

LAKE MINNETONKA CONSERVATION DISTRICT ORDINANCE REVIEW COMMITTEE MEETING REPORT

8:05 a.m., Thursday, April 15, 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; Dave Briggs, Wayzata Marine; Judd Harper, LMCD Administrative Technician.

There were two concerns raised by a committee member. The first was that there should be restrictions prohibiting rental of slips at residential sites because these sites are not equipped to handle this type of activity. The second was concerning the proposed special density amenity of native shoreline buffers. He stated that in many areas of the Lake, rip-rap is the only option. It was explained that this proposed amenity is not mandated, it is one of many that applicants could choose.

Meeting Report

The meeting report from the 3/11/10 Ordinance Review Committee (ORC) Meeting was accepted by the committee as presented.

Review of residential combined dock permit ordinance amendment

The committee discussed the draft ordinance amendment. Comments concerning the draft ordinance amendment were as follows:

- Insert the word 'residential' in 1A.
- Insert the word 'riparian in' 1A, 3.
- The purpose of this ordinance is to allow combined docks for residential sites with adequate shoreline to simplify the multiple dock process and encourage combined docks to lessen the amount of dock structure along the shoreline.
- This as a motivating ordinance where it is less cumbersome to obtain a multiple dock license as long as all the criteria are met. A combined dock provides incentives like allowing the dock to go out longer, less installation costs, frees up areas of the shoreline, may now allow a canopy and allows a larger dock use area because of the elimination of the middle setback.
- Language should be added that states No more watercraft may be stored at the combined site than can be practically and validly stored at the uncombined sites including consideration of setback requirements at the uncombined sites.
- The ordinances need to deal with the small lot situations where they combine their dock use areas.
- Some residents believe that they can store the maximum number of boats allowed under LMCD density rules but do not take into consideration the dock use area rules that is another restricting factor.
- The environmental committee has recommended making changes to LMCD ordinances to encourage residents to minimize the amount of dock structure installed on the Lake.
- There should be a minimum lot size requirement to ensure that this ordinance only deals with sites that can individually store watercraft within their uncombined DUAs.
- The situation of small lots that combine dock use areas to increase their boat density should be addressed in a separate ordinance amendment.

- It is difficult to determine what individual uncombined sites can support for boat density.
- With this application process, most applicants may just apply for four watercraft for each site because there is no disadvantage to applying for the maximum under the density rules. This is why there should be a determination of what the individual uncombined dock use areas can support.
- The proposed ordinance should be worded to clearly communicate and manage the applicant's expectations.
- Staff would have the discretion to bring an application to the Board if they did not believe the proposed number and sizes of boats could be maintained within the DUA of the individual uncombined site and may need additional documentation such as surveys.
- If there are DUA limitations on the uncombined sites, the limitations should continue to apply on the combined site.
- Sites not meeting the criteria in this ordinance could always apply for a new multiple dock license with public hearing and Board review.

The committee directed Staff to work with the LMCD Attorney to modify the 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.

Discussion of special density license section and updated amenity list

The committee discussed the need to revise the special density license section of LMCD code.

The items discussed by the committee were as follows:

- This section of LMCD code needs refinement not a full overhaul.
- Staff should have the ability to approve amendments to the amenities proposed by the applicants without Board involvement.
- Allow staff and the applicants work out a list of amenities on an annual basis that maintains the amenity point count.
- Each special density site is different so the amenities provided are different.
- One of the requirements of the special density license is that the facilities must be available to the public and not tied to real property or a limited segment of the public.
- Applicants should not get credit for amenities that are required by other governmental agencies.
- The requirement of providing amenities from each should be eliminated.
- The public amenity of a launching ramp countable public car-trailer parking should meet the criteria of the DNR Public Access Task Force Report.
- A launching ramp without car-trailer parking should also get some points because it is an amenity to the Lake.
- The applicant should get credit for each boat under the boat rental amenity.
- The Fishing pier amenity should include improved shore fishing areas.
- Swimming beaches should be eliminated.
- The amenities should enhance the public use of the specific special density license site.
- The focus should be to make the special density sites available to the public.
- The amenities should be associated directly with the special density sites.
- The restaurant and marine repair service amenities should be given credit per dedicated authorized BSUs.
- If you want to encourage certain uses, the points can be inflated for certain amenities.
- Public safety, Environmental and aesthetic should be the priorities.
- Other environmental amenities should be AIS prevention including AIS washing stations, active boat inspection program with trained personnel.

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

What's Next

- Staff works with the LMCD Attorney to revise the draft ordinance amendment concerning residential combined dock permit process to be reviewed by the committee at the next scheduled ORC meeting.
- Staff update the Special Density public amenities list based off of committee discussion for review at the next committee meeting
- Further evaluation of the special density license section of LMCD Code

Respectfully Submitted,

Judd Harper, LMCD Administrative Technician