

Agenda Planning Commission

City of Medicine Lake Meeting to be held virtual via Zoom May 19, 2022 6:00 pm

Topic: Medicine Lake Planning Commission
Time: May 19, 2022 06:00 PM Central Time
Location: To be held virtual via zoom as follows:

<https://us06web.zoom.us/j/86044011899?pwd=aGlOYTdyc1BsZ3E2Z1dwaDRpSXNNQT09>

Meeting ID: 860 4401 1899 | Passcode: 55441
If participant uses phone audio: 312 626 6799 US (Chicago)

1. Call to order and roll call
2. Approval of Agenda
3. Approval of Minutes from February 17th, 2022 and March 17, 2022
4. Public Hearings: None scheduled
5. New Business: None
6. Old Business:
 - a) Short Term Rental survey – discuss preliminary results (Commissioners Kennedy and Swanson)
 - b) Draft Ordinance updates – public hearing will be scheduled for May meeting – discuss shoreland, wetlands, and other BCWMC related items (staff and Commissioner Kennedy)
7. Adjournment

Meeting Minutes Planning Commission

City of Medicine Lake Meeting held virtual via Zoom February 17, 2022 6:00 pm

1. Call to order and roll call
 - The meeting was called to order at 6:05 pm.
 - Members present include – Brad Beisel, Shaun Kennedy, Debbi Stafne, and Laura Ferenci (via zoom). Bill Enright, Jesse Swanson, and Glen Skajewski were not present.
2. Approval of Agenda
 - Shaun Kennedy moved approval of the agenda and Laura Ferenci second with all present voting in favor. Motion to approve passed.
3. Approval of Minutes from January 20th, 2022.
 - Shaun moved to approve the January 20th 2022 meeting minutes and Brad Beisel second the motion. Clarification discussion and correction of a typo was noted on page 4. All members presented voted in favor of the motion. Motion to approve passed.
4. Public Hearings: no new public hearings were held.
5. New Business: New businesses was skipped to allow for Commissioner Kennedy to participate in the short term rental discussion.
6. Old Business:

Short Term Rental

- Commissioners Beisel and Kennedy discussed the survey for Short Term Rentals. It was noted the purpose for the survey is to gather input and not to vote or agree on any particular standard or rule. As such using IPS addresses as a control is sufficient for this purpose.
- Commissioners discussed distribution of the survey via email, the laker and the web site.
- Scheib indicated that results will be collected and summarized prior to the March PC meeting.
- At the March PC meeting commissioners can discuss the survey findings and direct staff on the next steps. Staff will prepare ordinance or ordinance amendments or other policy as needed and discuss at April PC

meeting. If an ordinance amendment is necessary, a public hearing will be set for the May PC meeting to consider action.

Commissioner Kennedy left the meeting at 6:30. Given a quorum no longer is present the meeting was adjourned.

Respectfully Submitted
Brad Scheib
Planning Consultant/Zoning Administrator

PC continued in a workshop. Discussion at the workshop included the following:

- Commissioners discussed the meeting protocol given that COVID is still a concern. It was agreed that meetings will be virtual to the extent possible and legal. It was noted that the City is working on the technology to improve virtual communication that will better enable remote participation.
- Scheib reviewed the shoreland model ordinance and the key issue with the current draft in that it omits the provision within the current city code that prohibits grading within 20 feet of the OHW and that this provision is more restrictive than state rules and most other community shoreland rules. Scheib indicated that given how it is worded it appears it was intentional when Med Lake established the ordinance. Beisel suggested providing clarity and a staff recommendation on that issue and making sure we focus on that for the next meeting. It would also be good to have DNR conditional approval renewed prior to consideration. Scheib indicated that he will prepare a summary of the issue noted above for the next PC meeting. A public hearing will likely be scheduled then for the April PC meeting.

The workshop ended at 6:50 pm.

