7.14 “S” Shoreland District

7.14.1 Statutory Authorization and Policy

(A) Statutory Authorization

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minn. R. 6120.2500 through 6120.3900, as may be amended, and the planning and zoning enabling legislation in Minn. Stat. Ch. 394, as may be amended.

(B) Policy

The uncontrolled use of shorelands of Benton 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 subdivision, use and development of shorelands of public waters. 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 Benton County.

7.14.2 General Provisions

(A) Jurisdiction

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in subsection 7.14.4. Pursuant to Minn. R. 6120.2500 through 6120.3900, as may be amended, no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. 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) 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 treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of the Shoreland District requirements and other applicable regulations.

7.14.3 Administration

(A) Permits Required

(1) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by subsection 7.14.5(G)(1) and (2).

(2) Application for a permit shall be made to the Department of Development Director on the forms provided. The application shall include the necessary information so that the Department of Development Director can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

(B) Land Use Permit

A land use permit must be obtained from the Department of Development Director for each activity requiring a permit as specified in subsection 7.14.3(A)(1). This permit 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 11.11 of this Ordinance.

(C) Notifications to the Department of Natural Resources

(1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least 10 days before the hearings. Notices of hearings to consider

proposed subdivisions/plats must include copies of the subdivision/plat.

(2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within 10 days of final action.

7.14.4 Shoreland Classification System and Land Use Districts

(A) Lakes

(1) Natural Environment Lakes

Name	Section	Township	Range	Protected Water ID No.
Bible's Duck Slough	15, 16	36	28	5-1
Donovan Lake	27, 34	36	30	5-4
Mayhew Lake	8, 17	37	30	5-7
Pularskis Lake	29, 30	38	30	5-9
Vicki Lake	22	38	31	5-50

(2) Recreational Development Lakes

Name	Section	Township	Range	Protected Water ID No.
Little Rock Lake	2, 3, 10, 11, 14, 34, 35	37, 38	31	5-13
Little Rock Channel and Flowage to Mississippi	14, 15	37	31	5-12

(B) Rivers and Streams

All rivers and streams contained in Benton County shall be classified as Forested, Transition, Agricultural, Urban or Tributary. The classifications of particular rivers and streams shall be designated on the Official Protected Waters and Wetlands Map for Benton County, Minnesota, issued by the Minnesota Department of Natural Resources, Division of Waters. That document is hereby incorporated by reference and made a part of this Ordinance.

(C) Land Use Districts

This district contains standards that are additional to those set forth in other sections of this chapter. The specific use restrictions applicable to shoreland property shall be determined by the underlying land use district in which the property is located. Property owners should initially refer to the appropriate zoning district section (e.g. A-1, R-2, etc.) to determine whether a proposed use is permitted in that district. If the property also lies in a designated shoreland area, this chapter should then be reviewed to determine whether further restrictions apply.

7.14.5 Zoning And Water Supply/Sanitary Provisions

(A) Lot Area and Width Standards

The lot size restrictions listed below may differ from the standards applicable in the underlying zoning districts and listed in subsections 7.2.6, 7.3.6, 7.4.6, 7.5.6, 7.6.6, and 7.7.6. In such cases, the more restrictive standard shall apply.

The lot area (in square feet) and lot width standards (in feet) for single, duplex, triplex and quad residential lots for the lake and river/stream classifications are the following:

(1) Lakes, Private Septic Systems

(a) Natural Environment:

	Littoral Lots		Non-littoral Lots	
	Area	Width	Area	Width
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

(b) Recreational Development:

	Littoral Lots		Non-littoral Lots	
	Area	Width	Area	Width
Single	40,000	150	40,000	150
Duplex	80,000	225	80,000	265
Triplex	120,000	300	120,000	375
Quad	160,000	375	160,000	490

(2) Lakes, Public Sewer

(a) Natural Environment:

	Littoral Lots		Non-littoral Lots	
	Area	Width	Area	Width
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

(b) Recreational Development:

	Littoral Lots		Non-littoral Lots	
	Area	Width	Area	Width
Single	20,000	80	15,000	75
Duplex	35,000	135	26,000	135
Triplex	50,000	195	38,000	190
Quad	65,000	255	49,000	245

(3) River/Stream Lot Area and Width Standards

(a) The minimum area of lots located within River/Stream Shoreland Areas shall be governed by the standards applicable in the underlying zoning districts and listed in subsections 7.2.6, 7.3.6, 7.4.6, 7.5.6, 7.6.6, and 7.7.6.

