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To: THE RESILIENT REGION PROJECT
Attn: Cheryal Lee Hills

From: WILLIAM MITCHELL COMMUNITY DEVELOPMENT CLINIC
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Re: Comparing and Contrasting Shoreland Ordinances in Region 5

SUMMARY

This memorandum compares and contrasts the shoreland ordinances adopted by **Crow Wing, Todd, Wadena, Morrison, and Cass** Counties with the Minnesota Department of Natural Resources Sample Shoreland Management Ordinance (referred hereinafter as **DNR Sample**). Appendix I contains the website addresses where these Ordinances can be located. This memorandum will help determine whether one uniform ordinance or overlay district applicable to the entire region is feasible. One ordinance or overlay district may make it easier for a property owner to know what is permitted or not permitted in a shoreland zone. A uniform ordinance recognizes that shoreland development transcends county borders.

The **Crow Wing** County Ordinance was used as the baseline Ordinance, since it is the Ordinance that has been recommended for adoption in Region 5, as stated in the Creating a Resilient Region draft document. The sections of the **Crow Wing** Ordinance were initially examined and compared to similar sections in the other Ordinances. Then, the other four Ordinances and **DNR Sample** were examined to determine which sections they included that the **Crow Wing** Ordinance does not include.

ANALYSIS

Purpose

The Ordinances have similar purpose language, particularly to preserve and protect waters; a few state health, safety and welfare considerations (**Cass**¹, **DNR Sample**², **Morrison**³, and **Todd**⁴). **Cass** and **Morrison** do not have purpose subdivisions within their shoreland sections as the other Ordinances do, but address water related concerns and policies in their respective land use Ordinances general purpose statements.⁵ The **DNR Sample** and **Todd** Ordinances elaborate more specifically by stating that “the uncontrolled use of shorelands... affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base.”⁶ Additionally, all of the Ordinances state the need for the preservation and wise use of water and related resources.

Cass, the **DNR Sample**, **Crow Wing**, and **Todd** specifically mention the need to “conserve the economic and natural environmental values of shorelands”⁷; **Cass**, **Crow Wing**, and **Todd** additionally state the need to “enhance the quality of surface waters” in shoreland areas.⁸ The **Todd** purpose subdivision has adopted and utilized the **DNR Sample** policy, with only small edits to make it specifically applicable to **Todd** County.⁹

Only one, **Wadena**, references state law and that its purpose is to provide shoreland development guidelines consistent with Minnesota Statutes Chapter 105 and Minnesota

¹ Section 201

² Section 1.2

³ Section 104.1

⁴ Section 7.01

⁵ **Cass**: Section 200; **Morrison**: Section 104.1

⁶ **DNR Sample**: Section 1.2; **Todd**: Section 7.01

⁷ **Cass**: Section 201; **DNR Sample**: Section 1.2; **Crow Wing**: Section 11.1; **Todd**: Section 7.01

⁸ **Cass**: Section 201; **Crow Wing**: Section 11.1; **Todd**: Section 7.01

⁹ Section 7.01

Regulations [sic]¹⁰ Sections 6120.2500 through 6120.3900. Minnesota Statutes Chapter 105 concerns the division of waters, soils, and minerals; however, all of the sections in the chapter are expired, have been repealed or renumbered. The pertinent sections of the Minnesota Rules concern shoreland management.¹¹ The **Wadena** Purpose Section uses much of the same language as the policy listed in Minnesota Rule 6120.2600, particularly language concerning the uncontrolled use of shorelands affecting the public health, safety, and general welfare, along with preservation, enhancement, and conservation of shoreland resources. The purpose statement for **Wadena** is located in the shoreland section, and only notes it is concerned with “the wise utilization of the shoreland resources” without any descriptive detail.¹² However, the general purpose statement for the entire **Wadena** County Zoning Ordinance is essentially the same purpose statement that is utilized in the **DNR Sample**, but slightly modified for applicability to Wadena County.¹³

The purpose statement for **Crow Wing** is the most substantial without being overly verbose, it states:

The purpose of this district is to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, protect drinking water sources, and provide for the wise use of water and related land resources. The primary use within this district is seasonal and year-round single family residential. Compatible commercial or water-oriented commercial may be allowed as permitted or as conditional uses.¹⁴

Recommendation: The purpose statement for a Region 5 Shoreland Ordinance or Overlay District should mirror the **Crow Wing** purpose statement with the addition of the

¹⁰ Likely referring to Minnesota Rules

¹¹ Rules 6120.2500-6120.3900 concerning Shoreland Management include the following sections: Definitions, Policy, Scope, Shoreland Management Classification System, Land Use Districts, Criteria for Land Use Zoning District Designation, Zoning Provisions, Sanitary Provisions, Subdivision Provisions, Planned Unit Development, and Administration.

¹² Section 14A

¹³ Section I

¹⁴ Section 11.1

language utilized in the **DNR Sample** and **Todd** that “the uncontrolled use of shorelands affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base.”¹⁵

Applicability of Ordinance

Each Ordinance applies to the shorelands within the counties, but the shoreland area is defined differently.

