 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.

308.5 Request To Reduce The Boundaries Of Shore Lands Of Public Waters Process.

Any request to reduce the boundaries of shoreland of public waters within Lincoln County 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 shoreland 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.

309.0 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.

SUBDIVISION 400.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES

401.0 Shoreland Classification System

401.1 Purpose

To ensure that shoreland development on the public waters of Lincoln County is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.

401.2 Defined Shoreland

The Shoreland area for the waterbodies listed in this section under Subdivisions 401.3 to 401.5 are defined in Subdivision 205.5 are shown on the Official Zoning Map.

401.3 Lakes Classification

A. General Development (GD) are generally large, deep lakes, or lakes of varying sizes and depths with higher levels and mixes of existing development. These lakes often are extensively used for recreation and are usually heavily developed around the shore. Second and third tiers of development are fairly common. The following are classified as General Development Lakes:

Lake Identification No.	Lake Name	Township	Location
41-35P	West Lake Stay	Lake Stay	Sec. 29-32, T111, R44
41-110P	Hendricks Lake	Hendricks	Sec. 18, 19; 13, 14, T112, R46; 47

B. Recreational Development (RD) are generally medium sized lakes of varying depths and shapes with a variety of landform, soil and groundwater situations on the lands around them. They are often characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-around residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use. The following are classified as Recreational Development Lakes:

Lake Identification No.	Lake Name	Township	Location
41-34P	Lake Stay	Lake Stay	Sec. 29, 32, T111, R44

41-43P	Benton Lake	Marshfield/Diamond Lake/ Lake Benton	T109; 110, R44; 45
41-89P	Shaokatan	Shaokatan	Sec. 22-24, 26-28, T111, R46

C. Natural Environment (NE) are generally small, often shallow with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high-water tables, exposed bedrock and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use. The following are classified as Natural Environment Lakes:

Lake Identification No.	Lake Name	Township	Location
41-5P	unnamed	Hope	Sec. 5, T109, R44
41-21P	Dead Coon Lake	Lake Stay/Marshfield	T110 & 111, R44
41-22P	unnamed	Lake Stay/Marshfield	Sec. 2, T110, R4 & Sec. 35, T111, R44
41-24P	Gislason Lake	Lake Stay	Sec. 1, T111, R44
41-29P	unnamed	Lake Stay	Sec. 11, T111, R44
41-40P	unnamed	Limestone	Sec. 29, 32, 33, T112, R 44
41-44P	Popowski Lake	Royal/Limestone	Sec. 7, 18, 12, 13, T112, R44 & 45
41-45P	Hawks Nest Lake	Royal/Limestone	Sec. 30, 31; 25, 26, T112 R44 & 45
41-47P	unnamed	Diamond Lake	Sec. 5, T110, R45
41-51P	Pickeral Lake	Diamond Lake	Sec. 22, 27, T110, R45
41-54P	Anderson Lake	Ash Lake	Sec. 6, 7, T111, R45
41-55P	North Ash Lake	Ash Lake	Sec. 8, 17, T111, R45
41-57P	South Ash Lake	Ash Lake	Sec. 17, T111, R45
41-58P	Curtis Lake	Ash Lake	Sec. 19, 30, T111, R45
41-62P	Oak Lake	Royal	Sec. 2, 3, T112 R45
41-63P	unnamed	Royal	Sec. 7, 8, 17, 18, T112, R45
41-65P	unnamed	Royal	Sec.7, 8, 17, 18, T112, R45
41-67P	Perch Lake	Royal	Sec. 16, 17, T112, R45
41-70P	Drietz Lake	Royal	Sec. 23, 24, T112, R45
41-72P	unnamed	Royal	NE ¼, Sec. 31, T112, R45
41-73P	unnamed	Royal	SE ¼, Sec. 31, T112, R45
41-74P	unnamed	Royal	Sec. 31, 32, T112, R45
41-75P	unnamed	Marble	Sec. 7, T113, R45
41-76P	Prairie Dell Lake	Marble	NE ¼, Sec. 15, T113, R45
41-82P	Steep Bank Lake	Marble/Hendricks/Royal	Sec. 6; 1; 31; T112 & 113, R45 & 48
41-84P	Biggs Lake	Shaokatan	Sec. 4, T111, R46
41-91P	Weeks Lake	Shaokatan	Sec. 34, T111, R46
41-92P	unnamed	Hendricks	Sec. 13, T112, R46
41-94P	unnamed	Hendricks	Sec. 16, T112, R46
41-95P	Kvernmo Marsh	Hendricks	Sec. 36, T112, R46
41-96P	Widmark Marsh	Hendricks	Sec. 36, T112, R46
41-101P	Boone Slough	Hansonville	Sec. 20, 21, 28, 29, T113, R46
41-103P	unnamed	Hansonville	Sec. 23-26, T113, R46

41-104P	unnamed	Hansonville	Sec. 24, T113, R46
41-105P	unnamed	Hansonville	Sec. 25, 26, T113, R46
41-108P	East Twin Lake	Hansonville	SW ¼, Sec. 28, T113, R46
41-109P	unnamed	Hansonville	Sec. 3; 34, T113 & 114, R46
41-115P	unnamed	Hansonville	Sec. 30, T113, R46
41-116P	unnamed	Hansonville	Sec. 31, T113, R46
41-117P	unnamed	Ash Lake	Sec. 9, T111, R45
41-121P	unnamed	Hendricks	Sec. 18, T112, R46
41-127P	unnamed	Hansonville	Sec. 16, T113, R46
41-130P	unnamed	Lake Stay	Sec. 7, T111, R44
41-131P	unnamed	Diamond Lake	NE ¼, SW ¼, Sec. 17, T110, R45
41-132P	unnamed	Diamond Lake	Sec. 18, T110, R45
41-133P	unnamed	Drammen	Sec. 11, T110, R45
41-135P	unnamed	Ash Lake	Sec. 16, T111, R45
41-136P	unnamed	Ash Lake	Sec. 8, 17, T111, R45
41-137P	unnamed	Ash Lake	Sec. 7, T111, R45
41-138P	unnamed	Royal	Sec. 32, T112, R45
41-139P	unnamed	Hendricks	Sec. 26, T112, R46
41-140P	unnamed	Hendricks	SW ¼, NE ¼, Sec. 17, T112, R46
41-141P	unnamed	Marble	Sec. 9, T113, R45
41-142P	unnamed	Hansonville	Sec. 6, T113, R46
41-146P	unnamed	Diamond Lake	Sec. 34, T113, R45
87-116P	Victors Slough	Hansonville	Sec. 4, T113, R46