(b) The lot width standards (in feet) for single, duplex, triplex and quad residential developments for the 6 river/stream classifications are as follows:

	Forested	Transition	Agricultural	Urban and Tributary No sewer	Urban and Tributary Sewer
Single	200	250	150	100	75
Duplex	300	375	225	150	115
Triplex	400	500	300	200	150
Quad	500	625	375	250	190

(4) Additional Special Provisions

(a) Residential subdivisions with dwelling unit densities exceeding those in the tables in subsections 7.14.5(A)(2) and (3) can only be allowed if designed and approved as residential multiple unit developments under subsection 7.14.8. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewer lot area dimensions in subsection 7.14.5(A)(2) can only be used if publicly owned sewer system service is available to the property.

(b) Subdivisions of duplexes, triplexes, and quads on Natural Environment Lakes must also meet the following standards:

(i) Each building must be set back at least 200 feet from the ordinary high water level;

(ii) Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

(iii) Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

(iv) No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

(c) Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian or nonlittoral lots within subdivisions are permissible and must meet or exceed the following standards:

(i) They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.

(ii) If docking, mooring, or over-water storage of more than 6 watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the

requirements for riparian or littoral residential lots for each watercraft beyond 6, consistent with the following table:

Controlled Access Lot Frontage Requirements	
Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100-200	20
201-300	15
301-400	10
Greater than 400	5

(iii) They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian or nonlittoral lots in the subdivision who are provided riparian or littoral access rights on the access lot; and

(iv) Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf- on conditions.

(B) Existing nonconforming lots in shoreland areas.

(1) This item applies only to shoreland lots created prior to June 14, 1972, that do not meet the requirements for lot size or lot width. In a group of 2 or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

(a) The lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minn. R. Ch. 6120, as may be amended;

(b) The lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minn. R. Ch. 7080, as may be amended, and Section 9.22 of this Ordinance.

(c) Impervious surface coverage shall not exceed 25 percent of each lot; and

(d) Development of the lot must be consistent with the comprehensive plan.

(e) The division of the lots will not create a noncompliant setback from the existing structures to the lot lines.

(2) Any existing nonconforming shoreland lot created prior to June 14, 1972, not meeting the requirements of subpart a-e must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible. Abutting nonconforming lots that come under common ownership shall not be developed or sold separately. No permits shall be issued for any use or structure on any nonconforming parcel of land that was sold separately after coming under common ownership.

(3) Contiguous nonconforming lots in shoreland areas under a common ownership that were created on or after June 14, 1972, or not meeting the above standards shall be deemed to be a part of the abutting tract or parcel of land to the extent necessary to reduce or eliminate the substandard features of the lot for the zoning district in which it is situated

(4) Notwithstanding this item contiguous nonconforming lots in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minn. Stat. § 115.55 and Minn. R. Ch. 7080, as may be amended, or connected to a public sewer.

(5) For lots subject to subpart a-e when evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

(Ord. #440, adopted 10/20/09)

(C) Placement of Structures on Lots

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Structures shall be located as follows:

(1) Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level*.

Classes of Public Waters	Structure Setbacks*	Sewage Treatment System
Lakes		
Natural Environment	150	150 (For Septic/Lift Tank and System)
Recreational Development	100	100 (Septic System) 75 (Septic/Lift Tank)
Rivers		
Forested and Transition	150	150 (Septic System) 100 (Septic/Lift Tank)

Agriculture, Urban, and Tributary	100	75 (For Septic/Lift Tank and System)
*1 water-oriented accessory structure designed in accordance with subsection 7.14.5(D) may be set back a minimum distance of 10 feet from the ordinary high water level.		

