

**2015 ANNUAL SHORELAND ORDINANCE
ADMINISTRATIVE ACTIVITIES REPORT**



2015 Shoreland Block Grant Amount: \$ 3,024.00

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 with Conditions	# Approved without Conditions	# Denied
a. OHWL setback	3	-----	-----
b. Bluff setback	-----	-----	-----
c. Impervious surface	-----	-----	-----
d. Building height	-----	-----	-----
e. Combination of contiguous nonconforming lots of record in common ownership for sale or development (Minn. Stat. § 394.36, Subd. 5(d))	-----	-----	-----
f. Subdivision of land not meeting lot area/width standards	-----	-----	-----
g. Other (please specify): Side yard setback	1	-----	-----

2. For approved structure specific variations (items a. – d., with or without conditions), approximately what percentage were for new structures? 1 variance
3. For approved structure specific variations (items a. – d., with or without conditions), please characterize the range of deviation from the required standard(s):
20' plus
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.)
The attached form is used which is recommended/required by the Minnesota Counties Insurance Trust.
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	For that particular addition/structure only ~ building permit required ~1 yr. sunset
Bluff setback	n/a
Impervious surface	n/a
Building height	n/a
Other: Side yard	For that particular addition/structure only~building permit required~1 yr sunset

6. If variations are approved without conditions, why not? All have conditions
7. For approximately what percent of variance inquiries in 2015 were alternative solutions found (thus reducing the actual number of variance applications)? 2 %
8. If alternative solutions were found, what are some typical examples?
Did not construct, built smaller structure not needing a variance, or placed it in another location.

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

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? ___no___(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: 4 (total # of permits)
 b. Redevelopment (e.g., expansion of structures, substantial improvements, new structures added to developed lots): 24 (total # of permits)

14. How many permits for grading, excavation, filling, or soil disturbance within the shore impact zone were issued in 2015? 0

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? ___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? Dan Girolamo, Area Hydro (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.):
 Notice, Application, Site Plans, Aerials and Staff Report

Shoreland Buffers

20. What buffer distance does your county’s shoreland ordinance currently require for shorelands in agricultural areas? 50’

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:
<input type="checkbox"/>	No special effort	
<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	
X	Specific program to achieve voluntary compliance including some/all of the following strategies (check all that apply): <input checked="" 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)	With the use of Beacon, the staff from P&Z and S&W reviewed aerials.
<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?
Case by Case with permitting

23. How does your county determine which stretches of public water watercourses fall under the “Tributary” class under your local shoreland ordinance?
If it is listed on the DNR protected water inventory

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?
 - There will be a substantial cost associated with enforcement and counties should be compensated for enforcement which is sometimes separate from the soil and water offices. County Attorney’s are often burdened with more serious crimes/violations of the law and by using this process will be lengthy and small penalties through a misdemeanor will not impose much of an impact to landowners.
- b. Is your county considering any changes to its shoreland requirements in response to the new buffer law? Not at this time

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 Planning & Zoning Office is responsible for the ag related buffer compliance activity and the new law states the Soil & Water office will be responsible for buffers.

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.):
 We have a lot of subdivisions

Resources/Training

27. What shoreland-related training, guidance, or tools do your staff or Board of Adjustment need?
 I think networking is always important and good for staff/Board of Adjustment to be able to put a face with DNR staff regarding the Shoreland rules.....it has been awhile since DNR has put together a meeting to discuss shoreland rules in general. Staff/Board of Adjustment changes frequently.

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):
 We have not added anything in the past year but have for a number of years higher standards in our special protection districts such as lot size, setbacks, etc.

✓	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? There is a lot more shoreland activity and it has been difficult for LUG's. I would like to see the Area Hydrologists have the role back as far as doing more in their jurisdictions helping the LUG's with inspections, technical work, enforcement. I have been very fortunate to have had the Area Hydrologists that I have had that have the history and dedication to the Counties.
30. Did your county pursue or consider pursuing any special initiatives or outreach efforts to protect shorelands in 2015? Please describe below:
Continue to enforce our ordinance to the best of our ability.

Contact Information

County: Martin County

Contact Person: Pam Flitter Title: Zoning Administrator

E-Mail Address: pam.flitter@co.martin.mn.us

Phone Number: 507.238.3242

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.