

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-005

**AN ORDINANCE TO AMEND SHORELAND DISTRICT REGULATIONS TO
ELIMINATE SHORELAND SPECIFIC RIGHT-OF-WAY SETBACK
REQUIREMENTS AND TO UPDATE ORDINARY HIGH WATER AND
FLOODPLAIN LEVELS FOR AREA LAKES**

Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 150.254 is hereby amended to read as follows:

Section 150.254 SHORELAND CLASSIFICATION.

- (A) The public waters of the city have been classified below, consistent with the criteria found in Minnesota Rules, Chapter 6120.3000, as it may be amended from time to time, and the Protected Waters Inventory Map for Washington County, Minnesota. The shoreland area for the water bodies listed below shall be defined in § 150.252 and as shown on the city's shoreland management area map.
- (B) The classes of public waters for the city are natural environment lakes, recreational development lakes, and tributary streams.
 - (1) *Natural environment lakes.* Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development, such as high water tables, exposed bedrock and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.

<i>D.N.R. I.D.#</i>	Lake Name	Location	OHW	100-Year Elevation
<u>82-7482007400</u>	Horseshoe	Sec. 25	876.8	<u>877.4</u>
<u>82-9982009900</u>	Clear	Sec. 2, 11		<u>938</u>
<u>82-10082010000</u>	Unnamed	Sec. 4		<u>962</u>
<u>82-10582010500</u>	Berschen's Pond	Sec. 10		<u>925</u>
<u>82-10782010700</u>	Sunfish	Sec. 14	896.4	<u>901.899</u>
<u>82-10882010800</u>	Friedrich Pond	Sec. 15, 22		<u>972.6.913.0</u>

<u>82-11082011000</u>	Downs	Sec. 24	889.1	893
<u>82-11182011100</u>	H.J. Brown pond	Sec. 26		900
<u>82-11282011200</u>	Rose (Sunfish)	Sec. 25, 36		888
<u>82-11382011300</u>	Goose	Sec. 27, 34, 35	924.4	932
<u>82-11682011601</u>	Unnamed (Armstrong)Armstrong (North of 10 th St)	Sec. 28, 33	1020.3	
<u>82011602</u>	Armstrong (South of 10 th Street)	Sec. 33	1019.1	

- (2) *Recreational development lakes.* Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of land forms, soil, and ground water situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences. Many of these lakes have capacities of accommodating additional development and use.

<i>D.N.R. I.D.#</i>	Lake Name	Location	OHW	100-Year Elevation
82-101	DeMontreville	Sec. 4, 5, 9	930 929.3	931.5 931.0
82-103	Olson	Sec. 8, 9	930 929.3	931.5 931.0
82-104	Jane	Sec. 9, 10	924	926.0 925.0
82-106	Elmo	Sec. 13, 14, 23, 24, 26	886 885.6	891.0 889

- (3) *Tributary Streams.* Tributary stream segments consist of water courses mapped in the protected waters inventory that have not been assigned 1 of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

<i>Location</i>	Stream Name
Sec. 33	Unnamed to Wilmes Lake
Sec. 16, 21, 22	Unnamed to Eagle Point Lake (Eagle Point Creek North) Raleigh Creek North (to Eagle Point Lake)

Sec. 22, 23, 27	Unnamed to Lake Elmo (Eagle Point Creek South) <u>Raleigh Creek South (Eagle Point Lake to Lake Elmo)</u>
Sec. 25	Unnamed Tributary

Section 2. The City Council of the City of Lake Elmo hereby ordains that Section 150.255, Subdivision (D), is hereby amended to read as follows:

(D) *Placement, design, and height of structures.*

(1) *Placement.* When more than 1 setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

(a) *Structure and on-site sewage system setbacks.* Structure and on-site sewage system setbacks (in feet) from ordinary high water level.

<i>Setbacks From OHW</i>		
Classification	Structures	Sewage Treatment System
Natural Environment	150 feet	150 feet
Recreational Development	100 feet	75 feet
Tributary	100 feet	75 feet

(b) *Additional structure setbacks.* The following additional structure setbacks apply, regardless of the classification of the water body.

<i>Setback From</i>	<i>Setback (In Feet)</i>
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highways	50 Per underline zoning district regulations and exceptions
Right-of-way line of town road, public street, or other roads or streets not classified	30 Per underline zoning district regulations and exceptions

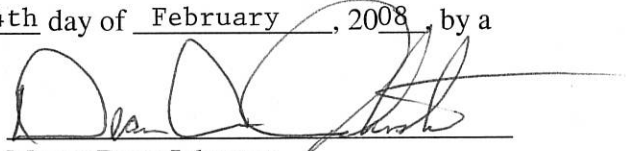
(c) *Bluff impact zone.* Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

- (d) *Significant historic sites.* No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- (e) *Steep slopes.* The city shall 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 water, assuming summer, leaf-on vegetation.
- (f) *Proximity to roads and highways.* Per underlying zoning district regulations and exceptions. ~~No structure may be placed nearer than 50 feet from the right-of-way line of any federal, state, or county highway; or 30 feet from the right-of-way line of any town road, public street, or others not classified.~~
- (g) *Use without water-oriented needs.* Use without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public water 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.

Section 3. Adoption Date

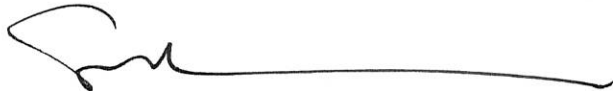
This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-05 was adopted on this 4th day of February, 2008, by a vote of 5 Ayes and - Nays.



Mayor Dean Johnston

ATTEST:



Susan Hoyt
Administrator

This Ordinance No. _____ was published on the ____ day of _____, 2007.

	Ayes	Nays
Mayor Johnston	X	
Council Members:		
DeLapp	X	
Johnson	X	
Smith	X	
Park	X	