



Hunting Shack Development in the Shoreland Zoning District

(Selected sections from the Nicollet County Zoning Ordinance,
Shoreland Management Ordinance, and other Information)

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Nicollet County
Zoning Ordinance
(January 5, 2016)

Section 719

“Hunting Shacks”

719 HUNTING SHACKS

719.1 INTENT

The purpose of this Section is to provide specific standards and guidelines to be utilized in addition to the general conditional use criteria when considering hunting shack applications.

719.2 DENSITY STANDARDS

1. One (1) shack or dwelling per lot of record if the general standards in this Section can be met.
2. One (1) shack per new lot if the new lot is ten (10) acres or more and the general standards in this Section can be met.
3. One shack per eighty thousand (80,000) square feet, with a minimum of sixty thousand (60,000) square feet to be left in the natural state, if the general standards and the leasing standards can be met.
4. Existing shacks will be counted in density calculations.

719.3 GENERAL STANDARDS

1. Septic systems are not allowed (except within a group leasing situation). Pit toilets shall be built according to Minnesota Pollution Control Agency and the Minnesota Department of Health standards, through the County sewage permit process.
2. Wells and running water systems are not allowed. This prohibition applies to any water supply, including tanks of water brought in and either pumped or gravity flowed and discharged from the shack via a pipe or hose. Water in hand carried containers may be utilized but may not be employed so as to cause a discharge of sewage from a pipe or hose.
3. Floor area shall not be over seven hundred and twenty-eight (728) square feet. Any deck or porch area shall be included as part of the square foot calculations and shall be considered as part of the structure.
4. The maximum height permitted is one (1) story. That is no more than fourteen (14) feet above grade and includes any pilings or blocks the shack may be placed on. No basement area is permitted.
5. The two hundred (200) foot setback from the ordinary high water mark shall be adhered to on all structures except docks.
6. A shack located within the Shoreland District shall have at least two hundred (200) feet of shoreline.

7. Each lot shall be adjacent to a public road or a recorded easement to allow access.
8. The shacks shall be removed if found in a dilapidated and/or abandoned conditions.
9. A land survey by a registered land surveyor may be required.
10. Consideration shall be given to granting a variance to rebuild, if a hunting shack existing on the date of the adoption of this standard, August 22, 1989, which is not conforming to the density and general standards, is destroyed by a natural disaster, such as a fire, through no fault of the owner of the hunting shack.
11. A hunting shack may have a maximum of one (1) accessory structure in addition to the outhouse the total footage of which may not exceed fifty (50) percent of the total square footage of the hunting shack or three hundred and sixty-four (364) square feet, whichever is less. The maximum height of a hunting shack accessory building may not exceed ten (10) feet.

719.4 LEASING STANDARD

1. There shall be two hundred (200) feet of shoreline for each shack unless a cluster lease plan is approved, where the total shoreland shall be two hundred (200) feet times the number of shacks.
2. Lots of less than ten (10) acres created after the date of this Amendment, August 22, 1989, will not qualify for building permits. If the newly created lot is ten (10) acres or more, the owner of the lot may lease hunting shacks in accordance with leasing standards put forth in this Section.
3. Clustering will be allowed and density bonuses may be granted if common docks and launch areas are utilized or if other wildlife benefiting measures are incorporated into the operating plan. All Department of Natural Resources standards will be adhered to.
4. The leased shack areas shall be accessible for inspection and safety purposes.

719.5 APPLICATION GUIDELINES

1. The conditional use permit application shall be accompanied by maps showing topography, ordinary high water line, existing structures, land ownership, elevations, roads, vegetation, and proposed shack sites and natural land.
2. Applications for leasing shall also show an operating plan, including sewage systems, roads, lake access, and other applicable features.
3. The County may request additional information from the applicant if conditions warrant.

4. The County may impose additional conditions on the conditional use permit.
5. The County may require bonding to protect against future public costs.

719.6 PERMIT LENGTH

The permit may be revoked at any time the standards or conditions are not being followed but otherwise would go with the land.

719.7 GENERAL REGULATIONS

Additional requirements and other regulations set forth in the Shoreland Management Ordinance.