Cass applies its shoreland regulations to the area located within “1,320 feet from the ordinary high water level of a lake, river, pond, or flowage...and the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.”¹⁶ The others define shoreland as the “land located within the following distances of public waters: *1,000 feet* from the ordinary high water level (OHWL) *of a lake, pond or flowage*, and *300 feet from a river, stream, or the landward extent of a floodplain* designated by ordinance on a river or stream, whichever is greater.”¹⁷ **Crow Wing** uses the 1000 / 300 feet designation, but repeats the language from the purpose section.¹⁸ **Cass**, the **DNR Sample**, **Morrison**, **Todd**, and **Wadena** allow for the reduction of the limits of use of the shoreland when “the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.”¹⁹

¹⁵ DNR Sample: Section 1.2; Todd: Section 7.01

¹⁶ Section 1.8 in Cass County Environmental Definitions Ordinance

¹⁷ DNR Sample: Section 2.744; Crow Wing: Section 46.2; Morrison Section 203; Todd Section 3.02; Wadena: Section 4B

¹⁸ “This land use district is established to allow low to medium density, seasonal and year round residential uses on land suitable for such uses within the shoreland district. It is also intended to regulate the establishment of commercial, industrial and other uses in these areas that have the potential to cause conflicts with residential uses.” Section 46.2

¹⁹ Cass: Section 1.8 in Cass County Environmental Definitions Ordinance; DNR Sample: Section 2.744; Morrison: Section 203; Todd: Section 3.02; Wadena: Section 4B

All of the Ordinances define the commissioner as the commissioner of the Department of Natural Resources.²⁰ However, **Morrison** is more specific and states that it means the commissioner of the *Minnesota* Department of Natural Resources. While **Cass** and **Crow Wing** define commissioner as also including the commissioner of the Department of Natural Resource's authorized representative. Additionally, **Cass** also includes the State Commissioner and the State of Minnesota in its definition of Commissioner.

Recommendation: The applicability section for a Region 5 Shoreland Ordinance or Overlay District should state that it applies to the shoreland, but Region 5 will need to decide the size of the area to be covered and whether the impacted area should be different for different types of bodies of water (i.e. rivers, streams, lakes, etc.), topographical features, land uses or other factors.

Public Waters Classification System

All of the Ordinances contain a subdivision that categorizes public water classifications. They mirror the classification system outlined in Minnesota Rules Section 6120.3000, but some do not include all of the classifications incorporated in the Rules.²¹ All five Ordinances include the three lake classes: General Development, Recreational Development, and Natural Environment Lakes.

Cass includes the Remote, Forested, and Tributary River classifications, but adds Scenic and Wild River classifications.²² In addition to the classification types, it includes supplementary

²⁰ "Commissioner" definition can be found in the following places: Morrison § 203, Cass § 1.8 in Environmental Definitions Ordinance, Sample § 2.0, 2.718, Crow Wing Article 46, §46.2, Todd § 3.02, Wadena - §4B

²¹ The classes included in Minnesota Rules § 6120.3000 are: Natural Environment Lakes, Recreational Development Lakes, General Development Lakes, Remote River segments, Forested River segments, Transition River segments, Agricultural River segments, Urban River segments, and Tributary River segments.

²² Section 1201B

criteria to classify public waters.²³ The criteria mirrors those outlined in Minnesota Rules Section 6120.3000. All of the lakes and rivers present in the County are listed, including the water classification, at the end of the entire Ordinance.²⁴ **Cass** further outlines a process to amend a lake or stream classification. The process includes a petition and public hearing, with final approval made by the Commissioner of the Minnesota Department of Natural Resources.²⁵

Crow Wing further divides the Natural Environment lake class into a subclass of Special Shallow Lakes and classifies its rivers as Cold Water Rivers, Natural Environment Rivers, and General Development Rivers.²⁶ It also includes lists for all of the lakes, rivers, and streams that are present in the County, which includes water classification type and other further identification information.²⁷

The **DNR Sample** includes public waters classification that is consistent with the criteria found in Minnesota Regulations [sic]²⁸ Section 6120.3300 and the protected waters inventory map of the county. It classifies waters as lakes (general development recreational development and natural environment lakes) or rivers and streams (remote rivers, forested rivers, transition rivers, agricultural rivers, urban rivers and tributary streams).²⁹

Morrison includes all of the **DNR Sample** classifications except for Remote Rivers.³⁰ However, unlike the others, it does not include a list or table of the specific bodies of water located in the County.

²³ See Section 1201. Criteria Includes: Size and shape; Amount and type of existing development; Road and service center accessibility; Existing natural characteristics of the waters and shoreland; State, Regional, and local plans and management programs; Existing land use restrictions; Presence of significant historic sites.

²⁴ See Table after Appendix D

²⁵ Section 1202

²⁶ Section 11.2

²⁷ Listed in Appendix A

²⁸ Likely referring to Minnesota Rules

²⁹ Section 4.1

³⁰ Section 702

Todd includes the three lake classifications that the other Ordinance includes,³¹ but does not include river or stream classifications. Instead it states that “the shoreland of rivers and streams will have the same standards as Natural Environment Lakes.”³² All of the lakes in the County are included in a table, with the lake identification number, the lake name, the township where it is located, and its classification.³³

Wadena adopts the six river classifications of the **DNR Sample** and references its protected waters inventory map³⁴, not in the ordinance’s shoreland section. It includes a table, which names the specific lakes, rivers, and streams, what type they are, and their inventory identification number or legal description.³⁵ Additionally, as stated in its purpose statement, its classifications are consistent with Minnesota Rule 6120.3000, except that the Rule separates Urban and Tributary Rivers, while **Wadena** has one classification titled “urban tributary” that encompasses both.³⁶

Cass, Crow Wing, Morrison, and Todd further elaborate on the classification subdivision by defining the classifications of the lakes, rivers, and streams in their respective shoreland sections.³⁷

Recommendation: This section is more difficult to craft for a uniform shoreland ordinance or overlay district because of county variations of public waters. The recommendation is to adopt the **DNR Sample** classification system and allow each county to include a table identifying the bodies of water within its borders that are subject to the ordinance and the classification for each of those bodies.