401.4 Rivers And Streams Classification

A. Urban

B. Agriculture

C. Transition

D. Forested and

E. Remote

There are no rivers in the County under the previous categories.

401.5 Public Waters Inventory

All public rivers and streams shown on the Public Waters Inventory Map for the County, a copy of which is adopted by reference, not given a classification in Subdivision 401.4 shall be considered "Tributary."

Stream Name	Beginning in	Ending In
Yellow Medicine River	Sec. 14, T111, R46	Sec. 12, T111, R46
Unnamed to YMR	Sec. 17, T111, R45 (Basin 57)	Sec. 4, T111, R45
Unnamed to YMR	Sec. 29, T111, R46	Sec. 28, T111, R46 (Basin 89)
Unnamed to YMR	Sec. 5, T112, R44	Sec. 28, T113, R44
Unnamed to YMR	Sec. 27, T113, R44	Sec. 14, T113, R44
North Branch YMR (NBYMR)	Sec. 2, T111, R46	Sec. 4, T113, R44
NBYMR	Sec. 3, T113, R44	Sec. 12, T113, R44
Unnamed to NBYMR	Sec. 21, T113, R45	Sec. 5, T113, R44
Unnamed to NBYMR	Sec. 25, T113, R45	Sec. 3, T113, R44
Unnamed to NBYMR	Sec. 19, T113, R44	Sec. 2, T113, R44
Unnamed to NBYMR	Sec. 29, T113, R44	Sec. 2, T113, R44
Unnamed to Unnamed	Sec. 21, T113 R44	Sec. 10, T113, R44
Unnamed to NBYMR	Sec. 8, T111, R46	Sec. 4, T111, R46 (Basin 84)
Unnamed to NBYMR	Sec. 16, T111, R46	Sec. 4, T111, R46 (Basin 84)
Unnamed Tributary	Sec. 34, T113, R44	Sec. 24, T113, R44
Unnamed to Unnamed	Sec. 3, T13, R44	Sec. 24, T113, R44
Unnamed Tributary	Sec. 35, T113, R44	Sec. 24, T113, R44
Unnamed Tributary	Sec. 9, T112, R44	Sec. 25, T113, R44
Unnamed Tributary	Sec. 15, T112, R44	Sec. 1, T112, R44
Unnamed Tributary	Sec. 14, T112, R44	Sec. 12, T112, R44
Unnamed Tributary	Sec. 34, T112, R44	Sec. 24, T112, R44
Unnamed Tributary	Sec. 28, T112, R44	Sec. 25, T112, R44
Unnamed Tributary	Sec. 10, T113, R45	Sec. 6, T113, R44
Unnamed Tributary	Sec. 9, T113, R45 (Basin 141)	Sec. 1, T113, R45
Unnamed to Lac Qui Parle River (LQPR)	Sec. 18, T113, R45	Sec. 18, T113, R45
Unnamed to LQPR	Sec. 16, T112, R46	Sec. 3, T112, R46
South Fork LQPR (SFLQPR)	Sec. 7, T113, R46	Sec. 6, T113, R45
Unnamed to SFLQPR	Sec. 21, T113, R46	Sec. 16, T113, R46
Unnamed to SFLQPR	Sec. 19, T113, R46	Sec. 8, T113, R46
South Branch YMR (SBYMR)	Sec. 3, T110, R46	Sec. 27, T111, R45
SBYMR	Sec. 23, T111, R45	Sec. 1, T111, R45
SBYMR	Sec. 4, T111, R44	Sec. 12, T111, R44
Unnamed to SBYMR	Sec. 36, T11, R46	Sec. 34, T111, R45
Unnamed Tributary	Sec. 18, T111, R45	Sec. 20, T111, R45
Unnamed Tributary	Sec. 1, T110, R45	Sec. 33, T111, R44
Unnamed Tributary	Sec. 7, T110, R46	Sec. 25, T111, R47
Unnamed Tributary	Sec 7, T110, R46	Sec. 1, T110, R47
Norwegian Creek (NC)	Sec. 2, T110, R46	Sec. 33, T110, R45 (Basin 43)
Unnamed to NC	Sec. 25, T110, R46	Sec. 18, T110, R45
Coon Creek (CC)	Sec. 26, T110, R45 (Basin 43)	Sec. 23, T110, R45
CC	Sec. 9, T110, R44	Sec. 36, T111, R44
Unnamed to CC	Sec. 21, T110, R44	Sec. 22, T110, R44
Medary Creek (MC)	Sec. 2, T109, R46	Sec. 13, T109, R47
Unnamed to MC	Sec. 24, T110, R47	Sec. 18, T109, R46
Unnamed to MC	Sec. 16, T110, R46	Sec. 3, T09, R46

Spring Creek	Sec. 13, T109, R46	Sec. 36, T109, R47
Willow Creek	Sec. 22, T109, R46	Sec. 33, T109, R46
Unnamed Tributary	Sec. 26, T109, R46	Sec. 34, T109, R46
Unnamed Tributary	Sec. 23, T109, R46	Sec. 35, T109, R46
Unnamed Tributary	Sec. 25, T109, R46	Sec. 36, T109, R46
Flandreau Creek (FC)	Sec. 19, T109, R45	Sec. 36, T109, R46
Unnamed to FC	Sec. 29, T109, R45	Sec. 31, T109, R45
Unnamed Tributary	Sec. 28, T109, R45	Sec. 34, T109, R45
Unnamed to Redwood River	Sec. 36, T109, R45	Sec. 13, T109, R44
Unnamed to Unnamed	Sec. 14, T109, R45	Sec. 29, T109, R44
Unnamed to Unnamed	Sec. 31, T109, R45	Sec. 20, T109, R44
Unnamed to Unnamed	Sec. 32, T109, R45	Sec. 29, T109, R44
Unnamed to Redwood River	Sec. 24, T109, R44	Sec. 24, T109, R44
Unnamed to Unnamed	Sec. 23, T109, R44	Sec. 32, T109, R44

402.0 Land Uses

402.1 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.

