



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, September 14, 2022
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

PUBLIC PARTICIPATION

Those attending the meeting, please complete the attendance sheet. Those desiring to participate in the meeting should complete the *Public Comment Form* at the meeting if the online [Public Comment Form](#) was not submitted. The Chair may choose to reorder the agenda for a specific agenda item if it would benefit the needs of those in attendance. Please see *Public Comments* Section for more information.

WORK SESSION AGENDA

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped. The work session may be continued after the formal meeting, time permitting.

- **No Work Session- Meeting Starts at 7:00 p.m.**

FORMAL MEETING AGENDA

7:00 p.m.

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **CHAIR ANNOUNCEMENTS**, Acting Chair Ann Hoelscher
- 6) **APPROVAL OF MINUTES** (08/24/2022 LMCD Regular Board Meeting)

7) APPROVAL OF CONSENT AGENDA

A) Audit of Vouchers (09/01/2022 – 09/15/2022)

8) RECOGNITIONS

9) PUBLIC COMMENTS – *Provides an opportunity for the public to address the board on items that are not on the agenda. Public comments are limited to 5 minutes and should not be used to make personal attacks or to air personality grievances. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

10) PUBLIC HEARING

11) OTHER BUSINESS

A) Public Hearing Follow Up North Shore Marina, New Multiple Dock License Classification Change, 1449 Shoreline Drive, Orono, Browns Bay and Tanager Lake

12) OLD BUSINESS

13) NEW BUSINESS

14) TREASURER REPORT

15) EXECUTIVE DIRECTOR UPDATE

- a) Website and Social Media Statistics Update
- b) General

16) STANDING LMCD COMMITTEE UPDATE

- Aquatic Invasive Species
- Communications
- Finance
- Operations
- Save the Lake

17) ADJOURNMENT

Future Items for Review – Tentative

- Watercraft for Hire- Additional Review of Berthing Requirements
- Deicing Operation License Eligibility Expansion Discussion

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**
7:00 P.M., August 24, 2022
Wayzata City Hall

1. CALL TO ORDER

Acting Chair Hoelscher called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gabriel Jabbour, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; and Denny Newell, Woodland; and Nicole Stone, Minnetonka (arrived at 7:08 p.m.). Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Thomas Tully, Environmental Administrative Technician.

Members absent: Gregg Thomas, Tonka Bay; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood.

Persons in Audience: Chris Jewett, Eric Evenson, Brett Niccum, Barbara Burwell, Dorrance David Reisee, Jr.

4. APPROVAL OF AGENDA

MOTION: Kirkwood moved, Baasen seconded to approve the agenda as submitted.

Further discussion: Anderson stated that he would like to add an item to the agenda to review the deicing dock applications. He stated that the applicant currently requires a person to apply rather than a marina. He commented that the applicant should be the entity for a commercial application.

Hoelscher stated that there is a deicing item on the next agenda and asked if this discussion should occur at that time.

Anderson explained the difference between the agenda item and the item is proposing and clarified that he would prefer to add the item to this agenda.

MOTION: Anderson moved, Cook seconded to amend the agenda to add an item to discuss how the applicant is defined for commercial deicing applications.

VOTE: Ayes (9), Nays (1), (Kroll). Motion carried.

Hoelscher noted that item will be considered under New Business as Item B.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

A) Oath of Office

Hoelscher stated that a new member is being welcomed back and noted that Gilchrist will administer the Oath of Office.

Gilchrist administered the Oath of Office to Gabriel Jabbour.

Jabbour joined the Board. He introduced himself noting that he is a resident of Orono and was asked to represent the City of Spring Park.

6. APPROVAL OF MINUTES- 08/10/2022 LMCD Regular Board Meeting

MOTION: Brandt moved, Baasen seconded to approve the 08/10/2022 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (9), Abstained (2), (Cook and Jabbour). Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Anderson moved; Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (08/16/2022 – 08/31/2022); and **7B)** Resolution Accepting Save the Lake Contributions (08/01/2022 – 08/16/2022).

VOTE: Motion carried unanimously.

8. RECOGNITIONS

Baasen recognized donors that made recent contributions to Save the Lake.

9. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no public comments.

10. PUBLIC HEARING

A) Public Hearing, Daniel Gustafson, New Multiple Dock License, Shoreline Drive, PID 11-117-23-22-0013, Orono, Browns Bay

Schleuning stated that staff recently received a request from the applicant to continue the process and continue the request to a future meeting.

B) Public Hearing, North Shore Marina, New Multiple Dock License Classification Change, 1449 Shoreline

Drive, Orono, Browns Bay and Tanager Lake

Hoelscher stated that Anderson has left the dais and is abstaining from this discussion.

Schleuning presented an application for a new multiple dock license for North Shore Marina located on Browns Bay and Tanager Lake. She stated that this would be a change in classification and there are no changes proposed to the currently approved site plan for the property. She stated that the purpose of the reclassification would be to remove the special amenity requirements. She highlighted the property and displayed the current approved site plan, noting the additional structure on the submitted site plan is not being considered at this time. She stated that staff received concerns as to whether the marina would be expanding or adding BSUs but clarified that is not part of this request. She provided a general site overview of the property and of the license request. She stated that staff does recommend approval of the existing site plan and change in classification with the conditions noted in the staff report.

Kirkwood stated that he would like more information as the presentation repeated that nothing is changing and asked the reason for this request.

Schleuning explained that this would be a change to the classification which would mean, if approved, the applicant would no longer need to meet the special density requirements.

Kirkwood asked if more boat slips could be added.

Schleuning stated that they could but that type of request would need to come back to the Board for additional consideration.

Baasen clarified that if approved, the classification change would allow the applicant to be eligible for a different density which would allow a subsequent request to increase the density.

Schleuning confirmed that is correct but noted that even without the change in classification this time, the applicant could come back and ask for a change in classification and increased density.

Baasen commented that the ability to expand would be there if the classification is changed.

Jabbour asked staff to revisit the question from Baasen as he believed the answer is incorrect. He stated that density is determined by the shoreline. He stated that opening additional shoreline could allow increased density but the change in classification would not alone provide for an increase in density to be requested.

Klohs asked if the change in classification would change the distance from shore the docks could extend.

Schleuning reviewed the dock length maximums extending from 100 feet to 200 feet and an allowed density of 1 boat to 50 feet of shoreline, 1 boat to 10 feet of shoreline for special density, and 1 boat to 10 feet of shoreline for QCM.

Richie Anderson, applicant, stated that he thought he was previously licensed in this manner from 2015 and would like to be reinstated to what seems to have been taken away from him. He referenced changes that were made to commercial marinas by previous Board action in 2014 and related language. He stated that he never ceased to operate as a qualified commercial marina and never requested a special density license. He stated that he thinks he does not need a special density license because in 2015 he was considered a qualified commercial marina. He stated that he requested his licenses from 2016 through current and has not received that information, noting that he lost those documents in a fire. He noted that the same language that was included in his license in 2015 was also included in Jabbour's 2016 marina licenses. He stated that he has always been a qualified commercial marina and has never requested a special density license, but he is present tonight having paid the \$2,400 application fee to request something that he believes already exists. He commented that it is ridiculous to go through this process as nothing has changed since his 2015 license.

Gilchrist stated that the applicant brought this forward to raise this issue as no other changes are proposed. He noted that a number of applications have been reviewed in the past where this designation is requested in combination with other changes to the marina. He noted that there are certain criteria that must be met to satisfy the criteria for a qualified commercial marina classification. He stated that this has been viewed as a classification change, which is usually accompanied by other changes to the facility. He stated that this would be the opportunity for the Board to ensure the criteria in the Code are met by this applicant. He noted that usually this classification change is coupled with other asks, but this does not include any additional requests. He stated that he cannot speak to what was stated in the 2015 or 2016 licenses.

Hoelscher stated that she believes the main question of the applicant was that he received a license in 2015 that stated he was a qualified commercial marina but that somehow has changed since that time without any action from the applicant.

Gilchrist stated that he has not gone through a review of past licenses. He stated that putting language in a license does not necessarily make that designation. He stated that in 2015 and earlier years that classification was not clearly designated in the license.

Kroll asked if the applicant would like the Board to adopt the resolution but waive the fee.

Anderson stated that he wants the classification that he had that was taken away from him. He stated that he had a qualified commercial marina status that was taken away for some reason.

Hoelscher asked if the applicant would like the designation to be made retroactive.

Anderson confirmed that he would like that.

Jabbour commented that he had the same experience. He stated that the fact that staff and the attorney were not present when this happened does not mean it did not happen. He stated that the LMCD must work hard to gain the trust of the public. He stated that he sent an extensive letter to the attorney when this happened to him. He stated that the answers to the neighbors are incorrect. He reviewed the elements that would remain the same with the classification change and the changes that would no longer be required. He stated that it is

very annoying when the LMCD continues kicking the can down the street. He stated that Gilchrist answered to the Executive Committee on the letter he spent two hours drafting and nothing happened. He believed that the LMCD should recognize and own the mistake that it made and move on. He stated that there are a lot of inconsistencies in the LMCD files and staff should slow down. He stated that there is no service to the public when the files are released to the public and the Board the same day as the meeting. He stated that the information should be made available to the public and the Board the week prior to the meeting to allow proper review.

Anderson claimed that he brought this forward because he filled out the application and paid the \$2,400 fee. He stated that the marina owners tried to reach out to ask and there was no follow up by staff.

Hoelscher opened the public hearing at 7:40 p.m.

Chris Jewett, 20305 Lakeview Avenue in Deephaven, stated that he was a previous representative of the Board for the cities of Deephaven and Minnetonka and was a part of the planning for the qualified marinas. He stated that the intent was to protect the amenities available on the lake and to make it easy for the marinas to continue in that status. He stated that the intent was that the marinas would not have to come back and prove themselves every year if nothing is going to change. He stated that although he has disagreed with Anderson on a number of things over the years, he does agree with him on this matter. He stated that for Anderson to have to come back up and restate his reasoning for being a qualified marina is crazy. He stated that the fact that staff states that they have not had time to investigate the matter prior to a public hearing is inexcusable. He stated that if a public hearing is being conducted, there should be knowledge of the licenses for 2016 through 2020. He stated that the spirit of this was to protect the status of the marinas, not to take that away.

Bret Niccum, 3280 CR 44 in Minnetrista, stated that he served as a former member of the LMCD Board and was also a part of the marina discussions. He agreed with the previous speaker. He stated that there were even discussions that if a piling needed repair, the marina would not even need to pull another permit to replace that for the ease of the marinas to continue unless a major change was needed. He commented that it is ridiculous that they are here talking about this tonight.

Barbara Burwell, 1100 Millstone Road, commented that her property looks out at the marina property. She stated that she was not aware of this until about three hours ago and is also representing some of her other neighbors that were aware of the meeting and were unable to attend. She stated that she is not within the notification area and therefore was not sent a mailing. She stated that she lives on Tanager and daily witnesses the traffic on the lake, which has increased in all seasons. She expressed concern for her neighborhood on the water and surrounding streets. She stated that she does have concern with the dock configurations and potential high density of boats. She stated that she has concerns for safety and with eroding shorelines. She recognized that this is a discussion of a lost license but would like clarification as she does not have a clear understanding of the impact of this decision as a neighbor. She was troubled that staff did not take time to gather the information that would have been helpful for this discussion. She also commented on the people on the channel that are impacted by the traffic and stated that the parking lot has been under construction for this summer and asked the impact and status of that. She stated that she has

been confused by the discussion tonight and would like this continued to the next meeting which would provide more time for review. She expressed concern for increased density. She stated that she is not satisfied with the answers that have been given tonight. She asked that more work be done to inform the public, showing the past licenses, and explaining why this is being done.

Dorrance David Reisee Jr, 1520 Green Trees Road, commented that he agrees with the comments of his neighbor that just spoke. He commented that he has owned his home for 40 years and traffic continues to increase on the small area of water. He commented that there seems to be a lot of misinformation about this request as he was told 200 new boat slips were being added whereas this is more of a zoning type change. He commented that the road by the marina is one of the most dangerous roads in Minnesota and therefore he would have concerns with parking but that does not appear to be part of this request. He stated that he also did not understand the pictures of the marina and again commented on the misinformation involved related to this case. He was unsure how many more boats could be added to this small area of water and expressed concern for the traffic.

Hoelscher commented that the LMCD does not have jurisdiction over the land as that would fall to the authority of the cities. She clarified that the application does not propose any changes to what already exists. She stated that this application would not result in a change of the marina.

No additional comments were offered, and the public hearing was closed at 7:54 p.m.

Gilchrist stated that the applicant elected to apply requesting for the classification but indicated that he ought not to do that. He noted that staff could have examined the past licenses to determine whether the marina was grandfathered in as a matter of right, but he was not asked to conduct that review. He stated that staff is processing the application as received.

Jabbour disagreed. He stated that he collaborated with staff for two years regarding this issue, but staff does not want to deal with anything without an application. He stated that the LMCD needs to reform and cannot continue to kick things down the road.

Gilchrist stated that the applicant made an application which was reviewed by staff and is recommending approval. He noted that in that instance he would not be asked to complete a historical review. He stated that the issue of what may or may not have happened in the past could have been a discussion of the Board rather than through submission of an application. He stated that if there should be a review to determine whether there should be retroactive granting of qualified marina status, which could be done, but noted that he would not necessarily recommend that as it could eliminate amenities available on the lake and could take a great deal of work.

Hoelscher stated that this is an application for a qualified marina license. She believed that this item should be voted on and if the applicant chooses to come back to request that the historical qualification be reviewed, that could be done.