Meeting Minutes Planning Commission

City of Medicine Lake Meeting to be held virtual via Zoom March 17, 2022 6:00 pm

Topic: Medicine Lake Planning Commission

Time: March 17, 2022 06:00 PM Central Time

Location: Meeting held virtual via zoom as follows:

1. Call to order and roll call
 - a) The meeting was called to order at 6:27 pm.
 - b) Members present include – Jesse Swanson, Glen Skajewski, Shaun Kennedy, and Debbi Stafne. Bill Enright, Brad Beisel and Laura Ferenci were not present.
2. Approval of Agenda
 - a) Glen moves to approve agenda Jesse second all voted in favor
3. Approval of Minutes from February 17th 2022
 - a) Shaun moves to Table Debbie second all voted in favor.
4. Public Hearings: None scheduled
5. New Business: None
6. Old Business:
 - a) Short Term Rental survey – discuss results: Discussed the process to publish in laker, blast out emails, and post on web page. Survey did not get into laker and post on web page was not easily found. Discussed holding it open longer so it gets put in in the laker. Some discussion was had about the ability to control the number of surveys being submitted and that some people can submit multiple ones. Shuan Kennedy walked through the draft of results to date and discussed.

- b) Draft Shoreland Ordinance update discussion and process. Scheib noted that the changed code left out the provision prohibiting grading within 20 feet of the OHW. After discussion, it was determined to retain the intent of the provision generally but clearly indicate what is not intended to be regulated.
7. Adjournment – Glenn – moved adjournment at 7:05. Shaun second and all voted in favor.

**CITY OF MEDICINE LAKE
ORDINANCE NO. _____**

**AN ORDINANCE REPEALING AND REPLACING SECTIONS 3600 OF THE ZONING
CODE REGULATING SHORELANDS IN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain

Section 1. Purpose

The City of Medicine Lake finds it necessary to modify its shoreland ordinance to conform to Minnesota Rules and Statutes governing shorelands of public water bodies.

Section 2. Proposed Amendments to the Zoning Code

Section 3600 of the zoning code is hereby repealed in its entirety and replaced as follows:

§3600-Shoreland Ordinance

§3600.1 Purpose, Statutory Authorization, and Policy

§3600.2 General Provisions and Definitions

§3600.3 Administration

§3600.4 Shoreland Classification System and Land Uses

§3600.5 Special Land Use Provisions

§3600.6 Dimensional and General Performance Standards

§3600.7 Performance Standards for Public and Private Facilities

§3600.8 Vegetation and Land Alterations

§3600.9 Subdivision/Platting Provisions

§3600.10 Planned Unit Developments (PUDs)