Nicollet County

Shoreland Management Ordinance

(June 6, 2018)

- Section 208 – Definitions
- Section 402 – Land Uses
- Section 501 – Dimensional & Density Standards
- Section 502 – Placement, Design, and Height of Structures
- Section 503 – Shoreland Alterations
- Section 8 – Hunting Shack Cluster Developments

207 RULES

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

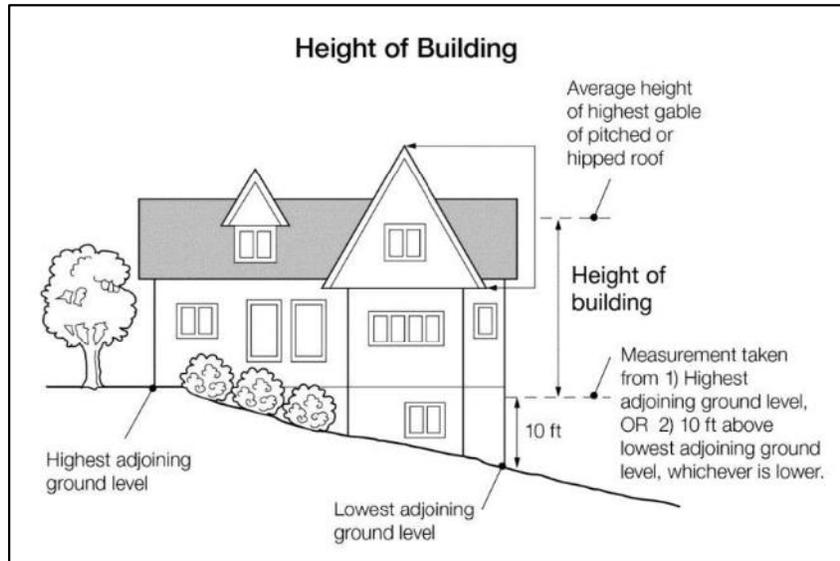
1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses.
3. The words “shall” and “must” are mandatory and the word “may” is permissive.
4. To the extent a term used in this Ordinance is not defined in this section, the term shall have the meaning given in the Nicollet County Zoning Ordinance.
5. All measured distances expressed in feet shall be to the nearest tenth (0.1) of a foot. In event of conflicting provisions, the more restrictive provisions shall apply. All distances, unless otherwise specified, shall be measured horizontally.

208 DEFINITIONS

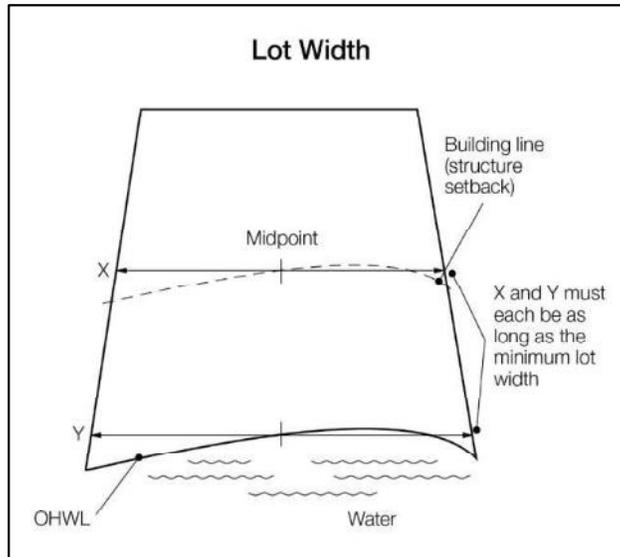
The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Accessory Structure or Facility – Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.
2. Bluff – The area between the bluff top and the bluff toe. A natural topographic feature with a slope of twelve (12) percent or greater.
3. Bluff Top – A line delineating the top of a bluff connecting the points at which the slope becomes twelve (12) percent or less.
4. Bluff Toe – A line delineating the bottom of a slope connecting the points at which the slope becomes twelve (12) percent or greater.
5. Bluff Impact Zone – A bluff and land located within twenty (20) feet from the top of a bluff.
6. Boathouse – A structure designed and used solely for the storage of boats or boating equipment.
7. Building Line – A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
8. Commercial Use – The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

