

## **April HC COLA Committee Reports – version 2:**

Restore the Shore – tree orders will be picked up this weekend 5/1.

Shoreland Advisors – lake associations should make it known to their members that there is a growing list of Shoreland Advisors available to coach in shoreland restoration. Lakeshore owners may email [hccolamn@gmail.com](mailto:hccolamn@gmail.com).

Water Monitoring – Cooler and equipment pick up will be held on May 12 at the Park Rapids Chamber of Commerce building. Samples will also be returned at the Chamber of Commerce rather than at Charlies Boat and Marine. Dates and information can be found at [https://www.hubbardcolamn.org/uploads/3/4/5/6/34563649/cr\\_feb\\_2021.pdf](https://www.hubbardcolamn.org/uploads/3/4/5/6/34563649/cr_feb_2021.pdf)

AIS Operating Team – The team is working in cooperation with the county in developing the inspection schedule with more than 15,000 hours planned. Alternative technologies are being studied in regards to inspections. Input to the Minnesota Invasive Species Advisory Council's draft proposal on AIS will be made. Bait bags for local vendors have been purchased and KIOSK posters are available. Lake associations are encouraged to prevent the spread of spiny water fleas by providing Swedish Dishcloths available through group order arrange by **MAISRC / MN Lakes & Rivers Advocates**. Orders /payment due by May 17.

## **Short Term Rental Sub-Committee Update Below:**

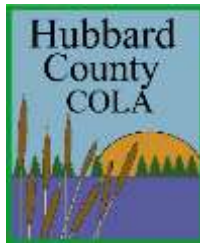
Please see the two HC COLA public letters below that were provided to the Hubbard County Environmental Services Planning Commission by your HC COLA Short Term Rental sub-committee prior to their December 2020 and January 2021 meetings. The HC COLA Short Term Rental sub-committee was announced in the HC COLA [December 2020 E-Newsletter](#) .

HC COLA also provided input in a letter to the Hubbard County Commissioners on the Shoreland Management Ordinance draft as it transitioned to them from the Environmental Services Planning Commission.

Be part of the public review process and provide your comments for any suggested modifications to the Shoreland Management Ordinance and other Hubbard County Ordinances proposed by the Hubbard County Commissioners. See the Public Hearing Notices Here: [http://www.co.hubbard.mn.us/departments/environmental\\_services/index.php](http://www.co.hubbard.mn.us/departments/environmental_services/index.php)

Thank you!

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<https://www.facebook.com/Hubbard-County-Coalition-of-Lake-Associations-171630942993959>

Tuesday, December 16, 2020

**To:** Hubbard County Environmental Services Planning Commissioners

**Subject:** Shoreland Management Ordinance – short-term rental content development

Dear Hubbard County Environmental Services Planning Commissioners,

We congratulate you on your impressive depth and breadth of work thus far on your autumn – winter assignment / authorization from the Hubbard County Commissioners on Sept 15, 2020 to develop draft short term rental (STR) regulations for the Board's consideration. We have followed your discussion through public documentation available through Hubbard County Environmental Services, documents on the county website for the Planning Commission / Board of Adjustment (PC/BOA) and through virtual attendance at PC/BOA monthly meetings when possible. It is our understanding that the eventual outcome envisioned for the draft STR regulations is that they become part of the Hubbard County Shoreland Management Ordinance No. 17. That is why we are interested in participating in your Planning Commission public process.

Our suggested input below for your consideration was developed by keeping our HC COLA mission in mind. Our mission since forming in 1988, is to protect and enhance the quality of our lakes and rivers, preserve the economic, recreational and natural environmental values of our shorelands and promote the responsible use of our waters and related habitats. We will continue to follow your thoughtful process and may provide additional input to consider plus our encouragement at a later time also.

- 1) The regulations may take into account the State of MN Short-term Rental Property Classification, Fifth Special Session 2020, Chapter 3, Article 8, Section 2 – page 4. Amends MN Statutes 2020, section 273.13, subdivision 25 – <https://www.revenue.state.mn.us/sites/default/files/2020-10/2020%20law%20summary.pdf> "Units" are discussed there.

