

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet

3A
Agenda Item #

To: Chairperson, Aitkin County Board of Commissioners Date: April 30, 2012

Via: Patrick Wussow, County Administrator

From: Terry Neff, Environmental Services Director

Title of Item:

Administrative Amendment to Shoreland Management Ordinance

Requested Meeting Date: May 8, 2012 Estimated Presentation Time: 15 Min

Presenter: Terry Neff, Environmental Services Director

Type of Action Requested (check all that apply)

- For info only, no action requested Approve under Consent Agenda
 For discussion only with possible future action Adopt Ordinance Revision
 Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
 Approve/adopt proposal by motion Approve/adopt proposal by resolution (attach draft resolution)
 Authorize filling vacant staff position
 Request to schedule public hearing or sale Other (please list) _____
 Request by member of the public to be heard
 Item should be addressed in closed session under MN Statute _____

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes No (attach explanation)
What type of expenditure is this? Operating Other (attach explanation)
Revenue line account # that funds this item is: _____
Expenditure line account # for this item is: _____

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
Applicable job description(s) may require revision. Yes No
Item may impact a bargaining unit agreement or county work policy. Yes No
Item may change the department's authorized staffing level. Yes No

HR Review

Supporting Attachment(s)

- Memorandum Summary of Item
 Copy of applicable county policy and/or ordinance (excerpts acceptable)
 Copy of applicable state/federal statute/regulation (excerpts acceptable)
 Copy of applicable contract and/or agreement
 Original bid spec or quote request (excluding complex construction projects)
 Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
 Bid/quote comparison worksheet
 Draft County Board resolution
 Plat approval check-list and supporting documents
 Copy of previous minutes related to this issue
 Other supporting document(s) (please list) E-mail from County Attorney

Provide eleven (11) copies of supporting documentation NO LATER THAN Wednesday at 12:00 pm to make the Board's agenda for the following Tuesday. Items WILL NOT be placed on the Board agenda unless complete documentation is provided for mailing in the Board packets. (see reverse side for details)

MEMORANDUM

DATE: April 30, 2012
TO: Aitkin County Board of Commissioners
FROM: Terry Neff, Environmental Services Director 
RE: Proposed Administrative Amendments to the Shoreland management Ordinance

Enclosed is a copy of proposed administrative amendments to the Shoreland Management Ordinance and an e-mail from Aitkin County Attorney, Jim Ratz agreeing the changes are technical and for clarification purposes. The changes in ~~strikethrough~~ are proposed for deletion and the changes in red are new language. At the end of each change I explain why the change is proposed.

At the May 8, 2012, Aitkin County Board of Commissioners meeting, I will be requesting approval and adoption of these changes to the Shoreland Management Ordinance. This is an administrative amendment so no public hearing is required.

If you have any questions prior to the meeting, or wish to discuss this in further detail, please contact me at 218-927-7342 or by e-mail at tneff@co.aitkin.mn.us.

enclosures

c:\ctybrd\ctybrd2012

Proposed Administrative Amendments to the Shoreland Management Ordinance

- 2.767 Recreational Camping Vehicle Park Area.** “Recreational Camping Vehicle Area” means a parcel of land in which ~~three~~ **two** or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes, **unless they meet requirements of Section 5.14,E.** (change is needed to match criteria in Section 7.7 and Section 5.14,E)
- 3.21** Certificate of Compliance is required, as defined in Section ~~5.72~~ **5.71.**
- 4.14,A** Mississippi River- Shoreland that falls within the corridor shall be excluded from this Ordinance and be governed by the Mississippi Headwaters ~~Ordinance~~ **Management Plan, a copy of which is hereby adopted by reference.**
- 4.23** Classification List – industrial uses – see ~~2.739~~ **2.745.** (change is needed to reference proper definition)
- 5.14, G – Outside Motor Vehicle Storage Standards.**
- (1) ~~A Conditional Use Permit is required for all outside storage of unlicensed motor vehicles and/or parts~~ **is not permitted** where the waste, body or discarded material is equal in bulk to.... (change is needed to be in compliance with Section 4.23 - Classification List)
- 5.32, D., Subsection (1) –** On steep slopes and shore **and bluff** impact zones ... (change is needed to correct inadvertent mistake on leaving this out. This requirement is in MN Rules 6120.3300, subd.4,B)
- 5.32, D., Subsection (3) –** Excavation or placement of fill, as described in ~~€ D~~ (1) and ~~€ D~~ (2) ... (change is needed to reference the appropriate subitem)
- 5.32 B and C** on pages 48 and 50 need to be changed to **E** and **F** to reference appropriate sections.
- 5.71 Sewage treatment** – re-letter sections A,B,C,D,E,~~D~~ **F,E G,F H,G I,J, K**
- 6.3 Additions/expansions to non-conforming principal structures built prior to January 21, 1992 without a variance. If a variance has been granted for an addition/expansion to a principal structure since January 21, 1992, then Sections 6.2, A, B and C do not apply and a variance is required for any future additions and/or expansions. (change is for clarification)**
- A. All additions or any enlargement of an existing sub-standard principal structure shall be allowed providing **all of the following criteria will be met: (If all of the following criteria are met, a one-time expansion since January 21, 1992 will be allowed without a variance).** (change is for clarification)
- (1) The addition/expansion will not decrease the setback of the existing structure from the ordinary high water level,
- (2) The addition/expansion will not exceed 50 percent of the total volume of the existing structure, or exceed 50 percent of the assessed market value as indicated in the records of the County Assessor,

- (3) The existing structure is setback to a minimum of a line parallel with the Shore Impact Zone,
 - (4) Impervious surface coverage of the parcel or lot shall not exceed 25 percent.
 - (5) The existing structure and proposed addition/expansion must meet all other setback distance requirements of this Ordinance.
- B. Deck additions shall be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
- (1) a thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - (2) the deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive;
 - (3) The deck is not roofed or screened; and
 - (4) All other setback distance requirements of this Ordinance must be met.
- C. Platform additions shall be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
- (1) The platform encroachment toward the ordinary high water level does not exceed 20 percent of the existing setback distance of the structure from the ordinary high water level or does not encroach closer than 20 feet whichever is more restrictive.
 - (2) The platform is not roofed or screened, and
 - (3) All other setback distance requirements of this Ordinance must be met.

Terry Neff

From: Jim Ratz [jratz@co.aitkin.mn.us]
Sent: Wednesday, April 25, 2012 11:21 AM
To: 'Terry Neff'
Subject: RE: shoreord2012adminamend

Terry,

I would concur. The changes appear to be for technical and clarification purposes only.

Thanks,
Jim

-----Original Message-----

From: Terry Neff [<mailto:tneff@co.aitkin.mn.us>]
Sent: Tuesday, April 24, 2012 9:13 AM
To: Jim Ratz
Subject: shoreord2012adminamend

Jim,

I would like to propose the attached changes to our Shoreland Ordinance. I don't believe the changes need a public hearing as the changes are only for clarification purposes or to correct discrepancies within the ordinance. Let me know your thoughts. Thanks!

Terry