402.2 Shoreland District Land Uses Regulations

Shoreland district land uses listed in this section under Subdivision 402.3 and 402.4 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 Subdivision 3.6 of this ordinance and any additional conditions listed in this ordinance; and

C. Not permitted uses (N). These uses are prohibited.

402.3 Land Uses For Lake Classifications

Land Uses	General Development	Recreational Development	Natural Environment
Single residential	P	P	P
Duplex, triplex, quad residential	P	P	C
Residential PUD	C	C	C
Water-dependent commercial - Accessory to residential PUD	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 Subdivision 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

402.4 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 Subdivision 10.0 are satisfied.	C	C	C	C	C	C
Solar Power Facilities (principal land use)	C	C	C	C	C	C

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
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

SUBDIVISION 500.0 COMMERCIAL, INDUSTRIAL, PUBLIC AND SEMIPUBLIC USE STANDARDS

501.0 Commercial, Industrial, Public, And Semipublic Use Standards

501.1 Water-Dependent Uses May Be Located On Parcels Or Lots With Frontage On Public Waters Provided That:

A. The use complies with provisions of Subdivision 700.0 in this section;

B. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;

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

D. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:

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

2. Signs placed within the shore impact zone are:

i. No higher than ten feet above the ground, and no greater than 32 square feet in size; and

ii. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

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.

501.2 Commercial, Industrial, Public And Semi-Public Uses That Are Nonwater-Dependents Standards

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.

502.0 Agricultural Use Standards

502.1 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. Harvesting is 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. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop.

502.2 Animal Feedlots In Shoreland

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 Minn. Statutes, Section 116.0711.

503.0 Forest Management Standards

503.1 Standards For Harvesting Timber And Its Associated Reforestation

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.

503.2 Vegetation Clearing To Forest Land Conversion Uses

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.

504.0 Extractive Use Standards

Extractive uses are conditional uses and must meet the following standards:

504.1 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:

A. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;

B. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and

C. Clearly explain how the site will be rehabilitated after extractive activities end.

504.2 Setbacks For Processing Machinery

Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

A. The construction of a building, addition to a building or accessory structure (including decks and signs) within the unincorporated areas of Lincoln County.

B. The change of a use of a building, accessory structure, or land within the unincorporated areas of Lincoln County.

B. The placement of fill or excavation of materials within the Flood Plain or Shoreland Management Districts.

C. Prior to granting a Use Permit, the Administrator shall determine that the applicant has obtained all Necessary State and Federal Permits.

E. A permit authorizing a new or addition to an existing structure shall stipulate that an identified nonconforming sewage system, as defined by Subdivision 703.0 of this Section shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

505.0 Metallic Mining Standards

Mining of metallic minerals and peat is a permitted use provided the provisions of Minn. Statutes, Sections 93.44 to 93.51, are satisfied.

SUBDIVISION 600.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

601.0 Purpose

To establish dimensional and performance standards that protect shoreland resources from impacts of development

602.0 Lot Area And Width Standards

After the effective date of this ordinances, all new lots must meet the minimum lot area and lot width requirements in Subdivision 602.5 and 602.6 in this section are allowed only if designed and approved as residential PUDs under Subdivision 100.0 of this section; and

602.1 Lands That Can Be Used To Meet Lot Area And Width Standards

Only lands above the ordinary high-water level can be used to meet lot area and width standards;

602.2 Lot Width Standards

Lot width standards must be met at both the ordinary high-water level and at the building line;

602.3 Sewer Lot Are Dimension Standards

The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

602.4 Exemptions For Residential Subdivisions With Dwelling Unit Densities Exceeding Subdivision Standard

Residential subdivisions with dwelling unit densities exceeding those in Subdivision 602.5 and 602.6 are allowed only if designed and approved as residential PUDs under Subdivision 1000.0 of this section; and

602.5 Lake Minimum Lot Area And Width Standards

A. General development lake - Unsewered

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
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

B. General development lake - Sewered

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
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

C. Recreational development lake – Unsewered

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 - Sewered

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 - Unsewered

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 - Sewered

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

602.6 River/Stream Minimum Lot Width Standards

There are no minimum lot area requirements for rivers and streams. The lot width standards in feet area:

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

603.0 Special Residential Lot Provisions

603.1 Subdivision Of Duplexes, Triplexes And Quad Standards

Subdivision of duplexes, triplexes and quads are conditional uses on Natural Environment Lakes and must also meet the following standards.

A. Each building must be setback at least 200 feet from the ordinary high-water level;

B. Each building must have common sewage treatment and water systems I 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;

D. No more than 25 percent of a lake's shoreline can be in duplex, triplex or quad developments

603.2 Guest Cottage Lot Standards

One quest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subdivision 602.5 and 602.6 of this section, 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;

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

C. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

603.3 Controlled Access Lots

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

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;

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 o the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

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%

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

D. Covenants or other equally effective legal instruments must be developed that:

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 watercrafts 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

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.

603.4 Access Easements

Easements providing access to boat docking and mooring facilities to non-riparian property owners are prohibited.

