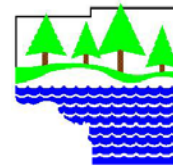


Shoreland Handout (Updated 2016.11.04)

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Section 5.9 Shoreland Alterations Regulated

Shoreland alterations of vegetation and topography shall be regulated and minimized to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, including historic sites and archaeological sites, prevent bank slumping and protect fish and wildlife habitat.

5.9.1 Vegetation alterations

A. Exemption. Vegetation alteration necessary for the construction of permitted structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 5.9.3 of the Zoning Ordinance are exempt from the vegetation alteration standards that follow.

B. Standards. Removal or alteration of vegetation shall be subject to the following standards:

- 1. A shoreline buffer shall exist in the shore impact zone, consisting of trees, shrubs, and low ground cover of native plants and understory consistent with natural cover of shorelines in the area. Buffer depth from the OHWL shall be as follows:

Buffer Depth by Public Waters Classification	Feet
General Development	10
Recreational Development	15
Natural Environment	50
Phosphorus Sensitive	50
Agricultural, Urban and Tributary River Segments	50
Forested and Transition River Segments	50
Remote River Segments	50

- 2. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use outside of the shore and bluff impact zones is allowable as Conditional Use if an erosion control and sedimentation plan is developed and approved by the Itasca County SWCD; and
- 3. Vegetation clearing and removal of native ground cover, plants, and leaf matter within the shore and bluff impact zones and on steep slopes shall not be allowed, except the following:
 - a. Limited clearing of trees and brush and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways, landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities shall be allowed. An access path shall not exceed a cleared width of 12 feet. Only one shoreline recreation use area shall be allowed on each residential parcel and it shall not exceed 15 feet in depth by the width set forth in following table:

Public Water Classification	Maximum Width in Feet Parallel to Shore
General Development	30
Recreational Development	30
Natural Environment	20
Phosphorus Sensitive	20
Agricultural, Urban, and Tributary	30
Forested and Transition	20
Remote	10

- b. Vegetation within the shore impact zone shall be maintained to screen structures with trees and shrubs so that the structures are at most 50 percent visible from public waters during summer, leaf-on conditions. The maximum view corridor shall be less than 50 feet or one-third of the parcel width, whichever is less;
- c. Along rivers, existing shading of water surfaces is preserved; and
- d. The above provisions are not applicable to the removal of trees, limbs, or branches that pose safety hazards.

5.9.2 Shoreland Alterations and Permits.

- A. **Separate permit not required.** Alterations and excavations necessary for the construction of structures, sewage treatment systems and driveways under validly issued Zoning Permits for these facilities do not require the issuance of a separate Shoreland Alteration Permit. However, the shoreland alteration standards in Section 5.9.2 must be incorporated into the issuance of permits for construction of structures, sewage treatment system and driveways.
- B. **View corridor.** In a shore impact zones and bluff impact zones, limited clearing is permitted for a view corridor with up to a maximum width opening of 50 feet. Beyond the shore and bluff impact zones only limited clearing is allowed. Within the structure setbacks, bluff impact zones and on steep slopes, alterations of vegetation and soil movement shall be kept to a minimum and shall be consistent with the Field Office Technical Guide of the Natural Resource Conservation Service.
- C. **Activities requiring a permit.** A Shoreland Alteration Permit shall be required for the following activities:
 - 1. The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones;
 - 2. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones; and
 - 3. Within the shore and bluff impact zones, a Shoreland Alteration Permit shall also be required for all of the following and shall be done in accordance with listed restrictions:
 - i. Lake access road - constructed to avoid a straight sight line and a maximum width of 12 feet.
 - ii. Ice ridge removal - maximum width at the bottom of the opening shall be 12 feet and the maximum width at the top of the opening shall be 25 feet.
 - iii. Beach sand blanket - maximum size of 30 feet along the shoreline by 15 feet back from the OHWL and shall be located within the view corridor. The sand must be clean with no organic materials. The natural slope must be less than five percent and the sand blanket application must be constructed in a way that will prevent erosion
 - iv. Landscaping retaining walls - maximum height of two feet except as determined by the Zoning Official but not to exceed four feet. To the extent possible, a landscaping retaining wall should be designed to display natural aesthetics. Retaining walls for the

purpose of shore protection are allowed only if a permit is obtained from the Minnesota DNR.

- v. Riprap - shall be allowed for erosion control. Additional permit(s) may also be required from the Minnesota DNR. To the extent possible, riprap should be designed to display natural aesthetics.

D. Standards. The following considerations and conditions must be adhered to during the issuance of land use permits, Shoreland Alteration Permits, Conditional Use Permits, variances and subdivision approvals:

1. Grading or filling in any type 2, 3, 4, 5, 6, 7 or 8 wetland, as defined in Minnesota DNR rules, must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - iii. Sediment and pollutant trapping and retention
 - iv. Storage of surface runoff to prevent or reduce flood damage
 - v. Fish and wildlife habitat
 - vi. Recreational use
 - vii. Shoreline or bank stabilization
 - viii. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals or others;
Evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews or approvals by other local, State or Federal agencies such as a watershed district, the Minnesota DNR or the U.S. Army Corps of Engineers.
2. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
3. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
4. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
5. Altered areas must be stabilized to acceptable erosion control standards consistent with the Field Office Technical Guide of the Natural Resource Conservation Service.
6. Fill or excavated material must not be placed in a manner that creates an unstable slope.
7. 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.
8. Fill or excavated material must not be placed in bluff impact zones.
9. Any alterations below the OHWL of public waters must first be authorized by the Commissioner of the Department of Natural Resources under Minnesota Statutes, Section 103G.245.
10. Alterations of topography may only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