Gilchrist clarified that they are at the end of the review period and therefore action needs to be taken tonight,

this could not be continued.

Jabbour commented that the information is incorrect as this could be tabled with permission from the applicant for an additional 60 days. He commented that the information provided to the Board by staff should be accurate.

Gilchrist stated that it is not within the power of the Board to demand an extension. He stated that staff already extended the review and therefore the Board would not have the right to extend, that would be the decision of the applicant.

Jabbour asked the applicant if he would grant an extension.

Anderson clarified that he brought this discussion to the Executive Committee and has an email chain involving Gilchrist and Schleuning stated that this would not happen, therefore the only reason he submitted the application is to ensure this would be reviewed and addressed. He stated that he would want the action that he is recertified as a qualified commercial marina from 2015.

Cook commented that it seems to him that the question that everyone would like answered is whether the 2015 permit is a designation of a particular status to the marina. He stated that he has not heard that question answered. He stated that an extension of time would be appropriate to get that question answered as the applicant's position is that he has that status, and it was taken away, and that is the way it appears to look. He would like to see the applicant provide more time so that question can be addressed, and the appropriate action could be taken. He stated that he would be conflicted on whether they should vote no to start the process over again, or yes to honor the application process.

Anderson commented that he would have no issue taking additional time. He stated that he has no issues with the neighboring residents. He stated that what he is asking for is legal in his code and he is convinced that he had legal status in 2015, as did Jabbour in 2016. He stated that he requested the permits and licenses from staff multiple times and those documents have not been provided.

Klohs commented that this is more complicated than anyone wanted. He stated that staff is telling the Board it can only deal with what is in the application, which is to clarify that this is a qualified commercial marina. He stated that approving the action would provide the classification and there could then be additional discussion on the topic.

Anderson stated that he had the license in 2015 and staff is now requesting that additional conditions be added that were not required in the past. He stated that he should not have to make additional concessions for something he already had.

Klohs asked if there are conditions attached to this approval.

Hoelscher asked if it would be possible to grant the approval with the conditions as set forth in the 2015 license.

Schleuning stated that staff did look at the qualified commercial license and definitions. She stated that definitions were placed on the license that were not related to the license granted. She stated that she did not see anything where anyone received an automatic change in their license without going through some sort of process. She stated that two public hearing notices were sent out for items on the agenda tonight, the first of which was continued and the second for this application. She noted that this action would remove the special density amenities and reviewed the recommendations of staff. She stated that there might have been confusion with the different application processes but stated that they followed the application process and the needed timeline specified by the State. She stated that if put in writing by the applicant, the request could be extended. She stated that this could be approved tonight, and she could then spend more time going through the code to complete a more in-depth review. She noted that there needs to be a balance in the information requested for review and made available to the public and being able to process applications in the allowed period.

MOTION: Baasen moved, Kirkwood seconded to secure facts and findings to be returned to the Board at the next meeting to determine the credibility of the license in 2015 and 2016, and if found to be true, the classification would be reinstated, and the application fee would be returned to the applicant.

Further discussion: Newell stated that he felt that evidence was presented that there was a qualified commercial marina license in 2015. He asked if licenses are periodically changed, noting the verbiage from the 2015 license and whether modification would have occurred from what is requested now.

Schleuning stated that because a definition was placed on the notes of the license does not make that license that classification. She recognized that this was confusing but did not see anything in previous minutes that no action is needed to change the classification. She noted that there would be additional review to ensure the qualifications are met.

Jabbour requested to amend the motion. He asked that the motion be changed to recognize the license from 2015 with no further work needed. He stated that the applicant applied 120 days ago, and the paperwork was sent out today at 3 p.m.

Klohs stated that would be impossible because no one on the Board knows what the license means.

MOTION: Jabbour moved to recognize the license and qualified commercial marina status from 2015.

The motion to amend failed for lack of a second.

VOTE: Motion carried unanimously. (Anderson abstained as the applicant)

Anderson rejoined the dais.

11. OTHER BUSINESS

There was no other business.

12. OLD BUSINESS

A) Watercraft for Hire – Additional Review of Berthing Requirements

Schleuning stated that the Board has requested additional review of the commercial berthing requirements for watercraft for hire, as well as whether trailering watercraft for hire would be considered differently than berthing from a residential location.

Hoelscher stated that Anderson and Stone spoke to this item at the last meeting. She stated that the Board could opt to not discuss this fully as a Board, could discuss this item as a Board, or could direct a committee to discuss this and make a recommendation to the Board.

Baasen asked the capsule of the issue and whether that is that an application was approved that allowed trailering a boat.

Stone stated that two residents have been denied a watercraft for hire license because they would be berthing their boat from the residence but then it came to her attention that a non-resident was granted a license because they did not live on the lake and would be trailering the boat to a public launch. She commented that this did not seem fair. She felt like this issue would continue to come up and people will continue to run illegal watercraft for hire because licenses would not be granted if they are residents and keeping their boats on their private dock.

Newell commented that it is allowed that a person could launch their boat from a public launch and then pickup customers at a municipal dock, which would seem to be a work around.

Brandt asked if it would be appropriate to bring this item to a work session.

Hoelscher agreed that would be an option.

Stone agreed that could be a good option. She stated that in the past no one was willing to review the implications of changing the language in the ordinance, but it now is worth that effort because of this identified work around.

Kirkwood supported bringing this to a work session as there are several questions he would have on this topic. He believed that a more thoughtful discussion should occur in a work session.

Klohs asked if the LMCD has the authority to stop people from using public launches, picking people up and leaving later.

Gilchrist commented that there is nothing in the code that would allow regulation of that activity.

Stone stated that the person got a license to do that.

Klohs stated that the LMCD does not have the authority to prohibit that.

Stone asked how a resident could then be controlled to say they cannot leave their residential dock to pick up people at a municipal dock.

Gilchrist commented that he has not yet thought this all the way through. He commented that the code could be amended to state that watercraft would need to be stored at a specific location. He stated that his previous comment was related to the authority to launch boats which he did not believe the Board wanted to get into.

MOTION: Baasen moved, Stone seconded to direct staff to bring this topic for discussion at a work session.

VOTE: Motion carried unanimously.

13. NEW BUSINESS

A) AIS Management Funding Request – Carp Management: Jennings, Harrison, West Arm Bays

Brandt stated that the AIS Committee received an application from Harrison's Bay for funding to assist with their carp studies and provided details on the desired studies and objectives. He reviewed the cost estimates for the project. He stated that the AIS Committee reviewed the application and recommended approval for 35 percent of the not to exceed amount which would equal a not to exceed amount of \$2,807.

MOTION: Cook moved, Newell seconded to authorize funding for Harrison's Bay Association to support carp population management up to 35% for Jennings, Harrison, and West Arm Bays with additional actual project costs and services rendered not to exceed \$2,807 of the estimated costs in the application, and to authorize payment directly to service provider(s) upon verification by AIS Committee and Finance Committee Chairs or proof of completed work, receipt of copies of all surveys, shapefiles, etc.

Further discussion: Kirkwood asked if this is within the funding boundaries previously discussed.

Brandt confirmed that this would fall within the funding allocations for 2022.

VOTE: Motion carried unanimously.

B) Discussion Related to the Definition of Applicant for Commercial Deicing Applications

Anderson referenced a previous application from a marina for deicing which requires a person to be identified. He believed that should be changed to the corporation, such as the marina.

Jabbour stated that late one evening he received a call from the Mayor of Spring Park expressing his frustration with the application he received. He stated that when he redid Saint Albans Bay it mentioned he and another party has

special attribute and the license was issued to both parties rather than the entity. He stated that insurance cannot be gained for certain elements because the company is not listed on the application. He stated that the insurance company has stated that the company would need to be listed as the applicant, but a contact person could be identified on the application.

Hoelscher asked if there is a reason that is not the practice.

Schleuning stated that staff could investigate that. She noted that typically a person is needed for prosecution. She stated that an officer must be identified, and a date of birth is required to ensure the right person.

Hoelscher asked if the applicant's name could then be the business and the contact then be listed.

Schleuning confirmed that change could be made.

Anderson confirmed that he would agree with that change.

Jabbour confirmed that would resolve his issue as well. He stated that the person that filled out his application last year has changed employment and therefore is no longer with his marina.

Schleuning stated that she could complete a draft and asked if the application would need to be resent.

Hoelscher stated that staff could make the changes and then complete the action in the most efficient method.

14. TREASURER REPORT

Anderson stated that he met with Schleuning this week in attempt to solidify the line-item budget numbers. He stated that the copier in the office is slowly deteriorating and presented an offer to rent a copier. He stated that this copier would also allow digitizing.

15. EXECUTIVE DIRECTOR UPDATE

Schleuning provided the following information:

- Thanks to the Starry Trek volunteers for a great event. We are waiting for statewide results from MAISRC
- Information is available showing the link between human pollution and red tide.
- An update will be provided on the analytics from the new website and social media use
- A lot of calls and inquiries have been received recently

16. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species: Brandt thanked the Board for its support of the funding request and thanked the volunteers for participation in Starry Trek. The group will look to schedule a meeting in September.

Jabbour commented that USGS has been parked at his home and occupied his three-car garage to complete an

experiment in Maxwell Bay. He stated that he was alerted that Brunswick hired a CSO (Chief Sustainability Officer) as they recognize the impact of invasives. He provided an update on his interaction with the group and the tour they completed. He commented that it was productive and extremely engaging. He commented that there are still four other experiments going on locally. He commented that he is encouraged by Brandt as that generation is the future and he is excited about partnership opportunities.

Brandt commented that he was appreciative to be involved and was encouraged by the experiments. He thanked Jabbour for making his property and home available to USGS this summer.

Communications: Hoelscher stated that the group is working to develop educational materials related to the newly adopted ordinance. She stated that in place of the second Board meeting in September, the Board will be completing a tour.

Finance: Anderson had nothing further to report.

Operations: No report.

Save the Lake: Baasen reported commented on the public events the Board participate in locally. He advised of an upcoming event that will be held and welcomed additional Board volunteers.

17. ADJOURNMENT

Being no further business, the meeting adjourned at 8:48 p.m.

Ann Hoelscher, Acting Chair

Dan Baasen, Secretary

3:02 PM
09/07/22

Lake Minnetonka Conservation District
Check Detail
September 1 - 15, 2022

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
09/15/2022	EFT-22-95	ADP		Alerus Checking		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-11,430.79
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,594.38
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-854.13
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/M...	Admin.	-871.23
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	84.96
TOTAL						-11,476.81
09/15/2022	EFT-22-96	ADP Service Fee		Alerus Checking		
			Payroll 9/1/22 - 9/15/22	4180M10 · Professional Services - Adm...	Admin.	-89.62
TOTAL						-89.62
09/15/2022	EFT-22-97	SelectAccount Group Service Center		Alerus Checking		
			HSA Employer Contribution for September 2022 - Tammy Duncan	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for September 2022 - Vickie Schleuning	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
			HSA Employer Contribution for September 2022 - Thomas Tully	4380M10 · Employee Benefits - Admin.	Admin.	-116.67
TOTAL						-350.01
09/15/2022	EFT-22-98	P.E.R.A		Alerus Checking		
			Payroll 9/1/22 - 9/15/22	2020 · Payroll Liabilities -	Admin.	-1,594.38
TOTAL						-1,594.38
09/15/2022	EFT-22-99	Unum Life Insurance		Alerus Checking		
			Long Term Disability - September 2022	2020-LT · Payroll Liabilities - UNUM	Admin.	-169.92
TOTAL						-169.92
09/15/2022	22205	AIS Advanced Imaging Solutions		Alerus Checking		
09/15/2022	Inv.#481083616		8/20/2022 - 9/20/2022	4140M10 · Office Equipment R&M - Ad...	Admin.	-2,196.34
TOTAL						-2,196.34
09/15/2022	22206	Chuck Struck		Alerus Checking		
08/20/2022	Inv.#INC0020		Board Meeting 8/24/22	4182M10 · Media (Cable/Internet) - Ad...	Admin.	-90.00
TOTAL						-90.00

3:02 PM

09/07/22

Lake Minnetonka Conservation District
Check Detail
September 1 - 15, 2022

Date	Num	Name	Memo	Account	Class	Paid Amount
09/15/2022	22207	ECM Publishers, Inc.		Alerus Checking		
08/25/2022	Inv.#908307		Sun Sailor - Ordinance 244 Laker - Ordinance 244	4110M10 · Public Info Legal Fees- Adm... 4110M10 · Public Info Legal Fees- Adm...	Admin. Admin.	-215.25 -139.13
TOTAL						-354.38
09/15/2022	22208	Freshwater Scientific Services, LLC		Alerus Checking		
08/30/2022	Inv.#2022-70		EWM Delineation Surveys - Black Lake EWM Delineation Surveys - Browns Bay EWM Delineation Surveys - Crystal Bay EWM Delineation Surveys - Smithtown Bay	4181M30 · Prof. Services 4181M30 · Prof. Services 4181M30 · Prof. Services 4181M30 · Prof. Services	AIS AIS AIS AIS	-437.50 -70.00 -717.50 -332.50
TOTAL						-1,557.50
09/15/2022	22209	Innovative Office Solutions LLC		Alerus Checking		
08/24/2022	Inv.#IN3910762		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-222.69
TOTAL						-222.69
09/15/2022	22210	Kennedy & Graven		Alerus Checking		
09/15/2022	August 2022		Legal Fees August 2022	4620M10 · Civil Legal Fees - Admin.	Admin.	-2,190.10
TOTAL						-2,190.10
09/15/2022	22211	League of Minnesota Cities		Alerus Checking		
09/15/2022	Inv.#366839		Membership Dues 2022 - 2023	4641M10 · Other Legal Fees - Admin	Admin.	-2,119.00
TOTAL						-2,119.00
09/15/2022	22212	LMCC		Alerus Checking		
08/25/2022	Inv.#1504		VOD Services for Meeting 8/24/22	4182M10 · Media (Cable/Internet) - Ad...	Admin.	-100.00
TOTAL						-100.00
09/15/2022	22213	MN NCPERS		Alerus Checking		
08/01/2022	September 20...		Life Insurance, September 2022	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00

