

**2015 ANNUAL SHORELAND ORDINANCE  
ADMINISTRATIVE ACTIVITIES REPORT**



2015 Shoreland Block Grant Amount: \$ 2,772

**Directions:** Please answer the following questions for your county's 2015 activities within the shoreland area (*1000 feet from lakes & 300 feet from rivers or the extent of the floodplain, whichever is greater*).

**Variations**

1. List the number of shoreland variations you issued in 2015:

| Variance Type  | # Approved <u>with</u> Conditions | # Approved <u>without</u> Conditions | # Denied |
|--|-----------------------------------|--------------------------------------|----------|
| a. OHWL setback  | 0                                 | 0                                    | 0        |
| b. Bluff setback   | 0                                 | 0                                    | 0        |
| c. Impervious surface  | 0                                 | 0                                    | 0        |
| d. Building height   | 0                                 | 0                                    | 0        |
| e. Combination of contiguous nonconforming lots of record in common ownership for sale or development (Minn. Stat. § 394.36, Subd. 5(d)) | 0                                 | 0                                    | 0        |
| f. Subdivision of land not meeting lot area/width standards  | 0                                 | 0                                    | 0        |
| g. Other (please specify):   | 0                                 | 0                                    | 0        |

2. For approved structure specific variations (items a. – d., with or without conditions), approximately what percentage were for new structures? 0%
3. For approved structure specific variations (items a. – d., with or without conditions), please characterize the range of deviation from the required standard(s):
4. For all variance requests, did your Board of Adjustment develop findings of fact for each of the five variance criteria in Minn. Stat. § 394.27, Subd. 7? yes (yes or no). If yes, do the findings include detailed explanation or rationale for how the criteria were/were not met? (*If your Board of Adjustment uses an evaluation form or checklist for making decisions, please attach.*) We do use Findings of Fact for all Variations and Conditional Use Permits, but we didn't have any Variations in shoreland.
5. For variations approved with conditions, what are some examples of typical conditions for the different types of variations? Please indicate in table below:

| Variance Type      | Typical Conditions  |
|--------------------|---|
| OHWL setback       | We normally require a buffer to screen the building from the water on public lakes and rivers,  |
| Bluff setback      | Haven't had one of these.   |
| Impervious surface | Normally we use some type of alternative structure to capture the water off of the lot and have it bypass the soils so that we don't have an erosion problem. |
| Building height    | Haven't had one of these yet  |
| Other:             |   |

6. If variations are approved without conditions, why not? Haven't had one approved without conditions.
7. For approximately what percent of variance inquiries in 2015 were alternative solutions found (thus reducing the actual number of variance applications)? 100%

8. If alternative solutions were found, what are some typical examples?  
I didn't have any variances inside of shoreland this year.

## Lots & Land Subdivisions

9. List the number of lots created in 2015:

| Type of subdivision or conversion:      | Total # of Lots Created | How many of these lots were part of Conservation Subdivisions? | How many of these lots were part of Resort Conversions? |
|---|-------------------------|--|---|
| PUD Plats                               | 0                       | 0  | 0   |
| Non-PUD Plats (standard lot and block)  | 0                       | 0  | 0   |
| Lot Splits (administrative subdivision) | 0                       | 0  | 0   |

10. In the past year, has your county modified/amended shoreland PUD provisions in your ordinance?  
 \_No\_\_\_\_\_ (yes or no)

11. Has your county updated its ordinance to comply with 2009 legislative changes regarding existing nonconforming lots in shoreland areas in Minn. Stats, § 394.36, Subd. 5? \_\_\_yes\_\_\_ (yes or no)

12. Has your county approved variances to this statutory requirement in 2015? \_\_\_No\_\_\_ (yes or no)  
 If yes, how many variances in 2015? \_\_\_\_\_

## Permits

13. How many land use permits did your county issue in shoreland areas in 2015 for the following:  
 a. New construction on previously undeveloped lots: 2 (total # of permits)  
 b. Redevelopment (e.g., expansion of structures, substantial improvements, new structures added to developed lots): 8 (total # of permits)

14. How many permits for grading, excavation, filling, or soil disturbance within the shore impact zone were issued in 2015? 5

15. Does your county generally inspect the work? \_\_\_yes\_\_\_ (yes or no)

If so, how and when (check all that apply):

- on-site inspection prior to construction
- on-site inspection during construction
- on-site inspection after construction
- as-built drawings and measurements required after construction

X other (please describe): We generally will measure off a site before construction, and we will identify any potential issues that may come into play.

