

Lac Qui Parle County, Minn.

COUNTY AUDITOR
Lac Qui Parle County, Minn.

ORDINANCE

FOR THE MANAGEMENT OF SHORELAND AREAS
OF LAC QUI PARLE COUNTY

Adopted December 5, 1972

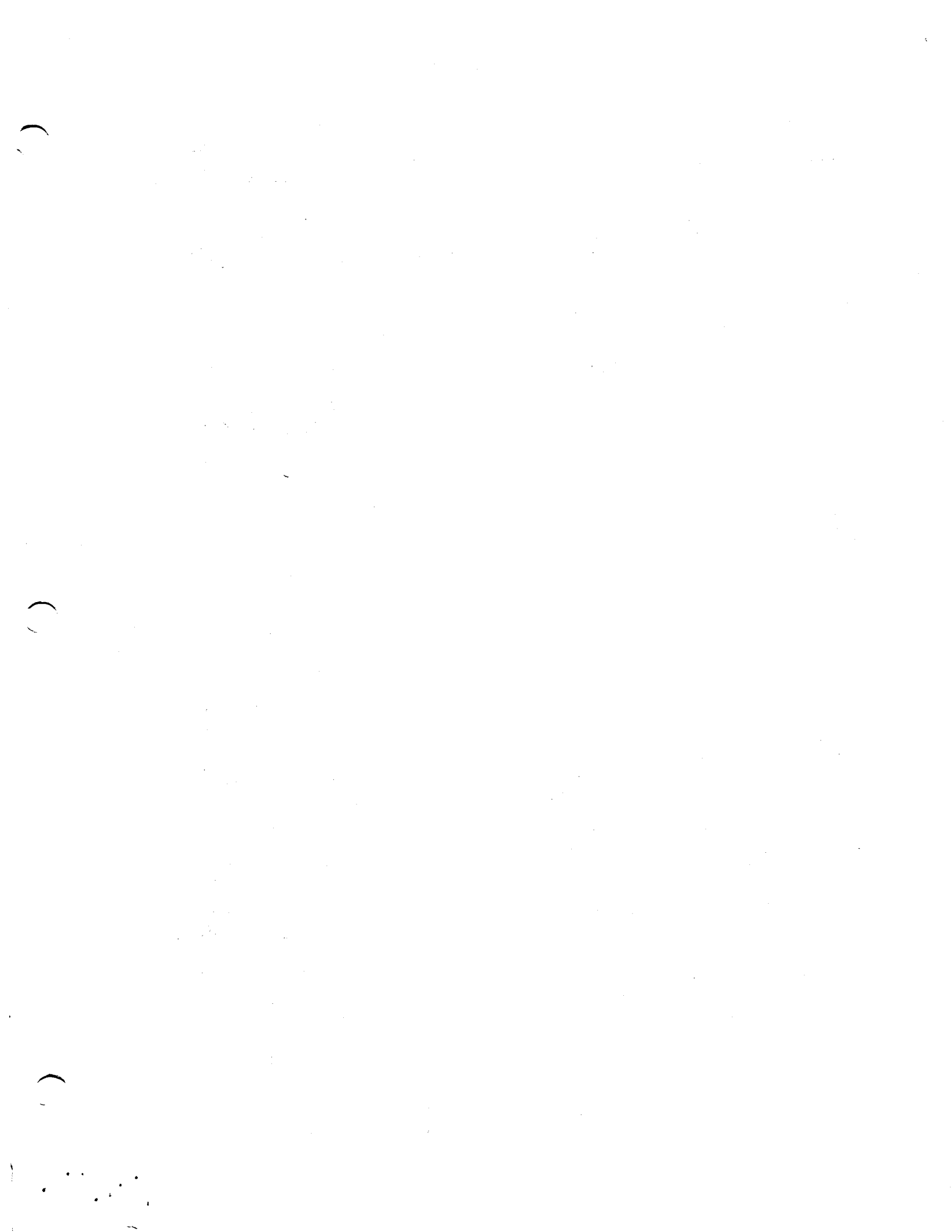
Prepared by

The Lac qui Parle County Planning
Advisory Commission and the State
of Minnesota Department of Natural
Resources Division of Water, Soils,
and Minerals.

