



**City of Lake St. Croix Beach**  
City Hall  
16455 20<sup>th</sup> Street South  
Lake St Croix Beach, MN 55043

## **Planning Commission July 2, 2025 - 6:00 PM**

Will be held *in person* at City Hall - and electronically/telephonically by Zoom

Topic: Planning Commission

Time: July 2, 2025 6:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/9924417375?pwd=dmJGMXgzMmFMSzZGNWptaUNUclg4Zz09>

+1 312 626 6799 US

Meeting ID: 992 441 7375

Passcode: 502054

**NOTE – Pursuant to Minnesota Statute 13D.02: Mary Ashby, Planning Commission Chair will be attending via interactive technology from 1488 Riviera Avenue S, Lake St. Croix Beach, MN 55043.**

### **AGENDA**

1. **CALL TO ORDER**
  - a. Roll Call
2. **APPROVE AGENDA**
3. **APPROVE MINUTES – June 4th, 2025**
4. **PUBLIC COMMENTS – Items not on the Agenda**
5. **REVIEW of Variances**
  - Update re Public Hearing on 16855, 21<sup>st</sup> St. S
6. **CODIFICATION – RIVERWAY SECTION FOR REVIEW**
  - Updates to the Ordinance per DNR comments
  - Review Vegetative Management codes for St. Mary's Point and Lakeland
7. **COMMISSIONER REPORTS AND REQUESTS**

Samantha Fink  
Greg Ewig  
Linda O'Donnell  
John Sievert  
Chair Mary Ashby

8. **ADJOURN**



**City of Lake St. Croix Beach**  
City Hall  
16455 20<sup>th</sup> Street South  
Lake St Croix Beach, MN 55043

## **Planning Commission**

### **June 4, 2025 - 6:00 PM**

Will be held in person at City Hall - and electronically/telephonically by Zoom

Topic: Planning Commission

Time: June 4, 2025 6:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/9924417375?pwd=dmJGMXgzMmFMSzZGNWptaUNUclg4Zz09>

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#### **MINUTES**

1. **CALL TO ORDER** 6.02PM  
a. **Roll Call** - All commissioners present: Ewig, Fink, O'Donnell, Sievert and Ashby
2. **APPROVE AGENDA** : Motion to approve agenda made by John Sievert, seconded by Greg Ewig, all in favor. Motion passed 5:0
3. **APPROVE MINUTES – April 2nd, 2025** : Motion to approve minutes of 4/2/25 made by John Sievert, seconded by Samantha Fink, all in favor. Motion passed 5:0
4. **PUBLIC COMMENTS – Items not on the Agenda** - None
5. **REVIEW of Variances**  
-16855, 21<sup>st</sup> St. S – tear down and rebuild  
Discussion was held and a resolution was prepared for the City Council to consider at the Public Hearing for variances scheduled on June 16, 2025. Findings of facts and applicable law were included in this resolution as well as conditions that homeowner and builder will need to follow. Motion to approve the recommendation of this resolution for City Council approval was made by Linda O'Donnell and seconded by John Seivert, all in favor. Motion passed 5:0
6. **CODIFICATION – RIVERWAY SECTION FOR REVIEW**  
- Updates – The DNR had responded to City Attorney Benson's email regarding proposed changes to various items in City Code 153 put forward by the Planning Commission. They were not in favor of some of these changes. Discussion was held regarding vegetation management and Planning Commissioners were tasked with reviewing Vegetation Management codes from St. Mary's Point and Lakeland with a view

to what requirements we want to encourage as "Best Practices". This will be on the agenda for the next meeting.

**7. COMMISSIONER REPORTS AND REQUESTS**

Samantha Fink – nothing to report

Greg Ewig – nothing to report

Linda O'Donnell – nothing to report

John Sievert – ~~Consider tweaking ordinance language re unlicensed ATVs~~

Chair Mary Ashby – nothing to report

**8. ADJOURN 7.45pm**

# CHAPTER 153: LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT

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## Section

- 153.01 Title
- 153.02 Intent and purpose
- 153.03 Definitions
- 153.04 District provisions generally
- 153.05 Uses within the St. Croix Riverway
- 153.06 General conditional provisions
- 153.07 Subdivisions
- 153.08 Administration
- 153.09 Severability
- 153.10 Enforcement

### **§ 153.01 TITLE.**

This chapter shall be known, cited and referred to as the Lower St. Croix River Bluffland and Shoreland Management Ordinance, except as referred to herein, where it shall be known as "this chapter."

### **§ 153.02 INTENT AND PURPOSE.**

This chapter is adopted for the purposes of:

- (A) Designating suitable land use districts along the bluffland and shoreland of the Lower St. Croix River;
- (B) Regulating the area of a lot, and the length of bluffland and water frontage suitable for building sites;
- (C) Regulating the Setback of Structures and sanitary waste treatment facilities from Blufflines to protect the existing and/or natural scenic values, vegetation, soils, water and bedrock from disruption by human-made Structures or facilities;
- (D) Regulating the Setback of Structures and sanitary waste treatment facilities from shorelines to protect the natural scenic value, floodplain and water quality;
- (E) Regulating alterations of the natural vegetation and topography; and
- (F) Conserving and protecting the natural scenic values and resources of the river valley and maintaining a high standard of environmental quality to comply with State Department of Natural Resources Standards and Criteria for the Lower St. Croix National Scenic Riverway (NR 2200-2202).

### **§ 153.03 DEFINITIONS.**

#### **(A) Construction.**

- (1) In the event of conflicting provisions in the text of this chapter, and/or other ordinances, the more restrictive provision shall apply. The Zoning Administrator shall determine which is more restrictive and appeals from such determination may be made in the manner provided herein.
- (2) Words used in the present tense include the past and future tense; the singular number includes the plural and the plural includes the singular; the word SHALL is mandatory, the word MAY is permissive.
- (3) Unless otherwise specified, all distances shall be measured horizontally.

#### **(B) Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE.** A use subordinate to and serving the principal use on the same lot and customarily incidental thereto, such as vegetative cutting and grading and filling.