604.0 Placement, Height, And Design Of Structures

604.1 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.

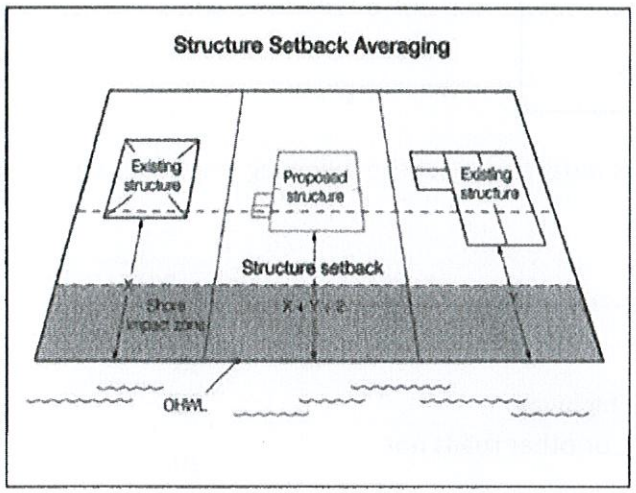
Setbacks in Feet			
Classes of Public Waters	Structures		Sewage Treatment System
	Unsewered	Sewered	
Natural Environment Lakes	150	150	150
Recreational Development Lakes	100	75	75
General Development Lakes	75	50	50
Remote Rivers	200	200	150
Forested and Transition Rivers	150	150	100
Agriculture, Urban, & Tributary Rivers	100	50	75

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 Subdivision 703.0 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:

B. Setback averaging. 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 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:

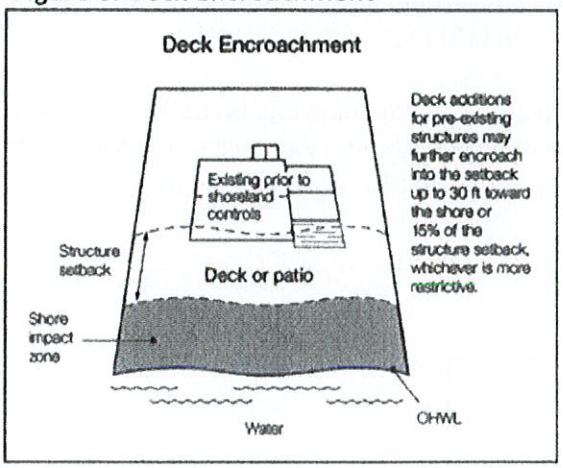
1. The structure existed on the date the structure setbacks were established;

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:	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

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

604.2 Height Of Structures

All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

604.3 Lowest Floor Elevation

A. Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

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.

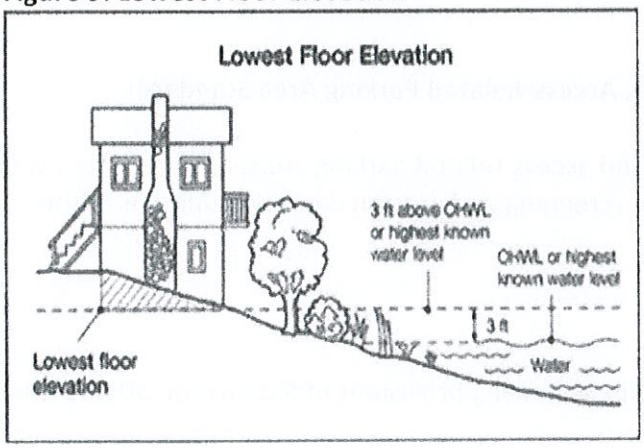
B. Methods for placement.

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 SIZ, the structures must instead be elevated through floodproofing methods in accordance with 604.3(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.

Figure 9. Lowest Floor Elevation



604.4 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.

605.0 Water Supply And Sewage Treatment

605.1 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.

605.2 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.

SUBDIVISION 700.0 PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

701.0 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 as viewed from public waters and comply with the following standards:

701.1 Road, Driveways, And Parking Area Setbacks

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;

701.2 Watercraft Access Ramps, Approach Roads, Access-Related Parking Area Standards

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;

701.3 Private Facility Standards

Private facilities must comply with the grading and filling provisions of Subdivision 803.0 of this ordinance; and

701.4 Required Documentation For Public Roads, Driveways And Parking Areas

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.

702.0 Stairway, Lift And Landing Standards For Topographic Alterations

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:

702.1 Stairway And Lift Design Standards

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;

702.2 Landing And Lift Design Standards

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;

702.3 Canopy Regulation On Stairways, Lifts, Or Landings

Canopies or roofs are not allowed on stairways, lifts, or landings;

702.4 Stairways, Lifts And Landings Placement Standards

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;

702.5 Stairways, Lifts And Landings Visual Standards

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

702.6 Accessibility Standards For Physically Handicapped Persons

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 702.1 to 702.5 and the requirements of Minnesota Rules, Chapter 1341.

703.0 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:

703.1 Water-Oriented Accessory Structure Or Facility Design Standards

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;

703.2 Water-Oriented Accessory Structure Or Facility Design Standards In Bluff Impact Zones

Water-oriented accessory Structures or facilities are not permitted in Bluff Impact Zones.

703.3 Water-Oriented Accessory Structure Or Facility Setback Standards

The setback of the structure or facility from the ordinary high-water level must be at least ten feet;

703.4 Water-Oriented Accessory Structure Or Facilities Not Permitted

The structure is not a boathouse or boat storage structure as defined under Minn. Statutes, Section 103G.245;

703.5 Water-Oriented Accessory Structure Or Facilities Visibility Design Standards

The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

703.6 Water-Oriented Accessory Structure Or Facility Roof Standards

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;

703.7 Water-Oriented Accessory Structure Or Facility Habitable Design Standards

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

703.8 Water-Oriented Accessory Structures Or Facilities Used Solely For Storage Of Watercraft And Boating Related Equipment Design Standards

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

703.9 Water-Oriented Accessory Structure Or Facility Lowest Floor Standards

Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Subdivision 604.3 of this section 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.

