

CHAPTER 14 Shoreland Overlay District "SH"

SECTION 14.1 STATUTORY AUTHORIZATION

The provisions of this section are adopted pursuant to Minnesota Statutes, Chapters 103F and 394, and Minnesota Regulations, Parts 6120.2500 - 6120.3900.

SECTION 14.2 GENERAL PROVISIONS

14.2.1 LAND TO WHICH THIS CHAPTER APPLIES

This section shall apply to all land designated as shoreland area within the jurisdiction of Dodge County. This minimum area includes lands three hundred (300) feet landward from the ordinary high water level of all protected watercourses and 1,000 feet landward from the ordinary high water level of all protected water basins as identified on the Protected Waters and Wetlands Map and listed in Chapter 7 of this Ordinance.

14.2.2 COMPLIANCE

The use of any shoreland, the size and shape of lots, the building of new, the alteration of existing structures, the installation and maintenance of water supply or waste treatment systems shall be in full compliance with the terms of this Ordinance and other applicable regulations.

14.2.3. INTERPRETATION

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

SECTION 14.3 PERMITTED USES

14.3.1. In the Agricultural District (A) and the Urban Expansion District (X), the following uses are permitted:

- A. One farm residence and general farm buildings;
- B. Field crops, horticulture, nurseries, greenhouses, and tree farms;
- C. Dairying, livestock raising, and apiaries; with the exception of feedlots;
- D. wildlife preserves, forest, and wetland management areas;

- E. home occupations operated out of the principal dwelling, subject to the performance standards in section 1610;
- F. Minor Essential Services, subject to Section 1711
- G. accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

14.3.2 In the Rural Residential District (R), the following uses are permitted:

- A. single family dwellings;
- B. limited agriculture, including livestock not to exceed one (1) animal unit per acre to a maximum of 10 animal units;
- C. parks and recreation areas owned and operated by a government agency;
- D. home occupations operated out of the principal dwelling and subject to section 1610;
- E. day care facility for a maximum of twelve (12) children in a single family residence and which meets the licensing requirements of the State of Minnesota;
- F. Minor Essential Services, subject to Section 1711
- G. accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

14.3.3 In the Commercial District (C) and the Industrial District (I),

- A. Minor Essential Services, subject to Section 1711

SECTION 14.4 CONDITIONAL USES

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

14.4.1 In the Agricultural District (A) and the Urban Expansion District (X), the following uses are allowed through the issuance of a conditional use

permit:

- A. one (1) additional farm dwelling meeting the standards referenced in Section 8.
- B. grain and feed sales;
- C. Major Essential Services

14.4.2 In the Rural Residential District (R), the following uses are allowed through the issuance of a conditional use permit:

- A. day care facility for thirteen (13) to sixteen (16) or more children and which meets the licensing requirements of the State of Minnesota;
- B. golf courses, golf clubhouses and golf course accessory buildings;
- C. residential planned unit developments which are intended to be allowed only in those unincorporated villages of the County listed below and subject to the standards specified in section 1624:

- ◆Berne
- ◆Concord

- ◆Oslo
- ◆Wasioja

- D. Major Essential Services

14.4.3 In the Commercial District (C), the following uses are allowed through the issuance of a conditional use permit:

- A. agricultural product processing and packaging, with the exception of any agricultural derived product that could be explosive in nature such as ethanol, methanol, or alcohol;
- B. commercial greenhouses;
- C. lumber yards, landscaping materials sales, or sales of other types of construction materials;
- D. veterinary hospitals or clinics, but not including kennels (see definition);
- E. retail sales including dry goods store, furniture stores, off-sale liquor stores, hardware, or other business activity of the same general type;
- F. convenience stores with or without fuel sales, but with no on-site vehicle repair or maintenance services;

- G. cabinet or carpenter shops;
- H. governmental buildings;
- I. Major Essential Services
- J. taverns, bars, restaurants, cafes, and other on-site food and beverage service oriented businesses;
- K. kennels;
- L. other business activity of the same general character as determined by the Planning Commission and the County Board;
- M. accessory structures and uses customarily incidental to any of the above permitted uses when located on the same property.