9. Commissioner – The Commissioner of the Department of Natural Resources.
10. Conditional Use – A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the Zoning Ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
11. County – Nicollet County, Minnesota.
12. Deck – A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.
13. Dwelling Site – A designated location for use by one (1) or more persons for a single family dwelling or for a hunting shack.
14. Dwelling Unit – Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one (1) or more persons.
15. Feedlot – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under Minnesota Rules, Chapter 7020, Animal Feedlots. Manure storage areas off the site of the feedlot will be considered as a feedlot for this Ordinance.
16. Forest Land Conversion – The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
17. Height of Building – The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

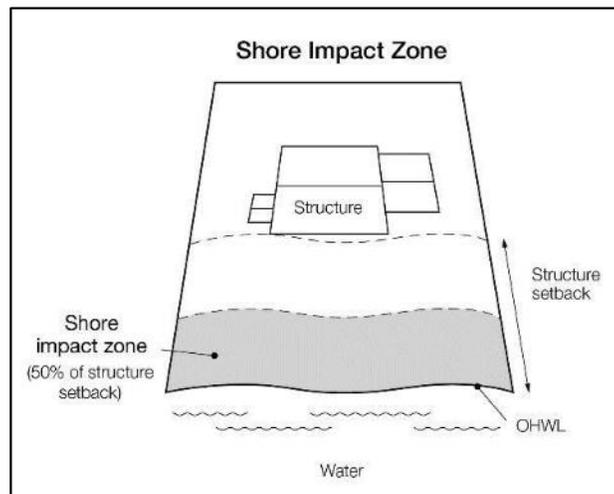


18. Hunting Shack – A limited use structure, the purpose of which is for the enjoyment of the natural environment, which may or may not be utilized for overnight shelter and/or short term habitation, with no indoor plumbing, and which is greater than sixty-four (64) square feet in size.
19. Hunting Shack Cluster – An arrangement of more than (one) 1 hunting shack, on ten (10) acres or more of land, where the structures are situated in relationship to each other and may not necessarily meet minimum setback requirements to other structures within the cluster.
20. Intensive Vegetation Clearing – The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
21. Lot – A parcel of land designated by plat, metes and bounds, registered land survey, auditor’s plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
22. Lot Width – The shortest distance between lot lines measured at the midpoint of the building line.

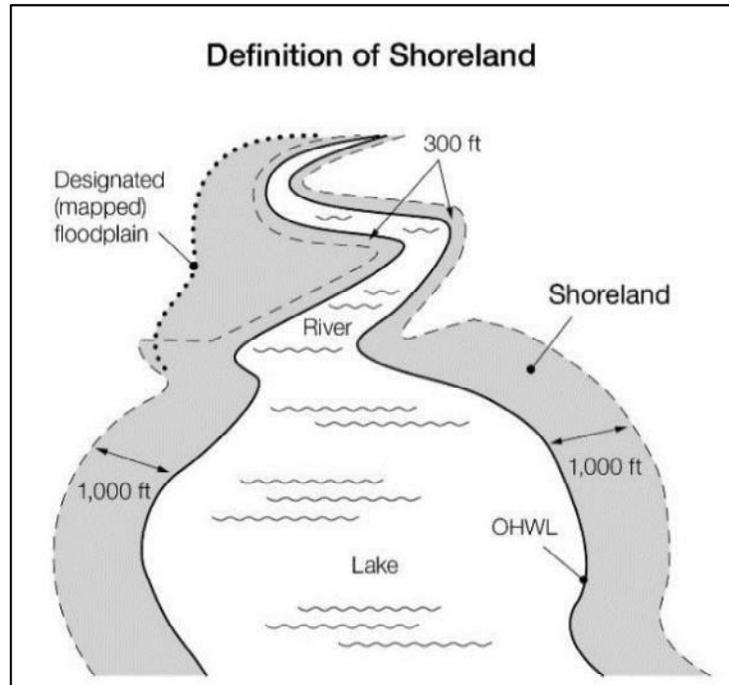


23. Metallic minerals and peat – As defined under Minnesota Statutes, Sections 93.44 to 93.51.
24. Nonconformity – Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.
25. Ordinary High Water Level – The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
26. Public Waters – Any waters as defined in Minnesota Statutes, Chapter 103G.005.
27. Semipublic Use – The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
28. Sensitive Resource Management – The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
29. Setback – The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

30. Sewage Treatment System – A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 508 of this Ordinance.
31. Sewer System – Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
32. Shore Impact Zone – Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.



33. Shoreland – Land located within the following distances from public waters: one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and three hundred (300) feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.