SUBDIVISION 800.0 VEGETATION AND LAND ALTERATIONS

801.0 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.

802.0 Vegetation Management

802.1 Removal Or Alteration Of Vegetation Must Comply With The Provisions Of This Subdivision 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 Subdivision 701.0 of this section;

C. Forest management uses consistent with Subdivision 503.0 of this section; and

C. Agricultural uses consistent with Subdivision 502.0 of this section.

802.2 Clearing Of Intensive Vegetation On Shoreland

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.

802.3 Clearing And Trimming Of Trees And Shrubs In The Shoreland And Bluff Impact Zones And On Steep Slopes

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:

A. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

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.

D. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.

802.4 Permitted Removal Of Trees, Limbs, Or Branches

Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

802.5 Fertilizer And Pesticide Runoff Regulation

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

803.0 Grading And Filling

803.1 Grading And Filling Standards

Grading and filling activities must comply with the provisions of this subdivision except for the construction of public roads and parking areas if consistent with Subdivision 701.0 of this section.

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 Subdivision 803.3 of this section must be incorporated into the permit.

B. For all other work, including driveways not part of another permit, a grading and filling permit is required for:

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.

803.2 Permit Requirements

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.

B. For all other work, including driveways not part of another permit, a grading and filling permit is required for:

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.

803.3 Grading, Filling And Excavation Activities Must Meet The Following Standards:

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;

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:

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;

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;

7. Fill or excavated material must not be placed in bluff impact zones;

8. Any alterations below the ordinary high-water level of public waters must first be authorized by the commissioner under Minn. Statutes, Section 103G;

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; and

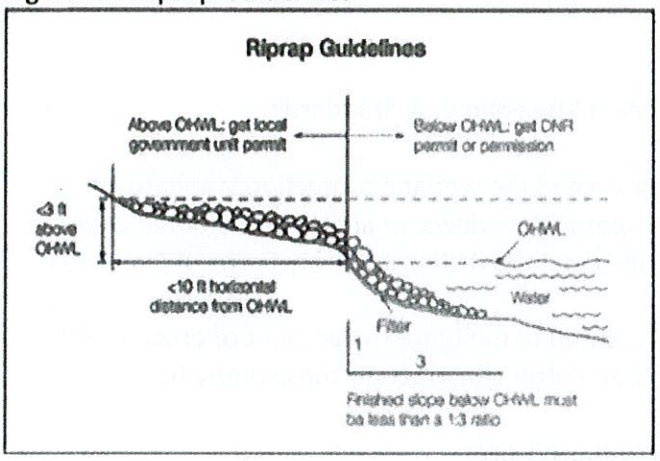
10. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:

i. The finished slop does not exceed three feet horizontal to one-foot vertical

ii. The landward extent of the riprap is within then feet of the ordinary high-water level; and

iii. The height of the riprap above the ordinary high-water level does not exceed three feet (see Figure10).

Figure 10. Riprap Guidelines



803.4 Connections To Public Waters

Excavations to connect boat slips, canals, lagoons, and harbors to public waters require public waters permit and must comply with Minnesota Rules, Chapter 6115.

804.0 Storm Water Management

804.1 General Standards

A. When possible, existing natural drainage ways, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water 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 as soon as possible and appropriate facilities or methods used to retain sediment on the site.

C. When development density, topography, soils, and vegetation are not sufficient to adequately handle storm water 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.

804.2 Specific Standards

A. Impervious surfaces of lots must not exceed 25 percent of the lot area.

B. When constructed facilities are used for storm water 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 Storm water Manual, as applicable.

D. New constructed storm water outfalls to public waters must be consistent with Minnesota Rules, part 6115.0231.

SUBDIVISION 900.0 SUBDIVISION/PLATTING PROVISIONS

901.0 Purpose

To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

902.0 Land Suitability

Each lot created through subdivision, including planned unit developments authorized under Subdivision 1000.0 of this section, 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.

903.0 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.

904.0 Water And Sewer Design Standards

904.1 Potable Water Supply And Sewage Treatment System Regulation

A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot.

904.2 Lot Soil Treatment And Dispersal Standards

Each lot must include at least two soil treatment and dispersal areas that support systems described in Minn. Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

904.3 Regulation For Lots That Require Use Of Holding Tanks

Lots that would require use of holding tanks are prohibited.

905.0 Information Requirements

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.

905.1 Topographic Contours Mapping Requirements

Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;

905.2 Information Requirements For Surface Water Features To Be Shown On Plats

The surface water features required in Minn. Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

905.3 Information Requirements For Adequate Soils To Determine Suitability For Building And Sewage Treatment

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;

905.4 Information requirements for both during and after construction activities regarding its impacts on ecological assets

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 storm water runoff and erosion, both during and after construction activities;

905.5 Information Requirements For Location Of 100-Year Flood Plain Areas

Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

905.6 Information Requirements For Representing The Ordinary High-Water Level

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.

906.0 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 storm water and significant wetlands.

907.0 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 Minn. Statutes, Chapters 394 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.

908.0 Controlled Access Lots

Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 603.3 of this section.

SUBDIVISION 1000.0 PLANNED UNIT DEVELOPMENTS (PUDS)

1001.0 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.

1002.0 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 this Shoreland Ordinance is allowed if the standards in this Section are met.

1003.0 Processing Of PUDs

Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this subdivision 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 Subdivision 1005.0 of this section. Approval cannot occur until all applicable environmental reviews are complete.

1004.0 Application For A PUD

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

1004.1 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

F. 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).

1004.2 Application Requirements For Property Owner's Association Agreement

A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with Subdivision 1006.0 of this section.

1004.3 Application Requirements For Deed Restrictions, Covenants, And Other Instruments

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.