**APPURTENANCE.** A Structure subordinate to and serving the principal Structure on the same lot and customarily incidental thereto such as garages, decks, essential services, signs, docks and stairways and lifts, except that APPURTENANCE does not include private water supply and sewage and waste disposal systems below the ground.

**BLUFFLINE.** A line along the top of a Slope connecting the points at which the Slope, proceeding away from the river or adjoining watershed Channel, becomes less than 12% except that Bluffline does not include the tops of Slopes not visible from the river assuming no vegetation cover or the tops of Slopes associated with minor undulations or roadside ditches,

provided that the construction and presence of any proposed Structure near the tops of such Slopes will not cause erosion and that the Structure will not be visible from the river, The location of the BLUFFLINE for any particular property shall be certified by a registered land surveyor or the Zoning Administrator. More than one BLUFFLINE may be encountered proceeding away from the river or adjoining watershed Channel. All Setbacks required herein shall be applicable to each BLUFFLINE.

**BUILDING LINE.** A line measured across the width of the lot at the point where the principal Structure is placed in accordance with Setback provisions.

**CHANNEL.** A natural or artificial depression of perceptible extent with a definite bed and banks to confine and conduct flowing water either continuously or periodically.

**DWELLING UNIT.** A residential accommodation which is arranged, designed, used or intended for use exclusively as living quarters for one family.

**HARBOR.** A portion of a body of water along or landward of the natural shoreline deep enough for recreational watercraft navigation, and so situated with respect to shoreline features as to provide protection from winds, waves, ice and currents. Natural HARBORS consist of bays and estuaries, while artificial HARBORS are constructed by dredging.

**MARINA.** An area of concentrated small craft mooring, where ancillary facilities may be provided for some or all of such services as fueling, sewage pumpout, boat launching, boat repair and boat storage; except that MARINA does not mean temporary docks associated with riparian residential development if the mooring area is of a size not to exceed the resource limitations of the site and the needs of the residents of the development.

**NON-CONFORMING USE.** Any use of land established before the 1974 Lower St. Croix National Scenic Riverway, which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

**ORDINARY HIGH WATER MARK.** A mark at 675 feet elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape.

**RIVERWAY BOUNDARY.** A legally described line delineating the landward extent of the St. Croix Riverway.

**SCENIC EASEMENT.** An interest in land, less than fee title, that limits the use of the land for the purpose of protecting the SCENIC, recreational and natural characteristics of areas in the St. Croix Riverway. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the EASEMENT shall be: perpetually held for the benefit of the people of the state; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servient estate, their heirs, successors or assigns. Unless specifically provided by the parties, no such EASEMENT shall give the holder or any beneficiary the right to enter on the land except for enforcement of the EASEMENT.

**SCREENING.** The presence of vegetation or topography which makes any Structure on any property Visually Inconspicuous in summer months as viewed from the river.

**SETBACK.** The minimum horizontal distance between any part of a Structure and the Ordinary High Water Mark or a Bluffline. In areas where the Ordinary High Water Mark is not evident, SETBACKS shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main Channel, adjoining side Channels, backwaters and sloughs.

**SLOPE.** All lands between the Ordinary High Water Mark and the Riverway Boundary having an angle of ascent or descent of more than 12% from the horizontal.

**ST. CROIX RIVERWAY.** All lands and public waters within the Riverway Boundary subject to the Standards and Criteria for the Lower St. Croix National Scenic Riverway in the state.

**STRUCTURE.** Any building or Appurtenance thereto, except transmission services.

**SUBSTANDARD STRUCTURE.** Any Structure established before the effective date of this chapter which is permitted within a particular zoning district but does not meet the Structure Setbacks or other dimensional standards of this chapter.

**VARIANCE.** Any modification or variation of the dimensional standards of this chapter where it is determined that, because of practical difficulties, strict enforcement of this chapter is impractical.

**VISUALLY INCONSPICUOUS.** Difficult to see or not readily noticeable in summer months as viewed from the river.

**WATERCOURSE.** A Channel in which a flow of water occurs either continuously or intermittently. The term applies to either natural or artificially constructed Channels.

**WETLANDS.** Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh or slough.

#### **§ 153.04 DISTRICT PROVISIONS GENERALLY.**

(A) Designation of districts.

(1) For the purpose of protecting the natural resources and natural scenic values of the land within the boundaries of the Lower St. Croix Riverway and because there is a difference in development patterns, rural and urban districts shall be

established.

(2) The boundaries of the Lower St. Croix Riverway and the urban and rural zoning districts within the riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map designated as the official zoning map.

(3) The boundaries of the Lower St. Croix Riverway zoning districts on the map designated as the official zoning map published herewith is made a part of this chapter and is on file with the Zoning Administrator.

(4) Lake St. Croix Beach is an urban district. M.S. § 103F.351..

(B) Minimum district dimensional requirements.

(1) The following chart sets forth the minimum area, Setbacks and other requirements of each district:

	Urban District	Urban District with Public Sewer and Water
	Urban District	Urban District with Public Sewer and Water
Building Setback from Bluffline	40 feet	40 feet
Building Setback from Ordinary High Water Mark	100 feet	100 feet
Lot width at building Setback line	150 feet	100 feet
Lot width at water line	150 feet	100 feet
Maximum Structure height	35 feet	35 feet
Maximum total Lot Area covered by impervious surface	20% (8,700 square feet)	20% (4,000 square feet)
Minimum lot size above Ordinary High Water Mark	1 acre	20,000 square feet
On Slopes less than 12%, the controlled vegetative cutting areas Setback are from:		
Ordinary High Water Mark	100 feet	100 feet
Blufflines	40 feet	40 feet
On-site sewage treatment system Setback from Bluffline	40 feet	-
On-site sewage treatment system Setback from Ordinary High Water Mark	100 feet	-

(2) No Structures shall be placed or grading done on any Slopes greater than 12% (12 feet vertical rise in 100 feet horizontal distance).

(3) No Structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with city and state floodplain ordinances.

