

**2015 ANNUAL SHORELAND ORDINANCE
ADMINISTRATIVE ACTIVITIES REPORT**



2015 Shoreland Block Grant Amount: \$ _____

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	1	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? 100%

3. For approved structure specific variations (items a. – d., with or without conditions), please characterize the range of deviation from the required standard(s):

One variation was given to allow a structure to be placed 41' from the OHWL when the required setback was 100'.

4. For all variation 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.*)

A findings of fact was developed with rationale for how the criteria were met.

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	
Bluff setback	
Impervious surface	
Building height	
Other:	

6. If variations are approved without conditions, why not?

The Board did not find them necessary to satisfy the intent of the ordinance.

7. For approximately what percent of variation inquiries in 2015 were alternative solutions found (thus reducing the actual number of variation applications)? 0%

8. If alternative solutions were found, what are some typical examples?

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		
Non-PUD Plats (standard lot and block)	0		
Lot Splits (administrative subdivision)	0		

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

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 or no)

no

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

no

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: 9 (total # of permits)

b. Redevelopment (e.g., expansion of structures, substantial improvements, new structures added to developed lots): 39 (total # of permits)

14. How many permits for grading, excavation, filling, or soil disturbance within the shore impact zone were issued in 2015? 4

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
- other (please describe):

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? yes, both (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? Heidi Lindgren (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.): variance application and staff report

Shoreland Buffers

20. What buffer distance does your county’s shoreland ordinance currently require for shorelands in agricultural areas?

none

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):

✓	Effort	Please describe:
x	No special effort	We do not have a 50' buffer requirement.
<input type="checkbox"/>	Some action taken	
<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): <input type="checkbox"/> Aerial mapping/inventory of buffers <input type="checkbox"/> Evaluation/assessment of compliance <input type="checkbox"/> Outreach to property owners (letters, literature, site visits, inspections, etc.) <input type="checkbox"/> Technical and financial assistance (with SWCDs and other resource agencies)	
<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?

N/A

23. How does your county determine which stretches of public water watercourses fall under the “Tributary” class under your local shoreland ordinance?

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?

none

b. Is your county considering any changes to its shoreland requirements in response to the new buffer law?

Not at this point.

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?

Planning and Zoning Department

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.):

One property was identified as performing intensive vegetation on steep slopes. Staff visited the site and educated the homeowners of how to bring the property into compliance. Staff later followed up and found it to be compliant.

Resources/Training

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

Our staff would benefit from training related to erosion control practices for construction in shoreland. Our BOA would benefit from a webinar examining different types of variance applications where practical difficulties were demonstrated and not demonstrated.

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):

✓	Higher Standard Type	Please describe:
<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?

An updated model ordinance would be helpful as we are now in the process of making several changes.

30. Did your county pursue or consider pursuing any special initiatives or outreach efforts to protect shorelands in 2015? Please describe below:

no

Contact Information

County: _____Pine_____

Contact Person: Caleb Anderson Title: Land & Resources Manager

E-Mail Address: caleb.anderson@co.pine.mn.us

Phone Number: 320-591-1657

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. Alternatively, you may fax it to 651-296-1811 or mail it to the above address. E-mail is preferred.