34. Significant Historic Site – Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or that is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
35. Structure – Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
36. Subdivision – Land that is divided for the purpose of sale, rent, or lease.
37. Timber Harvesting – The felling and removing of five thousand (5,000) or more board feet of timber on any public or private land for the purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or terminally diseased trees.
38. Variance – As defined or described in Minnesota Statutes, Chapter 394.

39. Water-Oriented Accessory Structure or Facility – A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under Minnesota Statutes, Section 103G.245 are not a water-oriented accessory structures.
40. Wetland – A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).
41. Zoning Ordinance – The Nicollet County Zoning Ordinance, regulating the use of land and water in the County.

Unnamed to MNR	35	109	27	36	109	27
Seven Mile Creek (SMC)	33	110	27	12	109	27
Unnamed to (SMC)	10	109	27	10	109	27
Robarts Creek	31	111	26	4	110	26
Barney Fry Creek	24	111	27	10	111	26
Unnamed to MNR	4	111	26	3	111	26

*All protected watercourses in the County shown on the Protected Waters Inventory Map for Nicollet County, a copy of which is hereby adopted by reference, not given a classification in Sections 401(2) to 401(5) above, shall be considered "Tributary".

402 LAND USES

1. Criteria for Designation

The purpose of this section is to identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.

A. General Considerations and Criteria for All Land Uses:

- i. Preservation of natural areas.
- ii. Present ownership and development of shoreland areas.
- iii. Shoreland soil types and their engineering capabilities.
- iv. Topographic characteristics.
- v. Vegetative cover.
- vi. In-water physical characteristics, values, and constraints.
- vii. Recreational use of the surface water.
- viii. Road and service center accessibility.
- ix. Socioeconomic development needs and plans as they involve water and related land resources.
- x. The land requirements of industry which, by its nature, requires location in shoreland areas.

- xi. The necessity to preserve and restore certain areas having significant historical or ecological value.

B. Factors and Criteria for Hunting Shack Clusters:

- i. Existing recreational use of the surface waters and likely increases in use associated with hunting shack cluster developments.
- ii. Physical and aesthetic impacts of increased density.
- iii. Suitability of lands for the hunting shack cluster approach.
- iv. Level of current development in the area.
- v. Amounts and types of ownership of undeveloped lands.

2. Land Use District Descriptions

The land use districts provided below, and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shorelands of the County. These land use districts are in conformance with the criteria specified in Minnesota Regulations, Part 6120.3200, subp. 3.

The permitted and conditional uses listed below are generally consistent with the permitted and conditional uses of the Agricultural Preservation, Conservancy, and Special Protection Districts of the Zoning Ordinance. The following are the permitted and conditional uses for the Shoreland zoning district as shown on the County Zoning Map. Where there is a conflict between the Shoreland zoning district and other zoning districts, the more restrictive use shall apply.

The following uses are allowed in the Shoreland zoning district:

A. Permitted Uses

- i. Accessory structures to permitted conditional uses
- ii. Agricultural: cropland and pasture
- iii. Home Occupations (Level 1)
- iv. Mining of metallic minerals and peat
- v. New single family dwellings on lots of record as of January 2, 1996

- vi. New single family dwellings at a maximum density of one (1) per quarter-quarter section on lots recorded after January 2, 1996 that meet minimum lot size requirements
- vii. Seasonal produce stands
- viii. Sensitive resource management
- ix. Timber harvesting

B. Conditional Uses

- i. Bed & Breakfasts
- ii. Conversion from forested land to another use
- iii. Cutting or filling in excess of ten (10) cubic yards that is not in connection with another permitted use
- iv. Expansion or resumption of existing feedlots between ten (10) animal units and nine hundred ninety-nine (999) animal units
- v. Home Occupations (Level 2)
- vi. Hunting shacks
- vii. Hunting shack cluster developments
- viii. Kennel, Dog/Cat – Commercial Boarding, Breeding, and Training
- ix. Mineral Extraction
- x. Parks and historic sites
- xi. Public, semipublic
- xii. Temporary dwellings at a maximum of one (1) per lot that will be occupied for more than one (1) year (three hundred sixty-five (365) days) and which meet the standards of Section 712 of the Zoning Ordinance.