(Ord. #257, adopted 11/07/95) (Ord. #407, adopted 11/14/06) (Ord. #485, adopted 09/26/22)

(2) Additional Structure Setbacks.

The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback from	Setback (in feet)
Top of bluff	30
Unplatted Cemetery	50

(3) Bluff Impact Zones.

Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

(4) Uses Without Water-oriented Needs.

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

(D) Design Criteria For Structures

(1) High Water Elevations.

(2) 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 as follows:

(a) For lakes, by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher;

(b) For rivers and streams, by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts Minn. R. 6120.5000 through 6120.6200, as may be amended, governing the management of flood plain areas. If more than 1 approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

(c) Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

(3) Water-oriented Accessory Structures.

Each lot may have 1 water-oriented accessory structure not meeting the normal structure setback in subsection 7.14.5(C) if this water-oriented accessory structure complies with the following provisions:

(a) The structure or facility must not exceed 10 feet in height, exclusive of safety rails, and cannot occupy an area greater than 400 square feet. Detached decks must not exceed 8 feet above grade at any point;

(Ord. #254, adopted 08/15/95)

(b) The setback of the structure or facility from the ordinary high water level must be at least 10 feet;

(c) The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

(d) The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;

(e) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and

(f) As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to 400 square feet provided the minimum width of the structure is 20 feet as measured parallel to the configuration of the shoreline.

(4) Stairways, Lifts, and Landings.

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

(a) Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and multiple unit developments;

(b) 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 open-space recreational properties, and multiple unit developments;

(c) Canopies or roofs are not allowed on stairways, lifts, or landings;

(d) 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;

(e) 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

(f) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of subitems (a) through (e), above, are complied with in addition to the requirements of Minn. R. Ch.1340, as may be amended.

(5) Significant Historic Sites.

No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

(6) Steep Slopes.

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

(E) Height of Structures

All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 35 feet in height. (Ord. #388, adopted 07/05/05)

(F) Fences

Fences erected from the building to the ordinary high water level shall not exceed a height of 4 feet and have at least 90 percent of the surface uniformly open and unobstructed unless the lot abuts a public park or public access. (Ord. #407, adopted 11/14/06)

(G) Shoreland Alterations

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

(1) Vegetation Alterations

(a) Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by subsection 7.14.5(H) are exempt from the vegetation alteration standards that follow.

(b) Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in subsections 7.14.5(J)(2) and (3), respectively, is allowed subject to the following standards:

(i) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil and Water Conservation District in which the property is located.

(ii) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock

watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

a. The cleared access is no more than 15 feet wide,

b. An area no greater than 200sf within 10 feet of the OHW may be cleared. In no case should the cleared area within 10 feet of the OHW be greater than 20 percent of the lot width at the OHW.

c. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

d. Along rivers, existing shading of water surfaces is preserved; and

e. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

(iii) Outside of the Shore/Bluff Impact zone, but within the structural setback, landowners may, under a shoreland alteration permit, create a viewing corridor to the water body. In no instance may more than 25 percent of the trees or 50 percent of the shrubs be removed.

(2) Topographic Alterations/Grading and Filling

(a) Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

(b) Public roads and parking areas are regulated by subsection 7.14.5(H).

(c) Notwithstanding Items (a) and (b), above, a grading and filling permit will be required for:

(i) the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and

(ii) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

(d) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:

(i) Grading or filling in any type 1, 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland*:

a. sediment and pollutant trapping and retention;

b. storage of surface runoff to prevent or reduce flood damage;

c. fish and wildlife habitat;

d. recreational use;

e. shoreline or bank stabilization; and

f. noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

*This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed

district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

(ii) Up to a 15 foot wide path may be altered within the shore impact zone. Within 10 feet of the OHW, an area no greater than 200sf within 10 feet of the OHW may be cleared. In no case should the cleared area within 10 feet of the OHW be greater than 20 percent of the lot width at the OHW. There shall be no fill below the OHW.

(iii) Outside of the shore impact zone, but within the shoreland zone, up to 25 percent of the lot may be altered.

(iv) Altered land must be stabilized and seeded within 24 hours.

(v) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.