3:02 PM

09/07/22

Lake Minnetonka Conservation District
Check Detail
September 1 - 15, 2022

Date	Num	Name	Memo	Account	Class	Paid Amount
09/15/2022	22214	Steven M. Tallen Attorney At Law		Alerus Checking		
09/15/2022	August 2022		Prosecution Cost August 2022	4640M10 · Prosecution Legal Fees - Ad...	Admin.	-5,221.65
TOTAL						-5,221.65
09/15/2022	22215	TimeSaver Off Site Secretarial, Inc.		Alerus Checking		
08/30/2022	Inv.#M272572		Board Minutes 8/10/22 Board Minutes 8/24/22	4230M10 · Meeting Exp. - Admin. 4230M10 · Meeting Exp. - Admin.	Admin. Admin.	-220.88 -243.13
TOTAL						-464.01
09/15/2022	22216	Your Computer Hero		Alerus Checking		
08/30/2022	Inv.#7278		reset scanner, set up all users all stations, reconfig ibackup	4181M10 · Professional Comp. Serv.-A...	Admin.	-1,200.00
TOTAL						-1,200.00
09/15/2022	22217	Goff Public		Alerus Checking		
08/31/2022	Inv.#18052		Public Relations	4180M10 · Professional Services - Adm...	Admin.	-3,416.88
TOTAL						-3,416.88



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: September 14, 2022 (Prepared September 7, 2022)

TO: LMCD Board of Directors

FROM: Vickie Schleuning, *Vickie Schleuning* Executive Director

CC: Thomas Tully, Environmental Administrative Technician

SUBJECT: Public Hearing Follow Up North Shore Marina, New Multiple Dock License Classification Change, 1449 Shoreline Drive, Orono, Browns Bay and Tanager Lake

ACTION

Board consideration of a multiple dock license application for North Shore Marina, 1449 Shoreline Drive on Browns Bay and Tanager Lake in the City of Orono (PID 11-117-23-21-0001) and to review public input from the public hearing on August 24, 2022.

The following motions are offered depending on whether the Board wishes to approve or deny the request:

Approval

I make a motion approving the Findings of Fact and Order approving the Multiple Dock License application for North Shore Marina for the property located at 1449 Shoreline Dr in Orono.

Denial

I make a motion denying the Multiple Dock License application for North Shore Marina for the property located at 1449 Shoreline Dr in Orono.

APPLICATION SUMMARY

On August 24, 2022, the Board considered a multiple dock license application and held a public hearing for North Shore Marina. The Applicant, Rich Anderson, stated the application was to reclassify the license type from a Commercial Marina to a Qualified Commercial Marina (QCM) with the purpose of eliminating the special density license and associated conditions. The reclassification would also allow future reconfigurations to be considered such as increased boat density to 1:10 and dock length up to 200 feet. However, it would require Board approval and re-evaluation of the characteristics of the site. A copy of the August 24, 2022 Board Memo is attached for background information.

Public Hearing Follow Up

At the public hearing at the Board meeting, the Applicant brought up information not shared as part of the application submittal. Therefore, it was not considered or addressed during the

application review process or in the associated Board Memo. This created confusion for the Board and public.

Regardless, a review of the questions and public comments has been conducted for the Board to consider as part of the application review. Some highlights regarding licensure are provided below. A summary of other public comments and responses is provided as an attachment to this memo.

1. Do all commercial marinas need to request QCM status whether or not they are requesting changes to the structures, watercraft density, or navigation?

If a commercial marina does not wish to change their use and continue as a commercial marina, no application is required and the regular license renewal process continues.

If a commercial marina wishes to change the use and license category from a commercial marina to a QCM, the initial application must be brought to the Board for approval to ensure compliance with the code use requirements, remove the need for a special density license, and if docks are extended beyond 100 feet in length. Once the QCM is achieved, certain minor changes may be approved administratively by the Executive Director. Some related code sections are summarized below:

Per LMCD Code 3-2.01. Commercial Uses Identified describes the types of commercial uses including commercial marina and qualified commercial marina.

Per LMCD Code 6-2.03 Renewal of Commercial Multiple Dock License, Subd. 2. New License. If an owners proposes to change slip size, boat storage units, ownership, width, height, or location of an existing commercial multiple dock, or change from the current commercial use, a new commercial multiple dock license is required. The owner shall submit a new application and have it processed as a new commercial multiple dock license request.

Per 6-1.17, New License Required, The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Per 6-1.17 Subd. 2. Other New Licenses. When a new license is required that involves more than a minor change that may be processed administratively, or involves a conversion to a different classification of use, the applicant shall be required to comply with all of the requirements associated with seeking the new license, including paying the required fees, and the LMCD shall process and hold a hearing on the application in the same manner as a new application.

Per 3-2.03, Subd. 3, the conversation of a Commercial Marina to a Qualified Commercial Marinas requires a new license in accordance with Code 6-1.17.

In furtherance, the Board adopted the QCM ordinance on 04/23/2014. In the minutes, it

was pointed out by the LMCD legal counsel at that time (Charlie LeFevere) that to become a QCM, the initial license must be approved by the Board. A couple of related excerpts are:

Lefevere confirmed that the initial license request would have to continue to come to the Board for approval to extend their dock beyond 100 feet. Furthermore, he clarified that the two big changes to this draft ordinance would be to maintain their 1:10 density without a special density license and to extend their dock to 200 feet. Once the board approves such a license, the Executive Director would have the authority to administratively approve minor changes thereafter.

Add requires Board action beyond 100 feet to the QCM Review Criteria to Extend Dock Length.

Morris received confirmation that if the draft ordinance is approved, Board approval would be required when the QCM initially applies for reconfiguration. He believed if the Board felt that a service was lacking with such a business, they could have a dialogue with that owner during the approval process and then (possibly requested that needed service be address). He stressed the importance of the Board not mandating services to a QCM, but would welcome the dialogue in proving such (referencing the installation of a pump out station should one be lacking.)

2. If an approved QCM is requesting changes to BSU's, dock length, etc., is Board review and a public hearing required?

Certain changes to a QCM within the envelope are allowed with administrative review and approval. Code 6-1.17, Subd. 1.

6-1.17. New License Required. The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Subd. 1. Minor Changes. The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

- (a) All information required by the Executive Director has been submitted by the applicant;
- (b) The structure is in compliance with the provisions of this Code;
- (c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;
- (d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;
- (e) The change will not involve a change in use from one of the classifications of use to another; and

- (f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

3. Is a QCM and all multiple dock licensees required to apply for a new license every year.

Yes, per LMCD Code 3-2.07, Subd. 2, licenses must be renewed annually.

4. What is the typical time frame to process a new license?

The typical application process processed through the Board may take 60-120 days to process, depending on the complexity and responsiveness of the Applicant. The process and timeline are generally based on Minnesota State Law. An Applicant may choose to extend the process through a written notice.

5. Did the Applicant submit an “indefinite” extension request?

No. The extension request signed by the Applicant extends to September 16, 2022, which is not “indefinite”. The LMCD legal counsel stated the application must be approved the next Board meeting of September 14, 2022, since this is the last meeting before the extension request expires.

6. Did the Applicant have a QCM license taken away and why was the language on the license in 2015 removed from future licenses?

No, the notice originally placed on the license was just that – a notice. It was not a grant of a QCM license. Instead, it was informing those with a special density license the potential to avoid having to comply with the requirements of the special density license if they obtain a QCM license.

When the new QCM code provisions passed, educational information was provided on the 2015 license with the intent of informing licensees of the new license type and conditions. The language was confusing and was therefore removed. Periodic changes are made to documents, such as applications and licenses, as we continually strive to enhance communications for our customers. The following language was not meant to allow commercial marinas to choose their commercial use and associated license type.

NOTICE: If the licensed facility meets the definition of a "Qualified Commercial Marina" in LMCD Code, Section 1.02, Subdivision 40a, the licensee may operate its facility without a Special Density License, and therefore, without providing amenities required by that license. However, if licensee elects not to meet the requirements of the Special Density License, it must continue to qualify as a Qualified Commercial Marina. If at any time in the future, the facility ceases to be a Qualified Commercial Marina, it will not be able to continue to operate without

securing a new Special Density License under the requirements of the LMCD Code in effect at the time of application for the Special Density License.

Copies of the North Shore Marina Licenses from 2015-2022 are attached and should have been provided timelier to the Applicant per his request.

BUDGET

Legal and Staff Resources

STRATEGIC PRIORITIES

Operational Effectiveness Clear & Timely Communications Effective Governance Lake Protection Other

ATTACHMENTS

1. Legal Counsel Response
2. Findings of Fact and Order
3. Applicant Time Extension Request
4. 2015-2022 Licenses for North Shore Marina
5. Response Summary for August 24, 2022 Public Hearing Comments

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Troy J. Gilchrist
150 South Fifth Street
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: LMCD Board

From: Troy Gilchrist, LMCD Attorney

Date: September 9, 2022 (September 14, 2022 Regular Meeting)

Re: Qualified Commercial Marinas

The Board asked that I review the history of the qualified commercial marina (“QCM”) designation to determine if it was intended to apply automatically to commercial marinas or if a commercial marina is required to obtain Board approval to secure the designation on its license. As explained below, a commercial marina must apply and be approved by the Board to obtain a QCM license.

The idea for this designation came from commercial marinas seeking to obtain, or maintain, greater density and dock length without having to obtain a special density license (and the required public amenities) or a variance. They also wanted to simplify the process by giving the Executive Director more authority to authorize minor changes to these facilities without having to go through a Board approval process.

After having reviewed memos, emails, files, minutes, and related documents from the time, it appears the LMCD undertook a thorough process of evaluating the proposal and considering how best to implement it in a manner consistent with the requirements of the LMCD Code. The former LMCD attorney prepared the attached detailed working memo to help facilitate a discussion on a range of issues regarding the proposed QCM classification. The memo reveals the range of issues that were considered by the Directors, many of whom are still on the Board. A significant part of the discussion was the criteria a commercial marina must satisfy in order to obtain a qualified commercial marina license.

It was clear from that process that the Board recognized automatically granting the QCM and the resulting density and dock length allowances was not appropriate under the LMCD Code. The working memo specifically points out the “Board has indicated a willingness to consider such a

change [extension to 200 feet], with the caveat that it may not be appropriate in all cases.” The Board had established for itself factors to consider when reviewing density and length requests and it did not want to abandon those. It recognized that the increased density or dock length may not be appropriate in every case.

There is nothing in the documents I reviewed to suggest this was intended to be an automatic designation. In fact, just the opposite. The minutes of the meeting at which the QCM ordinance was adopted make it clear a commercial marina must receive Board approval to be licensed as a QCM and then any future minor changes to the facility can be approved by the Executive Director. It would make little sense for the Board to develop a list of criteria for QCMs that apply in addition to standard commercial marina criteria and then not have a process for determining if they are satisfied at a particular site. Instead, the Board required a commercial marina to submit an application for a QCM license and then authorized the Executive Director to either renew the designation without any changes or to authorize minor changes.

I think it is fair to say the Board did not necessarily contemplate a commercial marina applying for a QCM license without proposing any changes to its facilities. As I mentioned during the meeting, the QCM designation is typically sought in conjunction with a proposed increase in density or a dock extension. However, seeking a QCM license without proposing any changes does allow a marina to avoid having to maintain a special density license. Though any future changes in density or dock length would require the owner to work through the process to obtain a new license.

The applicant indicated he decided to submit the application in an attempt to demonstrate he was previously licensed as a QCM and so should not be required to submit an application. However, because a marina must satisfy certain requirements before being licensed as a QCM, an application and Board approval is required even if no changes are being proposed to the facility. As noted above and in the staff memo, approval of the QCM license will allow the applicant to avoid maintaining the amenities required when a marina is issued a special density license.

The applicant pointed to the notice on the renewal license form to support the position that the marina was automatically licensed as a QCM. It appears from an email dated April 14, 2015 from Charlie LeFevere to Judd that the language was suggested by Charlie: “How about putting the following notice on the license in the case of a renewal without change for facilities with special density licenses?” He then stated the notice language, which in that context clarifies that it was intended to give those marinas notice of the fact that they can seek a QCM license if they qualify to avoid having to maintain the special density license (which was one of the goals of creating the QCM designation). He was essentially addressing the issue before the Board now, if a commercial marina wishes to avoid having to maintain its special density license it can seek a QCM license even if there are no proposed changes to the facility.

In short, I can find no legal basis to support the claim the effect of the 2014 amendment was to automatically classify and license all commercial marinas as QCMs. A marina needs to apply and demonstrate to the Board that it is eligible for a QCM license under the criteria in the LMCD Code. This approach is consistent with the restrictions in the LMCD Code regarding the conversion of uses to help ensure the proposed use satisfies LMCD Code requirements. “The

conversion of a commercial marina to any other use is subject to the restrictions in this subdivision” (which sets out restrictions and requirements for conversion). Section 3-2.03, subd. 3. “The conversion of a qualified commercial marina to any other use is subject to the restrictions in Section 3-2.03, subdivision 3.” LMCD Code Section 3-2.07, subd. 4. Changing uses from a commercial marina to a QCM requires Board review and issuance of a new license under Section 6-1.17.