- 2) Annual permit / license application and fee - tiered by number of bedrooms being rented for each unit and being advertised. This annual fee for each unit is designed to help fund the additional oversight required by Hubbard County to preserve healthy public water resources long-term.
- 3) Initial SSTS inspection / certification of working SSTS properly sized for number of bedrooms being rented for each unit and being advertised. Thereafter following the BMP guidelines on maintenance with proof provided at least every 3 years submitted with the annual permit / license application. Excess phosphorus from failing SSTS has the potential to cause harmful algae blooms in our public waters. This is important for long term healthy public water resources.
- 4) STRs would determine if they need a license through the MN Department of Health and report on their annual permit / license application. Resorts are currently working with the MN Department of Health and have annual requirements per our research.
- 5) STRs would be required to have their drinking water tested annually and report on their annual permit / license application. Resorts are currently required to do this per our research.
- 6) STR parking would be constrained to the STR property itself; no parking on the STRS property within the Shore Impact Zone nor on top of the SSTS components or drain field. No parking would be allowed on the road, in the road right-of-way, and in ingress/egress easements. This is a both an erosion / run-off issue if ground becomes compacted and acts as an impervious surface causing excess phosphorus. This is also a safety issue per our research. Emergency vehicles need to be able to get by on the roads.
- 7) Because lakeshore lots can be a variety of shapes and sizes, the STR would identify the property lines so it is clear to the tenant where the lot line is. This ensures tenants don't park on the neighbor's lakeshore.
- 8) Other STR guidelines would be to provide AIS decontamination call-ahead number so their guests can get their watercraft decontaminated on the way to the STR / use of the public access, respect the wildlife on the lake (no chasing loons please), quiet hours between 10 PM to 8 AM, plus use of DNR-certified wood only. Campgrounds currently do this per our research.

In our research review, we noticed some counties have separate ordinances (see below). One takeaway is that Hubbard County long-term may need to consider this separate ordinance method in order to protect the watersheds which impact our healthy waters depending on the STR distribution over time. Our healthy waters are a large part of the tourism draw for our lakes areas. Collaboration, within and throughout the County departments, that keeps in mind the protection of our healthy waters is a key criteria in keeping the tourism industry alive and well long term.

Counties with separate ordinances (without an extensive search):

- Cook County Vacation Rentals Ordinance updated 10-27-2020  
<https://co.cook.mn.us/index.php/vacationrentals> which also has MN Dept of Health License Requirements for Home and Cabin Rental

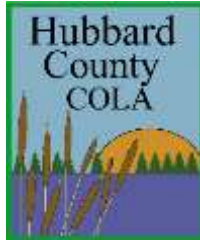
- Aitkin County Lodging Ordinance 5/14/2019  
<https://www.co.aitkin.mn.us/ordinances/Aitkin-County-Lodging-Ordinance-May-14-2019.pdf>
- Otter Tail County Lodging Ordinance: <https://ottertailcountymn.us/wp-content/uploads/2018/07/Lodging-Ordinance-2016.pdf>
- Wisconsin – Burnett County’s short term rental license application provides food for thought on page 2: <https://www.burnettcounty.com/documentcenter/view/7233>

Hubbard County COLA’s mission enhances, promotes and protects the interests of lakeshore property owners, lake associations, local government, the general public and future generations.

We are pleased to have you and the County as our partners in our effort to protect the County’s public waters.

Sincerely, *Sharon Natzel, HC COLA President and The HC COLA Board of Directors*

CC: Hubbard County Commissioners, Assessor and Environmental Services Director



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Tuesday, January 19, 2021

**To:** Hubbard County Environmental Services Planning Commissioners

**Subject:** Shoreland Management Ordinance – short-term rental content development

Dear Hubbard County Environmental Services Planning Commissioners,

Hubbard County Coalition of Lake Associations (HC COLA) represents 30 lake associations on 42 lakes in Hubbard County who have over 2500 members. Our committee studying the short-term rental opportunity followed your Nov and Dec meetings by participating online as available and received the public documentation available after the meetings also. Our December 16, 2020 letter attached again for reference asked you to consider the following:

**Annual permit / license application and fee** - tiered by number of bedrooms being rented for each unit and being advertised. This annual fee for each unit is designed to help fund the additional oversight required by Hubbard County to preserve healthy public water resources long-term.