³¹ Section 7.03B

³² Section 7.03B

³³ Section 7.03A

³⁴ Available at http://files.dnr.state.mn.us/waters/watermgmt_section/pwi/WADE1OF1.pdf

³⁵ Section 5E

³⁶ Section 14(F)(3)

³⁷ Cass: 1201B; Crow Wing: Section 11.2; Morrison: Section 702; Todd: 7.03B

District Land Use Regulations

The counties have different shoreland districts and sub-districts, land uses, shoreland impact zones and general considerations and criteria for land classifications.

Cass has ten sub-districts in its shoreland district³⁸ according to the class of public waters to which the shoreland in the sub-district relates.³⁹ Cass has an additional land use district titled “Resource Protection” which accommodates

limited rural residential housing, agricultural uses and forest management activities in a fashion that conserves sensitive land areas in which more intensive development would adversely affect water quality, wetlands, lakes, shore land, slopes, productive habitat, biological ecosystems, or scenic and natural values in order to minimize their disturbance, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to protect the quality of ground and surface waters, and to conserve natural and scenic areas within and adjacent to riparian areas for the community's benefit.⁴⁰

The Shoreland District is intended for low to medium density, seasonal and year-round residential uses.⁴¹ Commercial and industrial uses required a conditional use permit review because these uses have the potential to conflict with residential uses.⁴² The table of uses at Section 1001 includes uses for the Shoreland Residential, Water Oriented Commercial and Resource Protection districts. The sub-districts are subject to different placement, design and height standards.⁴³

³⁸ Water Oriented Commercial is listed as one of the shoreland sub-districts at Section 903.1, but has a separate defined purpose at Section 903.9.

³⁹ Sub-districts include: land within the shoreland of a general development lake (GD); land within the shoreland of a recreational development lake (RD); land within the shoreland of a natural environment lake (NE); land within the shoreland of a resource protection district (RP); land within the shoreland of a remote river segment (REM); land within the shoreland of a forested river segment (FOR); land within the shoreland of a tributary river segment (TRIB); land within 500 feet of a scenic river segment/Mississippi Headwaters Board (MHB) Corridor (SC); land within 1000 feet of a wild river segment/MHB Corridor (WD); Water Oriented Commercial (WOC); Shoreland Residential (SR).

⁴⁰ Section 903.10

⁴¹ Section 903.1

⁴² Section 903.1

⁴³ Section 1126

Crow Wing has three shoreland districts: Shoreland, Sensitive Shoreland, and Waterfront Commercial Districts. The Shoreland District is meant for seasonal, and year-round single-family residential uses.⁴⁴ Commercial, including water-oriented, are either permitted or conditional uses.⁴⁵ The Sensitive Shoreland District allows for “limited residential uses, agricultural uses, and forest management activities within the Shoreland Protection Zone.”⁴⁶ The density is decreased in order to “conserve sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values.”⁴⁷ Additional information is included that specifies how Sensitive Shoreland Districts are designated as such.⁴⁸ The Waterfront Commercial District “accommodates commercial uses in the Shoreland District where access to and use of a surface water feature is an integral part of the business.”⁴⁹ The primary uses in waterfront commercial are marinas, resorts, and restaurants with transient docking facilities.⁵⁰ The land use regulations for these three shoreland districts appear in the Land Use District Descriptions for all districts in **Crow Wing** County, not in the separate Shoreland District Standards Section,⁵¹ and include the list of uses requiring a permit, a conditional use permit, or a use allowed without a permit but may require performance standards.⁵²

⁴⁴ Section 11.1

⁴⁵ Section 11.1

⁴⁶ Section 10.2H

⁴⁷ Section 10.2H

⁴⁸ Section 4.3

⁴⁹ Section 10.2K

⁵⁰ Section 10.2K

⁵¹ Section 10.2

⁵² Section 10.3

The **DNR Sample** has districts for both lakes, and for rivers and streams.⁵³ It then further subdivides both districts into the following five sub-districts: Special Protection District, Residential District, High Density Residential District, Water-Oriented Commercial District, and General Use District.⁵⁴ Each of these sub-districts has slightly different permitted, conditional, and non-permitted land uses.⁵⁵ In addition, general considerations and criteria for all land uses are stated.⁵⁶

Morrison has three districts: Shoreland Residential, Shoreland Commercial, and Shoreland Special Protection and has a table of permitted principal uses, permitted accessory uses, permitted principal uses with performance standards, and conditional uses for each district.⁵⁷

Todd has one Shoreland District, which allows for low to medium density seasonal and year-round residential uses, along with limited commercial uses.⁵⁸ The land uses for the Shoreland District are included in the table for all zoning district, and specifies uses requiring permits; uses allowed without a permit, subject to performance standards; uses requiring a conditional use permit; and not permitted uses.⁵⁹ Listed uses are accessory uses, residential uses, commercial uses, industrial uses, and public/semi public uses.⁶⁰ The lot dimensions and setback standards in the Shoreland District are further regulated with the district divided into General

⁵³ Section 4.22A through B

⁵⁴ Section 4.22A through B

⁵⁵ Section 4.22A through B

⁵⁶ Section 4.2A and includes preservation of natural areas; present ownership and development of shoreland areas; shoreland soil types and their engineering capabilities; topographic characteristics; vegetative cover; in-water physical characteristics, values and constraints; recreational use of the surface water; road and service center accessibility; socioeconomic development needs and plans as they involve water and related land resources; the land requirements of industry which, by its nature, requires location in shoreland areas; and the necessity to preserve and restore certain areas having significant historical or ecological value.

