

**2015 ANNUAL SHORELAND ORDINANCE  
ADMINISTRATIVE ACTIVITIES REPORT**



2015 Shoreland Block Grant Amount: \$4,735

**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	8	0	1
b. Bluff setback	0	0	0
c. Impervious surface	2	0	2
d. Building height	0	0	0
e. Combination of contiguous nonconforming lots of record in common ownership for sale or development (Minn. Stat. § 394.36, Subd. 5(d))	0	0	0
f. Subdivision of land not meeting lot area/width standards	1	0	0
g. Other (please specify): <b>See Attached</b>	19	0	1

2. For approved structure specific variations (items a. – d., with or without conditions), approximately what percentage were for new structures? 10 %

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

- **A 10' variance was granted from the required 75' setback to a General Development Lake**

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.) **Yes – See Attached.**

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	Erosion control, surface water control/retention, etc.
Bluff setback	Erosion control, surface water control/retention, gutters, etc
Impervious surface	Erosion control, surface water control/retention, gutters, lot's combined, use of pervious material, etc
Building height	Erosion control, surface water control/retention, gutters, etc
Other:	Receive permits, redirect roof water, existing buildings required to be removed, etc.

6. If variations are approved without conditions, why not? **n/a**

7. For approximately what percent of variance inquiries in 2015 were alternative solutions found (thus reducing the actual number of variance applications)? 50 %

8. If alternative solutions were found, what are some typical examples? **Move construction to meet setbacks, reduce size of construction to meet setbacks, reduce impervious surface coverage to eliminate the need for a variance for impervious surface, etc.**

**Lots & Land Subdivisions**

9. List the number of lots created in 2015:

Type of subdivision or conversion:	Total # of Lots Created	How many of these lots were part of Conservation Subdivisions?	How many of these lots were part of Resort Conversions?
PUD Plats	0	0	0
Non-PUD Plats (standard lot and block)	1	0	0
Lot Splits (administrative subdivision)	2	0	0

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? yes (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? 0

**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: 11 building permits, 0 land use permits (total # of permits)
  - b. Redevelopment (e.g., expansion of structures, substantial improvements, new structures added to developed lots): 50 building permits, 2 land use permits (total # of permits)
14. How many permits for grading, excavation, filling, or soil disturbance within the shore impact zone were issued in 2015? 3
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: n/a
17. Did your county update or amend its shoreland ordinance in 2015? no (yes or no)  
If yes, describe the nature of the change: n/a
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:
- Who do you notify? **Ethan Jenzen and Garry Bennett** (name of DNR staff person)
  - How do you notify them? **mail** (mail, e-mail, other)
  - What information do you provide? (notice, application, site plans, etc.): **notice and site plans**

**Shoreland Buffers**

20. What buffer distance does your county's shoreland ordinance currently require for shorelands in agricultural areas? **75' (As per Article 19A.04.F.2.a of the Meeker County Zoning Ordinance)**

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):

<input checked="" type="checkbox"/> Effort	Please describe:
<input checked="" 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	
<input type="checkbox"/> Specific program to achieve voluntary compliance including some/all of the following strategies (check all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Aerial mapping/inventory of buffers</li> <li><input type="checkbox"/> Evaluation/assessment of compliance</li> <li><input type="checkbox"/> Outreach to property owners (letters, literature, site visits, inspections, etc.)</li> <li><input type="checkbox"/> Technical and financial assistance (with SWCDs and other resource agencies)</li> </ul>	
<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?  
**No special effort taken.**

23. How does your county determine which stretches of public water watercourses fall under the "Tributary" class under your local shoreland ordinance? **By definition, "Tributary river segments consist of watercourses mapped in the Protected Waters Inventory that have not been assigned another river class. These segments have a wide variety of existing land and recreational use characteristics. The segments have considerable potential for additional development and recreational use, particularly those located near roads and cities."**

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>.