## Planning and Enforcement

16. Did your county update or amend its comprehensive plan in 2015? \_\_\_no\_\_\_ (yes or no)  
 If yes, describe any changes affecting shorelands:

17. Did your county update or amend its shoreland ordinance in 2015? \_\_\_no\_\_\_ (yes or no)  
 If yes, describe the nature of the change:

18. Does your county have any plans to update, amend, or adopt a comprehensive plan or shoreland ordinance in 2016? no (yes or no, and if yes, plan or ordinance)

19. Does your county notify the DNR at least 10 days prior to public hearings for variances, CUPs, and ordinance amendments, and within 10 days after final decisions? \_\_\_yes\_\_\_ (yes or no) If yes:

- a. Who do you notify? Depends on who the Hydrologist is for the area that the work is in  
It could be Scott Bohling, Brian Nyborg, or Lucas Youngsma.  
(name of DNR staff person)
- b. How do you notify them? email (mail, e-mail, other)
- c. What information do you provide? (notice, application, site plans, etc.): We provide the CUP application with any additional site plans and documents that we require with the application.

**Shoreland Buffers**

20. What buffer distance does your county’s shoreland ordinance currently require for shorelands in agricultural areas? 50 ft. for any newly formed ag ground, then we use the requirements set forth by the State.

21. Please describe your efforts to achieve and maintain 50 foot buffers around streams and water bodies on agricultural land in 2015. Please check and describe ALL that apply (feel free to attach additional materials):

| ✓                                   | <b>Effort</b>  | <b>Please describe:</b>  |
|-------------------------------------|--|--|
| <input type="checkbox"/>            | No special effort  |  |
| <input checked="" type="checkbox"/> | Some action taken  | If it is newly farmed ground then we require the 50 ft. buffer, otherwise the new legislation that came out about the buffer bill has ramped up talk with the area landowners. |
| <input type="checkbox"/>            | Condition variance and/or permit approvals with measures to establish/restore buffers  |  |
| <input type="checkbox"/>            | Condition financial or other assistance with measures to establish/restore buffers   |  |
| <input type="checkbox"/>            | Specific program to achieve voluntary compliance including some/all of the following strategies (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Aerial mapping/inventory of buffers</li> <li><input type="checkbox"/> Evaluation/assessment of compliance</li> <li><input type="checkbox"/> Outreach to property owners (letters, literature, site visits, inspections, etc.)</li> <li><input type="checkbox"/> Technical and financial assistance (with SWCDs and other resource agencies)</li> </ul> |  |
| <input type="checkbox"/>            | Code enforcement (penalties and/or legal action to achieve compliance/restoration)   |  |
| <input type="checkbox"/>            | Other:   |  |

22. What has your county found to be effective in achieving and maintaining 50 foot buffers?

Right now most of our work with 50 ft. buffers is to get the word out that it has become law and voluntary compliance rates have risen, we have been seeing more people come in and ask for different types of cost share with working on shoreland buffers. Eventually we will have the tools to deal more with enforcement, the tools being more complete GIS mapping capabilities, which we are currently working on updating.

23. How does your county determine which stretches of public water watercourses fall under the “Tributary” class under your local shoreland ordinance? As it is defined by the PWI maps, and also our shoreland ordinance states that have been mapped in the PWI maps but have not been given another classification such as Transition or Ag.

24. Please refer to the “Shoreland and Riparian Buffer Law (Minn. Stat. §130F.48) Comparison” FAQs on the DNR’s buffer mapping project website: <http://www.dnr.state.mn.us/buffers/index.html>.

