

CERTIFIED MAIL # \_\_\_\_\_

[Today's Date]

[Landowner First Name and Last Name]

[Address]

[Or – if the landowner is a business:

Polk County  
Planning and Zoning Department  
P.O Box 375  
320 Ingersoll  
Crookston, MN, 56716

RE: Corrective Action Notice – [Name of Landowner] (“Landowner”)  
Parcel #

Dear \_\_\_\_\_:

Enclosed is a Corrective Action Notice that is being issued to [Name of Landowner] (“Landowner”) in accordance with the Riparian Protection and Water Quality Practices statute, Minn. Stat. § 103F.48, also known as the Buffer Law, referenced in Polk County Zoning Ordinance sec. 25.2100 subd. a. This Corrective Action Notice per Polk County Zoning Ordinance sec. 25.3500 describes the procedures to deal with the noncompliance and identifies actions that must be completed to correct the noncompliance and the timeline for completing the requirements. **If the Landowner completes the corrective actions within 11 months of the date of this Corrective Action Notice, no penalty will be assessed. No action within 11 months of DATE will start the timeline for enforcement per sect. 25.4000 Polk County Zoning Ordinance.** If you have questions regarding penalties or the enforcement procedures, contact Polk County Planning and Zoning staff at 218-281-5700.

Sincerely,

Jacob Snyder  
Polk County Planning and Zoning  
Planning and Zoning Administrator

Enclosure

cc: Nicole Bernd, West Polk SWCD  
Darren Mayers, BWSR Buffer & Soil Loss Specialist  
Polk County Attorney's Office

STATE OF MINNESOTA  
Polk County Planning & Zoning

CORRECTIVE ACTION NOTICE

**In the Matter of:** [List Name of Landowner] & [list Parcel ID Number or list the address and Legal Description of the Parcel of Property] (“Property”) [County]

**To:** [Name of Landowner] [If landowner is a business entity, insert legal name of the business from the Secretary of State’s website] (“Landowner”)

**PLEASE BE ADVISED**, that the West Polk Soil and Water Conservation District has documentation indicating that the Property, as described above, is not in compliance with the Riparian Protection and Water Quality Practices due to lack of sufficient perennial vegetation along a public water course. This parcel has been deemed noncompliant according to Minn. Stat. § 103F.48, also known as the Buffer Law, referenced in Polk County Zoning Ordinance sec. 25.2100 subd. a. This Corrective Action Notice provides a list of corrective actions and a timeline to correct the noncompliance.

**NONCOMPLIANCE**

1. Minn. Stat. § 103F.48, **RIPARIAN PROTECTION AND WATER QUALITY PRACTICES.**

*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.

### FINDINGS OF FACT

[Describe the facts of the noncompliance from the Notification of Noncompliance, **but do not attach the Notification of Noncompliance**. The facts should describe what was observed on the inspection (if an inspection was conducted), or what was determined based on other evidence, the noncompliance, and the facts supporting why the situation on the ground is not in compliance with the Buffer Law. If the width is insufficient, state the actual width observed. If the buffer is only partial (rather than continuous), describe how much of the buffer was not in compliance and where the noncompliance occurred. If the vegetation is not perennially rooted vegetation, describe what types of vegetation, if any, that is present and why that does not meet the requirement of perennially rooted vegetation. If applicable, state that an alternative practice was not present on the Property or, if an alternative practice is present, why the alternative practice was not adequate. List the name of the water body and whether the water body is identified and mapped on the Buffer Protection Map.]

### CORRECTIVE ACTIONS

To address the noncompliance cited above, the Landowner is required to complete the following corrective actions; in accordance with procedures in Polk County Zoning Ordinance sec. 25.3500.

[List the corrective actions that are required to come into compliance. The corrective actions should be specific and clearly stated such that there is no ambiguity as to what is required to be done and when the corrective are to be completed. Each corrective action should include a requirement to submit specifically listed proof of completion of the requirement (e.g. photographs, or any other tangible evidence).]

[Example: To comply with the Buffer Law, you must (1) establish a 50-foot average width, 30-foot minimum width, continuous buffer of perennially rooted vegetation on the Property adjacent to the water body, or if your Property is used for cultivation farming, you may adopt an alternative riparian water quality practice as provided in the Buffer Law, (2) complete the corrective actions within 11 months after the date of this Corrective Action Notice, and (3) submit to BWSR photographs or other evidence showing that the corrective actions have been implemented. If you have questions, you may consult with the \_\_\_\_\_ Soil and Water Conservation District.]

**TIMELINE FOR COMPLIANCE**

**If the Landowner completes the corrective actions within 11 months of the date of this Corrective Action Notice, no penalty will be assessed.** Landowners that do not complete the corrective actions within 11 months of the date of this Corrective Action Notice, the Landowner may be issued an Administrative Penalty Order (APO) sec. 25.4200 with penalties that will continue to accrue until the violation is corrected. Compliance will need to be verified by the West Polk SWCD staff, who can be reached at 218-281-6070 or 528 Strander Ave. Crookston, MN 56716.

**NOTICE**

**THEREFORE**, the Landowner is hereby given notice that Polk County has documented the above alleged noncompliance. This Corrective Action Notice and the Landowner’s response does not preclude Polk County from issuing an Administrative Penalty Order under Minn. Stat. § 103B.101, subd. 12a if the Landowner does not comply with the Corrective Action Notice.

Additionally, if the Landowner believes that the allegations of noncompliance in this Corrective Action Notice are incorrect, please respond in writing to the West Polk SWCD, within 30 days after receiving this Corrective Action Notice and explain any inaccuracies and provide supporting documentation that the Landowner is already in compliance. If the Landowner does not respond, Polk County will conclude that the alleged noncompliance exists as set forth in the Corrective Action Notice per sect. 25.3500. Landowners which provide no response within the timeframe aforementioned will be subjected to enforcement procedures listed in of Polk County Zoning Ordinance sec. 25.4000.

**Polk County  
Planning and Zoning Administrator**

**DATE**

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Jacob Snyder  
PO Box 375  
320 Ingersoll  
Crookston, MN 56716  
jacob.snyder@co.polk.mn.us  
218-281-5700

cc:

Nicole Bernd, West Polk SWCD  
Darren Mayers, BWSR Buffer & Soil Loss Specialist  
Polk County Attorney’s Office

**Responses & Written Correspondence to be sent to:**

Nicole Bernd  
West Polk SWCD Manager  
528 Strander Ave.  
Crookston, MN 56716  
nicole.bernd@wpolk.mnswcd.org  
218-281-6070