

## **LAKE MINNETONKA CONSERVATION DISTRICT ORDINANCE REVIEW COMMITTEE MEETING REPORT**

8:00 a.m., Thursday, March 11, 2010

LMCD Office, 23505 Smithtown Rd, Suite 120, Shorewood, MN 55331

**Present:** Doug Babcock, LMCD Board; Lisa Whalen, LMCD Board; Peter Hartwich, LMCD Board; Gabriel Jabbour, Tonka Bay Marina; Jerry Rockvam, Rockvam Boatyards; Judd Harper, LMCD Administrative Technician.

### **Meeting Report**

The meeting report from the 9/25/09 Ordinance Review Committee (ORC) Meeting was accepted by the committee as presented.

### **Review of residential combined dock permit recommendations**

The committee discussed the staff recommendations of the creation of a combined dock permit process. Details of this proposed process recommended by the committee are as follows:

- Annual application should be processed by staff and not require Board action or public hearing
- There should be a low or no fee for the application
- All watercraft must be owned by the residents of the sites
- Annual documentation of ownership of watercraft
- Reduced site plan requirement
- No more watercraft may be stored by any owner of a combined dock that would be permitted at that owner's individual site. If either lot is limited at their individual site by side setback requirements, that resident should only be allowed one boat on the combined dock
- Side setbacks must be observed at the outer edges of the combined dock sites

The committee directed Staff to have the LMCD Attorney to prepare a draft ordinance amendment based off the committee direction. This draft ordinance will be reviewed by the committee at the next scheduled Ordinance Review Committee meeting and then be referred to the Board.

There was committee discussion of the problem of very small sites combining their dock use areas and increasing the number of watercraft that they normally could store at their individual sites. It was suggested that this should be addressed but it was explained that LMCD Code already prohibits that but it is hard to enforce.

### **Discussion of special density license section**

The committee discussed the need to revise the special density license section of LMCD code. The items discussed by the committee were as follows:

- There is a need to update the public amenities list in LMCD code because many are outdated
- There should be a minimum requirement of amenities that are available to the public that facilities have to provide
- Some facilities that currently have special density permits provide amenities that are not truly available to the public

- The applicants should be able to change the public amenities without having to go through a public hearing application process
- The changes should be able to be processed by LMCD staff
- Public safety amenities are a high priority
- Public amenities approved at sites involving the Water Patrol should be better communicated to them
- The public amenity of providing a free charter boat excursion for the handicapped or underprivileged should be reduced from 100 to 75 people because most charter boats on the lake can accommodate 75 people not 100
- All sites have unique characteristics and can provide unique amenities
- The same amenity should be able to be counted more than once (e.g. 5 rental fishing boats is worth 10 points, 10 rental fishing boats should be worth 20 points)
- The ordinance review committee will have to evaluate if the existing point system works or if it should be amended

The committee directed staff to prepare a list of updated amenities for review at the next ordinance review committee meeting

### **Other discussions**

There was discussion of the need to reevaluate the 100 foot dock use area limitation for conforming facilities. The following was discussed:

- The intent is not to allow expansion of boat storage unit sizes or sizes of boats if the dock use area were to be expanded outside of 100'
- Facilities could be broken out into different categories with different allowances
- The existing conversion of use categories could be used
- Not sure how to handle cities that are allowed to transfer non-continuous shoreline.
- There is a need to break away full service marinas and apply different standards because they are equipped for the activity

There was discussion of the need to possibly involve one more LMCD Board member on the Ordinance Review Committee. This would be to solicit additional points of view to be discussed and resolved at the committee level. This is so when the ORC recommendations are presented to the LMCD Board, consensus is obtained more easily.

### **What's Next**

- Direct the LMCD Attorney to prepare a draft ordinance amendment concerning a residential combined dock permit to be reviewed by the committee at the next scheduled ORC meeting
- Staff prepare a list of updated Special Density public amenities for discussion at the next committee meeting
- Further evaluation of the special density license section of LMCD Code

Respectfully Submitted,

Judd Harper, LMCD Administrative Technician