ORDINANCE
FOR THE MANAGEMENT OF SHORELAND AREAS
OF LAC QUI PARLE COUNTY

1.0 GENERAL PROVISIONS

- 1.1 Statutory Authorization. This Shoreland Management Ordinance is adopted pursuant to the authorization contained in the Laws of Minnesota 1969, Chapter 777, and in furtherance of the policies declared in Minnesota Statutes Chapters 105, 115, 116, 394 and 396.
- 1.2 Policy. The uncontrolled use of shorelands of Lac qui Parle County, Minnesota affects the public health, safety and general welfare not only by contributing to pollution of public waters, 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 development of shorelands of public waters. The Legislature of Minnesota had delegated responsibility to the counties of the state to regulate the subdivision, use and development of the shorelands of public waters located in unincorporated areas and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources. This responsibility is hereby recognized by Lac qui Parle County, Minnesota.
- 1.3 Statement of Purpose. To achieve the policies described in Section 1.2 and to:
- 1.31 Designate suitable land use districts for each public water;
 - 1.32 Regulate the placement of sanitary and waste disposal facilities on lots;
 - 1.33 Regulate the area of a lot and the length of water frontage suitable for a building site;
 - 1.34 Regulate alteration of the shorelands of public waters;
 - 1.35 Regulate alterations of the natural vegetation and the natural topography;
 - 1.36 Regulate the subdivision of land in unincorporated areas; and
 - 1.37 Provide variances from the minimum standards and criteria; the county commissioners of Lac qui Parle County, Minnesota do ordain as follows:
- 1.4 Jurisdiction. The jurisdiction of this ordinance shall include the shorelands of all public waters in the unincorporated areas of Lac qui Parle County, Minnesota.
- 1.5 Compliance. The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any shoreland



area; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable regulations. Construction of buildings, private water supply and sewage disposal systems and erection of signs shall require a permit unless otherwise expressly excluded by the requirements of this ordinance.

1.6 Abrogation and Greater Restrictions.

1.61 This ordinance supersedes all provisions of any county zoning ordinance that relate to shorelands. However, the provisions of the existing county zoning ordinance and map of Lac qui Parle County, Minnesota, dated November, 1972, are hereby incorporated by reference and shall, to the extent of greater restrictions only, be made as much a part of this ordinance as if the matter described were fully set out herein.

1.62 Notwithstanding the provisions of Minnesota Statutes Section 396.05, this ordinance shall not require approval or be subject to disapproval by any town or town board. However, this Section does not prohibit a town from adopting or continuing in force, regulations which are more restrictive than those required by this ordinance.

1.63 It is not otherwise intended by this ordinance to repeal, abrogate, or impair any existing deed restrictions or ordinances other than zoning to the extent specified in Section 1.61 of this ordinance; however, where this ordinance imposes greater restrictions the provisions of this ordinance shall prevail.

1.7 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 County and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