1004.4 Application Requirements For Site Plans

A master plan/site plan describing the project and showing floor plans for all commercial structures.

1004.5 Application Requirements For Additional Documents

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

1005.0 Density Determination

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

1005.1 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	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

1005.2 Step 2. Calculate Suitable Area For Development

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

1005.3 Step 3. Determine Base Density

A. For residential PUDs:

1. 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 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

    i. 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.

    ii. For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

2. Select the appropriate floor area/dwelling site area ratio for the floor area or dwelling site are determined in Subdivision 1005.3 (B) (1).

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – 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
≥ 1,500	.150	.075	.038

3. Multiply the suitable area within each tier determined in Subdivision 1005.2 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.

4. Divide the total floor area or dwelling site area for each tier calculated in Subdivision 1005.3 (B)(3) by the average inside living floor area for dwelling units or dwelling site area determined in 1005.3(B)(1). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

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.

D. All PUDs with densities at or below the base density must meet the design standards in Subdivision 1006.0.

1005.4 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 Subdivision 1005.3 are allowed if the design criteria in Subdivision 1006.0 of this ordinance are satisfied as well as the standards in Subdivision 1005.4 (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.

1006.0 Design Criteria. All PUDs Must Meet The Following Design Criteria

1006.1 General Design Standards

A. All residential planned unit development 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 subdivision 600.5 (A) of this section.

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 subdivisions 604.1, 604.2, and 604.3 in this section.

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 shoreland 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.

Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

G. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivision 703.0 of this section and are centralized.

1006.2 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.

i. For existing residential PUD's, at least 50 percent of the shore impact zone

ii. For new residential PUDs, at least 70 percent of the shore impact zone.

iii. 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 owner's 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.

1006.3 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 owner's 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.

1006.4 Erosion Control And Storm Water Management

A. Erosion control plans must be developed and must be consistent with the provisions of Subdivision 803.0 of this section. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

B. Storm water management facilities must be designed and constructed to manage expected quantities and qualities of storm water 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.

1007.0 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:

1007.2 Correcting Deficiencies As Part Of The Conversion Or As Specified In The Conditions Use Permit

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.

1007.3 Correcting Deficiencies Regarding Shore And Bluff Impact Zones

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.

1007.4 Exemptions For Existing Dwelling Or Dwelling Site Densities

Existing dwelling unit or dwelling site densities that exceed standards in Subdivision 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.

Lincoln County Floodplain Ordinance

Contents

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

1.2 **Purpose**

1.21 This ordinance regulates development in the flood hazard areas of Lincoln County. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.

1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

1.24 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

1.3 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

1.4 **Warning and Disclaimer of Liability.** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of Lincoln County or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

1.5 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 2.0 DEFINITIONS

2.1 **Definitions.** Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

2.112 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

2.113 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.115 Building. See *Structure*.

2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.

2.117 Conditional Use. A land use or development 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.

2.118 Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in *ASCE 24-14, Flood Resistant Design and Construction*, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

2.119 Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

2.120 Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

2.121 FEMA. Federal Emergency Management Agency.

2.122 Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

2.123 Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.

2.124 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.

2.125 Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

2.126 Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

2.127 Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.

2.128 Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

2.129 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

2.130 General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.

2.131 Light Duty Truck. Any motor vehicle that has all three of the following:

A. 8,500 pounds Gross Vehicle Weight Rating or less;

B. vehicle curb weight of 6,000 pounds or less; and

C. basic vehicle frontal area less than 45 square feet.

2.132 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

2.133 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

2.134 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

2.135 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.

2.136 Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

2.137 Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

2.138 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

2.139 Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

2.140 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

2.141 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.142 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 10.22, shall also be considered a structure for the purposes of this ordinance.

2.143 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

2.144 Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.145 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

2.146 Variance. "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 394.27, Subd. 7.

2.147 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

SECTION 3.0 JURISDICTION AND DISTRICTS

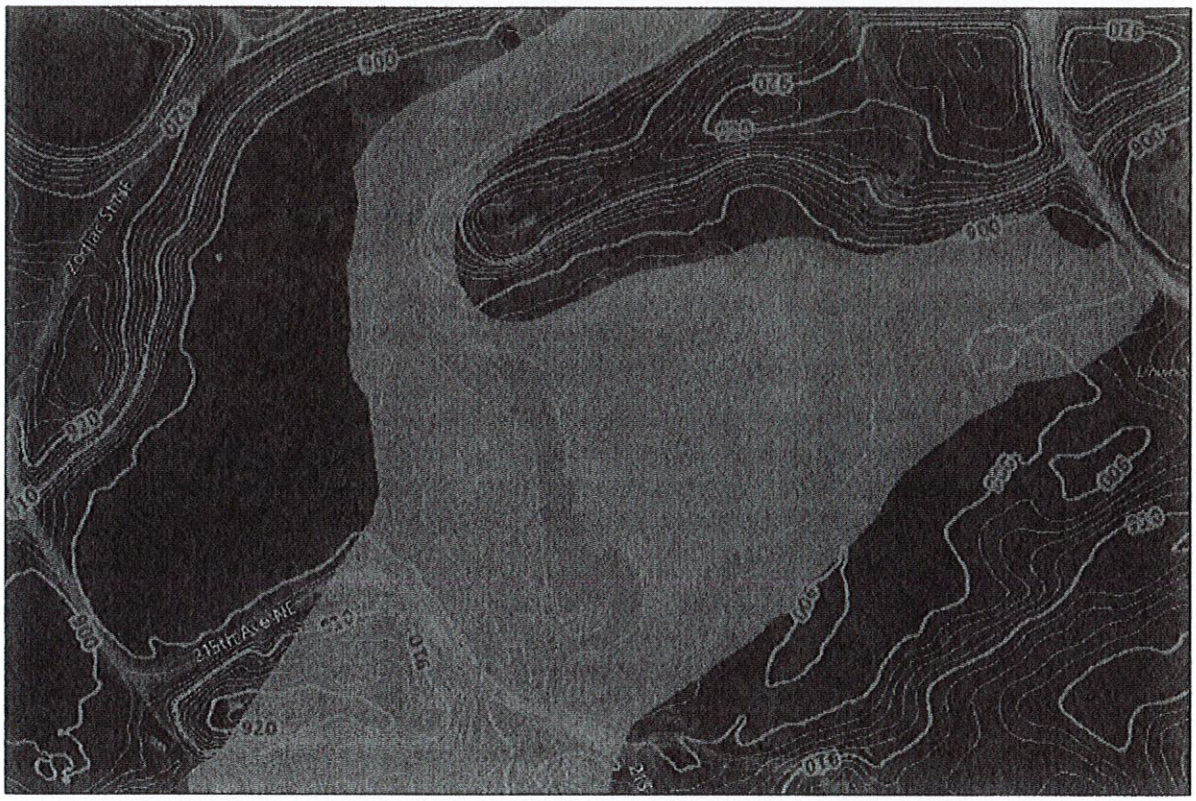
3.1 **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the ***[community]*** within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