(4) Exceptions to the minimum dimensional requirements include the following:

(b) Developments which provide service to the public and which by their nature require a location on or adjacent to the public waters and which also require approval of the Commissioner of Natural Resources;

(c) Temporary or seasonal docks which extend into the water a minimum distance necessary for the launching or mooring of watercraft;

(d) Signs which are necessary for public health and safety or which designate areas available or not available for public use;

(e) Visually Inconspicuous stairways and lifts enabling access to the river from steep Slopes; and

(f) On a vacant bluffland or shoreland lot which has two adjacent lots, with principal dwelling Structures on both such adjacent lots within 200 feet of the common lot line, any new Structure shall be Setback the average Setback of said adjacent Structures plus 40 feet or the minimum standard Setback, whichever is less.

Penalty, see § 10.99

**§ 153.05 USES WITHIN THE ST. CROIX RIVERWAY.**

(A) Purpose. The purpose of establishing standards and criteria for uses in the St. Croix Riverway shall be to protect and preserve existing natural, scenic and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial or industrial uses that are inconsistent with the National Wild and Scenic Rivers Act (being 16 U.S.C. §§ 1271 et seq.), and the Federal and State Lower St. Croix River Acts (being Minn. Rules 6105.0300 - 6105.0440).

(B) Permitted uses.

(1) All Structures associated with the following uses are permitted in the St. Croix Riverway, subject to the dimensional requirements of a St. Croix Riverway Ordinance:

- (a) Conservancy;
- (b) Agriculture; and
- (c) Residential.

(2) Accessory Uses. Accessory Uses which are incidental to the permitted primary uses of the property are permitted.

(3) Existing uses. In the urban districts of this model ordinance, existing zoning districts in effect and uses permitted on March 1, 1990, by the existing City of Lake St. Croix Beach Zoning Ordinance may again be permitted by the City Council of the City of Lake St. Croix Beach, provided the project is listed in 153.05 (D)(2) has been approved in writing by the Commissioner of Natural Resources and meets or exceeds the following standards:

(a) The proposed use is consistent with and complimentary to the existing, adjacent, urban land uses and municipal plans.

(b) The dimensional requirements of § 4 of said model ordinance.

(c) The sideyard Setbacks and frontage requirements of the local zoning ordinance.

(d) A parking layout and site plan which provide on-site, off-street parking spaces for all employees of the project, an exclusive area for loading docks where required by local ordinance, and off-street customer parking spaces as required by local ordinance.

(e) An on-site grading and surface water run-off plan for the site which minimizes soil erosion and degradation of surface water quality.

(f) In sewer areas, public sewer will service the proposed project.

(g) A landscaping plan for the site is illustrated which minimizes the visual impact of the proposed project as viewed from the river and which visually screens all parking areas from the river. The applicant shall provide the community with a performance bond for the cost of all landscaping to ensure compliance with the landscaping plan.

(h) A public hearing, as per Section 153.08, and forwarding of the final action of the local community to the Commissioner of Natural Resources within ten days of the final action.

(i) The project meets all other existing local zoning and subdivision requirements.

(j) The project requires no alteration of fill of shoreline, bluffland, or floodway, except for temporary docking and launching of watercraft.

(k) No lighted or flashing signs shall face riverward.

(l) Detailed plans and specifications as presented at the public hearing are sufficient to obtain all local access, building, zoning, and sewer permits.

(C) Site preservation. The following standards and criteria are provided to preserve vegetative and topographical Screening, and to retard surface run-off, soil erosion and nutrient loss.

(1) Vegetative cutting. On land within 100 feet of the Ordinary High Water Mark in urban districts and 40 feet landward of bluff lines and on Slopes greater than 12% in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the Zoning Administrator. A permit may be issued only if:

(a) The cutting, including topping, involves trees less than six inches in diameter at a height of four and one-half (4 ½) feet above ground;

(b) The cutting, including topping, involves vegetation which is not Screening any Structure from view from the river;

(c) The essential character, quality and density of existing growths is preserved and continuous canopy cover is maintained;

(d) Diseased trees are to be removed, and their removal is in the public interest; or

(e) The cutting is necessary for the maintenance of transportation or utility rights-of-way.

(2) Permit not required. A vegetative cutting permit is not required for the following provided the existing quality, character, density and canopy is maintained as viewed from the river:

(a) Clearing for a validly permitted Structure, septic system, roadway and parking areas; and

(b) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.

(3) Grading and filling. Grading, filling, excavating or otherwise changing the topography landward of the Ordinary High Water Mark shall not be conducted without a grading permit from the Zoning Administrator. A grading permit may be issued

only if:

- (a) Slopes greater than 12% (12 feet vertical rise in 100 horizontal feet) are preserved to the greatest extent possible;
- (b) Earthmoving, erosion, vegetative cutting, draining or filling of Wetlands, and the destruction of natural amenities is minimized;
- (c) The smallest amount of ground is exposed for as short a time as feasible;
- (d) During construction, temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted upon completion;
- (e) Methods to prevent erosion and trap sediment are employed; and
- (f) Fill is stabilized to accepted engineering standards.

(4) When separate permit not required. A separate grading and filling permit is not required for grading, filling or excavating the minimum area necessary for a Structure, sewage disposal system and private road and parking area undertaken pursuant to a validly issued building permit.

(D) Conditional uses.

(1) Description of conditional uses. Conditional uses are uses which normally are not permitted in the urban or rural districts of the St. Croix Riverway unless it is determined by the City Council, after a public hearing, that the proposed use shall:

- (a) Preserve the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
- (b) Maintain safe and healthful conditions; and
- (c) Limit erosion potential of the site based on degree and direction of Slope, soil type and vegetative cover.

(2) Urban district conditional uses. In urban districts of this chapter, existing zoning districts and uses permitted on May 1, 1974, by the city may again be permitted, provided the use has been listed in this chapter by the City Council and has been approved in writing by the Commissioner of Natural Resources. The following urban district uses are considered conditional uses:

- (a) Marinas.
- (b) Parks, beaches and related Structures.

(3) Rural district conditional uses. In the rural districts of this chapter, the following uses may be permitted as conditional uses:

- (a) Government resource management and interpretive activities;
- (b) Marinas between the Boomsite Highway Wayside and the northern boundary of Stillwater; and
- (c) Governmental highway waysides, rest areas, information areas and scenic overlooks.