- a. What additional questions do you, property owners, or elected officials in your county have with respect to the buffer law and shoreland requirements?
  - i. How will altered PWI water be classified (50 ft or 16.5 ft), for example, the headwaters of the Watonwan River out of Fish lake are protected, but they are highly straightened.
  - ii. From landowners we have been receiving many site specific questions that cannot be answered until the map is finalized on if they require a buffer at all, meaning if it is 50 ft or 16.5 ft or nothing.
  - iii. Does the stream require water in it a certain percentage of the year to be buffered? The main question, how are those intermittent streams going to be handled.
  - iv. Several landowners and some elected officials have commented how this is a government land taking and what compensation will they get outside of enrolling it in a program like CRP or RIM.
  - v. How and where will the buffer be measured from (top of bank, OHWL, etc)?
  - vi. What steps are required by the LGU before enforcement can begin?
  - vii. How will most compliance be maintained? Are we going to use aerial imagery as it comes out? Are we expected to go out and inspect a certain percentage randomly?
  
- b. Is your county considering any changes to its shoreland requirements in response to the new buffer law?
  - i. No, It is a matter of education and enforcement now.

25. Which department or agency is responsible for ag-related buffer compliance activity in your county? Has the new buffer law resulted in any changes in responsibilities, and if so how? The County SWCD and the County Environmental Office

26. Does your county require compliance with shoreland vegetation management standards for non-agricultural properties? yes (yes or no)  
 If yes, describe 2015 activities in the space below (permit requirements, restoration orders, etc.):  
 Yes, we will require restoration orders if the property does not comply with Conditions set at a CUP public hearing.

**Resources/Training**

27. What shoreland-related training, guidance, or tools do your staff or Board of Adjustment need?

**I think the our Board of Adjustment doesn't deal a lot with the shoreland aspect, but our Planning Commission could use quite a bit of training on Shoreland concerns such as adequate buffering vegetation, BMP's for construction inside of shoreland. Those two topics have come up in the last year.**

**Other**

28. In the past year, has your county adopted into its shoreland ordinance any new “higher standards” that exceed the statewide minimums in Minnesota Rules, Chapter 6120? Please check and describe ALL that apply (feel free to attach additional information): No

|                                     |  |                         |
|-------------------------------------|--|-------------------------|
| <input checked="" type="checkbox"/> | <b>Higher Standard Type</b>                  | <b>Please describe:</b> |
| <input type="checkbox"/>            | Use of a special protection district or lake |                         |

|                          |  |  |
|--------------------------|--|--|
|                          | classification for which higher standards apply  |  |
| <input type="checkbox"/> | Lot size & width   |  |
| <input type="checkbox"/> | Structure setback from OHWL  |  |
| <input type="checkbox"/> | Structure setback from bluff   |  |
| <input type="checkbox"/> | Septic system setback from OHWL  |  |
| <input type="checkbox"/> | Impervious surface coverage limits   |  |
| <input type="checkbox"/> | Special standards applied to nonconforming structures or lots  |  |
| <input type="checkbox"/> | Vegetation protection/restoration and/or permitting requirements (in the shore impact zone, bluff impact zone, or elsewhere in the shoreland district) |  |
| <input type="checkbox"/> | Storm water/land alteration  |  |
| <input type="checkbox"/> | Shoreland PUD (i.e. conservation design)   |  |
| <input type="checkbox"/> | Mitigation for variances   |  |
| <input type="checkbox"/> | 50-foot vegetative buffer on public ditches  |  |
| <input type="checkbox"/> | Other:   |  |

29. Have any new or unanticipated issues arisen in the past year that you would like the DNR to address or provide guidance on? If there is any issues that come up, I contact the area hydrologist to help trouble shoot them. It has worked well in the past.

30. Did your county pursue or consider pursuing any special initiatives or outreach efforts to protect shorelands in 2015? Please describe below: We used our radiocast and newspaper articles to get out information about the buffer law that is coming into effect.

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### Contact Information

County: Cottonwood County

Contact Person: Jared Morrill Title: Planning and Zoning Technician

E-Mail

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Phone Number: 507-831-1153 ext. 102

**To receive a shoreland grant in 2016, this form must be completed by February 29, 2016.**

*Any questions, please contact: Kathleen Metzker, DNR Land Use Hydrologist, 500 Lafayette Road, St. Paul, MN 55155-4032. Tel. 651-259-5694. Please e-mail the completed form to [Kathleen.metzker@state.mn.us](mailto:Kathleen.metzker@state.mn.us). Alternatively, you may fax it to 651-296-1811 or mail it to the above address. E-mail is preferred.*