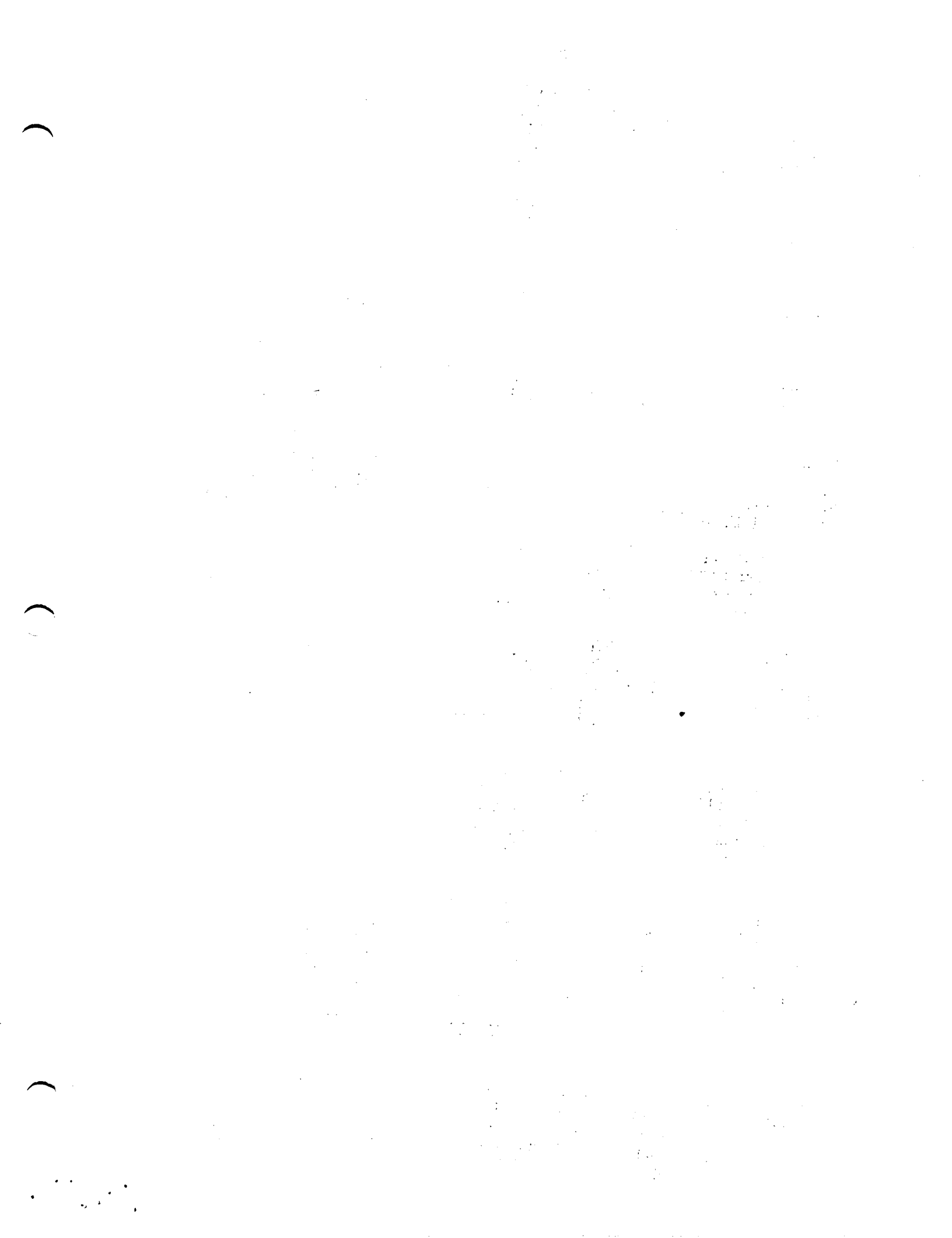
1.8 Severability. The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part.

1.9 Definitions. For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows: The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

Building Line means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Cluster Development means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

Conditional Use means a use of shorelands which is permitted within a zoning district only when allowed by the County Board of Adjustment, after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.



Nonconforming Use means any use of land established before the effective date of the county ordinance which does not conform to the use restrictions of a particular zoning district.

Normal High Water Mark means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Public Water means a body of water capable of substantial beneficial public use. For the purpose of this ordinance, this shall be construed to mean any lake, pond or flowage of 25 acres in size or more, or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Commissioner of Conservation shall be exempt from the provisions of this ordinance.

(a) The official determination of the size and physical limits of lakes, ponds or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin No. 25, "An Inventory of Minnesota Lakes".

(b) The official determination of the size and physical limits of drainage areas of rivers and streams shall be the records of the Division of Waters, Soils and Minerals.