(E) Prohibited uses. In all districts within the St. Croix Riverway, the following new uses or expansion of existing uses shall be prohibited:

- (1) Sand and gravel operations;
- (2) Junk yards;
- (3) Manufactured home parks;
- (4) Downhill ski areas;
- (5) Marinas upstream from the Boomsite Highway Wayside and downstream from Stillwater in rural districts; and
- (6) All uses not authorized in the local zoning ordinances.

(F) Non-Conforming Uses. Uses which are prohibited by this chapter but which are in existence prior to the effective date of this chapter shall be Non-Conforming Uses and may continue as lawful, Non-Conforming Uses. Such uses shall not be intensified, enlarged or expanded beyond the permitted or delineated boundaries of the use, activity or reclamation plan as stipulated in the most current permit issued prior to the adoption of this chapter.

Penalty, see § 10.99

**§ 153.06 GENERAL CONDITIONAL PROVISIONS.**

(A) Substandard Structures.

(1) All Structures in existence prior to the adoption date of this chapter which do not meet the Structure Setbacks and other dimensional standards of this chapter shall be considered substandard Structures.

(2) Any extension, enlargement or alteration of an existing substandard Structure or sanitary facility shall meet the Setback standards of this chapter.

(3) Exceptions to the Setback standards for substandard Structures may include the following.

(a) An extension, enlargement or alteration of an existing substandard Structure or sanitary facility may be permitted on the side of the Structure or facility facing away from the river and/or Bluffline.

(b) An improvement to an existing Structure or facility may be allowed to extend laterally (parallel to the river or bluff) when the improvement is in compliance with the dimensional standards of this chapter and the side yard standards of this chapter.

(c) Exterior decks attached to the Structure which do not extend any roof or foundation may be permitted to extend laterally (parallel to the river or Bluffline) at the same Setback as the substandard Structure if said deck is Visually Inconspicuous in summer months as viewed from the river, and provided the deck has no roof or building foundation.

(d) Substandard Structures which do not meet the bluffland and/or shoreland Setbacks shall not be raised in elevation or roof line, except in floodplain areas and then only to protect the Structure.

(4) If a substandard Structure needs replacing due to destruction, deterioration or obsolescence, such replacement shall comply with the dimensional standards of this chapter.

(B) Substandard lots.

(1) A lot or parcel of land for which a deed has been recorded in the office of the County Recorder on or prior to May 1, 1974, shall be deemed a Buildable lot provided it has frontage on a maintained public right-of-way, maintained by the city or other unit of government, or frontage on a private road established and of record in the office of the County Recorder prior to May 1, 1974, and it can be demonstrated that a proper and adequate sewage disposal system can be installed; a proposed Structure can meet the sideyard Setbacks of the zoning ordinance and the pre-existing Lot Area dimensions meet or exceed 60% of the requirements for a new lot in the same district.

(2) If in a group of contiguous platted lots under a single ownership, any individual vacant lot does not meet the minimum requirements of this chapter, such individual vacant lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership, so that the combination of lots will equal one or more parcels of land each meeting the full minimum requirements of this chapter.

(C) Sewage disposal.

(1) Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available, all on-site individual sewer disposal systems shall conform to the minimum standards as set forth in Chapter 52 and § 153.04. A septic tank/drainfield system shall be the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and it can be demonstrated that the system being proposed as an alternate will not cause a pollution problem.

(2) No person, firm or corporation shall install, alter, repair or extend any individual sewer disposal system without first obtaining a permit therefor from the Zoning Administrator for the specific installation, alteration, repair or extension.

(D) Color of Structures. The exterior color of new or renovated Structures, including roofs, shall be of earth or summer vegetation tones, unless completely screened from the river.

(E) Marinas.

(1) New and/or expanded Marinas may only be allowed:

- (a) Between the Boomsite Highway Wayside and the City of Stillwater; and
- (b) Downstream from the northern city limits of Stillwater in urban districts.

(2) New Marinas shall meet the design standards of Natural Resources Regulations including NR 2201(f (2)).

(3) No construction or development associated with a Marina shall begin until all of the following authorizations have been obtained by the applicant.

- (a) Marinas shall be a conditional use in this chapter.

(b) For uses and Structures above the Ordinary High Water Mark associated with a Marina, a public hearing shall be held by the City Council to consider a Marina as a conditional use in accordance with Department of Natural Resources Regulations including NR 2202(d (2)). The City Council may approve or deny the Marina on said standards of the Department of Natural Resources. If the City Council approves the Marina, final issuance of the local permit shall be conditioned upon granting of all state and federal permits required in Department of Natural Resources Regulations including NR 2201(f).

(F) Alterations in public waters. Changing the course, current or cross section of public waters shall require state and federal permits as specified in (g) of NR 2201 before any local permits may be issued.

(G) Transmission services. A permit from the Commissioner of Natural Resources is required pursuant to M.S. §§ 84.415

or 103G.127, as they may be amended from time to time, before transmission services may cross state-owned lands or public waters and shall be in accordance with the Natural Resources Regulations including NR 2201(h).

(H) Public roads. A permit from the Commissioner of Natural Resources is required before construction, reconstruction, removal or abandonment of any road or railroad crossing of public waters within the Riverway. Said permit shall be in accordance with the Natural Resources Regulations including NR 2201(l).

Penalty, see § 10.99

#### **§ 153.07 SUBDIVISIONS.**

(A) Land suitability. No land shall be subdivided which is found by the City Council to be unsuitable for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography. Inadequate water supply or sewer disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the city. The City Council, in applying the provisions of this section, shall in writing cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter the City Council may affirm, modify or withdraw its determination of unsuitability.

(B) Preliminary plans.

(1) Preliminary plans for all plats, including planned cluster developments shall be approved by the Commissioner of Natural Resources or their agent in writing prior to preliminary approval by the City Council.

(2) All subdivisions shall comply with the applicable provisions of Chapter 156.

(C) Planned cluster developments.

(1) A pattern of subdivision development which places Dwelling Units into compact groupings may be allowed when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, Wetlands and other features of the natural environment than traditional subdivision development.