3.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

3.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.

3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the ***[Planning Commission/Board of Adjustment]*** and to submit technical evidence.



3.2 **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Rate Map Index and the Flood Insurance Study for Lincoln County, Minnesota, and Incorporated Areas, both dated September 7, 2023 and prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the County Auditor 319 North Rebecca Street, Ivanhoe, Minnesota 56142 (507) 694-1529 or at the Lincoln County Environmental Office, Lincoln County Highway Department, Ivanhoe, MN 56142 (507) 694-1344.

3.3 **Districts**

3.31 Floodway District. Those areas within Zones A areas as shown on the Flood Insurance Rate Maps adopted in Section 3.2, which are determined to be located in the floodway based on the delineation methods outlined in Section 7.4.

3.32 Flood Fringe District. Those areas within Zones A areas as shown on the Flood Insurance Rate Maps adopted in Section 3.2, which are determined to be located in the flood fringe based on the delineation methods outlined in Section 7.4.

3.33 General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

3.5 **Municipal Boundary Adjustments & Townships.** The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Item 3.52 below or as laid out in some form of administrative agreement.

3.52 Townships wishing to adopt official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. In the event that a township surrenders zoning authority, the county shall resume that authority.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

4.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.13.

4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.

4.13 The change or expansion of a nonconforming use.

4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

4.15 The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.

4.16 The storage of materials or equipment, in conformance with Section 4.32.

4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high-water level is also to be disturbed.

4.18 Any other type of "development," as defined in Section 2.0 of this ordinance.

4.2 **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

4.3 **Minimum Development Standards**

4.31 All development must:

A. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. Be constructed with materials and equipment resistant to flood damage;

C. Be constructed by methods and practices that minimize flood damage;

D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

E. Be reasonably safe from flooding and consistent with the need to minimize flood damage;

F. Be assured to provide adequate drainage to reduce exposure to flood hazards;

G. Not be detrimental to uses in adjoining areas; and

H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

4.32 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

4.33 Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	6.21.A, via 6.23.D(2)
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.B, via 6.23.D(3)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(1)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.C, via 6.23.D(4)
Residential – on fill	Not allowed	Allowed with Permit	6.21.A
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	6.22.B, via 6.41
Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Not allowed	N/A
Non-Residential – on fill	Not allowed	Allowed with Permit	6.21.A, via 6.22.A
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	6.22.B
Non-Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Allowed with Permit	6.22.C

**Note - many of these standards are cross-referenced to avoid duplication*

SECTION 5.0 FLOODWAY DISTRICT

5.1 **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:

5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

5.12 Roads, railroads, trails, bridges, and culverts.

5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.

5.14 Grading, filling, land alterations, and shoreline stabilization projects.

5.15 No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.11 and 5.31, which require a CUP under Section 5.32.

5.16 Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.

5.2 **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 4.0:

5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a "no-rise certification."

5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11.15 and 14.0.

5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 14.0.

5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.

5.25 Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

5.26 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

5.3 **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:

5.31 Commercial extractive uses, and storage and stockpiling yards.

5.32 Structures accessory to uses detailed in Sections 5.11 and 5.31.

5.4 **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:

5.41 Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by Lincoln County.

5.42 Accessory Structures. Structures accessory to the uses detailed in Sections 5.11 and 5.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 6.23 of this ordinance.

SECTION 6.0 FLOOD FRINGE DISTRICT

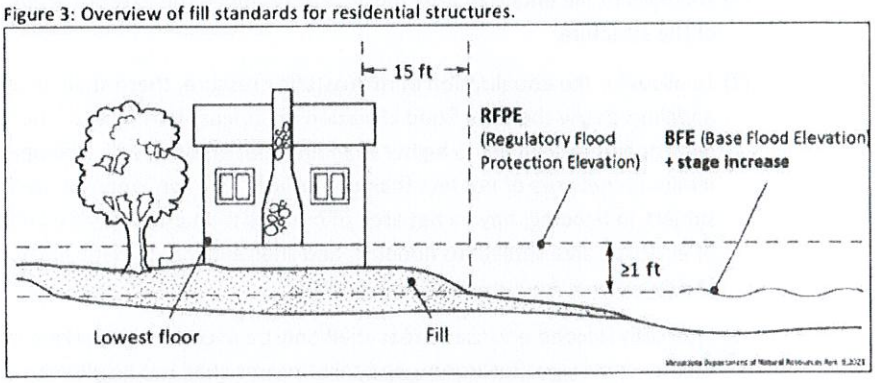
6.1 **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2.

6.2 **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 4.0:

6.21 Residential Structures.

A. Elevation on Fill. All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance (Figure 3).

Figure 3: Overview of fill standards for residential structures.



6.22 Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:

A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.

B. Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 4), filled stem walls (Figure 5), or internally-flooded enclosed areas (Figure 6) such as crawl spaces, attached garages, or tuck under garages.

