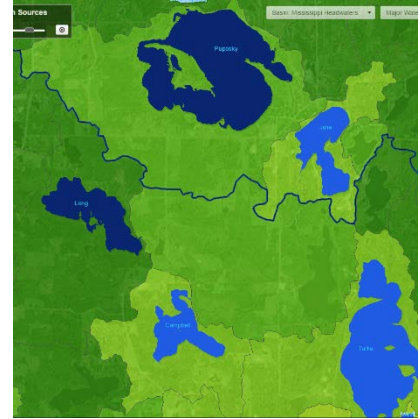


Shoreland District Size and Waterbody Classifications

Innovative Standards

Part of a series highlighting innovative local government standards intended to help encourage adoption of more protective shoreland standards.



Benefits

- Customize protections to sensitive shoreline resources and waters
- Easy to administer

Types of Approaches

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The ordinance language used in these examples varies significantly depending on complexity of the issue and method of implementation. In straight forward cases, actual ordinance language is provided. In complex examples, the key provisions are summarized. Please contact the planning and zoning staff with the relevant community if you have questions about the specific ordinance provisions.

1. Enlarge the Shoreland District

The shoreland district is defined as an area within 1,000 feet of the OHWL of water bodies and 300 feet from rivers or the outer extent of the floodplain. Any definition that enlarges the shoreland area beyond these dimensions is a higher standard.

Cass County

Shoreland regulations apply to that area within 1,320 feet of the OWHL of all public waters included in Appendix D (actually, it is unmarked Appendix F) and are adopted pursuant to Minnesota Statutes chapter 103F.201 to 103F.221 and Minnesota Rules 6120.

Ordinance Citation: Section 202 A.

Washington County

Shoreland is land within one thousand (1,000) feet of the ordinary high water level of any public waterbody (this includes rivers and streams).

Ordinance Citation. Section 3.1 (29).

2. Reclassifying a Waterbody to a more Sensitive Classification Category

The shoreland rules contain a [standardized system for classifying public waterbodies](#) from most to least sensitive to shoreland development. The shoreland rules regulate allowable land use, lot size and structure and septic system setbacks according to waterbody classification. More sensitive shoreland classifications correspond with stricter development standards. Some communities have wanted stricter standards than those associated with a given classification and have chosen to achieve this by assigning a more sensitive classification to a water body.

Grant County

The County has classified three General Development lakes as Natural Environment lakes and five Recreational Development lakes as Natural Environment lakes.

Ordinance Citation: Section VII.

3. Classifying Bays and “Backwaters” differently than the Main Waterbody

Many lakes and rivers have bays and backwaters that have aquatic and riparian characteristics that are different from the main water body. However, in most cases, the DNR classifies these bays and backwaters the same as the main waterbody. Some communities have wanted to classify these areas differently to be consistent with their character and to use the development regulations appropriate to that classification.

Wabasha County

The County classified three backwaters or subbasins on the US Lock and Dam Pool #5 (the main basin) on the Mississippi River from General Development to Natural Environment and Recreational Development.

Ordinance Citation: Chapter 11115, Section 13.07.

Grant County

The County classified five bays on Pelican Lake (the main basin) from Recreational Development to Natural Environment.

Ordinance Citation: Section VII.

4. Customized Waterbody Classifications and Standards

Some communities have created new waterbody classifications out of standard DNR waterbody classifications. The new classifications recognize water quality and natural resources unique to that community's surface waters and shorelands in the context of potential development and its impacts on those valued resources. The new waterbody classifications are accompanied by standards designed to address specific shoreland development risks. These standards often include allowable land uses, lot size, structure setback, impervious surface, land alteration and vegetation management.

Beltrami County

Two new lake classifications were created from some of the county's DNR NE-classified lakes.

1. The Special Protection (SP) management district is established in order to protect shorelands of waters that are particularly vulnerable to pollution (phosphorus); to maintain a minimal density of development, and to maintain high standards of quality for permitted development.
2. The Sensitive (SA) management district is established to properly manage areas which may be sensitive to development due to flooding, steep slopes, erosion, limiting soil conditions, the presence of wetlands, or other physical constraints.