14.4.4 In the Industrial District (I), the following uses are allowed through the issuance of a conditional use permit:

- A. cartage and express facilities;
- B. monument works;
- C. Major Essential Services

SECTION 14.5 INTERIM USES

See the primary zoning districts for a list of interim uses allowed within the Shoreland Overlay District.

SECTION 14.6 PERFORMANCE STANDARDS

14.6.1 Lot Area Requirements

- A. Lot area required shall be a minimum of three (3) acres, exclusive of road right-of-way;
- B. An increase in the minimum lot size shall be required if it is determined that additional area is needed to meet the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor, environmental quality regulations, or any other applicable regulations of the County.

14.6.2 Lot Width Requirements

- A. Every lot shall have a minimum lot width at the building setback line as measured from the ordinary high water level, of 150 feet.

14.6.3 Height Requirements

- A. Refer to the underlying district for applicable standards.

14.6.4 Front, Side, and Rear Yard Setbacks

- A. Refer to the underlying district for applicable standards.
- B. Setbacks from the Ordinary High Water Level

<u>Classes of Public Waters</u>	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	<u>Sewage Treatment System</u>
Lakes			
Natural Environment	150	150	150

<u>Classes of Public Waters</u>	<u>Structures - Unsewered</u>	<u>Structures - Sewered</u>	<u>Sewage Treatment System</u>
Rivers			
Agricultural and Tributary	100	50	75

- C. additional setback standards (in feet)

<u>Setback From</u>	<u>Setback</u>
I. Top of bluff	30 ft
II. Unplatted cemetery-	50 ft
III. Road right-of-way	50 ft
IV. Ordinary high water level	
1. For one (1) Water Oriented Accessory Structure	10 ft
2. New Animal Feedlots	300 ft

14.6.5 Placement of Structures on Lots

- A. When more than one (1) setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures

exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

- B. Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- C. Uses Without Water Oriented Needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

14.6.6 Design Criteria for Structures

- A. High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site (see Chapter 15 - Flood Plain Regulations).
 - I. Water oriented accessory structures may have the lowest floor placed lower than the elevation determined by the flood plain regulations if the structure is constructed of flood resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind driven waves and debris.
- B. Water Oriented Accessory Structures. Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in this Section if this water oriented accessory structure complies with the following provisions:
 - I. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight (8) feet above grade at any point;
 - II. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
 - III. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming

summer, leaf-on conditions;

- IV. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
 - V. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- C. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- I. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - II. Landings for stairways and lifts on residential lots must not exceed thirty two (32) square feet in area. Landings larger than thirty two (32) square feet may be used for commercial properties, public open space recreational properties;
 - III. Canopies or roofs are not allowed on stairways, lifts, or landings;
 - IV. 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;
 - V. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (i) to (iv) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340; and
 - VI. 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.
- D. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless

adequate information about the site has been removed and documented in a public repository.

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

14.6.7 Additional Special Provisions

- A. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
 - I. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
 - II. If docking, mooring, or over water storage of more than six (6) 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 the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Controlled Access Lot Frontage Requirements

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

- III. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- IV. Covenants or other equally effective legal instruments must be

developed that specify which owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking 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.

SECTION 14.7 SHORELAND ALTERATIONS

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

14.7.1 Vegetation Alterations

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas as regulated elsewhere in this Ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 14.10 is allowed subject to the following standards:
 - I. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowed as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - II. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of

stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:

- * The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- * Along rivers, existing shading of water surfaces is preserved; and
- * The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

III. Use of fertilizer and pesticides in the shoreland management district must be done in such a way as to minimize runoff into the shore impact zone or public water by the use of earth, vegetation, or both.

14.7.2 Topographic Alterations/Grading and Filling

For information on topographic alterations/grading and filling within the Shoreland District, see Shoreland Alteration Permits under Chapter 18.

SECTION 14.8 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS AND PARKING AREAS

14.8.1 Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas 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.

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

14.8.3 Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart

are met. For private facilities, the grading and filling provisions of Section 14.7 of this Ordinance must be met.