HC COLA is concerned that the Hubbard County Environmental Services Planning Commission thus far is not considering at least a **registration requirement** at a minimum for short term rental units on shoreland. Absent a consistent method to require and effectively record STR units, Hubbard County will likely forego a portion of the potential tax benefit opportunity the amended State of MN statute, section 273.13 subdivision 25 creates for undiscovered STR units. STR units may be undiscovered for some time period until county assessors learn of through periodic visits or monthly software scans prompt an assessor questionnaire to the homeowner or neighbors happen to call in with a complaint.

The 100 known STR units on the shoreland now in the county demonstrate the popularity of this newer economic factor which may put the shorelands at risk long term without oversight. Other STR units in the county watersheds may also impact our lakes area.

See below this State of MN Short-term Rental Property Classification, Fifth Special Session 2020, Chapter 3, Article 8, Section 2 – page 4. Amends MN Statutes 2020, section 273.13, subdivision 25 <https://www.revenue.state.mn.us/sites/default/files/2020-10/2020%20law%20summary.pdf> . In our 12/16/2020 letter, we mentioned that “units” are discussed in this document also. We received this from the Hubbard County Assessor Office.

## Assessment

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### Classification

#### Short-term Rental Property Classification Fifth Special Session 2020, Chapter 3, Article 8, Section 2

Amends Minnesota Statutes 2020, section 273.13, subdivision 25.

This section expands the definition of the 4b(1) classification to include short-term rental property rented for more than 14 days in the preceding year. Short-term rental properties under this provision are defined as non-homestead residential real estate that both:

- Rents for periods of less than 30 consecutive days
- Contains fewer than four units

Homestead properties are not considered short-term rental properties. The 4b(1) classification has a class rate of 1.25%.

*History:* Prior to this change, properties determined to have a primary use as a short-term rental were classified as commercial.

**Effective Date:** Effective beginning with assessment year 2021, taxes payable in 2022, and thereafter.

STR registration at a minimum by the county along with the other STR language taking our concerns from letter 1 into consideration like renter guidelines and AIS prevention would help promote and reinforce the purpose of the Hubbard County Shoreland Management Ordinance #17 which includes preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands. See SMO #17 info below....

### General Provisions and Definitions

#### Section 101. Statutory Authorization

Pursuant to the authority conferred by the State of Minnesota in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 and for the purpose of, preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.

#### Section 102. Policy

The uncontrolled use of shorelands of Hubbard County, Minnesota adversely affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interest of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Minnesota State Legislature has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Hubbard County, and will be accomplished through the enforcement of this Ordinance, which shall be known and cited as the Hubbard County Shoreland Management Ordinance.

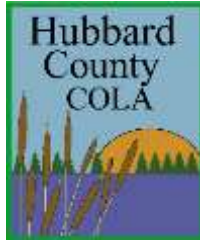
Hubbard County COLA’s mission enhances, promotes and protects the interests of lakeshore property owners, lake associations, local government, the general public and future generations.

Sincerely,

*The Hubbard County Coalition of Lake Associations Board of Directors*

CC: Hubbard County Commissioners and Environmental Services Director





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Sunday, April 4, 2021

**To:** Hubbard County Commissioners

**Subject:** Shoreland Management Ordinance Proposed Modifications by Environmental Services

Dear Hubbard County Commissioners,

Hubbard County Coalition of Lake Associations (HC COLA) represents 30 lake associations on 42 lakes in Hubbard County who have over 2500 members. Our committee studying the short-term rental (STR) opportunity followed the Hubbard County Environmental Services Planning Commission November 2020 through March 2021 online meetings, received the public documentation available after the meetings, and provided 2 letters for consideration.

We pointed out in our December 2020 letter that in our research review, we noticed some counties have separate ordinances and provided links. We noted in our letter that Hubbard County long-term may need to consider this separate ordinance method in order to protect the watersheds which impact our healthy waters depending on the STR distribution over time. Our healthy waters are a large part of the tourism draw for our lakes areas. The 100 known STR units on the shoreland now in the county demonstrate the popularity of this economic factor.

We are concerned regarding potential water quality degradation that could occur due to two modifications proposed in the Shoreland Management Ordinance:

- 1) Section 601. Accessory Uses and Structures
- 2) Section 906. Special Provisions for Agricultural Uses.

Little discussion was observed on these topics in the online meeting. The final draft minutes are not available for the 3/23/2021 Hubbard County Environmental Services Planning Commission meeting for reference.