E. Shoreland Alteration Permit process.

1. Authority. A Shoreland Alteration Permit shall be issued upon the order of the Itasca County Zoning Official.
2. Application and fee. Application for a permit shall be accompanied by the necessary fee, shall be on a form prescribed by the Zoning Official, and shall include the data required by the form.
3. Inspection required prior to issuance of permit. No alteration or excavation shall be undertaken prior to the issuance of the permit. Prior to issuance of the permit, consideration shall be given to how extensively the proposed activities would affect the functional qualities of any wetland. The permit shall require that the alteration or excavation be conducted in compliance with the restrictions and requirements listed in the permit.
4. Special restrictions may apply. The issuing officer may establish special restrictions, which in the administrative judgment of the issuing officer are necessary under the circumstances to govern the alteration/excavation activity. The issuing officer may require that the applicant obtain a soil erosion control plan approved by the Itasca County SWCD. The special restrictions shall be set forth in the permit and shall be binding upon the permit holder.
5. Appeal. The permit holder may appeal the decision of the issuing officer to impose special restrictions by filing a Notice of Appeal with the Itasca County Board of Adjustment.

F. Order for Restoration process.

1. Authority. Shoreland alterations or excavation that violate the terms of a Shoreland Alteration Permit issued under Section 5.9.2 shall be subject to an Order for Restoration. An Order for Restoration shall be issued at the direction of the Itasca County Zoning Official in cooperation with the MnDNR and the Itasca County SWCD.
2. Application and fee. Application for an Order for Restoration shall be accompanied by the appropriate fee and shall be on a form prescribed by the Zoning Official. The landowner receiving an order for restoration shall pay the established fee.
3. Inspection required prior to issuance of permit. Prior to issuance of an Order for Restoration, the issuing officer shall give consideration as to how extensively the proposed Order for Restoration would affect the functional qualities of the wetland. The issuing officer shall determine whether restoration in full or in part is necessary under the circumstances to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values and archaeological sites, prevent bank jumping, and protect fish and wildlife habitat. The Order for Restoration shall set forth the corrective actions mandated together with special restrictions.
4. Special restrictions may apply. The issuing officer may establish special restrictions, which include emergency erosion and soils stabilization controls and deadlines, which in the administrative judgment of the issuing officer are necessary under the circumstances to govern the corrective action. The special restrictions shall be set forth in the Order for Restoration and shall bind person(s) subject to said Order.

5. Appeal. Filing a Notice of Appeal with the Itasca County Board of Adjustment thereof shall make appeal of an Order for Restoration or of any of the special restrictions.

5.9.3 Placement and design of roads, driveways, and parking areas.

- A. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters.
- B. A qualified individual must provide documentation that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the Field Office Technical Guide of the Natural Resource Conservation Service.
- C. Roads, driveways, and parking areas must meet structure setbacks and 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.
- D. Public and private watercraft access ramps, approach roads and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of Section 5.9.1 are met. For private facilities, the grading and filling provisions of Section 5.9.2 must be met.

5.9.4 Soil erosion plan and stormwater management required. When applying for a Subdivision or Conservation Development within a Shoreland Overlay Zoning District, an erosion control and stormwater management shall be designed using the best management practices found in Chapter 12 of the Pollution Control Agency's Minnesota Stormwater Manual. It shall be the responsibility of the applicant to provide such plan. With the application, the applicant shall submit a detailed site and grading plan, which is drawn to scale, showing the proposed project site and surrounding area, showing all relevant topography and elevations of the area to be excavated or filled, and any other information the Zoning Official may require. Construction activity that results in the disturbance of one or more acres will require a stormwater permit from the Minnesota Pollution Control Agency.

5.9.5 Alteration to bed of public waters. Any alteration to the bed of public waters, including construction of marinas, channels, ditches, or lagoons; dredging of bottom, muck, or weeds; or filling in a lake or river bed, including marshlands; and installation of permanent docks and other projections, shall require a permit from the Commissioner of the Department of Natural Resources.

Section 5.10 Shore Access Stairways, Lifts, and Landings

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- 5.10.1 Width. Stairways and lifts must not exceed four feet in width on residential parcels. Wider stairways may be used for commercial properties, public open-space recreational properties, Conservation Developments, and Resorts;

- 5.10.2 Landings. Landings for stairways and lifts on residential parcels must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, Conservation Developments, and Resorts;
- 5.10.3 Canopies or roofs. Canopies or roofs are not allowed on stairways, lifts, or landings;
- 5.10.4 Construction. Stairways, lifts, and landings may be constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
- 5.10.5 Location. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of parcels, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- 5.10.6 Handicapped. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Section 5.10 are complied with in addition to the requirements of Minn. Rules, Chapt. 1341.

Section 5.15 Site Suitability Checklist

Applicants for Conditional Use Permits and requests for rezoning, Resort conversions, and Conservation Developments for Shoreland Overlay Zoning Districts shall complete a Site Suitability Checklist and provide all information requested on the checklist before an application is deemed complete and reviewable by the Planning Commission, if at the time the application is filed the Environmental Services Administrator determines completion of this Site Suitability Checklist will aid the review process or at the request of a concerned citizen. See Index A for Site Suitability Checklist form.