⁵⁷ Section 703-704

⁵⁸ Section 6.01C

⁵⁹ Section 6.04

⁶⁰ Section 6.04 a through e

Development, Recreational Development, Recreational Development Limited, and Natural Environment areas.⁶¹

Wadena has one district: the S-1 Shoreland Overlay District. The land uses are as allowed under the applicable zoning district underlying the Shoreland Overlay District⁶², but land uses within the overlay district are subject to specialized shoreland classifications and standards concerning placement, design and height of structures.⁶³

In addition to shoreland management standards, some of the Ordinances also regulate development that occurs within a shore impact zone. The **DNR Sample** Ordinance defines a shore impact zone as: “land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent of the structure.”⁶⁴ **Wadena** and **Todd** utilize the same definition as the **DNR Sample**.⁶⁵ **Morrison** defines the zone differently as: “the land located between the ordinary high water level and a line parallel to it at a setback of fifty feet on a public waters with a seventy-five foot required structure setback, sixty-five feet on a public water with a one-hundred foot required setback, and one-hundred feet on a public with a one-hundred and fifty foot required structure setback.”⁶⁶ Overall, there are two parts to each Ordinance relating to shore impact zones: first, how they define a shore impact zone; and second, where they regulate the development within that zone.

Cass has two shore impact zones: Shore Impact Zone 1 with the same definition as the **DNR Sample** and Shore Impact Zone 2, which is “land located between shore impact zone-1 and the structure setback.”⁶⁷

⁶¹ Section 6.03

⁶² Section 14B

⁶³ Section 14F

⁶⁴ Section 2.743

⁶⁵ Wadena: Section 4B; Todd: Section 3.02

⁶⁶ Section 203

⁶⁷ Section 1.8 in Cass County Environmental Definitions Ordinance

Crow Wing has four shore impact zones: Shore Impact Zone 1 that is defined the same as in the **DNR Sample**, but it further elaborates, “The shore impact zone serves all or part of the shoreline buffer”; Shore Impact Zone 2, which is identical to the **Cass** definition; Shoreland Buffer Zone, which is “the area between five-hundred and one-thousand feet from the ordinary high water level of protected waters or lakes, or the area between one-hundred and fifty and three-hundred feet from the ordinary high water level of protected waters, rivers, or streams”; and Shoreland Protection Zone, which is “the area between the ordinary high water level of a public water and a line parallel to the ordinary high water level at five-hundred feet from a lake or pond, or one-hundred and fifty feet of a river or stream of the landward side of a floodplain delineated by ordinance on a river or stream, whichever is greater.”⁶⁸

Not only do the Ordinances include land use district classifications, but **Cass**, the **DNR Sample**, and **Todd** include general considerations and criteria for land classifications. **Cass** uses the **DNR Sample** general considerations and criteria for land classifications.⁶⁹ **Todd** requires that the land use districts and the delineation of its boundaries “must be consistent with the goals, policies, and objectives of the comprehensive land use plan and [specified] criteria, considerations, and objectives.”⁷⁰ **Todd** includes most of the **DNR Sample**’s general considerations and criteria for all land uses, but excludes the “land requirements of industry which, by its nature, requires location in shoreland areas.”⁷¹ Although **Todd** omits the industry consideration from its land use criteria, it does permit industry within the shoreland section, as long as performance standards are met.⁷² It states, “surface water-oriented commercial uses and

⁶⁸ All definitions are located in Article 46—Definitions of the Crow Wing County Land Use Ordinance

⁶⁹ Section 706.2A

⁷⁰ Section 7.03C. Note: The Ordinance references Section 655.D.2.b which is a typographical error, according to Todd County. It is likely referring to Section 6.01B which lists the zoning districts for Todd County.

⁷¹ Section 7.03D

⁷² Section 7.11(A) through (C)

industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters.”⁷³ It further defines what an industrial, semipublic, and surface water-oriented commercial use are, but does not define what a public use is.⁷⁴

Recommendation: Uses in shoreland districts should be for low to medium density residential and limited commercial uses. This is due to the need to preserve the water resources located in Region 5. The only industrial uses permitted in shoreland districts should be limited to those that, by their nature, require location in a shoreland zone.

Dimensional and Setback Standards

All of the Ordinances have subdivisions in their shoreland sections that discuss design, placement, and other management standards. Due to the volume of subdivisions that are present across the six Ordinances, a table is included in Appendix II. The table lists each standard, and then states where the standard is located within each ordinance. It provides an easy way to compare these regulations and includes a reference to the Ordinance section

Lot Area, Buildable Area and Width Standards

Here are some observations about these provisions:

⁷³ Section 7.11

⁷⁴ The uses are defined at Section 3.02 as follows:

- **Industrial/Manufacturing Uses** – the use of land or buildings primarily for the commercial and wholesale production, distillation, chemical transformation, processing, printing/publishing, manufacture, warehousing, storage, mining, or transfer of goods, products, commodities, animals or other items. Such uses are distinguished from other commercial uses by their large scale and/or their ability to create excessive odors, large volumes of hazardous or other problem wastes, noise and/or air pollution as a normal consequence of their operation. Agricultural uses customary to the production of food, fiber or animal products, including land-spreading of manure, are not considered industrial uses.
- **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.
- **Surface Water-oriented Commercial Use** - the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

All counties have standards for lots in the shoreland district that contain more than one unit on a lot. The counties use varying terms for buildings with two or more units on a lot, and subject these buildings to different standards. These varying terms include duplex, triplex, quad, multiple dwellings, multi-family, guest quarters, and other such terms.