- 1) In Section 601. Accessory Uses and Structures, item 3A is unclear about water-oriented accessory structure, deck or platform with regard to 48 – is that square feet being suggested? In 3H, the terminology is confusing. Fire pits that allow ash to get into the water can provide undesirable nutrification. Perhaps covers should be required if that is one of the uses for a platform? Also there is an opportunity to use a 30' minimum width parallel to the shoreline. This would be more in line with the Minnesota Board of Soil and Water MN Buffer Law - <http://bwsr.state.mn.us/minnesota-buffer-law> - see below:

[Minnesota's Buffer Law](#) <sup>Ⓔ</sup> requires perennial vegetative buffers of up to 50 feet along lakes, rivers, and streams and buffers of 16.5 feet along ditches. These buffers help filter out phosphorus, nitrogen and sediment. The deadline for implementation for buffers on public waters was November 1, 2017. The deadline for public ditches was November 1, 2018. The law provides flexibility for landowners to install alternative practices with equivalent water quality benefits that are based on the [Natural Resources Conservation Service Field Office Technical Guide](#) <sup>Ⓔ</sup>.

Subd. 3. **Riparian protection; requirements on public waters and public drainage systems.** (a) Except as provided in paragraph (b), landowners owning property adjacent to a water body identified and mapped on a buffer-protection map must maintain a buffer to protect the state's water resources as follows:

(1) for all public waters, the more restrictive of:

- (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation; or
- (ii) the state shoreland standards and criteria adopted by the commissioner under section [103F.211](#); and

(2) for public drainage systems established under chapter 103E, a 16.5-foot minimum width continuous buffer as provided in section [103E.021, subdivision 1](#). The buffer vegetation shall not impede future maintenance of the ditch.

(b) A landowner owning property adjacent to a water body identified in a buffer-protection map and whose property is used for cultivation farming may meet the requirements under paragraph (a) by adopting an alternative riparian water quality practice, or combination of structural, vegetative, and management practices, based on the Natural Resources Conservation Service Field Office Technical Guide, common alternative practices adopted and published by the board, other practices approved by the board, or practices based on local conditions approved by the local soil and water conservation district that are consistent with the Field Office Technical Guide, that provide water quality protection comparable to the buffer protection for the water body that the property abuts. Included in these practices are retention ponds and alternative measures that prevent overland flow to the water resource.

(c) The width of a buffer on public waters must be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level. The width of the buffer on public drainage systems must be measured as provided in section [103E.021, subdivision 1](#).

- 2) In Section 906. Special Provisions for Agriculture Uses, the suggested modification will be detrimental to water quality to remove the criteria for 3. Horsebarns, stables and barns for livestock must be setback a minimum of five hundred (500) feet from the ordinary high water mark of public waters. Item #3 should not be removed from the SMO. With 3 animal units being allowed in item 7, that is a large amount of potential animal waste in runoff which could cause e-coli concerns and promote harmful algae blooms, for example, if the structures were allowed within 500 feet of the waters. The “3 animal units” actually allow more than 1 animal per unit, depending on the animal, please see below:



### For more information

Producer organizations also provide environmental management information to their members. The following Web sites are good information sources for feedlots and manure management:

- Manure and Odor Education Research – University of Minnesota Extension: [extension.umn.edu/livestock-operations/manure-management](http://extension.umn.edu/livestock-operations/manure-management).
- Minnesota Department of Agriculture: [www.mda.state.mn.us/siting-livestock-farms-minnesota](http://www.mda.state.mn.us/siting-livestock-farms-minnesota).
- National Agriculture Compliance Assistance Center: [www.epa.gov/oecaagct/anafocom.html](http://www.epa.gov/oecaagct/anafocom.html).

### Animal units

Minnesota uses animal units to quantify the size of livestock feedlots. One animal unit is equivalent to the amount of manure produced by a 1,000-lb. steer. Following is a list of animal unit factors for several livestock types. The number livestock times the animal unit factor gives the number of animal units.