I will be happy to answer any questions, but I submit that further debate by the Board on what occurred eight years ago serves little purpose. The Board must apply the language of the LMCD Code as it exists today. If a Director believes there is a need to amend the LMCD Code, then that person can certainly advocate for an amendment. The Board will then decide whether to pursue and adopt the requested amendment.

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Graven

CHARTERED

Charles L. LeFevere
470 US Bank Plaza
200 South Sixth Street
Minneapolis MN 55402

(612) 337-9215 telephone
(612) 337-9310 fax
clefevere@kennedy-graven.com
<http://www.kennedy-graven.com>

MEMORANDUM

Date: April 7, 2014

To: LMCD Chair and Board of Directors

From: Charles LeFevere

Re: Proposed Amendments to Code Provisions Regulating Commercial Marinas

I. INTRODUCTION

The commercial marina operators on Lake Minnetonka have requested the Board to consider amendments to the Code that would 1) allow commercial marinas to extend the docks up to 200 feet from the shoreline, 2) allow existing density at commercial marinas with special density licenses to continue without requiring special density licenses (and the associated amenities), and 3) make the process of applying for and securing approval of dock plan amendments more expeditious.

The Board requested the staff to report on how these requests could be accommodated and what issues the requested changes could present. By separate report, staff has prepared information about density, dock lengths, and amenities for facilities with special density licenses for existing facilities to assist the Board in evaluating the possible impact of the changes requested by the marina operators.

II. DEFINITION OF COMMERCIAL MARINA

The marina operators have suggested for consideration by the Board the following definition for commercial marina: **“Commercial Marina means a privately**

WORKSHEET AND NOTES

owned revenue-producing business renting storage for or launching of watercraft on or for use on the Lake, which contains five or more boat slips and/or dry storage units providing for boat and watercraft storage and may also provide additional ancillary services, such as fueling, repairs, emergency towing, haul out, pump out, winter storage, boat and accessory sales, and other related services. Commercial marinas are freely available to the public and do not require membership.”

The marina operators suggest that there should be no obligation to provide any service or any particular group of services. Therefore, I would recommend the deletion of the words “...and may also provide additional ancillary services, such as fueling, repairs, emergency towing, haul out, pump out, winter storage, boat and accessory sales, and other related services.”

I would also recommend the deletion of the words “and/or dry storage units”. I believe that all of the marinas on the Lake with off-lake storage facilities are also commercial marinas and the suggestion that dry storage units alone may qualify a business operation for any special consideration under the Code may be confusing.

Likewise, the definition would include a revenue producing entity that had only launching facilities and no on-lake storage. Again, this could introduce some confusion if it is suggested that a business that only launches watercraft somehow qualifies for special consideration as a commercial marina.

With these changes, what essentially would be left would be that a commercial marina is: 1) privately owned, 2) a revenue-producing business enterprise, 3) rents storage space for watercraft on the Lake, 4) contains five or more boat slips providing for boat and watercraft storage, and 5) does not require membership but makes its storage space freely available to the public at large. To that, I would recommend as an additional condition that slip rental cannot be tied to ownership of any particular real estate.

I would submit for consideration the following definition: **“Commercial Marina means a privately owned, revenue-producing business enterprise that rents storage space at one facility for five or more watercraft on the Lake. A facility does not qualify as a commercial marina unless all watercraft storage space is freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization or owners of any specified real property.”**

The question for the Board is whether it agrees with this proposed definition or whether it believes that the definition should somehow be amended to add additional characteristics that a facility must meet to qualify as a commercial marina.

III. EXTENSIONS OF DOCKS OUT TO 200 FEET FROM THE SHORELINE

LMCD Code currently allows facilities generally to extend 100 feet from the shoreline, but grandfathers in existing facilities that extend beyond 100 feet, provided they do not expand their facilities by extending them further than the existing distance from the shoreline.

The marina operators have requested that commercial marinas be allowed to extend docks to 200 feet from the shoreline if they are not already at that distance. The Board has indicated a willingness to consider such a change, with the caveat that it may not be appropriate in all cases.

A. Existing Review Criteria

All multiple docks and commercial docks require a license under Section 2.03 of the LMCD Code. Any extension of the dock beyond the existing length would presumably be made subject to consideration by the Board as a new license application. This would allow the Board to consider the extension further from the shoreline under the review criteria in LMCD Code, Section 2.03, subdivision 3(a). Those criteria are as

List any changes to proposed definition:

1.

Majority of Executive Committee agreed with proposed definition.

follows:

- 1) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria.
- 2) Whether the proposed facility will be structurally safe for use by the intended users.
- 3) The facility will comply with the regulations contained in this ordinance.
- 4) Whether the proposed facility will create a volume of traffic on the Lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the facility.
- 5) Whether the proposed facility will be compatible with the adjacent development.
- 6) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake.
- 7) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake.
- 8) Whether the proposed facility, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the facility.
- 9) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility.
- 10) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area.
- 11) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

List any proposed changes to multiple dock license review criteria:

1.

Executive Committee recommended no changes.

B. Additional Review Criteria

In addition to the review criteria listed above for a multiple dock or commercial dock, the Board may wish to consider additional factors in deciding whether to permit docks that are currently not out to 200 feet from the shoreline to be extended further into the Lake. Among additional criteria that the Board could consider are the following:

1) Extension would not be allowed at facilities that had variances. The rationale for this would be that variances are based on the application of LMCD Code to the particular circumstances presented at that location. Since it is proposed that the Code would be changed with respect to these facilities, the additional Lake area made available by extending the dock into the Lake may eliminate the hardships that were the basis for the original variance. Therefore, any additional lakeward extension allowed should be conditioned on eliminating any other variances, unless there is still a hardship, considering the greater dock use area made available by extending further into the Lake.

2) No extension would be allowed if the extension overlapped the dock use area of another property.

3) No extension would be allowed if it interfered with navigation, restricted a channel or access to, or use of, another dock use area.

Make this a condition to extending docks?

Yes _____ No _____

Executive Committee recommended: Yes

Make this a condition to extending docks?

Yes _____ No _____

Executive Committee recommended: Yes

Make this a condition to extending docks?

Yes _____ No _____

Executive Committee recommended: Yes

4) Extension would not be allowed, or would be limited, for facilities that exceed a density of one watercraft per 10 feet of shoreline. The rationale for such a limitation would be the application of general principles related to grandfathering. Facilities with density of greater than one boat per 10 feet of shoreline would be nonconforming as to density. Under LMCD Code, these facilities are currently “grandfathered-in”. That is, they are allowed to continue at the previously existing density. However, the purpose of allowing them to continue is to avoid the hardship that would be imposed by requiring existing facilities to come into compliance with new density limitations of the Code. The purpose is not to create a special class of marinas with extraordinary privileges or to give these marinas a commercial advantage over other marinas. The price that nonconforming facilities must pay to be entitled to this “grandfathered” treatment is that they not be expanded or enlarged. As long as they do not expand they are allowed to continue. That way they do not lose what they have but are not given rights to new or expanded facilities that are not available to other marinas. The LMCD has allowed such facilities to reconfigure, provided, among other things, that they do not increase the number of boat storage units, do not extend further into the Lake beyond 100 feet, and do not increase the total square footage of slips at the facility.

The Board has some latitude to define what constitutes an impermissible “expansion” of a nonconforming facility. However, it could be difficult to defend allowing nonconforming marinas to extend facilities further into the Lake, particularly if they were also allowed to increase the size of slips. If this were allowed, the only characteristic of the facility not being expanded would be the number of boat storage units.

Do not allow expansion of nonconforming facilities to extend further into the Lake

Yes _____ No _____

Executive Committee recommended to allow nonconforming facilities to extend to 200’

<p>5) Extension would not be allowed if it required the removal of emergent vegetation.</p> <p>6) Extension would not be allowed if it required new dredging.</p> <p>C. Based on evaluation of existing facilities, the Board may have additional factors that should be considered when determining whether to allow a facility to extend beyond 100 feet.</p> <p>IV. ALLOWING DENSITY OF ONE WATERCRAFT PER TEN FEET OF SHORELINE WITHOUT A SPECIAL DENSITY LICENSE</p> <p>A. The current code provides that new facilities must comply with the rule that limits density to one watercraft for each 50 feet of shoreline but allows qualifying facilities to achieve a density of up to one boat per 10 feet of shoreline with a special density license if it provides sufficient public amenities. The marina operators have requested the elimination of the</p>	<p>Allow expansion to 200 feet provided total slip square footage is not Increased.</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended allowing square footage to increase.</i></p> <p>Make this a condition to extending docks?</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p> <p>Make this a condition to extending docks?</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: No</i></p> <p>List any additional conditions to extending docks.</p> <p>1.</p>
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requirement that these facilities have special density licenses or provide amenities for additional density. The principal argument advanced in support of this has been that marina operators provide services to the Lake and these services should be recognized; and marina operators should not be burdened with a requirement that they provide further amenities to the Lake. Additionally, it has been argued that eliminating the amenities requirement may have little effect on the Lake because, among other things:

- 1) Providing amenities often makes business sense, so these amenities would be provided even if they are not required for a special density license. Many amenities are provided at facilities that do not now have special density licenses or were provided before special density licenses were issued requiring such amenities.
- 2) Some amenities, such as environmental protection for runoff are required by other governmental agencies.
- 3) Some amenities, such as providing a public telephone or vacuum cleaners have questionable value.
- 4) Some amenities, such as providing riprap or other shoreline protection, are likely to continue in any case since providing them is in the interest of the marina owner.
- 5) Marina operators are likely to be willing to provide some amenities, such as distribution of literature, if they are requested to do so, with or without a legal requirement.

If the Board decides to allow commercial marinas to have a higher density of watercraft storage without a special density license, there are two approaches. One would be to allow existing marinas to keep their currently permitted density without a special density license but not allow them to increase up to one boat per 10 feet of shoreline if they are not already at that

density. The second approach would be to allow all commercial marinas to expand to one boat per 10 feet of shoreline if they were not already at that density. There are several arguments for the second approach, allowing all commercial marinas to have a density of one boat per 10 feet of shoreline. These arguments include the following:

- a) Allowing all commercial marinas to go to one boat per 10 feet of shoreline would result in the addition of only a small number of additional boats on a lake-wide basis (if reasonable limits are put on expansions of existing facilities such as those listed in part 4 b) below).
- b) Such a provision would treat all existing marinas equally by creating a new density standard for conforming commercial marinas of one boat per 10 feet of shoreline.
- c) If commercial marinas should be exempt from the special density license requirements on the basis of services they provide to the public, this would seem to be true of all commercial marinas whether or not they had special density licenses in the past.
- d) If a business wishes to establish a new commercial marina on the Lake, it would be difficult to justify imposing the one boat per 50 feet of shoreline rule on that commercial marina since, presumably, it would provide the same benefit to the Lake as other commercial marina facilities on the Lake with higher densities.
- e) Existing conforming commercial marinas with a density of over one boat per 50 feet of shoreline “earned” that density by providing additional amenities. If the requirement to provide amenities is eliminated, those facilities will no longer be required to provide such amenities and it is difficult to justify treating those facilities more favorably than any other commercial marina facility.

Repeal requirement that commercial marinas provide amenities and secure special density licenses.