Ordinance Citation: Article III. Section 302

The following standards for shoreland with these classifications are stricter than the shoreland rule NE Lake standards:

Allowable Land Use

- Uses that are conditional instead of permitted: private roads.
- Uses that are prohibited instead of permitted or conditional: Water-oriented accessory structures, guest cottages, campgrounds, golf courses, mining, and extractive.

Ordinance Citation: Article IV, Section 401.

Lot Size

| County Classification | Lot Area | | Lot Width | |
|-------------------------|-------------------------|---------------------------|-------------------------|-----------------|
| | Shoreland Standard (NE) | County Standard | Shoreland Standard (NE) | County Standard |
| Special Protection (SP) | 80,000 sf. | 217,800 sf. or 5 acres | 200 ft. | 400 |
| Sensitive Area (SA) | 80,000 sf. | 130,680 sf. or 3 acres | 200 ft. | 400 |

Ordinance Citation: Article IV, Sections 501.1 and 501.2

Itasca County

Two phosphorus sensitive lake classification were created from some of the county’s DNR Recreational Development (RD) -classified lakes. The County subdivided these phosphorus sensitive RD lakes into two categories, RD-1 and RD-2. All DNR designated trout streams are classified as NE-1 waters. There is no shoreland classification for trout streams. Each waterbody is described as follows:

1. Phosphorus Sensitive (PS) lakes. PS lakes are lakes exhibiting the greatest potential for water quality impairment as determined by the Minnesota Lake Eutrophication Analysis Procedure (MNLEAP Itasca, W. Walker, 2005). MNLEAP uses readily available information (*i.e.*, watershed area, lake area, mean depth, and lakeshore land use inputs) to provide a simple screening tool for predicting natural and developed lake water quality conditions. The sanitation setbacks and impervious surface coverage requirements on PS lakes are the same as Natural Environment lakes.
2. Trout Streams. All Trout Streams officially designated by the Minnesota Department of Natural Resources shall be assigned to the Natural Environment-I lake class. Designated Trout Streams are specifically listed in Minn. Rule 6264.0050 subp. 4 and are subject to periodic change. If the Trout Stream identified in the Itasca County Public Waters Classification List should deviate in any way from those listed in Minnesota Rules cited above, then the designation listed in Minnesota Rules shall take precedence.

Ordinance Citation: Sections 5.5.4 and 5.5.5.

The following standards are stricter for these classifications than the minimum state shoreland standards.

Impervious surface

The maximum coverage limit is 12% instead of 25% allowed by the shoreland rules.

Ordinance Citation: Section 3.4.

Riparian buffer

A 50 foot riparian buffer is required. A buffer is not required for non-agricultural areas in the shoreland rules.

Ordinance Citation: Section 4.51 and Section 5.9.1.

Lot Size

Phosphorus Sensitive Lakes. The lot area and width for Phosphorus Sensitive Lakes (classified as Recreational Development (RD) lakes by the DNR) are greater than that required by the shoreland rules for RD lakes.

| County Classification | Lot Area | | | Lot Width | |
|-----------------------------|--|----------------------------|--------------------------------|-------------------------|-----------------|
| | Shoreland Standard for riparian and nonriparian (RD) | County Standard (Riparian) | County Standard (non-riparian) | Shoreland Standard (RD) | County Standard |
| Phosphorus Sensitive (RD-1) | 40,000 sf. | 87,120 sf. or 2 acres | 108,900 sf. or 2.5 acres | 150 ft. | 400 |
| Phosphorus Sensitive (RD-2) | 40,000 sf. | 65,340 sf. or 1.5 acres | 87,120 sf. or 2 acres | 150 ft. | 400 |

Ordinance Citation: Section 5.6.7.

Trout Streams. There is no DNR classification for trout streams. There are only lot width standards for rivers in the shoreland rules - no lot area standards. County lot width standards for trout streams (NE-1 class) are 200 feet, the same as that for "Forested Rivers."

Ordinance Citation: Section 5.6.7.