Cass regulates single-family residential lots and lots with guest quarters, with standards for these lots based on river and lake classifications.⁷⁵ **Cass** does not include any specific reference to triplex or quad buildings, but uses the term “multiple family structure” which is defined as “a type of residential structure where building entrances, stairways, halls, and other common elements are shared among several units, with housekeeping and cooking facilities for each.”⁷⁶ A multiple family structure requires a conditional use permit in the Shoreland Residential District and is not permitted in the Water-Oriented Commercial District.⁷⁷

Crow Wing specifies different standards for single family and duplex residential lots based on lake and river classifications. These standards differentiate lot area, width requirements and building areas; the Ordinance does not differentiate between sewered and unsewered lakes, as does the **DNR Sample**.⁷⁸ **Crow Wing** uses the term multi-family dwelling defined as “building[s] containing more than four dwelling units, including units that are located one over the other.”⁷⁹ A multi-family dwelling requires a conditional use permit in the Shoreland and Water-Oriented Commercial District and is not permitted in the Sensitive Shoreland District.⁸⁰

Morrison has tables for lot and width standards in shoreland districts, differentiated by lake class and by river class; many of these standards are more restrictive than the **DNR Sample**.

⁷⁵ Section 1113, 1113.1

⁷⁶ Section 1.8 in Cass County Environmental Definitions Ordinance

⁷⁷ Section 1001

⁷⁸ Section 11.3, Table 11.1

⁷⁹ Article 46, Section 46.2

⁸⁰ Section 10.3B

Many of these shoreland districts include standards for impervious surface coverage, side yard, and rear yards.⁸¹ **Morrison** uses the term “dwelling, multiple family” which is defined as, “residence[s] designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each with an approved sewage treatment system.”⁸² However, permitted uses in the Shoreland Zoning Districts only include single-family homes and duplexes with performance standards.⁸³

Todd is similar to the others except it includes an additional lake classification of Recreational Development Limited, which is located in a specific subdivision in the county. It includes a minimum buildable area standard similar to **Crow Wing**, but differentiates itself by including depth standards in feet for lots, and standards for frontage along a public road. None of the other counties include these last two provisions.⁸⁴ **Todd** uses the term “multiple” which is defined as “three or more dwellings on a single lot that are connected by common walls, walkways or ceilings/floors. The dwellings may or may not be accessible to each other from within the building.”⁸⁵ Multi-family dwellings of three or more units are not permitted in the Shoreland District.⁸⁶

Wadena has separate standards for duplexes, triplexes, and quads in its Shoreland Overlay District; it does not use the term “multiple” in the Shoreland section. The standards for sewerered lakes and for rivers and streams are identical to the **DNR Sample**.⁸⁷ The **Wadena** Ordinance has more restrictive standards for some uses on unsewered lakes than in the **DNR Sample**. For Natural Environment Lakes on riparian and nonriparian lots, it requires a larger

⁸¹ Section 705, Shoreland Design Standards

⁸² Section 203

⁸³ Section 704

⁸⁴ Section 6.03 D

⁸⁵ Section 3.02

⁸⁶ Section 6.04B

⁸⁷ Section 14(F)(2)

minimum lot width for single buildings than the **DNR Sample** requires.⁸⁸ For Recreational Development Lakes on riparian and nonriparian lots, it requires larger minimum lot areas and lot widths for single and duplex buildings.⁸⁹ Additionally, it requires larger minimum lot widths for triplexes on riparian lots and for triplexes and quads on nonriparian lots.⁹⁰ For General Development Lakes, it requires larger minimum lot areas and widths for all riparian and nonriparian lots, with two exceptions.⁹¹ First, quads on nonriparian lots require the same minimum lot area as the **DNR Sample**.⁹² Second, for triplexes on nonriparian lots, it has a smaller minimum lot width than the **DNR Sample**.⁹³ Additionally, the lot area and width standards in the **Wadena** Ordinance are consistent with Minnesota Rule 6120.3300 in that it includes all of the same tables for dimensional standards. There are differences in some of the area and width standards: the **DNR Sample** separates Urban and Tributary Rivers, while **Wadena** does not.⁹⁴

Height of Structures

All of the Ordinances include restrictions on height, with some more specific than others. Height restrictions for principal structures cannot be in excess of 25 to 35 feet, while **Morrison** and **Todd** are more specific about heights for other structures.

DNR Sample and Wadena	<p>“All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.”</p> <ul style="list-style-type: none"> • DNR Sample: Section 5.23 • Wadena: Section 14(F)(7)
Crow Wing	<p>“Unless otherwise specified, structures in the shoreland district shall not exceed 35 feet in height.”</p> <ul style="list-style-type: none"> • Section 11.6

⁸⁸ Section 14(F)(1)(a)

⁸⁹ Section 14(F)(1)(b)

⁹⁰ Section 14(F)(1)(b)

⁹¹ Section 14(F)(1)(c)

⁹² Section 14(F)(1)(c)

⁹³ Section 14(F)(1)(c)

⁹⁴ Section 14(F)(1) through (3)

Cass	<p>“The maximum height of structures shall not exceed 30 feet from grade to peak unless otherwise noted in performance standards.”</p> <ul style="list-style-type: none"> • Section 1126.2
Morrison	<p>“All principal structures in shoreland residential districts, except nonresidential agricultural structures, must not exceed 25 feet in height, and accessory structures must not exceed 18 feet in height, [and] detached decks must not exceed 8 feet in height. All principal structures in shoreland commercial districts, except agricultural structures, must not exceed thirty feet in height. All principal structures in shoreland special protection districts, except agricultural structures, must not exceed 30 feet in height.”</p> <ul style="list-style-type: none"> • Section 711.5
Todd	<p>“All dwelling structures, excluding guest cabins in shoreland, must not exceed 35 feet in height. Any portion of a dwelling located within the minimum required setback of a water body, whether existing prior to the adoption of shoreland controls or allowed by variance, may not exceed 18 feet in height. Accessory structures in shoreland areas, except nonresidential agricultural structures, may not exceed 18 feet in height.”</p> <ul style="list-style-type: none"> • Section 7.06

Setback standards

All of the Ordinances have setback standards for developments on both classes of public waters, including lakes and rivers, and for additional structures. Most specify setback requirements based on class of public waters, type of structure on the lot, topography, and other factors.