Yes ____ No ____

Executive Committee recommended: Yes

Grandfather commercial marinas with special density licenses at current density

-or-

<p>B. If the Board concludes that it is reasonable to allow all existing marina facilities that are at a density lower than one boat per 10 feet of shoreline to increase up to one boat per 10 feet of shoreline, such an increase may not be appropriate in all cases. The Board may wish to consider the imposition of certain limitations on expanding density in this way. These could include the following:</p> <ol style="list-style-type: none">1) Increasing density would be subject to the application of the subjective criteria for multiple dock licenses described above (in part IIIA). In some cases, the application of those criteria would not favor increasing density because of the impact that would be caused in that specific location.2) Increasing density would not be allowed at facilities that currently have a variance without application for a new variance.3) Increasing density would be subject to the application of a straight line measurement rule [Code Section 202. Subd. 7] so that an applicant may not be able to expand density to one boat per 10 feet of shoreline in the case of sinuous or unusual shoreline configurations.4) Increased density would not be allowed if it required the removal of emergent vegetation.	<p>Allow commercial marinas a density up to one boat per 10 feet of shoreline except in unusual circumstances <input type="checkbox"/></p> <p><i>Executive Committee recommended allowing all commercial marinas to have density of 1:10 except in unusual circumstances</i></p> <p>Make this a condition to increasing density to 1:10.</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p> <p>Make this a condition to increasing to density of 1:10</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p> <p>Make this a condition to increasing to density of 1:10</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p> <p>Make this a condition to increasing to density of 1:10</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p>
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<p>5) Increasing density would not be allowed if it required additional dredging.</p>	<p>Make this a condition to increasing to density of 1:10</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: No</i></p>
<p>V. EXPEDITING APPROVAL PROCEDURES</p>	
<p>The marina operators have requested that the Executive Director be given more authority to approve changes to docks to make approval easier and faster to secure. The Executive Director currently has authority to approve reconfiguration of grandfathered facilities under Section 2.05, Subd. 4 b) and multiple docks and commercial docks under Section 2.03, Subd. 7 (both subject to certain limitations). The restrictions on the ability of the Executive Director to approve reconfiguration of grandfathered facilities are as follows:</p>	
<p>1) The proposed reconfiguration does not include a conversion of slides to slips.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: Yes</i></p>
<p>2) All watercraft stored at the reconfigured facility conform to the length limitations of Subdivision 9 [the four foot overhang rule] of this Section.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes _____ No _____</p> <p><i>Executive Committee recommended: No</i></p>

<p>3) There is no substantial change in the amount of the Lake obstructed or occupied by the dock.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>
<p>4) There is no substantial change in the use of the dock or type of watercraft stored at the dock.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: No</i></p>
<p>5) There is no increase in the number of BSUs stored outside of 100 feet from the shoreline at elevation 929.4 NGVD.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: No</i></p>
<p>6) There is no increase in the square footage of slips outside of 100 feet from the shoreline at elevation 929.4 NGVD.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: No</i></p>
<p>The limitations on the authority of the Executive Director to approve reconfigurations of multiple and commercial docks are subject to the following limitations:</p>	

<p>a) all information required by the Executive Director has been submitted by the applicant;</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>
<p>b) the dock, mooring area or launching ramp is in compliance with the provisions of this code;</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>
<p>c) there is no change in the number of watercraft to be stored at the dock or launched from a ramp;</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>
<p>d) there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp;</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: No</i></p>
<p>e) the change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment; and</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>

<p>f) the change will not involve a change in use from one of the classifications of use specified in Section 2.11, Subd. 2 to another.</p> <p>The question for the Board is whether it wishes to expand the authority of the Executive Director by eliminating some of these limitations.</p>	<p>Keep this as a limitation on the authority of the Executive Director to approve changes</p> <p>Yes ____ No ____</p> <p><i>Executive Committee recommended: Yes</i></p>
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CLL:peb

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

ORDINANCE NO. 217

AN ORDINANCE AMENDING LAKE MINNETONKA
CONSERVATION DISTRICT REGULATIONS RELATING
TO QUALIFIED COMMERCIAL MARINAS

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION DISTRICT ORDAINS as follows:

Section 1. LMCD Code, Section 1.02 is amended by adding new Subdivision 40a. as follows:

Subd. 40a. "Qualified Commercial Marina" means a privately owned, revenue-producing business that rents storage space at one facility for thirteen or more watercraft on the Lake. A facility does not qualify as a Qualified Commercial Marina unless all rented Boat Storage Units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs a) and b) below, a facility does not qualify as a Qualified Commercial Marina if any part of the facility meets the definition of any of the following classifications of use as defined in Section 2.11, Subd. 2: Club Facilities, Municipal Facilities, Outlot Association Facilities, Multiple Dwelling Facilities, or Private Multiple Facilities. Additional Boat Storage Units may be used for purposes other than rental to the general public, subject to the following limitations:

a) No more than twenty percent of all Boat Storage Units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner, watercraft being repaired by the marina owner, rental watercraft, emergency storage of a disabled watercraft for up to three business days or Boat Storage Units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995;

b) No more than the number of Boat Storage Units rented to the general public may be used for any combination of the following uses: transient use, storage of commercial or governmental lake maintenance watercraft, or storage of governmental watercraft for emergency response or law enforcement uses.

Section 2. LMCD Code, Section 2.01, Subd. 2, paragraph a) is amended as follows:

Subd. 2. Description of Authorized Dock Use Area. An authorized dock use area is described as follows:

a) Length - The authorized dock use area for sites bordering on the Lake extends into the Lake a distance equal to the site Lake frontage to be measured at right angles to the side site lines and, except as provided herein, shall not extend into the Lake a distance of greater

than 200 feet in the case of commercial docks in existence on August 30, 1978, and 100 feet in the case of other docks to be measured on a line parallel to the site side lines as extended into the Lake. In the case of commercial docks in existence on August 30, 1978, the lakeward extension of the dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.

The authorized dock use area for Qualified Commercial Marina extends into the Lake 200 feet.

A site in existence on February 5, 1970, which has a Lake frontage of 40 feet or more, but less than 60 feet, may have a dock extending up to 60 feet into the lake. Any such site which has a Lake frontage of less than 40 feet may have a dock which extends beyond the authorized dock use area to the point necessary to reach a water depth of four feet, measured from 929.4 feet NGVD, and no further; provided that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed, however, unless a variance is granted by the Board under Section 1.07.

The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD or cities bordering on the Lake and used exclusively for law enforcement, public safety or LMCD purposes may extend up to 125' into the Lake.

Section 3. LMCD Code, Section 2.015, Subd. 1 is amended as follows:

Section 2.015. Reconfiguration of Non-Conforming Structures.

Subd. 1. Purpose. The protection and preservation of Lake Minnetonka has required increasingly strict regulatory measures. While the board has determined that these measures are generally appropriate on a lake wide basis, it has recognized that requiring existing facilities to come into compliance with new requirements of the code can impose substantial hardships. Therefore, as regulation of docks and boat storage on the Lake has changed, the board, in some cases, has allowed docks lawfully in existence at the time of adoption of new ordinances to continue. In conferring such non-conforming status, the board has imposed limitations on alterations or expansions of such facilities. However, the board has determined that these limitations may be unduly restrictive without significantly advancing the public interest. The purpose of this section is to alleviate the hardship created by prohibiting changes or alterations in non-conforming dock structures for enhancing safety or to meet market demands, without compromising the spirit or intent of this code of ordinances ~~or conferring substantial rights on owners of non-conforming docks which are not available to owners of new or conforming dock structures.~~

Section 4. LMCD Code, Section 2.015 is amended by adding new Subd. 3a. as follows:

Subd. 3a. Rules for Qualified Commercial Marinas. A new dock license for reconfiguration of non-conforming Qualified Commercial Marina docks under this section shall not be issued unless it complies with the following requirements:

a) The application may not result in an increase in Boat Storage Units.

b) The application may not result in any further extension into non-conforming side setbacks than the existing dock.

c) In the case of docks not in conformance with the provisions of Section 2.01, Subd. 2 b)2) applicable to new facilities: i) no new Boat Storage Units shall be located in the side setback area without first securing a variance pursuant to section 1.07; and ii) the application may not result in an increase in slip length of any slips opening toward the non-conforming side setback area.

Section 5. LMCD Code, Section 2.015, Subd. 3 is amended as follows:

Subd. 3. Rules for Facilities that are not Qualified Commercial Marinas. ~~No~~A new dock license for reconfiguration of non-conforming docks under this section shall not be issued ~~which do not comply unless it complies~~ with the following requirements.

a) The application may not result in an increase in Boat Storage Units.

b) The application may not result in an increase in total square footage of slips associated with Boat Storage Units as determined in accordance with subd. 4 of this section.

c) The application may not result in a lakeward extension of the dock any further beyond 100 feet from the 929.4 NGVD shoreline than the existing dock.

d) The application may not result in any further extension into non-conforming side setback areas than the existing dock.

e) In the case of docks not in conformance with the provisions of section 2.01, subd. 2b)2) applicable to new facilities: i) no new Boat Storage Units shall be located in the side setback area without first securing a variance pursuant to section 1.07; and ii) the application may not result in an increase in slip length of any slips opening toward the non-conforming side setback area.

Section 6. LMCD Code, Section 2.015, Subd. 4, paragraph b) is amended as follows:

b) Board Determination. Upon receipt of a complete application together with the appropriate fees, the application shall be forwarded by the executive director to the Board together with a recommendation for determination of the total square footage of slips at the existing dock facilities and of a perimeter within which reconfigured docks and boat storage must be located. The executive director shall also report to the Board the status of all existing non-conformities, variances and special density licenses of the facility. The executive director shall also publish notice of a public hearing on the application in accordance with section 1.05. Following the public hearing, the Board shall adopt a resolution determining the total square footage of the slips at the existing dock facility and the perimeter within which all reconfigured docks and boat storage must be located.

Minor Change Applications: Approved by Executive Director. The Executive Director may approve reconfiguration of non-conforming structures other than Qualified Commercial

Marinas without a public hearing and without Board approval if, in addition to the requirements of Subdivision 3 of this Section, all of the following conditions are met:

- 1) The proposed reconfiguration does not include a conversion of slides to slips.
- 2) All watercraft stored at the reconfigured facility conform to the length limitations of Subdivision 9 of this Section.
- 3) There is no substantial change in the amount of the Lake obstructed or occupied by the dock.
- 4) There is no substantial change in the use of the dock or type of watercraft stored at the dock.
- 5) There is no increase in the number of BSUs stored outside of 100 feet from the shoreline at elevation 929.4 NGVD.
- 6) There is no increase in the square footage of slips outside of 100 feet from the shoreline at elevation 929.4 NGVD.

The Executive Director may approve reconfiguration of non-conforming Qualified Commercial Marina structures without a public hearing and without Board approval if, in addition to all provisions of Subdivision 3.a) of this Section, all of the following conditions are met:

- 1) The proposed reconfiguration does not include a conversion of slides to slips.
- 2) There is no substantial change in the amount of the Lake obstructed or occupied by the dock.

The Executive Director may refer any application to the Board and shall refer any application that the Executive Director proposes to deny.

Section 7. LMCD Code, Section 2.015, Subd. 4, paragraph d) is amended as follows:

d) Application for New Dock License for Reconfigured Dock Facilities. Following receipt of the resolution adopted by the Board under paragraph (b) of this subdivision, ~~the~~an applicant may apply to the Board for a new dock license for a facility that is not a Qualified Commercial Marina pursuant to Section 2.03. Such initial application, or any subsequent application, may be made for a reconfigured dock facility ~~which~~that: (i) does not increase the total square footage of slips of the existing facility as determined in the resolution of the Board; (ii) does not extend beyond the perimeter established by the resolution of the Board; and (iii) is in compliance with the requirements of subdivision 3 of this section. An applicant may apply to the Board for a new dock license for a Qualified Commercial Marina facility pursuant to Section 2.03. Such initial application, or any subsequent application, may be made for a reconfigured facility that (i) does not extend beyond the perimeter established by Resolution of the Board; and (ii) is in compliance with Subdivision 3.a) of this section. Except as provided in this section, the provisions of Section 2.03 shall govern consideration of the new dock license application under this paragraph.

Section 8. LMCD Code, Section 2.015, Subd. 4, paragraph f) is amended as follows:

f) Facilities Currently Existing under Previously Issued Variances. In the case of facilities currently existing under previously granted variances, the application for a new

dock license must be accompanied by an application for a variance or variance amendment pursuant to Section 1.07 ~~unless the new dock license conforms to all requirements of the previously granted variance order.~~ Proceedings for consideration of such variance application and new dock license application shall be conducted concurrently.

Section 9. LMCD Code, Section 2.015, Subd. 6 is amended as follows:

Subd. 6. Abandonment.

a) General Rule. In the event a new dock license for a reconfigured dock facility is granted under this section, and the applicant constructs a reconfigured dock in accordance with such new dock license, the applicant shall be deemed to have abandoned the applicant's previously existing lawful non-conforming status with respect to: (i) the number of Boat Storage Units; (ii) extensions of dock facilities more than 100 feet from the shoreline; (iii) dock side setbacks ~~which that~~ are not in compliance with the provisions of this Code applicable to new facilities; and (iv) total square footage of slips at the facility. Thereafter, such facility shall have only such rights to continue as a lawful non-conforming structure as are conferred in the new dock license.

b) ~~Minimum Slip Size. For purposes of paragraph (a) of this subdivision, no slip which has a smaller width than 6 feet or a shorter length than 14 feet will be considered as a Boat Storage Unit for the purpose of maintaining lawful non-conforming status with respect to boat storage density requirements of this Code.~~ Special Rate for Qualified Commercial Marinas. In the event a new dock license for a reconfigured Qualified Commercial Marina facility is granted under this section, and the applicant constructs a reconfigured dock in accordance with such new dock license, the applicant shall be deemed to have abandoned the applicant's previously existing lawful non-conforming status with respect to: (i) the number of Boat Storage Units; and (ii) dock side setbacks that are not in compliance with the provisions of this Code applicable to new facilities. Thereafter, such facility shall have only such rights to continue as a lawful non-conforming structure as are conferred in the new dock license.

c) Minimum Slip Size. For purposes of paragraph (a) of this subdivision, no slip that has a smaller width than 6 feet or a shorter length than 14 feet will be considered as a Boat Storage Unit for the purpose of maintaining lawful non-conforming status with respect to boat storage density requirements of this Code.

Section 10. LMCD Code, Section 2.015, Subd. 9 is amended as follows:

Subd. 9. Watercraft Length Limitation.

a) It is a condition of all dock licenses issued for docks ~~which that~~ are reconfigured under this section after June 5, 1998, except Qualified Commercial Marinas, that all watercraft stored at an authorized boat storage unit location must comply with the length limitations of this subdivision. No watercraft may be stored at any boat storage unit location ~~which that~~ has a length overall (LOA) ~~which that~~ exceeds the following limitations:

- 1) for boat storage units enclosed by a slip with an end and two sides, the length of the longer side, including licensed dolphin poles, plus four feet; and
- 2) for all other boat storage units, the length of the side of the boat storage unit location at the dock ~~which~~that is parallel to the longitudinal axis of the watercraft, including licensed dolphin poles, plus four feet.

However, for any boat storage unit the Board may specify a different length limitation at the time of approval or renewal of a multiple dock license if the Board concludes that the lengths specified in paragraph a) and b) above are not appropriate. In addition to the watercraft limitations specified in this subdivision, all watercraft must be stored completely within the authorized dock use area of the site.