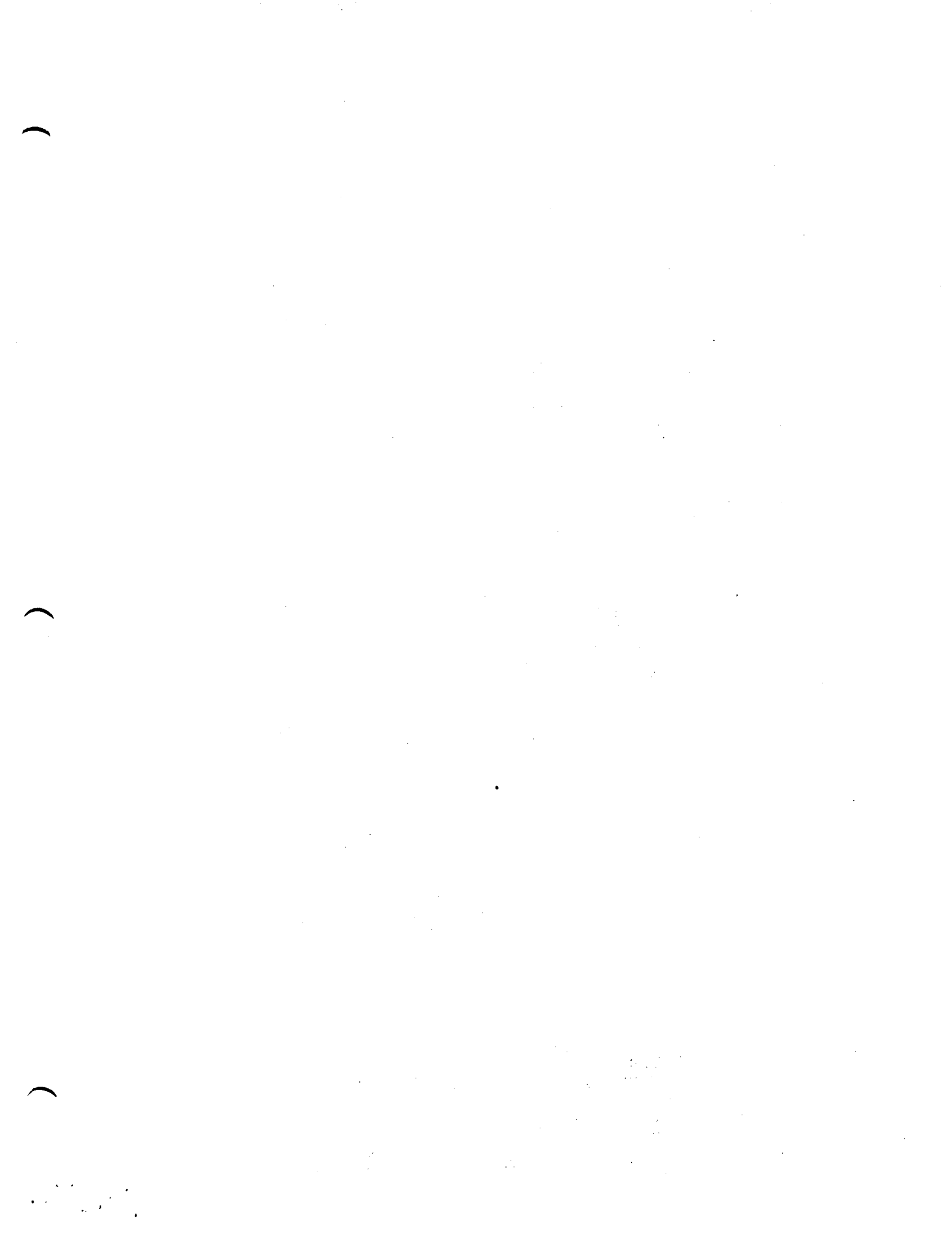
Setback means the minimum horizontal distance between a structure and the normal high water mark or between a structure and a road or highway.

Shoreland means land located within the following distances from public waters: (1) 1,000 feet from the normal high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater, except where the limits are designated by natural drainage divides at lesser distances, as designated on the official county zoning map of Lac qui Parle County.

Structure means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles and other supporting appurtenances.

Subdivision means improved or unimproved land or lands which are divided for the purpose of ready sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

Substandard Use means any use of shorelands existing prior to the date of enactment of any county ordinance which is permitted within



the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

Unincorporated Area means the area outside a city, village or borough.

Variance means a modification or variation of the provisions of the local shoreland ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause unnecessary hardship, or that strict conformity with the provisions of the local ordinance would be unreasonable, impractical or not feasible under the circumstances.

Water Supply Purpose includes any uses of water for domestic, commercial, industrial or agricultural purposes.

2.0 DESIGNATION OF TYPES OF LAND USE

In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the unincorporated areas of Lac qui Parle County, Minnesota, have been given a public waters classification, and uses of shorelands in these classes are hereby designated by land use districts, based on the compatibility of the designated type of land use with the public waters classification.

2.1 Public Waters Classification System. The public waters of Lac qui Parle County, Minnesota, have been classified by the Commissioner of Conservation as follows:

2.11 Natural Environment Lakes and Streams

- | | | | |
|----|--------|------------------|--|
| 1. | 37-17 | Churchs | |
| 2. | 37-22 | North Marsh | |
| 3. | 37-46 | Lac qui Parle | |
| 4. | 37-103 | Cory | |
| 5. | 37-171 | Boehnke Slough | |
| 6. | 37-203 | Mud | |
| 7. | 37-224 | Pegg | |
| 8. | 37-229 | Rosabel | |
| 9. | | Three Mile Creek | S. 1, 2, 11, T. 117, R. 42;
S. 26, 35, 36, T. 118, R. 42. |

2.2 Land Use Zoning Maps. Land use districts shall be as established and described in the Lac qui Parle County zoning ordinance and as shown on the official zoning map of the county.