ORDINANCE	SEE INDIVIDUAL ORDINANCES FOR DETAILS
Sample DNR	Placement of Structures on Lot <ul style="list-style-type: none"> • Section 5.21A
Cass	Structure Setbacks <ul style="list-style-type: none"> • Section 1126.1A through B
Crow Wing	Setbacks and Placement of Structures <ul style="list-style-type: none"> • Section 11.4
Morrison	Shoreland Area Setbacks <ul style="list-style-type: none"> • Section 706
Todd	Zoning District and Dimensional and Standard Setbacks <ul style="list-style-type: none"> • Section 6.03E
Wadena	Placement, Design and Height of Structures <ul style="list-style-type: none"> • Section 14(F)(5)

Recommendation: The Ordinances provide extensive dimensional and setback standards with many variations and factors. Should the five counties decide to pursue a uniform Shoreland Ordinance or Overlay District, the counties need to spend some time analyzing these variations and determine what works and what would not work, particularly for those factors that do not apply to every county

NEXT STEPS

The next step for the Resilient Region Project would be to discuss whether it is feasible to draft and adopt one shoreland ordinance that would be applicable to the entire region. Applying one ordinance to the whole region may be difficult, since each county has differing types of shorelands of rivers, lakes, public waters, and private waters. Further, the counties already have complete land use ordinances, with shoreland sections that are similar, but not identical. It seems that the only way in which one shoreland ordinance would be feasible for Region 5 is if there is some room for alteration for each county. Due to the need to have adaptability in a shoreland ordinance, it may be more appropriate to draft a sample Region 5 shoreland management ordinance, in the hopes that counties in Region 5 would adopt its standards into their already utilized land use ordinances. In addition, further research needs to be performed in order to determine what Section 655.D.2.b is referring to in the **Todd** County Shoreland Management Section.⁹⁵

The Minnesota Legislature is expected to pass a Clean Water Accountability Act (CWAA) that would require state agencies to target water clean-up efforts more effectively. If this bill passes and is signed by the governor, the Resilient Region Project should read the CWAA to determine what the Region 5 counties are obligated to do and how this law could assist Region 5 in implementing its Sustainability Plan.

⁹⁵ See Section 7.03C

Appendix I

The Ordinances discussed in the memorandum can be found at the following website addresses:

Cass County Environmental Definitions Ordinance

http://www.co.Cass.mn.us/ordinances/200704_definitions.pdf

Land Use Ordinance for Cass County, Minnesota:

http://www.co.Cass.mn.us/ordinances/200501_landuse.pdf

Land Use Ordinance for Crow Wing County, Minnesota:

<http://www.crowwing.us/DocumentCenter/Home/View/1212>

Morrison County Land Use Control Ordinance:

http://www.co.Morrison.mn.us/vertical/sites/%7BC8FCCAFF-AECD-45DC-91B1-016A998EB4A8%7D/uploads/Morrison_County_Land_Use_Ordinance.pdf

Sample Shoreland Management Ordinance

<http://files.dnr.state.mn.us/publications/waters/shoreland.pdf>

Todd County Planning and Zoning Ordinance:

http://www.co.Todd.mn.us/sites/default/files/env_land_resources/20121004%20P%26ZOrdinance%20Final.pdf

Wadena County Zoning Ordinance:

http://www.co.Wadena.mn.us/county_directory/plan_zone/Wadena%20County%20Ordinance.Amended%20March%206,%202012.pdf

Appendix II

Detail	Cass County	Crow Wing County	DNR Sample	Morrison County	Todd County	Wadena County
Accessory Structures	Addressed in relation to shoreland in Section 1101	Addressed in shoreland Section 11.12	Addressed in Section 8.64(5)	Addressed in shoreland Section 710.4	Addressed in shoreland Section 7.06	Addressed in shoreland Section 14(E)
Agricultural Use Standards	Not addressed in relation to Shoreland, addressed in Section 1102	Shoreland section does not address, addressed in Article 12	Addressed in Section 5.62	Addressed in shoreland Section 717.2	Addressed in shoreland Section 7.12	Addressed in shoreland Section 14(M)(2)
Administration	Addressed in relation to shoreland in Section 504	Shoreland section does not address, addressed in Article 3	Addressed in Section 3.0	Addressed in shoreland Section 719.9	Shoreland section does not address, addressed in Article V	Addressed in shoreland Section 14(P)(6)(a) (in relation to Planned Unit Developments)
Animal Density Regulations	Addressed in relation to shoreland in Section 1102.3	Shoreland section does not address, addressed in Section 25.1	Not addressed	Not addressed in relation to Shoreland, addressed in Section 1205	Not addressed	Not addressed
Boardwalks	Addressed in relation to shoreland in Section 1126.12	Addressed in shoreland Section 11.15	Not addressed	Not addressed	Not addressed	Not addressed
Conditional Use Permits	Addressed in relation to shoreland in Section 705	Not addressed in shoreland section, addressed in	Addressed in Section 5.7	Addressed in shoreland Section 718	Not addressed in shoreland section, addressed in Section 5.05	Addressed in shoreland Section 14(N)