(2) Except for minimum Setbacks and height limits, altered dimensional standards may be allowed as exceptions to this chapter for planned cluster developments, provided:

(a) In rural districts of this chapter the number of Dwelling Units allowed shall not exceed the total number of Dwelling Units allowed if the development was based on the minimum lot size requirements for a single-family residential subdivision;

(b) In urban districts of this chapter and only where public sewer and water will be installed in the proposed cluster development, the number of Dwelling Units shall not exceed 50% more than the total number of Dwelling Units allowed if the development was based on the minimum lot size requirements for single-family residential subdivision;

(c) Open space shall be preserved. At least 50% of the length of shoreland or bluffland frontage as viewed from the river shall be kept in its natural state.

(d) Temporary docks, if allowed, shall be centralized and of a size not to exceed the needs of the residents of the development.

Penalty, see § 10.99

#### **§ 153.08 ADMINISTRATION.**

(A) Administrative procedure.

(1) In addition to the applicable administrative procedures set forth in the zoning ordinance, the following procedures shall be implemented with respect to land, subject to this chapter.

(a) A public hearing shall be held by the local authority for all zoning district amendments, conditional use permits, subdivision and Variances.

(b) No less than 20 days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant's information as specified in division (C) below to the following agencies for review and comment:

1. Department of Natural Resources;
2. City Planning Commission;
3. Middle St. Croix WMO and Watershed District;
4. Valley Branch Watershed District.

(2) The applicant for any permit requiring a public hearing shall submit to the City Council at least 30 days prior to such hearing, an abstractors certificate showing the names and addresses of all property owners within 500 feet of the affected incorporated areas, or one-half mile in unincorporated areas, the affected Board of Town Supervisors, and the Municipal Council of any municipality within two miles of the affected property.

(3) Notice of the purpose, time and place of any such public hearing shall be mailed to all property owners and the

elected officials listed in division (A)(2) above by the local authority at least ten days prior to the date of the hearing.

(4) Notice of the purpose, time and place of any such public hearing shall be published in the official newspaper of the affected communities at least ten days prior to the date of the hearing.

(B) Forwarding of a final decision. The City Council shall forward decisions within ten days of final action on all conditional use permits and subdivisions to the Commissioner of Natural Resources.

(C) Permit process.

St. Croix Riverway Ordinance Permits	Urban District	
St. Croix Riverway Ordinance Permits	Urban District	
Amendments to district boundary	PH - CC	
Amendments to ordinance	PH - CC	
Building permits	LP	
Conditional use permits	PH - FD	
Grading permits	LP	
Plats and cluster developments	PH - WA - FD	
Septic permits	LP	
Tree cutting permits	LP	
Variances	PH - CC	

CC - Certification by the Commissioner of Natural Resources prior to final local approval.  
- Local authority forwards any decisions to the Commissioner of Natural Resources within ten days after taking final action  
LP - Permit issued by the local authority in accordance with this chapter and all other local permits.  
PH - Public hearing necessary by the local authority giving 20 days notice of meeting to the Commissioner of Natural Resources and other agencies listed in division (A)(1)(b) above.  
WA - The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

(D) Variances.

(1) Variances shall only be granted where there are practical difficulties in complying with the official control. PRACTICAL DIFFICULTIES, as used in connection with the granting of a Variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the Variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute PRACTICAL DIFFICULTIES. PRACTICAL DIFFICULTIES include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, subdivision 15, when in harmony with the ordinance. No Variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Variance, if granted, must be in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. Conditions may be imposed in the granting of a Variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the Variance.

(2) The formal public hearing for a Variance shall be held by the City Council as set forth in the zoning ordinance.

(E) Requirements of the applicant for a public hearing. The applicant shall submit sufficient copies of the following information and additional information as requested to the local authority 30 days prior to the public hearing on the application for a conditional use, Variance or subdivision:

(1) Plat of survey showing the property location, boundaries, dimensions, elevations, Blufflines, utility and roadway corridors, the Ordinary High Water Mark, floodway and floodplain;

(2) The most recent aerial photo of the property with property lines drawn in;

(3) Location of existing and proposed Structures including height and Setback dimensions;

(4) Location of existing and proposed alterations of vegetation and topography;

(5) Stormwater management and erosion control plans and supporting calculations as may be required by this and other city regulations;

(6) Adjoining water-oriented uses;

(7) Suitability of the area for on-site waste disposal. Type, size and location of the system shall be indicated. If a public or municipal wastewater collection and treatment system is to be utilized, the applicant must submit a written agreement from the municipality or sanitary authority indicating that the system has the capacity to handle the development;

(8) Water supply system; and

(9) An estimate of permanent and transient residents.

(F) Factors to be considered. When considering a proposal or zoning amendment within the St. Croix River District, the City Council shall address the following items in making its decisions:

- (1) Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river;
- (2) The maintenance of safe and healthful conditions;
- (3) The prevention and control of water pollution, including sedimentation;
- (4) The location of the site with respect to floodways, floodplains, Slopes and Blufflines.
- (5) The erosion potential of the site based on degree and direction of Slope, soil type and vegetative cover;
- (6) Potential impact on game and fish habitat;
- (7) Location of the site with respect to existing or future access roads;
- (8) The amount of wastes to be generated and the adequacy of the proposed disposal systems;
- (9) The anticipated demand for police, fire, medical and school services and facilities; and
- (10) The compatibility of the proposed development with uses on adjacent land.

Penalty, see § 10.99

#### **§ 153.09 SEVERABILITY.**

It is hereby declared to be the intention that the several provisions of this chapter are separable in accordance with the following.

- (A) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building or other Structure, such judgment shall not affect the application of said provision to any other property, building or Structure not specifically included in said judgment.
- (C) Nothing contained in this chapter repeals or amends any ordinance requiring a permit or license to engage in any business or occupation.

#### **§ 153.10 ENFORCEMENT.**

(A) It is declared unlawful for any person to violate any of the terms and provisions of this chapter. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. In the event of a violation or a threatened violation of this chapter, the City Council or the Commissioner of Natural Resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it is the duty of the City Attorney to institute such action.