SECTION 14.9 STORMWATER MANAGEMENT

The following general and specific standards shall apply:

14.9.1 General Standards

- A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

14.9.2 Specific Standards

- A. Impervious surface coverage of lots must not exceed twenty five percent (25%) of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

SECTION 14.10 SPECIAL PROVISIONS FOR COMMERCIAL, INDUSTRIAL, PUBLIC OR SEMIPUBLIC, AGRICULTURAL, FORESTRY AND EXTRACTIVE USES AND MINING OF METALLIC MINERAL AND PEAT

14.10.1 Standards for Commercial, Industrial, Public and Semipublic Uses

- A. Surface water oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards:
- I. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - II. Uses that require short term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - III. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - * No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county Zoning Administrator.
 - * Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty two (32) square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
 - * Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or

otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

- B. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

14.10.2 Agriculture Use Standards

- A. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
- B. Animal feedlots, in addition to being required to meet all standards in Minnesota Rules, Chapter 7020, must meet the following standards:
 - I. New animal feedlots are a prohibited use in any shoreland or flood plain area of Dodge County. No new animal feedlots are allowed to locate within any bluff impact zone.
 - II. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
 - III. In addition, refer to Section 1619 for the standards regarding manure management.

14.10.3 Forest Management Standards

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

14.10.4 Extractive Use Standards

- A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities ends.
- B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

14.10.5 Mining of Metallic Minerals and Peat

Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51 shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.

SECTION 14.11 WATER SUPPLY AND SEWAGE TREATMENT

14.11.1 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.

Private wells must be located, constructed, maintained, and sealed in accordance with or more restrictive than the water well construction code of the Minnesota Department of Health.

14.11.2 Sewage Treatment

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

- A. Publicly owned sewer systems must be used where available.
- B. All private sewage treatment systems must meet or exceed the standards contained in the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor.

- C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 14.6 of this Ordinance.
- D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub-items (I) through (IV). If the determination of a site's suitability cannot be made with publicly available information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation Criteria:

- I. Depth to the highest known or calculated ground water table or bedrock;
 - II. Soil conditions, properties, and permeability;
 - III. Slope; and
 - IV. The existence of low lands, local surface depressions, and rock outcrops.
- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 14.12 of this Chapter.

SECTION 14.12 NONCONFORMITIES IN THE SHORELAND OVERLAY DISTRICT

A structure or the use of a structure or premises which was lawful before the adoption of this Ordinance or amendments thereto that is not currently in conformity with the provisions of this Chapter may be continued subject to the provisions of this Section and of Chapter 6 and Section 15.9 of this Ordinance.

The Shoreland Overlay District shall be superimposed on all other Primary and Overlay Zoning Districts. The standards and processes imposed for nonconformities in the Shoreland Overlay District shall be in addition to the standards and administration process for nonconformities identified in Chapter 6 (Nonconformities) and Section 15.9 (Nonconformities in the Floodplain Overlay District) of this Ordinance. In the event the standards or processes of this Section conflict with the standards or processes of Chapter 6 or Section 15.9, the more restrictive shall apply.

14.12.1 NONCONFORMING USES

Existing Animal Feedlots located within the Shoreland Overlay District shall be managed in accordance with the primary zoning district, Minnesota Rules

Chapter 7020 and Minnesota Statutes, section 116.0711; or successor statutes.

All other nonconforming uses shall be administered in accordance with the provisions of Chapter 6 of this Ordinance.

14.12.2 NONCONFORMING STRUCTURES

- A. **SUBSTANTIAL DAMAGE ON NONCONFORMING STRUCTURES WITH LESS THAN 50% REQUIRED SETBACK.** When a nonconforming structure in the Shoreland Overlay District with less than fifty percent (50%) of the required setback from the water is destroyed by fire or other peril to greater than fifty percent (50%) of its estimated market value, as indicated in the records of the Dodge County Assessor's Office at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body

14.12.3 LOTS OF RECORD THE SHORELAND OVERLAY DISTRICT

- A. **CRITERIA FOR LOT SIZE VARIANCE EXEMPTION.** Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 14.6 this Chapter may be allowed as building sites without variances from lot size requirements provided:
- I. All structure and sewage treatment setback distance requirements can be met;
 - II. A Type 1 sewage treatment system consistent with the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor, can be met or the lot is connected to a public sewer; and
 - III. The impervious surface coverage does not exceed twenty-five percent (25%) of the lot.
- B. **CONTIGUOUS LOTS OF RECORD UNDER COMMON OWNERSHIP.** In a group of two or more contiguous Lots of Record under common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
- I. The lot must be at least sixty-six percent (66%) of the dimensional standard for lot width and lot size for the Shoreland classification consistent with MN Rules chapter 6120;