2.3 Permitted Uses. Any permitted use allowed in the district under the zoning ordinance and including forestry, parks, nature areas, hiking and riding trails, and wildlife preserves.

2.4 Conditional Uses. The conditional uses allowed in the zoning ordinance for any district shall not be applicable to shoreland, which shall be limited to the following conditional uses:

2.41 Natural Environmental lakes and streams

(a) Recreational Camping Vehicle Areas, provided:

- (1) Site plans for recreational camping vehicle areas shall be approved by the Board of Commissioners.
- (2) Recreational camping vehicle areas shall be licensed by and meet the standards prescribed by the Minnesota Department of Health, except where the provisions of this ordinance are more restrictive, and then these provisions shall prevail.
- (3) No recreational camping vehicle shall be placed nearer the normal high water mark as specified in Section 4.2 for the classes of public waters.
- (4) Each recreational camping vehicle site shall be at least 2,000 square feet in area.
- (5) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.
- (6) The location of this facility shall be consistent with the number of units served, soil types, and topography. The facility shall be setback from the normal high water mark at a distance approved by the Board of Commissioners, and in no case less than the sewage disposal system setback distances prescribed in Section 3.36(a).
- (7) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of Section 4.11 for lot area and length of water frontage.
- (8) Adequate vegetative screening for the recreational camping area shall be maintained consistent with the provisions of Section 4.31 of this ordinance.

(b) Resorts

(c) Parks and Playgrounds

2.42 Recreational Development lakes and streams

- (a) Any Conditional Use allowed in Natural Environment Areas
- (b) Restaurants, taverns and private clubs
- (c) Marinas

2.43 General Development lakes and streams

- (a) Any Conditional Use Allowed in Recreational Development areas
- (b) Mobile Home Parks - provided:
 - (1) Site plans for mobile home parks shall be approved by the Board of Commissioners.
 - (2) Mobile home parks shall be licensed by and in conformance with the standards prescribed by the Minnesota Department of Health, except where provisions of this ordinance are more restrictive, and then these provisions shall prevail.
 - (3) Each mobile home shall meet the water and road setback provisions for the classes of public waters prescribed in Section 4.2.
 - (4) There shall be at least 10 feet between the sides of adjacent mobile homes, including their attachments, and at least 3 feet between mobile homes when parked end to end.

- (5) Each mobile home site shall be at least 4,000 square feet in area.
- (6) A centralized sewage disposal facility which meets the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency must be installed.
- (7) The Location of this facility shall be consistent with the number of units served, soil types, and topography. The facility shall be setback from the normal high water mark at a distance approved by the Board of Commissioners, and in no case less than the sewage disposal system setback distances prescribed in Section 3.36(a).
- (8) No individual on-site sewage disposal systems shall be used, unless site sizes meet the provisions of section 4.11 for lot area and length of water frontage.
- (9) Adequate vegetative screening shall be maintained for the mobile home park consistent with the provisions of Section 4.31 of this Ordinance.

3.0 SANITARY PROVISIONS

3.1 Water Supply

Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality.

3.11 Public water supplies shall be used where available and where feasible.

3.12 Permit. No person, firm or corporation shall install, alter, repair or extend any private well without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(a) Application for permits shall be made in writing upon printed blanks or forms furnished by the Zoning Administrator and shall be signed by the applicant.

(b) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, and each application for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property, and complete plans of the proposed water supply system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the well to be installed, altered, repaired or extended. The application shall also show the present or proposed location of sewage disposal facilities and the name of the person, firm or corporation who is to install the system and shall provide such further information as may be required by the Zoning Administrator.

(c) Administration. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

3.13 Private wells shall be so located and constructed that they will not be contaminated by an existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well.

3.14 Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.

3.15 No private well shall be located closer than three (3) feet to the outside basement wall of a dwelling. The outside basement footing shall be continuous across the opening of the well alcove. No well shall be located closer than fifteen (15) feet to a property line. The following minimum distances between a well and possible sources of contamination shall be complied with:

(a) Buried or concealed extra heavy cast iron sewer or drain lines with lead caulked, air tested joints--20 feet.