(B) All misdemeanor violations shall be punishable in accordance with Minnesota Statute 609.02 Subd. 3 as it may be amended from time to time; and the cost of prosecution may be added pursuant to Minn. Stat. §631.48.



**ORDINANCE NO. 2023-08-01  
CITY OF ST. MARY'S POINT  
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE OF THE CITY OF ST. MARY'S POINT, WASHINGTON COUNTY,  
MINNESOTA, AMENDING SECTION 302 TO THE CODE OF ORDINANCES  
REGARDING STANDARDS FOR VEGETATIVE CUTTING.**

**WHEREAS**, the City of St. Mary's Point Vegetative Cutting Ordinance has not been updated since 1976;

**WHEREAS**, the residents of the City of St. Mary's Point have requested clarity on vegetation restoration in the Lower St. Croix River Bluffland and Shoreland;

**WHEREAS**, the City of St. Mary's Point has received conditional approval of the Lower St. Croix Riverway Ordinance Amendment from the Minnesota Department of Natural Resources; and

**WHEREAS**, the next step in the process for amending the Lower St. Croix Riverway Ordinance Amendment is for the city council to adopt the amendment as presented tonight.

**NOW, THEREFORE**, the City Council of the City of St. Mary's Point hereby ordains that the following sections of the City Code are hereby amended and replaced to read and include as follows:

**Section 302.032.**

In the urban districts of this Model Ordinance, existing zoning districts in effect and uses permitted on April 2, 1980, by the existing City of St. Mary's Point Zoning Ordinance may again be permitted by the City Council of the City of St. Mary's

Point, provided the project is listed in 302.033 has been approved in writing by the Commissioner of Natural Resources and meets or exceeds the following standards:

- (1) The proposed use is consistent with and complimentary to the existing, adjacent, urban land uses and municipal plans.
- (2) The dimensional requirements of Section 4 of said Model Ordinance.
- (3) The sideyard setbacks and frontage requirements of the local zoning ordinance.

- (4) A parking layout and site plan which provides on-site, off-street parking spaces for all employees of the project, an exclusive area for loading docks where required by local ordinance, and off-street customer parking spaces as required by local ordinance.
- (5) An on-site grading and surface water run-off plan for the site which minimize soil erosion and degradation of surface water quality.
- (6) In sewer areas, public sewer will service the proposed project.
- (7) A landscaping plan and a vegetation restoration plan for the site are illustrated which minimize the visual impact of the proposed project as viewed from the river and which visually screens all parking areas from the river. The vegetation restoration plan shall be in compliance with Section 503.01 Vegetative Cutting. The applicant shall provide the Community with a performance bond for the cost of all landscaping to insure compliance with the landscaping plan.
- (8) A public hearing as per Section 801 of said Model Ordinance and forwarding of the final action of the local community to the Commissioner of Natural Resources within ten (10) days of the final action.
- (9) The project meets all other existing local zoning and subdivision requirements.
- (10) The project requires no alteration of fill of shoreline, bluffland, or floodway, except for temporary docking and launching of watercraft.
- (11) No lighted or flashing signs shall face riverward.
- (12) Detailed plans and specifications as presented at the public hearing are sufficient to obtain all local access, building, zoning, and sewer permits.

**Section. 302.040      Modifications.**

The following sections of the said Model Lower St. Croix Bluffland and Shoreland Management Ordinance are hereby modified:

- A. Section 504.02 of said Model Ordinance is modified to read as follows:

"Urban District Conditional Uses. In urban districts as defined in this

Ordinance, existing zoning districts in effect and uses permitted on May 1, 1974, by the Community may be permitted, provided the use has been listed as a conditional use for urban districts in the Lower St. Croix River Bluffland and Shoreland Management Ordinance of the Community and has been approved in writing by the Commissioner of Natural Resources. "

- B. Section 301.01 of the said Model Ordinance shall be modified by deleting the words "Community Zoning Administrator" from the second sentence thereof and inserting in its stead the words "Governing Body".
- C. Sections 401.02 and 401.03 of said Model Ordinance are modified to read as follows:

"401.02 The boundaries of the Lower St. Croix Riverway and the urban and rural zoning districts within the Riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map published herewith and designated as the City of St. Mary's Point, Lower St. Croix Riverway Zoning Map. "

"401.03 The boundaries of the Lower St. Croix Riverway zoning districts on the map published herewith and designated the City of St. Mary's Point, Lower St. Croix Riverway Zoning Map, is made a part of this ordinance and is on file with the City Clerk.

- D. Section 901.01 (page 14) shall be amended to add the following:

"All misdemeanor violations shall be punishable to the extent specified in Section 104.010 of the St. Mary's Point Municipal Code."
- E. Section 806.01 (2), shall be amended to read as follows:

"The most recent photographs of the property (including aerial photographs) if requested by the local authority of the Department of Natural Resources. "
- F. Section 503.01, shall be amended to read as follows:

#### **503. 01. Vegetative Cutting.**

- A. Permit Required. On land within two hundred feet ( 200' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, and forty feet ( 40' ) landward of blufflines and on slopes greater than twelve

percent ( 12%) in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the Community Zoning Administrator. A permit may be issued only if:

- ( 1 ) The cutting, including topping, involves trees less than six inches ( 6" ) in diameter at a height of four and one-half (4  $\frac{1}{2}$ ) feet above ground; and
- ( 2 ) The cutting, including topping, involves vegetation which is not screening any structure from view from the river; and
- ( 3 ) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained; or
- ( 4 ) The removal of diseased, noxious, or hazardous trees or shrubs, when their removal is in the public interest; or
- ( 5 ) The cutting is necessary for the maintenance of transportation or utility rights—of-way.

B. No Permit Required. A vegetative cutting permit is not required for the following, provided the existing quality, character, density, and canopy is maintained as viewed from the river:

- (1) Clearing the minimum necessary for a validly permitted structure, septic system, roadway, and parking areas.
- (2) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights—of—way.
- (3) Vegetative cutting on land that is not within two hundred feet ( 200 ' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, forty feet ( 40 ' ) landward of bluff lines, and/or on slopes greater than twelve percent ( 12%) in all districts, provided the vegetation to be cleared is not screening any structure from view of the river.