- II. The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent within the Dodge County Subsurface Sewage Treatment System Ordinance No. 4, or successor;
- III. The impervious surface coverage must not exceed twenty-five percent (25%) of each lot; and
- IV. Development of the lot must be consistent with the Dodge County Comprehensive Land Use Plan.

A lot subject to, but not meeting the requirements of Section 14.12.3.B must be combined with one or more contiguous lots so they equal one or more conforming lots to the extent possible.

- C. Notwithstanding Section 14.12.3.B, contiguous nonconforming Lots of Record in the Shoreland Overlay District under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for , or served by, a sewage treatment system consistent with the requirement of the Dodge County Subsurface Sewage Treatment System Ordinance, No. 4, or successor, or connected to a public sewer.
- D. In evaluating all land use approvals for nonconformities within the Shoreland Overlay District, the Department shall require the applicant to address when appropriate:
 - I. Storm water runoff management,
 - II. Reducing impervious surfaces,
 - III. Increasing setback,
 - IV. Restoration of wetlands,
 - V. Vegetative buffers,
 - VI. Sewage treatment capability
 - VII. Water supply capability, and
 - VIII. Other conservation-designed actions

- E. A portion of a conforming lot may be separated from an existing parcel as long as:
 - I. The remainder of the existing parcel meets the lot size requirements of the zoning district for new lots;
 - II. Meets the sewage treatment system requirements for a new lot; and
 - III. The newly crated parcel is combined with an adjacent parcel

14.12.4 NONCONFORMING SEWAGE TREATMENT SYSTEMS

- A. A sewage treatment system not meeting the requirements of Section 14.11.2 of this Chapter must be upgraded, at a minimum, any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered non-conforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- B. The governing body of Dodge County has by formal resolution notified the Commissioner of its program to identify non-conforming sewage treatment systems, which are located in the shoreland area. The withholding of zoning permit, variance, or rezoning applications will be done until an evaluation is conducted on an applicant's existing sewage treatment system. If a determination is made that the treatment system is nonconforming, the property owner will be required to bring said system into compliance within one (1) year or, if the ground is frozen and no evaluation can be done and no records exist for the particular system, the applicant will be required to establish an escrow account at a financial institution of his choosing at a dollar amount determined by the administrator of the Dodge County Subsurface Sewage Treatment Ordinance No. 4, or successor. After the property owner brings the sewage treatment system into compliance or establishes the escrow account, the County will undertake review of and consider the application for a zoning permit, variance, or rezoning.
- C. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 105.485, in effect at the time of installation, may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area

separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered non-conforming.

SECITON 14.13 SUBDIVISION/PLATTING PROVISIONS

14.13.1 Land Suitability

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

14.13.2 Consistency with Other Controls

Subdivisions must conform to all official controls of this county. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with the Dodge County Subsurface Sewage Treatment Ordinance, No. 4, or successor. Each lot shall meet the minimum lot size and dimensional requirements of Section 14.6, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two (2) standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

14.13.3 Information Requirements

Sufficient information must be submitted by the applicant for the county to make a determination of land suitability. The information shall include at least the following:

- A. Topographic contours at ten (10) foot intervals or less from United States Geological Survey Maps or more accurate sources, showing limiting site characteristics;
- B. The surface water features required in Minnesota Statutes, Section 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

- C. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- D. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater run-off and erosion, both during and after construction activities;
- E. Location of 100 year flood plain areas and floodway districts from existing adopted maps or data; and
- F. 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.

14.13.4 Dedications

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

14.13.5 Platting

All subdivisions that create four (4) or more lots or parcels shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

14.13.6 Controlled Access or Recreational Lots

Lots intended as controlled accesses to public waters or for recreational use areas for use by non-riparian lots within a subdivision must meet or exceed the sizing criteria in Section 14.6 of this Ordinance.