§3600.1 Purpose, Statutory Authorization, and Policy

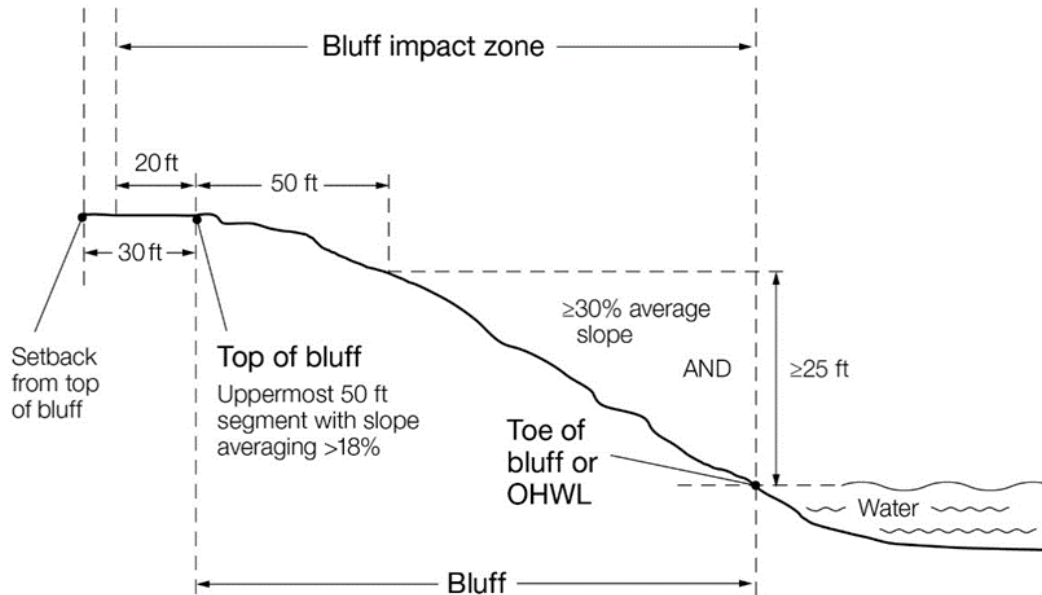
- (a) Purpose. The uncontrolled use of shoreland areas affects the public health, safety and general welfare by contributing to the pollution of public waters, causing over-crowding of surface waters and impairing the local tax base. The shorelands within the City of Medicine Lake are hereby designated as “S” Shoreland Overlay Districts and the requirements set forth in this Chapter shall govern development and other activities within these districts. The classification of the shoreland areas shall govern the use, alteration and development of these areas according to said classification.
- (b) Statutory Authorization. This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 – 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (c) Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural

environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Medicine Lake.

§3600.2 General Provisions and Definitions

- (a) Jurisdiction. The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section §3600.4(a) of this ordinance. Pursuant to Minnesota Regulations, Parts 6120.2500 – 6120.3900. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- (b) Enforcement. The City of Medicine Lake is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section §3600.3(a) of this ordinance.
- (c) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (d) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (e) Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally. Definitions in this section are unique to Section 3600. All other definitions should refer to section 200.2 of the zoning ordinance.
 - (1) Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:
 - a. Part or all of the feature is located in a shoreland area;
 - b. The slope must drain toward the waterbody.
 - c. The slope rises at least 25 feet above the toe of bluff;
 - d. The grade of the slope from the toe of the bluff to a point 25 feet or more above the toe of the bluff averages 30 percent or greater, except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff; and

Bluff, Bluff Impact Zone, Top and Toe of Bluff



- (2) **Bluff impact zone:** A bluff and land located within 20 feet of the top of a bluff.
- (3) **Bluff, Toe of:** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high water level, whichever is higher.
- (4) **Bluff, Top of:** For the purposes of measuring setbacks, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- (5) **Boathouse:** A facility as defined by [Minnesota Statutes Section 103G.245](#). Boathouses are prohibited by state statute.
- (6) **Buffer:** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
- (7) **Commercial planned unit developments:** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- (8) **Commercial use:** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- (9) **Commissioner:** The commissioner of the Department of Natural Resources (DNR).
- (10) **Controlled access lot:** A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
- (11) **Deck:** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.

- (12) Dwelling site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- (13) Industrial use: The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (14) Intensive vegetation clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- (15) Residential planned unit development: A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- (16) Sewage treatment system: “Sewage treatment system” has the meaning given under Minnesota Rules, part 7080.1100, Subp. 82.
- (17) Sewer system: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- (18) Shore impact zone: Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 25 feet.
 - e.
- (19) Shore recreation facilities: Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.
- (20) Significant historic site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
- (21) Steep slope: Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- (22) Suitability analysis: An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
- (23) Variance: “Variance” means the same as that defined in Minnesota Statutes Section 462.357 Subd. 6 (2).
- (24) Water-dependent use: The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct

of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.

(25) Wetland: “Wetland” has the meaning given under Minnesota Rule, part 8420.0111.