Any and all vegetative cutting shall comply with Ch. 748 of the zoning code.

C. Vegetation Cutting Violations. Where a violation of the vegetative cutting ordinance has been documented, the property owner(s) shall be subject to a vegetation restoration plan meeting the standards in part D below in addition to any other civil remedies

and/or criminal penalties that may apply, including but not limited to Sec. 503.01 E.

D. Standards for Vegetation Restoration. Vegetation restorations, when required, must be accompanied by a vegetation restoration plan approved by the local zoning administrator for the land within two hundred feet ( 200' ) of the ordinary high water mark in rural districts, one hundred feet ( 100' ) of the ordinary high water mark in urban districts, and forty feet ( 40' ) landward of bluff lines and on slopes greater than twelve percent ( 12% ) in all districts.

Any removal of woody trees must be replaced consistent with the replacement standards below. Restorations must utilize native plant species for replacement. Near shore or highly erodible locations are to be planted with a mix of deep-rooted woody and herbaceous vegetation with a high stem-density, and if applicable, resilient to fluctuations in water levels.

Restoration is subject to inspection, with advance notice, by the Zoning Administrator and Washington Conservation District to make a finding that tree survival/growth and integrity and inherent stability of the existing landscape will be maintained.

The restoration plan is subject to restoration for noncompliance or unsuccessful restorations.

(1) Vegetation restorations are required for vegetative cutting under the City Code, including but not limited to:

- i. 503.01 (A) (4)
- ii. 503.01 (B) (1)
- iii. 503.01 (C)
- iv. 302.032 (7)

(2) The Vegetation restoration plan must:

- i. mark all of the trees measuring at six inches ( 6" ) in diameter at a height of four and one-half ( 4  $\frac{1}{2}$  ) feet above ground to be removed;
- ii. mark the replacement trees;
- iii. mark near shore or highly erodible locations to be planted with a mix of deep-rooted woody and herbaceous vegetation with a high stem-density, and if applicable, resilient to fluctuations in water levels; and
- iv. detail scheduled maintenance over the next four (4) years.

(3) The property owner(s) shall be required to replace each tree measuring at six inches (6") in diameter at a height of four and one-half (4 ½) feet above ground with one replacement tree. Replacement trees shall consist of nursery stock and be no less than the following sizes:

- i. Deciduous Trees: No less than two and one-half (2.5) inches in diameter.
- ii. Coniferous Trees: No less than six (6) feet high.

E. Any person who violates this ordinance, or fails to comply with any of their requirements shall be subject to conviction of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both, plus the cost of prosecution in any case.

**EFFECTIVE DATE.** This Ordinance shall be in effect from and after its passage and approval by the affirmative vote of a majority of the City Council, publication as required by law, and after the next regular city election following its passage pursuant to Minn. Stat. §415.11, subd. 2.

Passed and adopted by the City Council of the City of St. Mary's Point, Washington County, Minnesota this 1st day of August, 2023.

Councilmember Williams

NAY

Councilmember Olfelt-Nelson

Aye

Councilmember Freesmeier

Aye

Councilmember Pierson

Aye

Mayor Roettger

Aye

CITY OF ST. MARY'S POINT

By 

Jay Roettger, Mayor

Attest:



Cindie J Reiter, City Clerk

## § 155.027 SITE PRESERVATION.

The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface runoff, soil erosion, and nutrient loss.

(Prior Code, Ch. 302 § 503)

(A) *Vegetation management definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**BLUFF LINE.** A line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district, which are beyond the setback provision from the normal high water mark.

**DIAMETER AT BREAST HEIGHT.** The standard method of expressing the diameter of the trunk of a standing tree, trunks are measured at 4.5 feet above the ground - the typical breast height of an adult, see additional handouts related to vegetative clearing for additional information on how to measure diameter at breast height.

**HABITAT RESTORATION.** An activity conducted to return a designated area, to the maximum extent possible, to the ecological condition that existed prior to settlement, late successional or climax type plant communities including, mesic or dry oak forest, oak woodland, oak woodland/brushland, maple-basswood forest, floodplain forest or black ash swamp plant community type should be selected based on site conditions/characteristics, applicants shall use guidance from the Minnesota DNR's Native Plant Communities of Minnesota Field Guide to the Eastern Broadleaf Forest Province, the Minnesota Land Cover Classification System Manual or Minnesota's St. Croix River Valley and Anoka Sandplain - A Guide to Native Habitats for guidance in restoring the appropriate plant community.

**HAZARD TREE.** A tree possessing the qualities in structure and/or growth that exceed an unacceptable level of risk to public safety, may be hazardous to people or property.

**NATIVE VEGETATION.** Those species of vegetation that occurred naturally in presettlement Minnesota.

**NOXIOUS WEEDS.** A plant species listed by the Minnesota Department of Agriculture as a State Prohibited Noxious Weed, a Restricted Noxious Weed, or a Secondary Noxious Weed, an updated list can be found at: <http://www.mda.state.mn.us/en/plants/badplants/noxiouslist.aspx>.

**ORNAMENTAL TREES AND SHRUBS.** A tree or shrub planted and grown only for its ornamental qualities, rather than for its commercial or natural values, **ORNAMENTAL TREES AND SHRUBS** are typically grown in a garden setting and display features including but not limited to attractive flowers or fruits.

**QUALIFIED FORESTRY PROFESSIONAL.** An individual who has a Bachelor's or higher degree in forest management or a related natural resource field and at least 3 years of substantial on-the-ground experience.

(B) Vegetation management standards have been developed to achieve the following intents and purposes:

(1) To keep in-tact the roles and functions of natural river shoreland which provide diverse habitat and natural corridors for animal and plant movement, water quality protection, stable shorelands, reduced flooding impacts, and the like.

(2) To protect the ecologically significant floral and faunal communities found within the St. Croix Riverway.

(3) To prevent land disturbance and clearing in areas prone to erosion and/or in areas that are highly complicated to restore.

(4) To promote the restoration of the appropriate diverse, native plant community, mainly oak woodland and oak woodland brushland as well as other forest plant community types.