(b) Vitrified clay or equivalent (or concrete sewers or cast iron sewers not of construction described above), septic tanks or drain fields --50 feet.

(c) Dry wells or seepage pits--75 feet.

3.2 Waste Disposal

3.21 The disposal of sewage, industrial wastes, or other wastes as defined in M.S. c. 115 shall be subject to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

3.22 No rubbish or trash of any sort shall be thrown or discarded in any manner into any public water or into any watercourse leading to a public water.

3.23 No solid waste disposal site shall be located within the jurisdiction of this ordinance, unless approved by the Pollution Control Agency.

3.3 Sewage Disposal

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

3.31 Public or municipal collection and treatment facilities must be used where available and where feasible.

3.32 Permit. No person, firm or corporation shall install, alter, repair or extend any individual sewage disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, ~~repair~~ or extension.

(a) Application for permits shall be made in writing upon printed blanks or forms furnished by the Zoning Administrator and shall be signed by the applicant.

(b) Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair or extension is to take place, and each application for a permit shall be accompanied by a plan of the site of reasonable scale and accuracy showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed sewage disposal system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size and design of all parts of the system to be installed, altered, repaired or extended. The application shall also show the present or proposed location of water supply

facilities and water supply piping, and the name of the person, firm or corporation who is to install the system, and shall provide such further information as may be required by the Zoning Administrator.

(c) Administration. The Zoning Administrator may assign responsibility for administration of these provisions to a qualified inspector.

3.33 General Requirements.

(a) Location and installation of the individual sewage disposal system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the safety of any domestic water supply, nor pollute any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, and future expansion of the system.

(b) Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged on to the ground surface, into abandoned wells, or bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this ordinance. This requirement shall not apply to the disposal of sewage in accordance with a process approved by the State Board of Health and the Pollution Control Agency.

(c) Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.

3.34 Privies

(a) Privies shall be considered to be an adequate method of sewage disposal, provided they are maintained in a clean condition and do not constitute a public nuisance.

(b) Privies shall be located at least 10 feet from a dwelling or lot line, and they shall meet the structural setbacks from public waters specified in Section 4.21.

3.35 Septic Tanks

(a) Only septic tanks meeting the specifications prescribed by the Minnesota Department of Health and Minnesota Pollution Control Agency may be installed or constructed.

(b) Location of septic tanks shall be subject to the following restrictions: 10 feet from any building intended for human occupancy; 10 feet from a lot line; 50 feet from a well or other water supply; and where feasible, the septic tank shall be placed downslope from a well.

3.36 Soil Absorption Systems

(a) Placement of soil absorption systems shall be in accordance with the public waters classification of the applicable public

water body and shall be subject to the following specifications, where soil conditions are adequate:

- (1) On Natural Environment Lakes and Streams, at least 150 feet from the normal high water mark.
- (2) On General Development Lakes and Streams, at least 50 feet from the normal high water mark.
- (b) In addition, placement of soil absorption systems shall be subject to the following specifications: 10 feet from a lot line; 20 feet from a building intended for human occupancy; and 50 feet from a well or other water supply source.
- (c) Minimum seepage area of the disposal field (total flat area of trench bottom exclusive of sidewall area) shall be determined by the following percolation test procedure as applied to Table 1.
 - (1) Number and location of tests. Two or more tests shall be made in separate test holes spaced uniformly over the proposed absorption field site.
 - (2) Type of test hole. A hole with horizontal dimensions of 4 to 12 inches and vertical sides shall be dug or bored to the depth of the proposed absorption trench. The holes may be bored with an auger of not less than 4-inch diameter.

Table 1: Absorption Area Requirements for Private Residences and Other Establishments

(Per Bedroom Column Provides for Residential Garbage Grinders and Automatic sequence Washing Machines)

<u>Percolation rate</u> (time required for water to fall 1 inch, in minutes)	<u>Required absorption</u> <u>area in square feet</u>	
	Per bedroom	Per gallon of waste per day
1 or less	70	.20
2	85	.30
3	100	.35
4	115	.40
5	125	.45
10	165	.65
15	190	.80
30 ⁴	250	1.10
45 ⁴	300	1.25
<u>60^{4 5}</u>	330	1.65

1Absorption area for standard trenches is figured as trench-bottom area.

2Absorption area for seepage pits is figured as effective sidewall area beneath the inlet.