§3600.3 Administration

- (a) Purpose. The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.
- (b) Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs) and those grading and filling activities not exempted by Section §3600.8(c) of this ordinance.
- (c) Application materials. Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided. The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.
- (d) Certificate of Zoning Compliance. The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section §3600.3(a) of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section §3600.2(b) of this ordinance.
- (e) Variances. Variances may only be granted in accordance with Section 462.357 and are subject to the following: A variance may not circumvent the general purposes and intent of this ordinance.
- (f) Conditional Uses. All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
 - (1) The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - (2) The visibility of structures and other facilities as viewed from public waters is limited;
- (g) Mitigation.
 - (1) In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:
 - a. Advanced storm water runoff management treatment;
 - b. Reducing impervious surfaces;
 - c. Increasing setbacks from the ordinary high water level;
 - d. Restoration of wetlands;
 - e. Limiting vegetation removal and/or riparian vegetation restoration;
 - f. Provisions for the location, design, and use of structures, water supply systems, watercraft launching and docking areas, and parking areas; and

- (j) Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of Minnesota Rules, part 4410.4300.

§3600.4 Shoreland Classification System and Land Uses

(a) Shoreland Classification System.

- (1) Purpose. To ensure that shoreland development on the public waters of the City of Medicine Lake is regulated consistent with the classifications assigned by the commissioner under Minnesota Rules, part 6120.3300.
- (2) The shoreland area for the waterbodies listed in Sections §3600.4a (3) and §3600.4a **Error! Reference source not found.** are defined in Section §3600.2e (34) and are shown on the Official Zoning Map.
- (3) Lakes are classified as either General Development, Recreational Development, or Natural Environment. Medicine Lake has one General Development Lake, as shown below.

Lake Classification	DNR Public Waters I.D. #
General Development	
Medicine Lake	27010400

- (4) Rivers and Streams are classified as either Urban, Agricultural, Transition, Forested, or Reserve. The City of Medicine Lake does not have any rivers or streams.

(b) Land Uses.

- (1) Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
- (2) Shoreland district land uses listed in Sections §3600.4b (3) are regulated as:
 - a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - b. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section §3600.3(f) of this ordinance and any additional conditions listed in this ordinance; and
 - c. Not permitted uses (N). These uses are prohibited.
- (3) Land uses for lake classifications:

Land Uses	General Development
Single residential	P
Duplex	P
Residential PUD	C

Land Uses	General Development
Water-dependent commercial - As accessory to a residential planned unit development	C
Commercial	P
Commercial PUD - Limited expansion of a commercial planned unit development involving up to six additional dwelling units or sites may be allowed as a permitted use provided the provisions of Section §3600.10 of this ordinance are satisfied.	C
Parks & historic sites	C
Public, semipublic	P
Industrial	N
Water Oriented Uses	N

§3600.5 Special Land Use Provisions

(a) Commercial, Industrial, Public, and Semipublic Use Standards.

- (1) Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:
 - a. The use complies with provisions of Section §3600.7;
 - b. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
 - c. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - d. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - I. No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - II. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and

- (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.
- (2) Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

§3600.6 Dimensional and General Performance Standards

- (a) Purpose. To establish dimensional and performance standards that protect shoreland resources from impacts of development.
- (b) Lot Area and Width Standards. After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Section §3600.6b (4), subject to the following standards:
 - (1) Only lands above the ordinary high water level of a public water body can be used to meet lot area and width standards;
 - (2) Lot width standards must be met at both the ordinary high water level of a public water body and at the building line;
 - (3) Residential subdivisions with dwelling unit densities exceeding those in Section §3600.6b (4) are allowed only if designed and approved as residential PUDs under Section §3600.10 of this ordinance; and
 - (4) Lake Minimum Lot Area and Width Standards:

General Development – Sewer				
	Riparian		Nonriparian	
	Lot Area (sf)	Lot Width (ft)	Lot Area (sf)	Lot Width (ft)
Single	12,500	50	12,500	50
Duplex	18,000	75	18,000	75