(5) To provide screening of existing and new on-land structures as seen from the river.

(6) To maintain a balance between development and quality views of the river while protecting the city's valuable natural resources.

(7) To preserve the essential character, quality and density of existing growth and maintenance of continuous canopy cover.

(C) Vegetative management standards apply to all land within any of the following areas in the St. Croix Riverway District in the City of Lakeland, meeting at least 1 of the criteria outlined below.

(1) Land within 40 feet landward of the river bluff line.

(2) Slope preservation zones.

(3) Land within 100 feet of the St. Croix River ordinary high water mark in urban areas.

(4) Land within 200 feet of the St. Croix River ordinary high water mark in rural areas.

(D) *Vegetation management permit requirements.*

(1) The following activities are allowed without a vegetative removal permit, provided the essential character, quality and density of existing growth is preserved and the canopy is maintained as seen from the river during the growing season:

- (a) Mowing of existing lawn.
- (b) Clearing for validly permitted structures within the construction limits outlined in the permit documents.
- (c) Maintenance pruning to maintain the health of ornamental trees and shrubs.

(2) The following activities may be allowed with a vegetative removal permit issued by the City Zoning Administrator:

(a) The removal of trees less than 6 inches in diameter measured at 4.5 feet above the ground provided such removal involves vegetation which does not reasonably affect the screening of structures on a property from a view of the property as taken from the river during the growing season.

- (b) The removal of dead trees and branches.
- (c) The removal of diseased or hazard trees.
- (d) The removal of vegetation for transportation or utility rights-of-way.

(3) The following activities may be allowed with a vegetative removal permit and restoration and management plan approved by the City Zoning Administrator:

- (a) The removal or killing of noxious trees and shrubs exceeding 6 inches in diameter measured at 4.5 feet above the ground.
- (b) The removal or killing of noxious tree or shrubs species, which provide screening, for the purpose of habitat restoration.

(4) Any removal or killing of vegetation not listed in divisions (D)(1) through (3) must meet the following conditions:

(a) A report from the City Arborist detailing the proposed work and why work is required must be submitted to the City Zoning Administrator along with a vegetative removal permit application. The applicant must assume all fees associated with the City Arborist.

- (b) The City Council must approve the City Arborist's report prior to starting work.
- (c) Project may require the submittal of a restoration and management plan.

**(E) Vegetation management standards.**

(1) The following vegetation management standards apply whenever a vegetative removal permit is required:

(a) Vegetation may not be disturbed or removed if screening an existing or proposed structure to make it visually inconspicuous; however, noxious weeds that provide screening may be removed if outlined in an approved restoration and management plan.

(b) Trees and/or shrubs may not be removed to expand areas maintained as lawn.

(c) Should herbicide treatment be necessary, it shall be applied directly to cut stumps to prevent regrowth of noxious weed species, or as directed in an approved restoration and management plan.

(d) Native plant species shall be used for replacement plantings or for restoration activities, proposed replacement species shall be documented in an approved restoration and management plan.

**(F) Permit and plan submittal requirements.**

(1) Permit and plan submittal requirements for activities outlined in division (D)(2):

(a) The submitted application for a vegetative removal permit must include:

1. A written description of proposed cutting, trimming, killing or removal activities.

2. A site plan or sketch indicating the location, size, and species of all vegetation to be removed, and all proposed replacement vegetation.

3. "Before" photos of the site taken from the same location on the property approximately 10 to 40 feet from the bluff line toward the river.

(2) Permit and plan submittal requirements for activities defined in division (D)(3):

(a) A written description of proposed removal activities signed by a qualified forestry professional.

(b) A restoration and management plan prepared and signed by an approved forestry professional.

(c) "Before" and "after" photos of the site taken from the same location on the property approximately 10 to 40 feet from the bluff line toward the river.

(3) The submitted restoration and management plan must:

(a) Be prepared and signed by a qualified forestry professional.

(b) Include locations of noxious trees and shrubs over 6 inches in diameter measured at 4.5 feet above the ground.

- (c) Include a drawing of areas of proposed noxious shrub or herbaceous species removal.
- (d) Include a site plan showing the location, size, and species of all other vegetation to be removed.
- (e) Include photos of the site to be cleared taken from several locations within the project area.
- (f) Include a planting schedule for the replacement of cut or removed vegetation.
- (g) Include a planting schedule that indicates planting density and proposed plant species to be added to the site. The following replacement standard must be followed:

<i>Diameter at Breast Height (DBH)</i> <i>of Existing Tree Removed</i>	<i>Number of Replacement Trees</i> <i>(2 inches DH minimum)</i>
Less than 6 inches	1
Between 6 and 12 inches	3
Between 12 and 18 inches	4
Between 18 and 24 inches	5
Greater than 18 to 24 inches	7

**Note:** Smaller replacement trees may be used in areas sensitive to disturbance and prone to erosion as deemed necessary and approved by the City Zoning Administrator.

- (h) Include a maintenance plan extending at least 3 years.

**(G) *Penalties related to vegetation management.***

- (1) Non-compliance may result in fines, required restoration or other city action.

(2) A replacement plan must be prepared in accordance with the requirements for a restoration and management plan, and must be approved by the City Zoning Administrator.

**(H) *Grading and filling.*** Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a grading permit from the City Zoning Administrator. A grading permit may be issued only if:

- (1) Slopes greater than 12% (12 feet vertical rise in 100 horizontal feet) are preserved to the greatest extent possible;

(2) Earthmoving, erosion, vegetative cutting, draining or filling of wetlands and the destruction of natural amenities is minimized;

- (3) The smallest amount of ground is exposed for as short a time as feasible;

(4) During construction, temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted upon completion;

- (5) Methods to prevent erosion and trap sediment are employed; and

- (6) Fill is stabilized to accepted engineering standards.

(Prior Code, Ch. 302 § 503.03)

**(I) *Grading and filling permit.*** A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a structure, sewage disposal system, and private road and parking area undertaken pursuant to a validly issued building permit.

(Prior Code, Ch. 302 § 503.04) (Am. Ord. 7526, passed 6-21-2011)