Figure 4: Blocks or pilings.

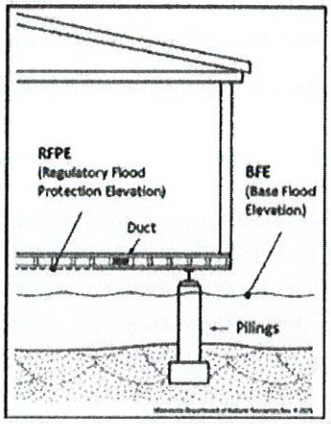


Figure 5: Filled stem walls.

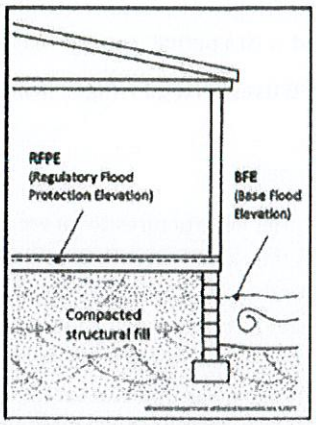
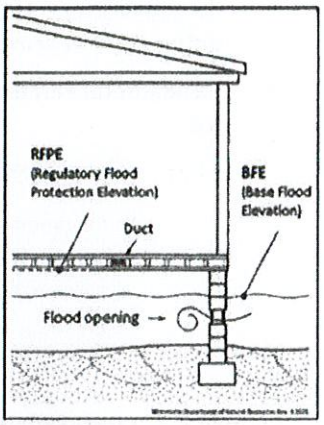


Figure 6: Internally flooded enclosed area.



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

(1) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.

(2) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(3) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. Such areas shall be subject to a deed-restricted non-conversion agreement as well as periodic inspections with the issuance of any permit.

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

(1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);

(2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and

(3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

6.23 Accessory Structures. All accessory structures must meet the following standards:

A. Structures shall not be designed or used for human habitation.

B. Structures will have a low flood damage potential.

C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.

D. Structures with two or more rigid walls, must meet one of the following construction methods:

(1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

(2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.

(3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), meeting the standards in Section 6.22.B of this ordinance.

(4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

6.24 Fill. The cumulative placement of fill or other materials for any purpose, up to 1,000 cubic yards, is permitted. Additional fill over 1,000 cubic yards is only permitted if the fill is specifically intended to elevate a structure in accordance with Section 6.21 or 6.22.A of this ordinance, or for a transportation project in accordance with Section 9.1. Fill over 1,000 cubic yards for purposes other than these purposes requires a conditional use permit as provided in Section 6.32. Materials must be protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

6.25 All new principal structures must provide for vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the *[community]*.

6.26 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to Lincoln County that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

6.27 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:

6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.

6.32 Fill. The cumulative placement of more than 1,000 cubic yards of fill or other materials, when the fill is not being used to elevate a structure or for a transportation project.

6.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 4.0, 6.2 and 11.2:

6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards for nonresidential structures in Section 6.22.A or B of this ordinance.

6.42 The placement of more than 1,000 cubic yards of fill or other materials (other than for the purpose of elevating a structure or for a transportation project) must comply with a site development and restoration plan approved by the Zoning Administrator. The plan must detail the anticipated topographic alterations and identify actions to be taken to mitigate environmental impacts, particularly erosion.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT

7.1 Permitted Uses

7.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:

A. If the development is determined to be in the Floodway District, Section 5.0 applies.

B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

7.2 Standards for Determining Flood Elevations

7.21 All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).

7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

7.3 Encroachment Analysis

7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

7.4 Standards for the Analysis of Floodway Boundaries

7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous

encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and

B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:

A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

B. For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):

(1) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:

(a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 7.42, item A; and

(b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.

SECTION 8.0 SUBDIVISION STANDARDS

8.1 **Subdivisions.** All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

8.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

8.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on Lincoln County.

8.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by Lincoln County.

8.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

SECTION 9.0 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITES

9.1 **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

9.2 **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

9.3 **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

10.1 **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

10.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

10.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.

10.2 **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

10.21 Meet the requirements for manufactured homes in Section 10.1, or

10.22 Be travel ready, meeting the following criteria:

A. The vehicle must be fully licensed.

B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

C. No permanent structural type additions may be attached to the vehicle.

D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.

SECTION 11.0 ADMINISTRATION

11.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

11.11 Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.

B. Location and detail of grading, fill, or storage of materials.

C. Copies of any required local, state or federal permits or approvals.

D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

11.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

A. All certifications for dry floodproofing and alternative elevation methods, where applicable.

B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.

C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

D. Substantial damage and substantial improvement determinations, as detailed in Section 12.13, including the cost of improvements, repairs, and market value.

E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

11.13 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

11.14 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

11.15 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the ***[community]*** must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

11.2 **Conditional Uses and Variances**

11.21 Process.

A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.

B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 394.27, Subd. 7 and this ordinance.

11.22 Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

11.23 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances from the provisions of this chapter may only be issued by a community upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

C. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

11.24 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance in writing that:

A. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and

B. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

11.25 Considerations for Approval. Lincoln County must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, including the following:

A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept onto other lands or downstream to the injury of others.

C. The safety of access to the property in times of flood for ordinary and emergency vehicles.

11.26 Conditions of Approval. Lincoln County may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

A. Limitations on period of use, occupancy, and operation.

B. Imposition of operational controls, sureties, and deed restrictions.

C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

D. Other conditions as deemed appropriate by the Zoning Administrator and *[Planning Commission/County Board]*.

11.3 **Notifications to the Department of Natural Resources**

11.31 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

11.32 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 12.0 NONCONFORMITIES

12.1 **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

12.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), expansion or enlargement of uses or structures is prohibited.

12.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

12.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 12.2, it may not be reconstructed except in conformity with the provisions of this ordinance.

12.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

12.2 **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

12.21 Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.