- (c) Placement, Height, and Design of Structures.
 - (1) Placement of Structures on Lots. When more than one setback applies to a site, structures and facilities must be located the greater of 50’ from the Ordinary (Normal) High Water Mark(OHW) or as determined by the line of site.
 - a. OHW Setbacks. Structures and impervious surfaces must meet setbacks from the OHW.
 - b. Setbacks of decks. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:

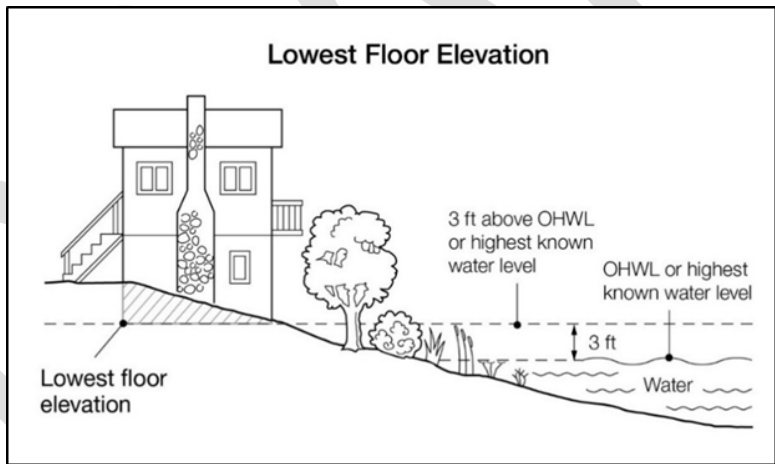
- (1) The structure existed on the date the structure setbacks were established;
- (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
- (3) The deck encroachment meets the standards as established in section 1100.5 (a) (2); and
- (4) The deck is constructed primarily of wood or similar material, and is not roofed or screened.

c. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30

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

- (2) Height of Structures. All structures must not exceed 35 feet in height.
- (3) Lowest Floor Elevation. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined by



placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary normal high water mark, whichever is higher. If the structure is floodproofed instead of elevated under items, then it must be floodproofed in accordance with Minnesota Rules, part 6120.5900 Subp. 3 (D).

- (4) Water Supply and Sewage Treatment.
 - a. 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.
 - b. Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system.

§3600.7 Performance Standards for Public and Private Facilities

- (a) Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
- (1) 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;
 - (2) 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;
 - (3) Private facilities must comply with the grading and filling provisions of Section §3600.8(c) of this ordinance; and
 - (4) For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- (b) Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
- (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
 - (3) Canopies or roofs are not allowed on stairways, lifts, or landings;
 - (4) 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;
 - (5) Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of subitems §3600.7b (1) to §3600.7b (5) and the requirements of Minnesota Rules, Chapter 1341.

§3600.8 Vegetation and Land Alterations

- (a) Purpose. Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

(b) Vegetation Management.

- (1) Removal or alteration of vegetation must comply with the provisions of this subsection except for:
 - a. Vegetation alteration necessary for the construction of structures under validly issued permits for these facilities;
 - b. The construction of public roads and parking areas if consistent with Section §3600.7(a) of this ordinance;
- (2) Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited.
- (3) Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
 - b. Existing shading of water surfaces is preserved;
 - c. Cutting debris or slash shall be scattered and not mounded on the ground; and
 - d. Perennial ground cover is retained.
- (4) Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.
- (5) Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

(c) Grading and Filling.

- (1) Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section §3600.7(a) of this ordinance.
- (2) Permit Requirements.
 - a. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section §3600.8c (3) of this ordinance must be incorporated into the permit.
 - b. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - (1) the movement of more than ten (10) cubic yards of material on steep slopes or bluff impact zones;
 - (2) the movement of (25) cubic yards of material within shore impact zones; and
 - (3) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