3. Permitted Accessory Uses

A. Private garage

B. Other uses customarily incidental to the permitted and conditional uses.

4. Inconsistent Land Use District

The unincorporated area of Norseland in Lake Prairie Township Section 19-111-27 contains an area zoned Highway Business (B-1) which falls within the Shoreland zoning district. In addition to the permitted and conditional uses listed above in Section 402(2), the following use is added as a conditional use for this area:

A. Conditional Use

- i. Commercial

SECTION 5 ZONING AND WATER SUPPLY/SANITARY PROVISIONS

The following standards shall apply to all structures and On-site Sewage Treatment Systems.*

501 DIMENSIONAL AND DENSITY STANDARDS

1. Height Regulations

- A. Maximum of two and one-half (2 1/2) stories (thirty-five (35) feet)
- B. Hunting shack maximum height of one (1) story (fourteen (14) feet)
- C. This height limitation shall not apply to non-residential farm structures

2. Setback Regulations

A. Required setbacks from road right-of-way

State Highway	Eighty-five (85) feet
County Road	Fifty (50) feet
Township/Private Roads/Easement	Thirty-five (35) feet

- B. Minimum setback from property lines of fifty (50) feet
- C. Minimum setback from ordinary high water mark of two hundred (200) feet
- D. Minimum height above highest known water level (elevation) of three (3) feet
- E. Minimum setback from bluff of thirty (30) feet
- F. Minimum setback from unplatted cemetery of fifty (50) feet
- G. Minimum setback from a ditch of one hundred (100) feet

3. Lot Size

- A. Minimum lot size of ten (10) acres, the buildable lot area of which must be a minimum of two (2) acres
- B. Minimum lot width of two hundred (200) feet

4. Additional standards for hunting shacks as contained in the Zoning Ordinance.

* One (1) water-oriented accessory structure designed in accordance with Section 502(2) of this Ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water level.

502 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES.

1. Placement of Structures on Lots

When more than one 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.

A. Bluff Impact Zones

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

B. Uses Without Water-Oriented Needs

Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the 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. Design Criteria for Structures

A. High Water Elevations

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:

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

- ii. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (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 Minnesota Rules 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
- iii. 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.

B. Water-oriented Accessory Structures

Each lot may have one (1) water-oriented accessory structure not meeting the normal structure setback in Section 501 of this Ordinance if this water-oriented accessory structure complies with all of the following provisions:

- i. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. The structure or facility may include detached decks not exceeding eight (8) feet above grade at any point or at-grade patios.
- ii. The structure or facility is not in the Bluff Impact Zone.
- iii. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet.
- iv. The structure is not a boathouse or boat storage structure as defined in Minnesota Statutes, Section 103G.245.
- v. 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.
- vi. The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area.

- vii. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

C. 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:

- i. Stairways and lifts must not exceed four (4) feet in width.
- ii. Landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area.
- iii. Canopies or roofs are not allowed on stairways, lifts, or landings.
- iv. 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.
- v. 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.
- vi. 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 Sections 502(2.C.i) to 502(2.C.v) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1341.

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 Zoning Administrator 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.

503 SHORELAND ALTERATIONS

Alterations of vegetation and topography are 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 Section 504 of this Ordinance are exempt from the vegetation alteration standards that follow.
- B. Removal or alteration of vegetation, except for agricultural and timber harvesting uses as regulated in Sections 506(2) and 506(3) is allowed, subject to the following standards:
 - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is prohibited. 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 (SWCD) 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:
 - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - 2) Existing shading of water surfaces along rivers is preserved.
 - 3) Cutting debris or slash shall be scattered and not mounded on the ground.
 - 4) Perennial ground cover is retained.
- C. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
- D. Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography, or both.

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 Section 504 of this Ordinance.
- C. Notwithstanding Sections 503(2.A) and 503(2.B) above, a grading and filling permit will be required for:
 - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
 - ii. The movement of more than fifty (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 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*:
 - 1) Sediment and pollutant trapping and retention.
 - 2) Storage of surface runoff to prevent or reduce flood damage.
 - 3) Fish and wildlife habitat.
 - 4) Recreational use.
 - 5) Shoreline or bank stabilization.
 - 6) 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. The applicant will be so advised.