- b) For purposes of this subdivision, LOA means the horizontal measurement from the foremost to the aftermost points of the watercraft, including all equipment and attachments in their normal operation positions.

Section 11. LMCD Code, Section 2.02 is amended by adding new Subdivision 10 as follows:

Subd. 10. Special Rule for Qualified Commercial Marinas. Up to one restricted watercraft may be moored or docked at a Qualified Commercial Marina on any site (as defined in Section 1.02) for each 10 feet of continuous shoreline in existence on May 3, 1978. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall be counted as one additional watercraft.

Section 12. LMCD Code, Section 2.03, Subd. 2a is amended as follows:

Subd. 2a. As Built Survey. Upon completion of the dock installation, the licensee shall provide an as-built survey of the docks and site indicating the 929.4 foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from property lines and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement ~~for seasonal docks~~ in writing.

Section 13. LMCD Code, Section 2.03 is amended by adding new Subd. 3a. as follows:

Subd. 3a. Additional Review Criteria for Qualified Commercial Marinas. In addition to the review criteria specified in Subdivision 3 of this Section, applications for Qualified Commercial Marinas to increase the number of Boat Storage Units or to extend docks further into the Lake beyond 100 feet require Board action and are subject to the following conditions:

a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;

b) No license will be granted for a proposed facility that overlaps the dock use area of another site;

c) No license will be granted for a proposed facility that will require removal of emergent vegetation;

d) No license will be granted for a proposed facility that interferes with general public navigation or impairs access to or use of the dock use area of another site.

Section 14. LMCD Code, Section 2.03, Subd. 7 is amended as follows:

Subd. 7. New Licenses Required. Any change in slip size, boat storage units, ownership, length, width, height or location, or change in use from one of the classifications of use specified in Section 2.11, Subd. 2 to another, of a structure or launching ramp requiring a license under this section requires the issuance of a new license therefor. The Executive Director may issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

a) all information required by the Executive Director has been submitted by the applicant;

b) the dock, mooring area or launching ramp is in compliance with the provisions of this code;

c) there is no change in the number of watercraft to be stored at the dock or launched from a ramp;

~~d) there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp;~~

ed) the change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment; and

fe) the change will not involve a change in use from one of the classifications of use specified in Section 2.11, Subd. 2 to another.

f) for all facilities except Qualified Commercial Marinas, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposed to deny.

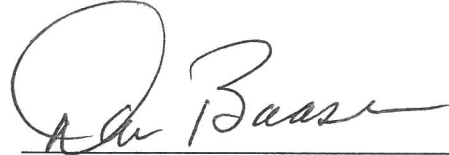
Section 15. LMCD Code, Section 2.05, Subd. 2 is amended as follows:

Subd. 2. License Required. No person shall be issued a multiple dock or mooring area or commercial dock license for a facility ~~which~~^{that} provides for a watercraft storage density greater than one watercraft stored per 50 feet of shoreline, unless a special density license

has been issued by the District or the facility is a Qualified Commercial Marina. Licenses shall not be granted for any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian real property.

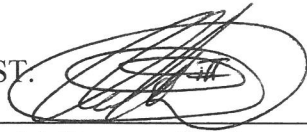
Section 16. This ordinance shall be effective the day following its publication.

Adopted by the Lake Minnetonka Conservation District Board of Directors this 23rd day of April, 2014.



Dan Baasen, Chair

ATTEST.



Andrew McDermott, III, Secretary

Date of Publication: 4/29/14

Effective Date: 4/30/14

(~~Strikeout~~ indicates matters to be deleted, underline indicates new matters.)

COPY

**LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS**

7:00 P.M., Wednesday, April 23, 2014
Wayzata City Hall

1. CALL TO ORDER

Baasen called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members present: Dan Baasen, Wayzata; Jay Green, Mound; Andrew McDermott, Orono; Gary Hughes, Spring Park; David Gross, Deephaven; Ann Hoelscher, Victoria; Anne Hunt, Minnetrista; Dennis Klohs, Minnetonka Beach; Fred Meyer, Woodland; Jeff Morris, Excelsior; Sue Shuff, Minnetonka; and Deborah Zorn, Shorewood. Also present: Charlie LeFevere, LMCD Counsel; Greg Nybeck, Executive Director; Judd Harper, Administrative Technician; and Emily Herman, Administrative Assistant.

Members absent: Doug Babcock, Tonka Bay and Rob Roy, Greenwood

3. APPROVAL OF AGENDA

MOTION: McDermott moved, Gross seconded to approve the agenda as submitted.

VOTE: Motion carried unanimously.

4. CHAIR ANNOUNCEMENTS, Chair Baasen

Baasen made the following three announcements: First, the Executive Committee met on April 22nd for a preliminary review of the draft 2015 LMCD Budget. Comments and suggestions were made, in which they will be reflected in the draft budget that will be initially presented at the Board's May 14th meeting. Second, the first of three 2014 Boater Safety Education sessions will be held this Saturday, April 26th. He was pleased to announce that class was full and interest has been expressed for the June session. Third, the City of Woodland had recently re-appointed Fred Meyer to the LMCD Board. He welcomed Meyer on behalf of the Board and asked LeFevere to administer the oath of office, in which he did. Meyer was seated as a representative for the City of Woodland.

**5. APPROVAL OF MINUTES – 4/9/14 LMCD Regular Board Meeting
4/9/14 LMCD Board Workshop**

MOTION: Green moved, McDermott seconded to approve the minutes of the 4/9/14 Regular Board Meeting as submitted.

VOTE: Motion carried unanimously.

Gross recommended a specific comment be added relative to the lineal measurement of shoreline for the 1:10' density rule to the 4/9/14 LMCD Board Workshop minutes.

MOTION: McDermott moved, Hunt seconded to approve the minutes of the 4/9/14 Board Workshop as amended, making the change noted by Gross above.

[Staff further discussed this amendment with Gross directly, in which he confirmed the amendment should be retracted as it pertained to the draft ordinance under agenda item 9 of this meeting and not the workshop minutes. No amendments were documented and the minutes were filed as originally presented.]

VOTE: Motion carried unanimously.

6. APPROVAL OF CONSENT AGENDA

Green moved, Hunt seconded to approve the consent agenda as submitted. Motion carried unanimously. Items so approved included: **6A**, Audit of vouchers (4/16/14 – 4/30/14); **6B**, March financial summary and balance sheet; and **6C**, **City of Mound and Bernard Wessendorf**, draft Findings of Fact and Order for approval of adjusted dock use area, dock length, and side setback variances at 4644 Carlow Road.

7. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no public comments.

8. PUBLIC HEARINGS

- **Bayview Apts.**, 2014 reconfiguration of non-conforming, multiple dock license application at 2400 Interlachen Road on Spring Park Bay.

Baasen asked Harper for an overview of this agenda item.

Harper reviewed the staff memo, dated 4/17/14, which summarized a request to reconfigure their non-conforming, multiple dock license. The site is currently approved for 26 boat storage units (BSU) on approximately 451' of continuous shoreline (1:17' density). The applicant has proposed to reconfigure the dock to make the majority of the slips Lake opening (expanding the size of some of the BSUs by reducing the size and number of existing BSUs). A proposal has been made to reduce the number of BSUs from 26 to 24 and utilize the square footage of the two removed BSUs to increase the size of other BSUs. He provided a detailed overview of two relevant LMCD Code sections that pertain to this application (2.015, Subdivisions 3 and 9, relative to the requirements and conditions of legal, non-conforming dock licenses). He recommended the Board approve the 2014 license, subject to the following conditions: 1) watercraft stored within all BSUs must comply with the 4' length overall, overhang restriction (with a further restriction for BSUs 1-12 and 19; that must be stored entirely within the slip structure) and 2) the dock structures and watercraft storage must be constructed and maintained in strict conformance with the approved site plan. He entertained questions and comments from the Board, in which there were none.

Baasen invited the applicant to address the Board.

Mr. Tim Latterner, owner of Dock and Lift, Inc., was in attendance representing the applicant. He believed

that the proposed reconfiguration would provide for more efficient boat traffic (including less turning of the Lake bottom). Furthermore, he thought this would be a good time to consider a reconfiguration based on the need to replace the dock structure itself. He entertained questions and comments from the Board, in which there were none.

Baasen opened the public hearing at 7:11 p.m.

Ms. Mary Thurk, 2484 Interlachen Road in Spring Park, stated that she was a neighboring property owner to the south along the bridge into Black Lake. She expressed concern that the southwest extension of the applicant's dock would cause watercraft to traverse too close to her home (with a second concern for wake effects/soil erosion).

Harper confirmed that Thurk lived to the south of the applicant (with a small lot owned by Hennepin County [county] just to the north of her at 2478 Interlachen Road). He could not confirm the measurements of her dock use area (DUA); however, he unofficially reviewed the extended lot lines as they appeared on a county plat map. He offered the following comments: 1) the applicant's proposed slips would be located approximately 200' to 300' away from Ms. Thurk's extended side site line, 2) the applicant is restricted to a 100' long DUA, and 3) in regards to the county's DUA, he stated it was unlikely a dock would be erected from that lot.

Thurk stated that she spoke with the City of Spring Park (city), in which they provided her the applicant's shoreline measurement of 351.13', which contradicted staff's presentation of the applicant's shoreline of 451'.

LeFevere stated that the measurement that the city provided was most likely measured above the 929.4' high water mark (where the surveyed pins are located) vs. the measurement of the 929.4' shoreline documented on the applicant's certified survey.

Baasen thanked Thurk for her comments. There being no further comments, he closed the public hearing at 7:16 p.m. He invited further discussion or a motion from the Board.

The Board had a few questions, in which Harper responded as follows:

- He reiterated that the proposed dock construction would be at their maximum dock length and could not extend further to the southwest.
- He confirmed that DUA's are defined by extending the side site lines into the water at the angle in which it intersects the 929.4' shoreline. Furthermore, he stated that when two abutting sites provide for overlapping DUAs, the process for variance from the LMCD Code is often utilized to resolve such concerns. The application before the Board does not offer such a situation (reiterating the county property that exists between the applicant and Thurk's property).

Zorn asked the applicant to clarify adequate water depth to access BSUs 20, 21, and 22 from the southern end of the dock structure.

Latterner confirmed that the southern entrance to the above noted BSUs is approximately 25' wide with three feet of water depth. He confirmed that those BSUs will be storing personal watercraft (providing for no prop

disturbance to the Lake bottom). Furthermore, he provided an overview as to how the proposed dock was measured on an aerial photograph (acknowledging that other dock angling options were discussed and ruled out by LMCD staff as the measurement from the applicant's shoreline would provide for a dock length beyond 100').

MOTION: Zorn moved, Shuff seconded to approve the 2014 Bayview Apartments Reconfiguration of Non-Conforming Multiple Dock License, subject to staff's recommended conditions.

VOTE: Motion carried unanimously.

9. OTHER BUSINESS

- **Ordinance Amendment**, draft ordinance amending LMCD regulations relative to qualified commercial marinas.
 1. Public testimony
 2. Board discussion and consideration

Baasen stated this agenda item is in follow-up to the commercial marinas' submittal of a lengthy proposal outlining various code amendments relative to their business operation(s). He stated that the Board's review of the current ordinances and consideration of proposed amendments (through multiple meetings) was the first phase in making the regulatory use of the Lake more compatible with business use. He asked LeFevere to provide an overview of the draft ordinance amendment; after which, he would solicit public and Board comments, in that order.

LeFevere directed the Board to an updated draft ordinance, within their handout folder, that had colored editing from the original draft version provided in the Board's packet (with staff providing a copy to all within the audience). He made the following comments:

- In short, the commercial marinas' proposal outlined code amendments that would provide more flexibility in the operation of their business, such as: 1) extending their dock structure(s) out to 200', 2) 1:10' density (without providing documented amenities), 3) allowing the Executive Director more authority to approve minor change applications at the administrative level.
- As simple as that sounds, the amendments affected many sections of the code; providing for the lengthy draft ordinance before them. In reviewing the draft ordinance, he offered the following four overview sections: 1) definition of a qualified commercial marina, 2) code amendments relating to dock extensions to 200' (including the procedures and limitations in doing such), 3) code amendments allowing for the 1:10' density allowance without a special density license (as currently provided), and 4) the proposed increased authority provided to the Executive Director to approve minor changes at the administrative level.
- That the draft amendments are permissive (they do not add any new requirements or make anything unlawful that is currently lawful).
- That the first task in consideration of their proposal was to define the facilities that could make use of the additional privileges. Because of the multitude of code references relative to commercial operations (commercial dock, commercial marina facilities, commercial marinas, etc.) the newly,

defined term of “qualified commercial marina” (QCM) was created. In summary, only facilities that meet this defined term would qualify for the additional privileges listed above.

- The Board has chosen, at this time, not to consider additional privileges for other facilities, i.e., municipalities, boat clubs, homeowner associations, etc., as proposals from those facilities were not before them to consider.
- Originally, the Board considered defining marinas in which all their boat storage units (BSU) were rented to the general public. However, this option was not possible based on some of the marina’s providing slips to law enforcement, transient, contractor use, towed watercraft, etc., that were not rented out. To this end, the draft ordinance provided for the definition of a QCM, with which he believed the commercial marinas concurred.
- He provided the following overview of the draft ordinance:

Proposed Code Amendments Relating to Definition of Qualified Commercial Marinas (QCM)

Section 1, LMCD Code Section 1.02 (adding Subd. 40a – QCM Definition)

- He read the definition of a QCM in full, “..a privately owned, revenue-producing business that rents storage space at one facility for thirteen or more watercraft on the Lake (requiring all “...rented BSUs on the Lake be freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization”).
- Two additional exceptions to this definition, listed as Subd. a) and b), were explained.
- A facility does not qualify as a QCM if it does not meet the definition or outlined exceptions noted above or any part of the facility meets the definition of any of the following classifications of use as defined in Section 2.11, Subd. 2 (Club, Municipal, Outlot Association, Multiple Dwelling, or Private Multiple Facilities).