- (3) Grading and filling in shoreland areas or any alteration of these natural topography where the slope of the land is toward a protected water or watercourse leading to a protected water must be authorized by a grading and filling permit and is subject to the provisions of §1800 and §1900 of this Chapter. The grading and filling permit may be granted by the City subject to the conditions of §1800 and §1900 and the following:
- a. Grading or filling of any wetland must meet or exceed the wetland protection standards under Minnesota Rules, Chapter 8420 and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
 - b. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - (1) Limiting the amount and time of bare ground exposure;
 - (2) Using temporary ground covers such as mulches or similar materials;
 - (3) Establishing permanent vegetation cover as soon as possible;
 - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - (7) Fill or excavated material must not be placed in bluff impact zones;
 - (8) No grading or filling shall be permitted within twenty (20) feet of horizontal distance to the normal high water mark of the water body. Sand beaches are exceptions to this provision under the following conditions:
 - a. The sand material shall be clean, free of pollutants and nutrients, inorganic sand or gravel.
 - b. A sand beach shall be placed in the lesser of:
 - i. An area no wider than fifty (50) feet as measured at the rear lot line or ordinary high water mark and extending no more than twenty (20) feet landward of the ordinary high water mark, or
 - ii. An area no wider than two-thirds (2/3rd) of the lot width as measured at the rear lot line or ordinary high water mark and extending not more than twenty (20) feet landward of the ordinary high water mark.
 - c. Sand beaches shall not be placed in bluff impact zones.

- d. Sand beaches shall not be placed on slopes exceeding ten (10) percent. Slopes exceeding ten (10) percent may not be altered to allow for the placement of a sand beach. (c) Any work which will change or diminish the course, current, or cross section of a public water must be approved by the Department of Natural Resources before the work is begun. This includes construction of channels and ditches, lagooning, dredging of the lake bottom for the removal of muck, silt or weeds, and filling in the lake bed, including low lying marsh areas. Approval shall be construed to mean the issuance, by the Commissioner of the Department of Natural Resources, of a permit under the procedures of Minnesota Statute, 1974, §4 and other related statutes.
- (9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G;
 - (10) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
 - (11) Installation of riprap is allowed only where there is a demonstrated need to stop existing erosion or to restore an eroded shoreline. An individual DNR Public Waters Work Permit is required for any work performed below the ordinary high-water level (OHWL) unless the installation meets all of the following conditions:
 - a. The riprap must not cover emergent aquatic vegetation, unless authorized by an aquatic plant management permit from the DNR's Division of Fisheries.
 - b. Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed.
 - c. A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock.
 - d. The riprap must be no more than 6 feet waterward of the OHWL.
 - e. The riprap must conform to the natural alignment of shore and must not obstruct navigation or the flow of water.
 - f. The minimum finished slope waterward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical).
 - g. The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands.
 - h. The site must not be a posted fish spawning area
- (4) Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).
- (d) Stormwater Management.
 - (1) General Standards:

- a. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- c. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(2) Specific Standards:

- a. Impervious surfaces of lots must not exceed 40 percent 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 district or the Minnesota Stormwater Manual, as applicable.
- c. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

§3600.9 Subdivision/Platting Provisions

- (a) Purpose. To ensure that new development minimizes impacts to shoreland resources and is safe and functional.
- (b) Land suitability. Each lot created through subdivision, including planned unit developments authorized under Section §3600.10 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.
- (c) Consistency with other controls. Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.
- (d) Information requirements.
 - (1) Topographic contours at two-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics.
 - (2) The surface water features required in [Minnesota Statutes, section 505.021, Subd. 1](#), to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

- (3) Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 - (4) 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 runoff and erosion, both during and after construction activities;
 - (5) Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 - (6) 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.
- (e) 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.
 - (f) Platting. All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a and 505. No permit for construction of buildings shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

§3600.10 Planned Unit Developments (PUDs)