Mature dairy cow over 1,000 lbs.....	1.4	AU
Cow/calf pair .....	1.2	"
Stock cow/steer .....	1.0	"
Horse .....	1.0	"
Dairy heifer .....	0.7	"
Swine 55-300 lbs.....	0.3	"
Sheep .....	0.1	"
Broiler (over 5 lbs., dry manure) .....	0.005	"
Turkey over 5 lbs. ....	0.018	"

(Example: 3,334 market hogs = 1,000 AU)



Also – in Section 906, item #5, it is not clear where to get the most recent copy of Agriculture and Water Quality “Best Management Practices for Minnesota” to actually refer to for agricultural practices. We found this information on the next page referring to a 1991 document in 8420 MN Statute on Board of Soil and Water Resources that likely has updates. We also found an old vintage MPCA1989 document in a link on MN Digital Water Resource Library: <https://wrl.mnpals.net/islandora/search/dc.title%3A%28Agriculture%5C%20and%5C%20Water%5C%20Quality%5C%20%22Best%5C%20Management%5C%20Practices%22%5C%20for%5C%20Minnesota%29>

With the MN “one watershed one plan” direction, what should we be referencing for the Agriculture and Water Quality “Best Management Practices for Minnesota”?

## Minnesota Administrative Rules

### 8420.0112 INCORPORATION BY REFERENCE.

This chapter incorporates by reference the following documents and any subsequent updates, addenda, or derivations related to them, as approved by the board:

- A. Wetlands of the United States (United States Fish and Wildlife Service Circular No. 39, 1956 and 1971 editions).
- B. United States Army Corps of Engineers Wetland Delineation Manual (January 1987).
- C. Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition).
- D. Criteria and Guidelines for Assessing Geologic Sensitivity of Groundwater Resources in Minnesota (Minnesota Department of Natural Resources, 1991).
- E. United States Geological Survey Hydrologic Unit Map for Minnesota (1974).
- F. National Wetland Inventory maps (United States Fish and Wildlife Service).
- G. Growing Energy Crops on Minnesota Wetlands: The Land Use Perspective, Anderson and Craig, 1984.
- H. Wetland Restoration Guide, Minnesota Board of Water and Soil Resources (December 1982).
- I. Vegetation in Restored and Created Wetlands, Minnesota Board of Water and Soil Resources, September 2000.
- J. Wildlife Habitat Improvements in Wetlands: Guidance for Soil and Water Conservation Districts and Local Government Units in Certifying and Approving Wetland Conservation Act Exemption Proposals, Minnesota Interagency Wetlands Group, December 2000.
- K. Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers. Minnesota Forest Resources Council, St. Paul, 1999.
- L. Minnesota Construction Site Erosion and Sediment Control Planning Handbook. Minnesota Board of Water and Soil Resources and the Association of Metropolitan Soil and Water Conservation Districts, St. Paul, 1988.
- M. Agriculture and Water Quality: Best Management Practices for Minnesota, Minnesota Pollution Control Agency, St. Paul, 1991.
- N. Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands, Minnesota Storm-Water Advisory Group, 1997.
- O. Minnesota Plant Database, Minnesota Department of Natural Resources, St. Paul, 2002.
- P. Wetland Plants and Plant Communities of Minnesota & Wisconsin, S. Eggers and D. Reed, 1997.
- Q. State of Minnesota Watershed Boundaries, 1979, Minnesota Department of Natural Resources, St. Paul, 1979.

These documents are available through the State Law Library, except the National Wetland Inventory maps, which are available at Minnesota soil and water conservation district offices. Except for the Minnesota Plant Database in item O, none of the documents are subject to frequent change.

**Statutory Authority:** *MS s 14.06; 103B.101; 103B.3355; 103G.2242*

**History:** *18 SR 274; 22 SR 1877; 25 SR 152; 27 SR 135; 34 SR 145*

**Published Electronically:** *August 26, 2009*

The Hubbard County Coalition of Lake Association’s mission enhances, promotes and protects the interests of lakeshore property owners, lake associations, local government, the general public and future generations. We will continue to follow the proposed modifications and may provide additional input. We keep in mind the reasons for the Shoreland Management Ordinance here in Hubbard County, see below:

## **General Provisions and Definitions**

### **Section 101. Statutory Authorization**

Pursuant to the authority conferred by the State of Minnesota in Minnesota Statutes, Chapter 103, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394 and for the purpose of; preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.

### **Section 102. Policy**

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Thank you for considering our input.

Sincerely,

*The Hubbard County Coalition of Lake Associations Board of Directors*

CC: Hubbard County Environmental Services Director and Planning Commissioners