(vi) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.

(vii) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.

(viii) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the Department of Agricultural – Natural Resources Conservation Service; (Ord. #410, adopted 04/17/07).

(ix) Fill or excavated material must not be placed in a manner that creates an unstable slope.

(x) 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.

(xi) Fill or excavated material must not be placed in bluff impact zones.

(xii) Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner of Department of Natural Resources under Minn. Stat. § 103G.245, as may be amended.

(xiii) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

(e) Shoreline Stabilization

(i) Rip-Rap

a. Rip-rap should only be used in areas experiencing active erosion.

b. Rip-rap for aesthetic purposes is prohibited.

c. The area to be rip-rapped shall be limited to 25 percent of the shoreline length.

d. There shall be a minimum 10 foot native vegetation buffer the entire length of the rip-rapped area.

e. In rare occasions rip-rap may be placed within the floodway or fringe only for the purpose of stabilizing active erosion. Doing so shall require a Conditional Use Permit and shall be designed by a licensed engineer.

f. Placement of natural rock rip-rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the

finished slope does not exceed 3 feet horizontal to 1 foot vertical, the landward extent of the rip-rap is within 10 feet of the ordinary high water level, and the height of the rip-rap above the ordinary high water level does not exceed 3 feet.

(ii) Ice Ridges

a. Ice ridges may only be removed if they were formed that winter season, and must be removed no later than June 30th after the winter season.

b. If the ice ridge was not formed that season, removal is limited as follows:

i. Removal is limited to 25 percent of the length of the shoreline.

ii. All material must be removed to an upland area and stabilized.

iii. No additional fill is to be hauled in to replace material removed from the ice ridge.

iv. Exposed areas of the ice ridge shall be stabilized within 24 hours.

v. Any work conducted waterward of the OHWL requires a DNR permit.

(f) Beach Blanket / Sand Blanket

(i) A DNR permit may not be necessary if the following conditions are met:

a. Blanket is not placed on a natural lake bottom containing greater than 12 inches soft or mucky soils.

b. Blanket is limited to 25 percent of the length of the shoreline or 25 feet, whichever is less. The blanket shall not extend more than 10 feet waterward of the OHWL

c. Blanket is not placed in wetlands.

d. Blanket shall not be placed in the floodway (most commonly found along moving waterways).

e. Sand must be clean washed and must be of grain size (course sand or larger) that stay in place during wave action.

f. Placement of sand shall only be allowed twice in the same location. If sand subsides (sinks) or becomes dislodged, no further replacement of blanket material is to be allowed in the same location.

g. Blankets must not be placed over emergent aquatic vegetation such as bulrush(s), sedges, and cattails.

h. A plant barrier or liner is not allowed to be installed under the constructed beach.

i. Blanket may be up to 6 inches thick.

(ii) A county shoreland alteration permit is required if any part of the blanket is above the OHW.

(g) Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of DNR has approved the proposed connection to public waters.

(H) Placement and Design of Roads, Driveways, and Parking Areas

(1) Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local Soil and Water Conservation District, or other applicable technical materials.

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

(3) Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subsection 7.14.5(G)(2) must be met.

(I) Stormwater Management

The following general and specific standards shall apply:

(1) General Standards:

(a) When possible, existing natural drainageways, wetlands, 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 and protected as soon as possible and facilities or methods used to retain sediment on the site.

(c) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and

vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

(2) Specific Standards:

(a) Impervious surface coverage of lots must not exceed 25 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 Districts.

(c) New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

(J) Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

(1) Standards for Commercial, Industrial, Public, and Semipublic Uses.

(a) Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

(i) in addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

(ii) uses that require short-term watercraft mooring for patrons must centralize these facilities and design

them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

(iii) uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

a. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

b. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

c. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

d. All signs must comply with Section 8.1.

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

(2) Agriculture Use Standards

(a) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local Soil and Water Conservation Districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

(b) In addition to the standards of subsection 9.12.3, new feedlots must not be located in bluff impact zones.

(3) Forest Management Standards.

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

(4) Extractive Use Standards

(a) Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify

actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

(b) Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

(K) Conditional Uses

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

(1) Evaluation criteria.