- (a) Purpose. To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- (b) Types of PUDs Permissible. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section §3600.6(b) of this ordinance is allowed if the standards in this Section are met.
- (c) Processing of PUDs. Planned unit developments must be processed as a conditional use. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section §3600.10(e). Approval cannot occur until all applicable environmental reviews are complete.
- (d) Application for a PUD. The applicant for a PUD must submit the following documents prior to final action on the application request:
 - (1) Site plan and/or plat showing:
 - a. Locations of property boundaries;
 - b. Surface water features;
 - c. Existing and proposed structures and other facilities;
 - d. Land alterations;

- e. Sewage treatment and water supply systems (where public systems will not be provided);
 - f. Topographic contours at ten-foot intervals or less; and
 - g. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).
- (2) A property owners association agreement (for residential PUD's) with mandatory membership, and consistent with Section §3600.10(f) of this ordinance.
 - (3) Deed restrictions, covenants, permanent easements or other instruments that:
 - a. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - b. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section §3600.10(f) of this ordinance.
 - (4) A master plan/site plan describing the project and showing floor plans for all commercial structures.
 - (5) Additional documents necessary to explain how the PUD will be designed and will function.
- (e) Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.
- (1) Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

	Sewer (ft)
General Development Lakes – 1st tier	200
General Development Lakes – all other tiers	200

- (2) Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- (3) Step 3. Determine Base Density:
 - a. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - b. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

- (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.
- (b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:
 - I. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.
 - II. For recreational vehicles, campers or tents, use 400 sf.
- (2) Select the appropriate floor area/dwelling site area ratio from the following table for the floor area or dwelling site area determined in Section §3600.10e (3b(1)).

Inside Living Floor Area or Dwelling Site Area (sf)	Floor Area/Dwelling Site Area Ratio
	General Development Lakes w/Sewer – all tiers
< 200	.040
300	.048
400	.056
500	.065
600	.072
700	.082
800	.091
900	.099
1,000	.108
1,100	.116
1,200	.125
1,300	.133
1,400	.142
> 1,500	.150

- (3) Multiply the suitable area within each tier determined in Section §3600.10e (2) by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section §3600.10e (3b(3)) by the average inside living floor area for dwelling units or dwelling site area determined in §3600.10e (3b(1)). This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

- c. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- d. All PUDs with densities at or below the base density must meet the design standards in Section §3600.10(f).

(4) Step 4. Determine if the Site can Accommodate Increased Density:

- a. The following increases to the dwelling unit or dwelling site base densities determined Section §3600.10e (3) are allowed if the design criteria in Section §3600.10(f) of this ordinance are satisfied as well as the standards in Section §3600.10e (4), item b:

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

- b. Structure setbacks from the ordinary high water level:
 - (1) Are increased to at least 50 percent greater than the minimum setback; or
 - (2) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

(f) Design Criteria. All PUDs must meet the following design criteria.

(1) General Design Standards.

- a. All residential planned unit developments must contain at least five dwelling units or sites.
- b. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section §3600.6(4) of this ordinance. Sewage treatment systems must meet the setback standards of Section §3600.6d (1), item (1)a of this ordinance.
- c. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

- d. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections §3600.6:
 - e. Shore recreation facilities:
 - (1) Must be centralized and located in areas suitable for them based on a suitability analysis.
 - (2) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).
 - (3) Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
 - f. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
 - g. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.
- (2) Open Space Requirements.
- a. Open space must constitute at least 50 percent of the total project area and must include:
 - (1) Areas with physical characteristics unsuitable for development in their natural state;
 - (2) Areas containing significant historic sites or unplatted cemeteries;
 - (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
 - I. For existing residential PUD's, at least 50 percent of the shore impact zone
 - II. For new residential PUDs, at least 70 percent of the shore impact zone.
 - III. For all commercial PUD's, at least 50 percent of the shore impact zone.
 - b. Open space may include:
 - (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
 - (2) Non-public water wetlands.
 - c. Open space shall not include:
 - (1) Dwelling sites or lots, unless owned in common by an owners association;

- (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
- (3) Road rights-of-way or land covered by road surfaces and parking areas;
- (4) Land below the OHWL of public waters; and
- (5) Commercial facilities or uses.