- ii. 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.
- iii. 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.
- iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
- v. 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 United States Soil Conservation Service.
- vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
- vii. 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 thirty (30) percent or greater.
- viii. Fill or excavated material must not be placed in bluff impact zones.
- ix. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Chapter 103G.245.
- x. 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.
- xi. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

E. 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 has approved the proposed connection to public waters.

504 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 SWCD, 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 Section 503(2) of this Ordinance must be met.

505 STORM WATER MANAGEMENT

The following general and specific standards shall apply.

1. General Standards
 - A. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain storm water 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.

SECTION 8 HUNTING SHACK CLUSTER DEVELOPMENTS

801 PROCEDURE

Hunting shack cluster developments are allowed for new hunting shack projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 402 of this Ordinance and the official zoning map.

The applicant for a cluster development shall complete and submit the following:

1. The petitioner applying for a conditional use permit shall complete an official application with the Zoning Administrator or their designated representative.
2. A site plan for the project showing locations of property boundaries, location of hunting shack lots and existing hunting shacks, surface water features, existing and proposed structures, roads, docks and other facilities, land alterations and topographic contours at ten (10) foot intervals or less.
3. Those additional documents may be requested by the Planning and Zoning Advisory Commission that are necessary to explain how the cluster development will be designed and will function.

802 STANDARDS

1. Hunting shack cluster developments are allowed as a conditional use provided the following conditions can be met.
 - A. Minimum lot size of ten (10) acres.
 - B. Density of one (1) shack per eighty thousand (80,000) square feet of land in a natural state, with a maximum of five (5) shacks per ten (10) acre parcel. *
 - C. Minimum shoreline of two hundred (200) feet per shack (must meet both square feet and shoreline requirements for density calculation).
 - D. Maximum total floor area of seven hundred and twenty-eight (728) square feet.
 - E. Minimum setback to other shacks in the cluster of ten (10) feet.
 - F. Maximum setback to other shacks in the cluster of fifty (50) feet.
 - G. Cluster developments must meet minimum setback to lot lines and the ordinary high water line.

H. Maximum of one (1) dock per ten (10) acres.

I. Additional standards for hunting shacks as contained in the Zoning Ordinance.

* That portion of a land parcel that is not pastured or tilled and has been, if previously pastured or tilled, restored to a natural state through practices such as those outlined in the Conservation Reserve Program and Reinvest In Minnesota programs, shall be used for hunting shack density square footage calculations. For example, a twenty (20) acre parcel that has fifteen (15) acres tilled and five (5) acres around the lake in native vegetation may have up to two (2) hunting shacks in one (1) cluster, providing other standards can be met such as setbacks and shoreland frontage. If an additional five (5) of the fifteen (15) tilled acres are restored to native vegetation, and there are at least one thousand (1,000) feet of shoreline, then five (5) hunting shacks could be clustered on the parcel.

2. Conditions attached to conditional use permits for cluster developments. In addition to those conditions listed in Section 5 of this Ordinance, the Planning and Zoning Advisory Commission shall attach such conditions to the issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

A. Provision of communal alternative sewage treatment systems meeting Chapter 7080 standards.

B. Provision of solid waste recycling and disposal facilities.

C. Implementation of wildlife benefiting measures according to DNR standards.

Outdoor Toilets



The use of outdoor toilets (privies) is not prohibited by the provisions of MN Rule Chapter 7080. However, there are standards that have to be met in order for their installation and use. MN Rule 7080.2280 governs the official standards of privies. The soils present at the location of the privy must be assessed by licensed septic designer and verified by the County. There must be a minimum of 36 inches of vertical separation from the bottom of the hole to a limiting layer. This limiting layer may be periodically saturated soils, bedrock, or coarse textured soils to name a few.

If the minimum vertical separation cannot be achieved in the location for the privy, an appropriately registered liquid tight tank may be installed. The wastes from this will need to be periodically removed by a septic system maintainer. The size must be designed to have sufficient capacity for the dwelling or purpose it will serve.

The construction must have at least 25 cubic feet of capacity and must be curbed to prevent any cave-in. The Privy must be easily maintained and be insect and vermin proof. The door and seat must be self-closing. All exterior openings, including vents, shall be screened.

The privy must be located at least 100 feet from a water well unless the construction of the well is known and would allow for a value less than this but in no instance will the setback be less than 50 feet. The minimum setback from a lake, river or stream is 200 feet in Nicollet County.

The construction and use of an outhouse must be permitted by Nicollet County and is subject to compliance inspection standards when required.