- What additional questions do you, property owners, or elected officials in your county have with respect to the buffer law and shoreland requirements?

**1. How public vs. private waterways will be mapped?**

2. How to handle private vs. public ditches?
3. What consideration will be given for existing structures within the 50' buffer in the Shoreland district?

25. Is your county considering any changes to its shoreland requirements in response to the new buffer law? **We are not currently considering changes to the shoreland ordinance.**

26. 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 SWCD is responsible for ag-related buffer compliance. No changes of responsibility have occurred because clarification is needed.**

27. 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.):  
**Conditional Use Permits are required for extensive vegetative removal in the Shore Impact Zone. Three of these permits were granted in 2015 and each was approved with conditions, including but not limited to, an appropriate planting plan being submitted with the application and installed during construction.**

**Resources/Training**

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

- **Multiple shoreland specific trainings held, at minimum, every other year throughout the state so that new members have opportunities for training.**

**Other**

29. 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): **No amendments to the Shoreland Ordinance have occurred in the last 12 months.**

✓	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:	

30. Have any new or unanticipated issues arisen in the past year that you would like the DNR to address or provide guidance on? **Buffer Requirements.**

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

**No.**

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**Contact Information**

County: Meeker

Contact Person: Kristin Cote Title: Zoning Administrator

E-Mail Address: kristin.cote@co.meeker.mn.us

Phone Number : (320) 693-5290

**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](mailto: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.*

# Attachment - Question 19

## Variances Approved for 2015

- Tank to dwelling – 2
- Drainfield to side lot line – 3
- Drainfield to dwelling – 2
- OHWL – 8
- Oversize shed – 2
- Impervious – 2
- Accessory Building to side lot line – 3
- Dwelling to side lot line – 2
- Holding Tank – 2
- Non-conforming split – 1
- Number of detached accessory buildings – 1
- SSTS tank to side lot line – 1
- Accessory bldg. to road right of way – 1

## Variances Denied for 2015

- Dwelling to road right of way – 1
- Acc. Bldg. to OHWL – 1
- Impervious - 1

MEEKER COUNTY BOARD OF ADJUSTMENTS

RE: APPLICATION OF  
APPLICATION NO:

AREA VARIANCE REQUEST FINDINGS OF FACT  
(Circle One)

GRANTING - DENYING - GRANTING WITH CONDITIONS

CHAIRPERSON TO READ INTO THE RECORD PRIOR TO COMPLETING THE FINDINGS OF FACT:

"No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located." Minn. Stat. § 394.27, Subd. 7(2006)

1. Is the proposed use of the property allowed in the land use district in which the property is located?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

2. Is the variance requested due to the circumstances unique to the property and not created by the landowner?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

3. Is the variance consistent with the general purposes and intent of this Ordinance?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

4. Is the variance consistent with the County Comprehensive Land Use Plan and the Official map?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

5. Does the property owner propose to use the property in a reasonable manner not permitted by an official control?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

6. Can the practical difficulties be alleviated by some other feasible method for the applicant to pursue other than a variance?  
 Yes  No

Comments:

\_\_\_\_\_  
\_\_\_\_\_

7. Are the practical difficulties claimed by the applicant based solely upon economic considerations alone?  
 Yes  No

Comments:

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8. Is the proposed variance due to inadequate access to direct sunlight for solar energy systems?  
 Yes  No

Comments:

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9. If granted would the variance effect a substantial change in character of the neighborhood and/or locality or will be a substantial detriment to neighboring properties?  
 Yes  No

Comments:

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10. Is the proposed variance for an earth shelter?  
 Yes  No

Comments:

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11. Will the interests of justice be served by allowing the variance when looking at the above factors and taking into consideration the manner by which the difficulty arose for the applicant?  
 Yes  No

Comments:

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Conditions (if any) proposed by the Board of Adjustments for allowance of the variance: \_\_\_\_\_

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