(3) Open Space Maintenance and Administration Requirements.

- a. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:
 - (1) Commercial uses (for residential PUD's);
 - (2) Vegetation and topographic alterations other than routine maintenance;
 - (3) Construction of additional buildings or storage of vehicles and other materials; and
 - (4) Uncontrolled beaching of watercraft.
- b. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:
 - (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;
 - (2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
 - (3) Assessments must be adjustable to accommodate changing conditions; and
 - (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(4) Erosion Control and Stormwater Management.

- a. Erosion control plans must be developed and must be consistent with the provisions of Section §3600.8(c) of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
- b. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area, except that 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Section §3600.8 of this ordinance.

- (g) Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

- (1) Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;
- (2) Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;
- (3) Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
 - a. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - b. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and
 - c. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- (4) Existing dwelling unit or dwelling site densities that exceed standards in Section §3600.10(e) of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Section3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on _____, 2020.

Approved:

Mayor

Attested:

City Clerk

CITY OF MEDICINE LAKE
ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTIONS 3700 OF THE ZONING CODE REGULATING WETLANDS
WITHIN THE CITY OF MEDICINE LAKE**

The City of Medicine Lake does ordain:

Section 1: Purpose

The City of Medicine Lake to regulate development activities that have the potential to impact wetlands and provided for regulations that are consistent with federal and state laws and policy.

Section 2 Proposed Amendments to the Zoning Code

The following changes shall be incorporated into section 3700 of the zoning code. Changes are reflected by ~~strikeouts~~ for deletions and underline for new inserted text.

Subpart 3700.4 Development Regulations is revised as follows:

- (b) High Water Elevation for lakes, ponds, or flowages, no structure, except docks, shall be placed at an elevation such that the lowest floor, including basement floor, is less than ~~one~~ two (± 2) ~~foot~~ feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the elevation of the line of permanent shoreland vegetation shall be used as the estimated high water elevation. When fill is required to meet this elevation, the fill shall be allowed to stabilize, and construction shall not begin until the property has been inspected by the ~~Building Inspector~~ City Engineer. Plans shall also be submitted to the Department of Natural Resources and Bassett Creek Watershed Management Commission.

The following sections are added to Subpart 3700.4 as follows:

- (c) Buffers.
- (1) Native or natural vegetation buffers must be established or preserved in accordance with this chapter and the requirements of the BCWMC.
 - (2) Buffers are required for projects containing more than one acre of new or redeveloped impervious area. Average minimum buffer widths (measured from the delineated wetland edge) are required according to the MnRAM classification:
 - a. Preserve: 75 feet average and minimum of 50 feet.
 - b. Manage 1: 50 feet average and minimum of 30 feet.
 - c. Manage 2 or 3: 25 feet average and a minimum of 15 feet.
 - (3) The following standards shall guide the creation or restoration of buffers to achieve the goals and policies of the City's Surface Water Management Plan. The Zoning Administrator may modify or waive standards depending on each project site and goals for the water body.
 - a. The use of a meandering buffer strip to maintain a natural appearance is encouraged in areas of flat topography.

- b. An access corridor, not to exceed 20 feet in width or 20 percent of the buffer edge, whichever is less, is permitted.
- c. Accessory structures intended to provide access to wetlands such as stairways and docks are permitted in the access corridor.
- d. The City may require that the buffer may be placed in a conservation easement.
- e. Monuments identifying the conservation easement, designed in accordance with City standards, should be placed every 100 feet to delineate the buffer edge and at intersections with property lines.
- f. Buffer strip vegetation should be appropriate to the goals for the water body. Where acceptable natural vegetation exists in buffer strip areas, the retention of such vegetation in an undisturbed state is preferred.

Section3: Effective Date.

This ordinance becomes effective upon passage and publication.

Passed by the City Council of Medicine Lake on _____, 2022.

Approved:

Mayor

Attested:

City Clerk