Proposed Code Amendments Relating to Dock Extensions to 200’ for QCM

Section 2, LMCD Code Section 2.01, Subd. 2 (amending paragraph “a” – QCM Dock Length)

- That Section 2.01, Subd. 2 provide for the description of an authorized dock use area (DUA).
- Subd. a) outlines the length of such DUA. That paragraph is amended to describe the authorized DUA for a QCM as extending 200’ into the Lake.

Section 4 and 5 LMCD Code Section 2.015 (adding Subd. 3a and amending Subd. 3 – QCM Reconfiguration of Non-Conforming Structures)

- Non-Conforming sites are those that are grandfathered in over the 1:50’ or 1:10’ current density rule. Additionally, those facilities cannot go out further beyond 100’ in dock length than they already are (which is left in place for other facilities, i.e., Section 5 of the draft ordinance).
- Section 4 creates a new set of rules for a QCM that does not limit the extension of a dock out to 200’. Both a conforming and now a non-conforming QCM can extend their dock out to 200’

Section 13 LMCD Code Section 2.03 (adding new Subd. 3a – QCM License Review Criteria to extend dock length)

- This section adds new limitations on the ability of a QCM to be issued a multiple dock license for the extension of their dock length beyond 100', subject to the following four conditions: 1) sites with existing variances must obtain a newly approved variance, 2) the non-existence of overlapping DUAs, 3) no removal of emergent vegetation (those above the water, i.e., cattails), and 4) lack of interference with the general public navigation or lack of impaired access to or use of the DUA of another site.

Baasen asked LeFevere to clarify that a QCM would have to address the Board in an effort to extend their dock length beyond 100'.

LeFevere confirmed that the initial licensee request would have to continue to come to the Board for approval to extend their dock beyond 100'. Furthermore, he clarified that the two big changes to this draft ordinance would be to maintain their 1:10' density without a special density license and to extend their dock to 200'. Once the Board approves such a license, the Executive Director would have the authority to administratively approve minor changes thereafter.

Proposed Code Amendments for 1:10' density allowance without a Special Density License for QCM

Section 11, LMCD Code Section 2.02 (adding Subd. 10 – QCM Special Rule for 1:10' Density

- This section simply creates a new 1:10' density rule specifically for QCM.

Section 15, LMCD Code Section 2.05, Subd. 2 (amending paragraph – QCM Density Greater than 1:50' w/o Special Density License)

- This section simply excludes a QCM from having to obtain a special density license to maintain watercraft storage density greater than 1:50'.

Section 13, LMCD Code Section 2.03 (adding Subd. 3a - adding new Subd. 3a – QCM License Review Criteria to increase density)

- He reiterated that this section (reviewed above) not only covered the review criteria to extend a dock beyond 100' but also the increase in BSUs.

Proposed Code Amendments to Increase the Executive Director's Authority in the Administrative Approval of Minor Change Applications

Section 6, LMCD Code Section 2.015, Subd. 4 (amending paragraph "b" – QCM Reconfiguration of Non-Conforming Multiple Dock License Applications Approved by Executive Director)

- The current ordinance allows the Executive Director to approve changes to the reconfiguration of non-conforming facilities, subject to six limitations outlined within this section of both the current ordinance and draft ordinance.

- The draft ordinance removes four of the six limitations that prevent the Executive Director from approving such an application for a QCM, they are: 1) length limitations (under the proposed amendment, the 4' overhang rule are taken away), 2) the use of dock or type of watercraft stored at the dock, and 3) - 4) the increase in the number of BSUs or square footage of slips outside of 100' from the shoreline at elevation 929.4', respectively.

Section 12, LMCD Code Section 2.03, Subd. 2 (amending paragraph – Right to Waive As-Built Survey Requirement for all Types of Multiple Dock Licenses, i.e., New, Non-Conforming, etc.)

- This section pertains to all types of multiple dock licenses.
- The current ordinance provides for the Executive Director to waive the submittal of an as-built survey for seasonal docks.
- The proposed draft ordinance adds this ability for the Board, as well. Additionally, the requirement that the dock structure be seasonal was removed; however, both parties must now document the waiving of the as-built survey in writing.

Section 14, LMCD Code Section 2.03, Subd. 7 (removing section “d” and adding new section “f” – QCM License Requirements)

- This section pertains to all types of multiple dock licenses.
- The current ordinance does not allow for the Executive Director to approve a minor change application if there is a substantial change in the slip size, length, width, height, use or location of the dock or launching ramp; the amount of lakeshore obstructed or occupied by such; or type of watercraft stored.
- The above condition is removed; however, the option to forward the application to the Board for any concerns remains in place.
- In making the change described above, he believed the revisions may have gone too far based on the fact that the applicants that request to extend their dock beyond 100' must first go to the Board for approval.
- To this end, he directed all to pencil in the following additional revision to the last sentence of Section 13, Subd. 3a (on page 6 of the draft ordinance): add the words “require Board action and” just past the words “beyond 100 feet” at the end of the second sentence in Subd. 3a. The sentence would read, “In addition to the review criteria specified in Subdivision 3 of this section,..... further into the Lake beyond 100 feet require Board action and are subject to the following conditions:”

He entertained questions and comments from the Board.

Baasen briefly summarized the following goals that the draft ordinance amendment addresses: 1) the established definition of a QCM and their ability to maintain a 1:10' watercraft density without obtaining a special density license (based on the belief of the commercial marinas that their businesses offer amenities to the public on a standalone basis vs. specifically documenting such in a required license), 2) the ability to extend QCM dock structures out to 200' (providing for original Board approval with minor changes approved at the Executive Director's level), and 3) increasing the Executive Director's authority in approving minor change applications (acknowledging the Director and applicant have the ability to

request Board review, as well). He stated that Board discussion and comments will be solicited after the public meeting. He opened the public meeting at 7:53 p.m.

Mr. Gabriel Jabbour, 985 Tonkawa Road in Orono, made the following comments:

- He expressed his gratitude in the Board's time and effort in considering this lengthy process; confirming (based on the information presented) he believed full consensus was reached on this matter. The process offered in considering this agenda item was a true example of democracy at work.
- He recognized this subject was breached five years ago; however, seasonal business schedules presented challenges.
- He confirmed the following two primary efforts were resolved: 1) a more efficient use of the 1:10' density rule (acknowledging most QCMs have already met or exceed the 1:10' density level) and 2) extending the dock length out to 200'. He believed the State of Minnesota currently allows a non-conforming structure to extend out to 200' (acknowledging too that most of the QCMs' docks are already at such length). This option provides for fewer challenges in making needed structural changes.
- He believed that confusion existed as to why some of the proposed amendments were listed in sections of the code that did not pertain to commercial operations. He concluded that those amendments were for legal documenting purposes.
- He again thanked the Board for their time and effort (specifically recognizing the Executive Committee). He hoped the Board felt the proposed amendments were good for Lake Minnetonka. Additionally, he shared this information with two prior LMCD chair representatives, who expressed enthusiasm towards the proposed amendments.
- He offered to address further Board questions.

Mr. Greg Miller, 335 College Avenue in Excelsior, made the following comments:

- He appreciated the opportunity to address the Board.
- He stated that he serves on the Excelsior City Council, which had not yet acted on this matter but believed there was both city and public general support for such (acknowledging the importance of having more reasonable access to the Lake).
- He believed that the proposed QCM definition was a good first step. He addressed the need for the Board to consider other active parties that maintain BSUs for the public (i.e., municipalities). He recognized the municipalities are not considered a marina nor do they compete or provide amenities as such. However, they do provide access to the population that do not utilize marinas, as well as important public accesses to attractions such as Big Island or the use of municipal transient slips.
- He stated that would like to expand that access (including expansion of dock lengths in non-intrusive areas) and believed that commercial ports and better access to the Lake would provide such.
- In summary, he was supportive and appreciative of the Board's hard work in this area and respectfully requested the Board address other special circumstances (as noted above), as well.

Baasen thanked Miller for his comments. He stated the Board's original intent was to address all parties

providing public access to the Lake; however, that became overwhelming. Therefore, the Board segregated the process for efficiency purposes and acknowledged it was the Board's intent to move forward to the next group.

Miller stated that the City of Excelsior provides use for both residential and commercial boat storage. He asked if the restrictions offered within the draft ordinance would prevent further expansion to facilities that offer both types of use.

Baasen believed the challenge before the Board is to put ordinances in place that allow the various types of facilities to approach the Board with requested options. He believed that once the Board gets through this first phase, he would encourage the communities to put together the same type of proposal that offered interaction amongst the two parties. There being no further comments, he closed the public meeting at 8:05 p.m. and solicited Board comments.

Gross made the following comments:

- Section 1 a): He recommended the word "three" be removed from that section; specifically within the fourth line relative to the three day storage of disabled watercraft.
- Section 2 a), top of page 2: He believed the sentence, "The authorized dock use area for Qualified Commercial Marina extends into the Lake 200 feet" appears almost contradictory based on commercial docks (noted in the paragraph above) is not capitalized or defined. He believed this provided some confusion and recommended incorporating them into one sentence by stating, "...nevertheless, Commercial Dock Marina may extend [vs. shall extend]."
- Section 4, Subd. 3a: He stated that paragraph, as well as paragraph a), provides for a triple negative; therefore, confusing, i.e., it references, "No new dock.."; "shall... not comply;" and ".may not result." He recommended the first paragraph be changed to read, "No A new dock license for reconfiguration of non-conforming Qualified Commercial Marina docks under this section shall not be issued ~~that do not~~ unless it complies with the following requirements."
- Section 11, Subd. 10: He believed the word "straight line measured" be utilized vs. "continuous shoreline" within the third line of that paragraph.

LeFevere sequentially responded to Gross' comments as follows:

- That paragraph "a)" provides for the exception to the rule that slips have to be rented. However, the slips do not have to be rented (as long as it is not more than 20%) if the watercraft was disabled or being repaired. Therefore, a QCM should be able to take in that watercraft without being disqualified.
- That the draft ordinance is not referencing commercial docks but the authorized DUA, which exists independently from (confirming that the draft ordinance establishes a new DUA specifically for a QCM which allows for 200' out vs. 100'. He further explained that if a dock is only 100' in length, the DUA continues to remain 200' out.
- He stated it was important that the draft ordinance be clear to all and if that change would be of assistance, he would make those recommended changes (confirming that Section 5, Subd. 3 would also need to be changed as the two sentences mirror themselves.
- He stated "straight line" is not referenced as it applies to all new dock licenses; confirming that

meandering shoreline was counted until the Board adopted the straight line measurement.

Green referred back to Gross' first bullet point and concurred that more flexibility should be provided (based on a disabled watercraft coming in over the weekend).

Shuff recommended adding the word "business"; providing for "three business days."

McDermott requested clarification on the significance of the use of the word "qualified" within the definition of QCM.

LeFevere stated the words commercial docks, commercial marinas, and commercial marina facilities are referenced throughout the code (providing for more extensive amendments within). Therefore, he utilized a term that capitalized the requirements of that segregated group.

Shuff reiterated her question that was raised during the workshop sessions (not as to what is present within the draft ordinance but what is not). She stated the original proposal submitted by the commercial marinas referenced a whole section on public amenities. She asked what happened to that section.

LeFevere understood the proposal as documenting the use of public amenities for all but the commercial marinas. He confirmed that the amenities are still within the code; however, they just do not apply to a QCM.

Shuff did not read the proposal as such. She raised this question once again as Miller (in a roundabout way) also referenced the subject this evening. She stated a QCM receives special privileges (200' DUA and a density of 1:10', with conditions). To this end, one could see that other referenced groups would like to be treated equitably. Furthermore, if she understood this matter correctly, the draft ordinance should pass the time test of future owners of the current businesses (acknowledging that, other than the conditions listed within the draft ordinance, the only real requirement is the provision of a parking lot).

Baasen stated that the discussion Shuff was mentioning was mostly handled at the Executive Directors meeting (a review of the amenities and segregating what is and is not real or appropriate). This included looking at services a commercial marina currently provides vs. the amenities listed within the Special Density license section of the code. They confirmed that the marina owners offer these services on their own, i.e., additional public access (including handicap access), watercraft repair, pump out stations, etc. He recognized a QCM may not offer those services.

Shuff referenced Baasen's last comment, in which those that do not qualify are not referenced within. She understood the proposal to mention, "no additional requirements," which would attest to the lack of amenities. To her point, that is not referenced in the draft ordinance (having a new owner not providing all the services but possibly a cheaper rate in rental space). To this end, specific amenities should be required to qualify as a QCM.

Green believed that a new business model would continue to provide service to the Lake (whether that be emergency services watercraft storage, etc.). He believed that if specific services, such as pump out

stations are lessening for public use, the Board could address such and amend the ordinance as needed.

Shuff reiterated that the draft ordinance needed to “stand the test of time” and that retrofitting the needs would be difficult. She believed that setting minimal standards to meet the definition of a QCM (passing out AIS literature, etc.) would be a good public relations amenity that gives a QCM those special privileges.