(a) A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

(i) the prevention of soil erosion or other possible pollution of public waters, both during and after construction;

(ii) the visibility of structures and other facilities as viewed from public waters is limited;

(iii) the site is adequate for water supply and on-site sewage treatment; and

(iv) the types, uses, and number of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

(2) Conditions attached to conditional use permits.

(a) The Benton County Planning Commission, upon consideration of the criteria listed above and the purposes of

this Ordinance, shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance.

(b) Such conditions may include, but are not limited to, the following:

(i) increased setbacks from the ordinary high water level;

(ii) limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and

(iii) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

(L) Water Supply and Sewage Treatment

(1) Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

(2) Sewage treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, and fully comply with the standards set forth in Section 9.22.

(a) Publicly-owned sewer systems must be used where available.

(b) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in subsection 7.14.5(C).

(c) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subsection 7.14.5(L)(2)(d)(i) through (iv). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation

tests from on-site field investigations by a certified septic system designer or a licensed engineer.

(d) Evaluation criteria:

(i) depth to the highest known or calculated ground water table or bedrock;

(ii) soil conditions, properties, and permeability;

(iii) slope;

(iv) the existence of lowlands, local surface depressions, and rock outcrops;

(e) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 9.22.

7.14.6 Nonconformities

All legally established nonconformities as of the date of this shoreland ordinance may continue, but they will be managed according to applicable Minnesota Statutes and other regulations of this community for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use.

A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the board of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

(A) Additions/expansions to nonconforming systems

(1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of subsection 7.14.5. Any deviation from these requirements must be authorized by a variance.

(2) 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 and standards are met:

(a) the structure existed on the date the structure setbacks were established;

(b) 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;

(c) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 50 feet, whichever is more restrictive; and

(d) the deck is constructed primarily of wood, and is not roofed or screened.

7.14.7 Subdivision/Platting Provisions

(A) Land suitability.

(1) Each lot created through subdivision, including multiple unit developments authorized under subsection 7.14.8, must be suitable in its natural state for the proposed use with minimal alteration.

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

(B) Consistency with other controls.

(1) Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.

(2) In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with subsections 7.14.5(C) and 7.14.5(L) can be provided for every lot.

(3) Each lot shall meet the minimum lot size and dimensional requirements of subsection 7.14.5(A), including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of 2 standard soil treatment systems.

(4) Lots that would require use of holding tanks must not be approved.

(C) Information requirements.

(1) Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. In addition to requirements of Section 10 of the Development Code, an applicant proposing a subdivision of shoreland property must provide the following:

(a) 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;

(b) location of 100-year (1% probability) flood plain areas and floodway districts from existing adopted maps or data; and

(c) 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.

(D) 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.

(E) Platting.

(1) All subdivisions that create 5 or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minn. Stat. Ch. 505, as may be amended.

(2) No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

(F) Controlled Access or Recreational Lots.

Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in subsection 7.14.5(A)(4).

7.14.8 Multiple Unit Developments (MUD's) in Shoreland Districts

(A) Types of MUD's Permissible

(1) Multiple unit developments are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land.

(2) The land use districts in which they are an allowable use are identified in Section 7.

(3) All developments in Shoreland areas that meet the definition of MUD must be processed pursuant to this Section.

(B) Processing of MUD's

(1) Multiple unit developments must be processed as a conditional use, except that an expansion to an existing commercial MUD 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 subsection 7.14.8(E).

(2) Approval cannot occur until the environmental review process (EAW/EIS) is complete, if required.

(C) Application for a MUD

The applicant for a MUD must submit the following documents prior to final action being taken on the application request:

(1) A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at 10-foot intervals or less. When a MUD is a combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

(2) A property owners association agreement (for residential MUD's) with mandatory membership, and all in accordance with the requirements of subsection 7.14.8(F).

(3) Deed restrictions, covenants, permanent easements or other instruments that:

(a) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential MUD's; and

(b) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in subsection 7.14.8(F).

(4) When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

(5) Those additional documents as requested by the Department of Development Director that are necessary to explain how the MUD will be designed and will function.