Controlled and Alternative Access Lots	Addressed in relation to shoreland in Section 1113.4	Article 7	Addressed in Section 5.14(D)	Addressed in shoreland Section 710.6	Addressed in shoreland Section 7.04(F)	Addressed in shoreland Section 14(F)(4)(d)
Decks	Addressed in relation to shoreland in Section 1126.8	Addressed in shoreland Section 11.7	Addressed in Section 5.22(B)	Addressed in shoreland Section 710.5	Addressed in shoreland Section 7.05(G)	Addressed in shoreland Section 14(F)(6)(b)(1) & (4)
Density of Structures	Addressed in relation to shoreland, in Section 1116.82	Not addressed in shoreland section, addressed in Section 33.13(A)	Addressed in Section 8.5	Addressed in shoreland Section 711.6	Addressed in shoreland Section 7.18 (relating to Planned Unit Developments)	Addressed in shoreland Section 14(P) (relating to Planned Unit Developments)
Docks	Addressed in relation to shoreland in Section 1126.11	Addressed in shoreland Section 11.11(C)	Addressed in Section 5.14B(3), 8.64(3) & 8.73(1)	Addressed in shoreland Section 719.10	Addressed in shoreland Section 7.07(J)	Addressed in shoreland Section 14(P)(6)(d)(3)
Duplex Dwellings	Not addressed	Addressed in shoreland Section 11.11	Addressed in Section 5.14B	Addressed in shoreland Section 710.2	Addressed in shoreland Section 7.04(D)	Addressed in shoreland Section 14(F)(4)(b)
Extraction Use Standards	Not addressed in relation to shoreland, addressed in Section 1107	Not addressed in shoreland section, addressed in Article 29	Addressed in Section 5.64	Addressed in shoreland Section 717.4	Addressed in shoreland Section 7.14	Addressed in shoreland Section 14(M)(4)
Fencing	Not addressed in relation to shoreland specifically, addressed in	Not addressed in shoreland section, addressed in Article 36	Not addressed	Addressed in shoreland Section 713	Not addressed in shoreland section, addressed in Section 9.02(D)	Not addressed in shoreland section, addressed in Section 15(A)(5)

	Section 1126.10								
Forest Management Standards	Addressed in relation to shoreland in Section 1108	Not addressed in relation to shoreland, addressed in Article 12	Addressed in Section 5.63	Addressed in shoreland Section 717.3	Addressed in shoreland Section 7.13	Addressed in shoreland Section 14(M)(3)			
Guest Cottages	Addressed in relation to shoreland in Section 1126.5(A)	Addressed in shoreland Section 11.10	Addressed in Section 5.14C	Addressed in shoreland Section 710.3	Addressed in shoreland Section 7.04(E)	Addressed in shoreland Section 14(F)(4)(c)			
High Water Elevations	Addressed in relation to shoreland, in section 1104.9(G)	Addressed in shoreland Section 11.4E	Addressed in Section 5.22A	Addressed in shoreland Section 711.1	Addressed in shoreland section in 7.04	Addressed in shoreland Section 14(F)(6)(a)			
Lot Dimension Standards	Addressed in relation to shoreland in Section 1113.1	Addressed in shoreland Section 11.3, Table 11.1	Addressed in Section 5.1	Addressed in shoreland Section 705	Not addressed in Shoreland section, addressed in Section 6.03(D)	Addressed in shoreland Section 14(F)(1) through (3)			
Nonconformities	Not addressed in relation to shoreland, addressed in 1115.3	Not addressed in shoreland section, addressed in Article 5	Addressed in Section 6.0	Not addressed in shoreland section, addressed in Section 301	Addressed in shoreland Section 7.15	Not addressed in shoreland section, addressed in Section 21(A)			
Patios	Addressed in relation to shoreland in Section 1126.7	Addressed in shoreland Section 11.8	Addressed in Section 8.52A	Not addressed in shoreland section, addressed in Section 2.03 (definition only)	Addressed in shoreland Section 7.05(F)	Addressed in shoreland Section 14(P)(5)(b)(1)			

Performance Standards	Addressed in relation to shoreland, in Section 1100	Addressed in shoreland Section 11.5	Addressed in Sections 5.1-5.5	Addressed in shoreland Section 704 (which outlines performance standard sections)	Not addressed in relation to shoreland, addressed in Section 9	Not addressed in shoreland section, addressed in Section 15(E)
Placement and Design of Roads, Driveways, and Parking Areas	Addressed in relation to shoreland in Section 1106.6	Addressed in shoreland Section 11.16	Addressed in Section 5.4	Addressed in shoreland Section 715	Addressed in shoreland Section 7.08	Addressed in shoreland Section 14(K)
	Not addressed	Not addressed	Addressed in Section 8.0	Addressed in shoreland section briefly, addressed further in Section 800	Addressed in shoreland Section 7.17	Addressed in shoreland Section 14(P)
Recreational Vehicles	Not addressed in relation to shoreland, addressed in Section 1118	Not addressed in shoreland section, addressed in Section 26.8(2)	Not addressed	Addressed in shoreland Section 712	Not addressed in shoreland section, addressed in Section 8.09(C)	Not addressed in shoreland section, addressed in definition section 4(B) (“Dwelling Site” & Commercial Planned Unit Developments”)
Resorts	Addressed in relation to shoreland in Section 1114.09	Not addressed in shoreland section, addressed in Article 34	Addressed in Section 8.7	Addressed in shoreland Section 719	Addressed in shoreland Section 7.18L and 6.04(C)	Addressed in shoreland Section 14(J)(7)
Residential Subdivisions	Not addressed in relation to shoreland,	Not addressed in shoreland section,	Addressed in Section 5.14(A)	Addressed in shoreland Section 710.1	Addressed in shoreland Section 7.04(A)	Addressed in shoreland Section 14(F)(4)(a)

