

## Administrative Provisions

Part of a series highlighting innovative local government standards intended to help encourage adoption of more protective shoreland standards.



## Benefits

- Improves clarity for evaluating and determining administrative decisions
- Improves clarity for evaluating and determining discretionary decisions.

## Types of Approaches

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The ordinance language used in these examples varies significantly depending on complexity of the issue and method of implementation. In straight forward cases, actual ordinance language is provided. In complex examples, the key provisions are summarized. Please contact the planning and zoning staff with the relevant community if you have questions about the specific ordinance provisions.

### 1. Financial Guarantees for Implementation

#### Stearns County

The county frequently works with their SWCD to give recommendations for land and vegetation alterations, as well as other projects. To ensure the project is implemented as approved, the county requires financial guarantees from applicants prior to approval. After the applicant receives a cost estimate for the work, the applicant is required to submit payment to the county equaling 125% of the total project costs. This is typically done through cash escrow, but can also be in the form of a bond for larger projects. The escrow is then released back to the applicant once the county has verified the project was successfully completed.

*Ordinance citation: 10.2.14.F(11)*

## 2. After-the-fact Permits and Variances

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### Hubbard County

Establishes the following criteria for after the fact variances if the BOA first finds that the project meets the statutory criteria.

1. Why did the applicant fail to obtain the required permit or comply with the applicable official control before commencing work? Was there any attempt to comply with the applicable official controls?
2. Did the applicant make a substantial investment in the property before learning of the failure to comply with the applicable official controls?
3. Did the applicant complete the work before being informed of the violation of applicable official controls?
4. Are there structures, circumstances, or conditions in the area similar to those that are the subject of the variance request?
5. Based on all of the facts, does it appear to the Board of Adjustment that the applicant acted in good faith?
6. Would the benefit to the county appear to be outweighed by the detriment the applicant would suffer if forced to remove the structure?

In addition to the statutory criteria, the county also has the following that applies to all variances.

- No variance shall be granted simply because there are no objections; or because those who do not object outnumber those who do, nor for any reason other than a proven practical difficulty.
- No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.
- A compliance inspection report must be submitted for each existing sewage treatment system(s) on the subject property for which a variance application is submitted. If an existing sewage treatment system on the subject property is noncompliant, it must be upgraded to current standards before any permits will be issued. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system

*Ordinance Citation: Article XI. Section 1103*

### Le Sueur County

When an unpermitted project is discovered, the property owner is given a specific time period to apply for a permit. Fees for after-the-fact applications are twice the standard fee. Additionally, property owners are subject to a penalty of 10% of the project costs or \$1,500, whichever is greater.

*Ordinance Citation: Section 30, Subd. 3 & fee schedule, passed every December*

## 3. Outstanding Violations

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### Sherburne County

No permits of any type are issued to a landowner and/or a property for which there is an unresolved violation.

*Ordinance Citation: Section 18, Subdivision 8, item 3*