(D) Site "Suitable Area" Evaluation

Proposed new or expansions to existing multiple unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in subsection 7.14.8(E).

(1) The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions		
	Unsewered (feet)	Sewered (feet)
General development lakes-first tier	200	200
General development lakes-second and additional tiers	267	200
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

(2) The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial multiple unit development density evaluation steps to arrive at an allowable number of dwelling units or sites.

(E) Residential and Commercial MUD Density Evaluation

The procedures for determining the "base" density of a MUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

(1) Residential MUD "Base" Density Evaluation:

(a) The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternative minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and number of dwelling units or sites for the residential multiple unit developments are then

compared with the tier, density, and suitability analyses herein and the design criteria in subsection 7.14.8(F).

(2) Commercial MUD "Base" Density Evaluation:

(a) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

(b) Select the appropriate floor area ratio from the following table:

Table: Commercial Multiple Unit Development Floor Area Ratios*

*Average unit floor area (sq. ft.)	Public waters classes		
	• Sewered General Development Lakes; • First tier on unsewered General Development Lakes; • Urban, agricultural, tributary river segments	• Second and additional tiers on unsewered General Development Lakes; • Recreational Development Lakes; • Transition and forested river segments	Natural Environment Lakes and Remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet.

For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

(c) Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

(d) Divide the total floor area by tier computed in Item (c), above by the average inside living area size determined in Item (a), above. This yields a base number of dwelling units and sites for each tier.

(e) Proposed locations and numbers of dwelling units or sites for the commercial multiple unit development are then compared with the tier, density and suitability analyses herein and the design criteria in subsection 7.14.8(F).

(3) Density Increase Multipliers:

(a) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in subsection 7.14.5 are met or exceeded and the design criteria in subsection 7.14.8(F). are satisfied. The allowable density increases in Item (b), below, will only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the local unit of government and the setback is at least 25 percent greater than the minimum setback.

(b) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Multiple Unit Developments:

Density Evaluation Tiers	Maximum Density Increase within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200

Fifth	200

(F) Maintenance and Design Criteria

(1) Maintenance and Administration Requirements

(a) Before final approval of a multiple unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.

(b) Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

(i) commercial uses prohibited (for residential MUD's);

(ii) vegetation and topographic alterations other than routine maintenance prohibited;

(iii) construction of additional buildings or storage of vehicles and other materials prohibited; and

(iv) uncontrolled beaching of watercraft prohibited.

(c) Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential multiple unit developments must use an owners association with the following features:

(i) membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;

(ii) each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;

(iii) assessments must be adjustable to accommodate changing conditions; and

(iv) the association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

(2) Open Space Requirements.

Multiple unit developments must contain open space meeting all of the following criteria:

(a) at least 50 percent of the total project area must be preserved as open space;

(b) dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;

(c) open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;

(d) open space may include 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;

(e) open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;

(f) open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;

(g) the appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and

(h) the shore impact zone, based on normal structure setbacks, must be included as open space. For residential MUD's, at

least 50 percent of the shore impact zone area of existing developments or at least 70 percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial MUD's, at least 50 percent of the shore impact zone must be preserved in its natural state.

(3) Erosion Control and Stormwater Management.

Erosion control and stormwater management plans must be developed and the MUD must:

(a) Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and

(b) Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial MUD's 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 subsection 7.14.5(G).

(4) Centralized and Design of Facilities. Centralization design of facilities and structures must be done according to the following standards:

(a) Multiple unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department

of Health and subsections 7.14.5(B) and 7.14.5(L). On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;

(b) Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with subsection 7.14.8(E)(3) for developments with density increases;

(c) Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. 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). 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;

(d) 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;

(e) Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and

(f) Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in subsection 7.14.5(B) and are centralized.

(G) Conversions

Local governments may allow existing resorts or other land uses and facilities to be converted to residential multiple unit developments if all the following standards are met:

(1) Proposed conversions must be initially evaluated using the same procedures for residential multiple unit developments involving all 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 sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and

(c) if existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions 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 subsection 7.14.8(E) 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.