3In every case sufficient area should be provided for at least 2 bedrooms.

4Unsuitable for seepage pits if over 30.

5Unsuitable for absorption systems if over 60.

(3) Preparation of test hole. The bottom and sides of the hole shall be carefully scratched with a knife blade or sharp pointed instrument to remove any smeared soil surfaces and to provide a natural soil interface into which water may percolate. All loose material shall be removed from the hole and 2 inches of coarse sand or fine gravel shall be added to protect the bottom from scouring.

(4) Saturation and swelling of the soil. The hole shall be carefully filled with clear water to a minimum depth of 12 inches over the gravel. Water shall be kept in the hole for at least 4 hours, and preferably overnight, by refilling if necessary, or by supplying a surplus reservoir of water, such as in an automatic siphon. In sandy soils containing little or no clay, the swelling procedure shall not be required and the test may be made as described under item (c)(5)(cc) after the water from one filling of the hole has completely seeped away.

(5) Percolation rate measurement. With the exception of sandy soils, percolation rate measurements shall be made on the day following the procedure described under item (c)(4).

(aa) If water remains in the test hole after the overnight swelling period, the depth shall be adjusted to approximately 6 inches over the gravel. From a fixed reference point the drop in water level shall be measured over a 30 minute period. This drop shall be used to calculate the percolation rate.

(bb) If no water remains in the hole after the overnight swelling period, clear water shall be added to bring the depth of water in the hole to approximately 6 inches over the gravel. From a fixed reference point the drop in water level shall be measured at approximately 30 minute intervals for four hours, refilling 6 inches over the gravel if necessary. The drop that occurs during the final 30 minute period shall be used to calculate the percolation rate.

(cc) In sandy soils or other soils in which the first 6 inches of water seeps away in less than 30 minutes after the overnight swelling period, the time interval between measurements shall be taken as 10 minutes and the test shall be run for one hour. The drop that occurs during the final 10 minutes shall be used to calculate the percolation rate.

(6) A modification of the percolation test may be used where the percolation test procedure has been previously used and knowledge is available on the character and uniformity of the soil.

(d) Soil absorption systems shall not be acceptable for disposal of domestic sewage wastes for developments on lots adjacent to public waters under the following conditions:

(1) Low swampy areas or areas subject to recurrent flooding; or

(2) Areas where the highest known ground water table is within four feet of the bottom of the soil absorption system at any time; or

(3) Areas of exposed bedrock or shallow bedrock within four feet of the bottom of a soil absorption system or any other geologic formation which prohibits percolation of the effluent; or

(4) Areas of ground slope where there is danger of seepage of effluent onto the surface of the ground, in accordance with the following critical slope values:

Percolation Rate (Minutes)	Critical Slope
Less than 3	20% or more
3-45	15% or more
45-60	10% or more; or

(5) Soils where the percolation rate is slower than one (1) inch in sixty (60) minutes.

3.37 Servicing of septic tanks and soil absorption units shall conform to the Minnesota Department of Health and Minnesota Pollution Control Agency specifications. Disposal of sludge and scum removed from the system shall be:

- (a) Into a municipal sewage disposal system where practicable.
- (b) In the absence of a public sewer, at a disposal site designated by the Zoning Administrator.
- (c) Sludge shall not be discharged into any lake or watercourse, nor on land without burial.

3.38 Alternative Systems

(a) Alternative methods of sewage disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, wherever required or allowed in particular circumstances, shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and Minnesota Pollution Control Agency.

3.4 AGRICULTURAL WASTE DISPOSAL

Any agricultural waste disposal operations in shoreland areas must conform to the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

4.0 ZONING PROVISIONS

4.1 Lot Size

4.11 For lots newly platted or created by metes and bounds description:

- (a) For Natural Environment Lakes and Streams, the minimum lot size shall be 80,000 square feet (approximately 2 acres) and at least 200 feet in width at the building line and at least 200 feet in width at the water line for lots abutting a public water.
- (b) For Recreational Development Lakes, the minimum lot size shall be 40,000 square feet (approximately 1 acre) and at least 150 feet in width at the building line and at least 150 feet in width at the water line for lots abutting a public water.
- (c) For General Development Lakes and Streams, the minimum lot size shall be 20,000 square feet and at least 100 feet in width at the building line and at least 100 feet in width at the water line for lots abutting a public water.