	addressed in Section 1116.8	addressed in Article 33	Addressed in Section 2.753 (in definition of "Water-Oriented Accessory Structure or Facility")	Addressed in shoreland Section 714.2	Addressed in shoreland Section 7.06(K)	Not addressed in shoreland section, addressed in Section 4(B) (in definition of "Water-Oriented Accessory Structure or Facility")
Retaining Walls	Addressed in relation to shoreland in Section 1126.9	Addressed in shoreland Section 11.14	Addressed in Section 2.753 (in definition of "Water-Oriented Accessory Structure or Facility")	Addressed in shoreland Section 714.2	Addressed in shoreland Section 7.06(K)	Not addressed in shoreland section, addressed in Section 4(B) (in definition of "Water-Oriented Accessory Structure or Facility")
Roof Eaves and Gutter Requirements	Not addressed	Not addressed	Not addressed	Addressed in shoreland Section 711.7	Not addressed	Not addressed
Shoreland Alterations	Addressed in relation to shoreland in Section 1106.4	Addressed in shoreland section, addressed in 11.8, 11.9, 11.14, 11.16	Addressed in Section 5.3	Addressed in shoreland Section 714	Addressed in shoreland Section 7.07	Addressed in shoreland Section 14(J)
Shoreland Buffer Standards	Addressed in relation to shoreland in Section 1123	Addressed in shoreland Section 11.5(B) & Article 27	Not addressed	Addressed in shoreland Section 714.4	Not addressed	Not addressed
Shoreland Stormwater Mitigation	Not addressed	Not addressed	Not addressed	Not addressed	Addressed in shoreland Section 7.10	Not addressed
Sidewalk Regulations	Not addressed	Not addressed in shoreland section, addressed in Section 16.4, Table 16.1	Not addressed	Addressed in shoreland Section 705.1	Not addressed in shoreland section, addressed in Section 6.03(A) through (C)	Addressed in shoreland Section 14(G)

Significant Historic Sites	Addressed in relation to shoreland, in Section 1201(A)(7)	Not addressed in shoreland section, addressed in 33.9B(1) & 34.8C(3)	Addressed in Section 5.22(D)	Addressed in shoreland Section 711.3	Addressed in shoreland Section 7.03D(x) & 718HI(iii)	Addressed in shoreland Section 14(F)(6)(d)
Site "Suitable Area" Evaluation	Not addressed in relation to shoreland, addressed in 501(C), 705.2(A)(3) & 1115.2(B)(2)	Not addressed in shoreland section, addressed in 37.14(4) & (9), 37.15(C)	Addressed in Section 8.4	Not addressed	Addressed in shoreland Section 7.18	Addressed in shoreland Section 14(P)(4)
Stairways, Lifts, and Landings	Addressed in relation to shoreland in Section 1126.6	Addressed in shoreland Section 11.9	Addressed in Section 5.22(C)	Addressed in shoreland Section 711.2	Addressed in shoreland Section 7.05(H)	Addressed in shoreland Section 14(F)(6)(c)
Standards for Commercial, Industrial, Public, and Semipublic Uses	Not addressed	Not addressed	Addressed in Section 5.61	Addressed in shoreland Section 717.1	Addressed in shoreland Section 7.11	Addressed in shoreland Section 14(M)(1)
Steep Slopes	Addressed in relation to shoreland in Section 1106.3(A)	Addressed in shoreland section, but no specific subdivision	Addressed in Section 5.22E	Addressed in shoreland Section 711.4	Addressed in shoreland Section 7.05I, throughout 7.07	Addressed in shoreland Section 14(F)(6)(e)
Stormwater Management	Not addressed in relation to shoreland, addressed in Section 1125	Not addressed in shoreland section, addressed in Article 41	Addressed in Section 5.5	Addressed in shoreland Section 716	Addressed in shoreland Section 7.09	Addressed in shoreland Section 14(L)
Subdivision/Plat	Not addressed in	Not addressed	Addressed in	Not addressed	Addressed in	Not addressed in

Provisions	relation to shoreland, addressed in separate Cass County Subdivision and Platting Ordinance	in shoreland section, addressed in Section 21.5	Section 7.0	in shoreland section, addressed in Section 1500	shoreland Section 7.16	shoreland section, addressed in Section 10(F)
Swimming Pools	Addressed in relation to shoreland in Section 1126.14	Not addressed in shoreland section, addressed in Section 10.3(B)	Not addressed	Addressed in shoreland Section 7.04 & 719.4(m)	Not addressed in shoreland Section 6.04(E)	Not addressed in relation to shoreland, addressed in Sections 6(C)(8), 7(C)(6), 8(C)(9), 10(C)(4) and (D)(2)
Use of Fertilizer	Not addressed in relation to shoreland, in Section 1128.4(D)	Addressed in shoreland Section 11.18	Not addressed	Addressed in shoreland Section 714.1(c)	Not addressed in shoreland section, addressed in Section 9.02(F)	Not addressed in shoreland section, addressed in Section 11(C)(2)
Water-Oriented Accessory Structures	Addressed in relation to shoreland in Section 1126.4	Addressed in shoreland Section 11.13	Addressed in Section 5.22(B)	Not addressed in shoreland section, addressed in Section 203 (definition only)	Addressed in shoreland Section 7.05(E)	Addressed in shoreland Section 14(F)(6)(b)
Water Oriented Commercial Uses	Addressed in relation to shoreland in Section 1129	Not Addressed in shoreland section, addressed in	Addressed in Section 5.61(A)	Addressed in shoreland Section 717.1(a)	Addressed in shoreland Section 7.11	Addressed in shoreland Section 14(M)(1)(a)

Watercraft Access Ramps	Addressed in relation to shoreland in Section 1126.13	Section 10.3	Addressed in shoreland Section 11.16	Addressed in Section 5.43	Addressed in shoreland Section 715.1(c)	Addressed in shoreland Section 7.07(J)	Addressed in shoreland Section 14(K)(3)
	Not addressed	Not addressed	Not addressed	Not addressed	Addressed in shoreland Section 711.8	Not addressed	Not addressed
Wood Fire Boilers	Not addressed						