Baasen believed this approach was based on the flexibility to amend the ordinance as situations arise.

LeFevere stated that the Board could legally amend the ordinance (recognizing political concerns in doing such). He stated there was language in the initial discussion as to how a commercial marina was defined (i.e., they may provide such services as “abc.”). However, throughout those discussions, it became clear that those comments were intended to be nothing more descriptive vs. prescriptive (confirming the original proposal documented that there not be any public amenities tied to their license).

Klohs understood that the whole point of the proposal was for the LMCD to not micromanage their business. By definition, their business provides a service to the Lake and to address the small details was unhealthy for both parties.

Shuff concurred that they do not want to micromanage their business (recognizing it is the LMCD’s business to micromanage, within reason, the Lake). She believed the draft ordinance provides a balance which should have a documented reason for such; recognizing there is a cost to the public to provide access to the Lake.

Hoelscher concurred with the comment made this evening (acknowledging that she does not agree with the use of the public amenities list). She reiterated her comment made in previous meetings, in that the definition of a QCM should provide a general reference that to qualify for such, some service to the Lake must be provided. To this end, if a QCM was not providing any public services, they would not meet the definition of such.

LeFevere was unsure that all commercial marinas provided services that were mentioned this evening (other than providing public access to the Lake).

Hunt believed access to the Lake was a public service.

LeFevere stated that the idea of simply providing rental space to the public was advanced as a service.

Morris received confirmation that if the draft ordinance is approved, Board approval would be required when a QCM initially applies for reconfiguration. He believed that if the Board felt that a service was lacking with such a business, they could have a dialog with that owner during the approval process (possibly requesting that needed service be addressed). He stressed the importance of the Board not mandating services to a QCM but would welcome the dialog in providing such (referencing the installation of a pump out station should one be lacking).

Hoelscher clarified that she was not referencing mandating any services but simply documenting that a QCM does provide a service to the Lake which, in essence, provides for their special privileges.

LeFevere recommended the definition be amended by acknowledging the provided public service of renting space. Furthermore, if the Board would like to open the draft ordinance up to a QCM providing other general services, then the Board would need to list and define such (bringing us back to the Special Density License requirements).

Morris did not want the Board to get sidetracked in re-writing the draft ordinance at this meeting. He reiterated that a QCM provided a public service to the Lake as it stands now.

Klohs concurred with Morris' comments.

Mr. Jerry Rockvam, owner of Rockvam Boat Yards, requested the ability to address the Board. Baasen welcomed Rockvam's comments (recognizing the public meeting portion of this agenda item was closed).

Rockvam asked the Board to consider the value of the Special Density License public amenities, i.e., an auto lookout whereby one could drive in and watch the sunset. Furthermore, he asked the Board to recognize the amenities that are not listed (i.e., an employee coming to work after hours to provide gas to a stranded watercraft that was towed in). To this end, a QCM provides amenities that are never even considered.

Jabbour stated it is important that the viewing audience understand that the adoption of the draft ordinance does not give something to a QCM. This process is just simplifying the matter. He believed the communities receive great access to the Lake by having the commercial marinas spread about such, i.e., towing in of stranded watercraft, etc. Furthermore, the rental of BSUs barely pays his property taxes (acknowledging 65% of their business is service). Requiring a QCM to adhere to the public amenities is an embarrassment to him as he has to explain receiving the 1:10' density because he has a public phone (listed amenity). That amenity does not depict the service they provide, which is to providing an essential service to the Lake Minnetonka community.

LeFevere stated that if the Board believed that providing rental space is a public service (recognizing that they provide more service than just that), then the definition offered within the draft ordinances is sufficient all by itself.

- MOTION:** Green moved, Hunt seconded to approve the first reading, waive the second and third reading and adopt the ordinance amending LMCD regulations relative to qualified commercial marinas, subject to the following changes:
- Section 1, subd. 40a a), add the word "business" to fourth line of "three business days."
 - Section 4, Subd. 3a and Section 5, Subd 3, change the wording of the mirrored sentence to read, "No A new dock license for reconfiguration of non-conforming Qualified Commercial Marina docks under this section shall not be issued ~~that de~~

not unless it complies with the following requirements.”

- Section 13, Subd. 3a, add “require Board action and” within the last line of that paragraph. The sentence would read, “In addition to the review criteria.... Extend docks further into the Lake beyond 100 feet require Board action and are subject to the following conditions:”

VOTE: Ayes 11, Abstained (1, Shuff); motion carried.

Baasen, on behalf of the Board, expressed his appreciation to the commercial marinas for the services they do provide. He stated the Executive Committee will consider the other groups that provide public services and establish a list of priorities for the Board’s consideration (acknowledging he expects the individual groups to independently come forward with their respective proposals).

Gross clarified that the concern in providing equitable privileges and the consideration of public amenity use for each group that provides public access could be addressed at the time the Board considers their proposal.

Klohs recommended municipalities be at the top of that list (based on prior communication and their expectation of such).

Nybeck stated he will add that agenda item for the May 20th LMCD Executive Committee meeting, in which all Board members will be notified of such.

10. UPDATE FROM STANDING LMCD COMMITTEES

Baasen asked for an update from the Chair, or designated representative, of each committee (Save the Lake, AIS Task Force, Finance, Personnel, Public Safety, and Ordinance Review).

Morris stated the AIS Task Force met on April 11th. In discussing various options in complying with aquatic invasive species (AIS) transportation laws, it was discovered that the South Lake Police Department does not have the ability to issue citations for such due to lack of proper training. Therefore, the Task Force expressed an interest in pursuing grant options to accommodate for that training (acknowledging initial communication with the police departments in receiving their level of interest).

Green stated that Three Rivers Park District is having their peace officers trained.

Nybeck stated that the Minnehaha Creek Watershed District (MCWD) did go through this exercise a number of years back (offering training sessions to law enforcement agencies). He stated the timing of the sessions was good; however, the attendance was light. At that time, a number of police chiefs recommended the training be provided on site to accommodate staff coverage (estimating six or seven local law enforcement agencies).

Zorn questioned what percentage of work would interface with AIS (providing for the need to assess work

load and budget estimates).

Green stated that a vehicle with zebra mussels attached could be at the public access. The inspector could stop the watercraft from entering the water but they could not write a citation. They would need to call law enforcement for such. The State of Minnesota documented 20% roadside stops that resulted in violations (with public access violations closer to 6%, of which a handful provided for zebra mussels or suspected AIS). He recognized public safety enforcement would prevail over AIS.

Discussion was held amongst the Board as to who and how much of the fine revenue would be distributed, in which Nybeck stated he did not have that information available at this time. Nybeck stated there were changes to the fine distribution but he was unsure of what that was. He believed the Board could receive feedback from their represented city council as to the level of interest and respective priority workload. In training the local enforcement officers, it would provide for a more efficient response time vs. calling the state conservation officer.

Zorn and Baasen believed this process to be a positive one (with Baasen believing law enforcement looked at this option as positive, as well) once all the needed questions are resolved.

Morris confirmed that the main goal of this process is to provide a more efficient process for the watercraft inspectors in calling law enforcement agencies (other than the conservation officers) and not for the purpose of tracking down violators.

Green stated that the Task Force also discussed inappropriate disposal of yard waste (relative to AIS). He stated member Dick Woodruff contacted disposal companies in which four responded. He discovered that although the companies were very knowledgeable in the proper disposal of Emerald Ash tree branches, they had not received formal training for the handling of other AIS (providing for a hole in the system). Additionally, it was reported that the MCWD would be partnering with the University of Minnesota AIS Research Center in the completion of a carp assessment program in Six Mile Creek sub-watershed this summer. Lastly, he provided an update on Jabbour's work with pontoon boat manufacturers relative to their design and the prevention of zebra mussels. This matter has received national attention, in which movement in the change of their design to accommodate such will be seen within the year.

Hughes stated Certificate of Deposits (CD) continue to mature, in which the Finance Committee addresses with a two signature withdrawal and re-deposit policy. All deposits are considered on a staggered basis.

Baasen reiterated that a Boater Safety Education session is scheduled for this Saturday, April 26th at the City of Minnetonka Community Center (starting at 7:45 a.m.). Currently 20 youth and six guardians are scheduled to attend. He solicited the Board's interest in becoming an advocate for this program by attending and assisting the youth through this process (offering the more youth that graduate, the safer the Lake). Additionally, the Save the Lake Committee will be meeting on May 5th at 7:30 a.m. at the LMCD office. He solicited the Board's interest in becoming a member of this committee, as there is a need to increase its membership.

Hughes stated he was present for the 2013 pilot program, which he stated was enlightening. He also

encouraged all to attend.

There was no report for the Ordinance Review, Personnel, and Public Safety Committees.

11. EXECUTIVE DIRECTOR REPORT

Nybeck directed the Board to LMCD Harvesting Program Maintenance Proposal submitted by Curfman Trucking and Repair, Inc. (within his report). He recommended approval of this proposal, in which both the vendor and the contractor remained unchanged from prior years.

MOTION: Green moved, McDermott seconded to approve the Curfman Trucking Repair Maintenance Proposal for the 2014 harvesting season.

VOTE: Motion carried unanimously.

Nybeck stated that there was discussion at the April 22nd LMCD Executive Committee meeting relative to staff's interest, for some time now, in maintaining a central storage location for the LMCD's runabout that is utilized for the Proactive Code Enforcement Program. To this end, he solicited and received confirmation from Lt. Saunders that the LMCD can install docking and a boat lift to accommodate for the storage of this watercraft at the Water Patrol office (providing for a very efficient location in traversing all areas of the Lake). He stated that there is some upfront, capital investment required in accommodating this option. In working with LeFevere, he received a proposal for such from FineLine Docks, which is the company the Water Patrol utilizes for their docking and storage needs. The proposal was provided via the following segments:

- The purchase of a new shore station, with slip cover;
- The purchase of a limited number of dock sections;
- Seasonal removal and installation;
- Initial installation and delivery (no charge); and
- Total proposed quoted costs, including 2014 fall removal (\$8,893.10).

He recommended the Board's approval of this purchase (acknowledging the cost saving of \$30,000 in rent for the 2014 budget year). Additionally, he offered comparables should the LMCD find themselves in a position to annually rent a slip (\$2,070 from the City of Mound and \$4,100 to \$5,500 from other commercial marinas on Lake Minnetonka). Currently various multiple dock licensees have been storing the watercraft at no charge. He entertained questions and comments from the Board.

Green believed the LMCD needed to become more self sufficient (expressing concern for when the in-kind services go away).

Zorn questioned if there were storage terms offered from the Water Patrol.

Nybeck stated that once the capital investment is purchased, the LMCD is subject to a seasonal estimate cost of \$295 for each installation and removal. To date, no terms are offered on the length of the storage option.

Baasen recommended approval based on his believe that the timing was right for the LMCD to become independent of those that we license. Additionally, we have a good relationship with the Water Patrol and their generosity indicates their support to the LMCD, as well.

Klohs concurred with the recommendation.

Morris believed the LMCD should account for such a line item within the budget; however, continue to accept the in-kind services as long as possible.

Hunt and McDermott believed the in-kind services fell into a gray area (utilizing licensed facilities), with McDermott acknowledging their gracious offer. He believed the annual investment is minimal after the capital investment is made, as well as providing more efficient use of staff time.

MOTION: Green moved, Klohs seconded to purchase the Shore Station and docking structure as proposed by FineLine Docks.

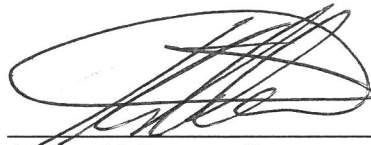
VOTE: Ayes 11, Nays (1, Morris); motion carried.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:12 p.m.



Dan Baasen, Chair



Andrew McDermott, Secretary

Type: Commercial Multiple Dock License/Qualified Commercial Marina
Date: September 14, 2022
PID(s): 11-117-23-21-0001
Address: 1449 Shoreline Drive
Orono, MN 55391

**LAKE MINNETONKA CONSERVATION DISTRICT
HENNEPIN COUNTY, MINNESOTA**

IN RE:

Application of The North Shore Marina, for a Commercial Multiple Dock License as a Qualified Commercial Marina for the Property located at 1449 Shoreline Drive in the City of Orono.

**FINDINGS OF FACT
AND ORDER**

The Lake Minnetonka Conservation District (“LMCD”) received an application from Rich Anderson on behalf of the North Shore Marina (“Applicant”) for a Commercial Multiple Dock License as a Qualified Commercial Marina for its property at 1449 Shoreline Drive, Orono, MN 55391 (“Subject Property”). The Subject Property is currently licensed as a Commercial Marina and the Applicant is seeking to be licensed as a Qualified Commercial Marina to eliminate the need for a special density license and associated conditions. The Board provided the Applicant and the general public an opportunity to be heard at the public hearing held on August 24, 2022, and now, based on its proceedings and the record of this matter, hereby makes the following Findings of Fact and Order:

FINDINGS OF FACT

- a. The Subject Property is located in the City of Orono, on Browns Bay and Tanagers Lake, which are part of Lake Minnetonka (“Lake”).
- b. The Subject Property has been licensed as a Commercial Marina, with a Special Density License.
- c. The Applicant is seeking to operate it as a Qualified Commercial Marina to eliminate the need for a special density license and the associated conditions. The Applicant is seeking a Multiple Dock license for the existing dock structure. The Applicant is not proposing to make any structural or storage changes to the dock structure.
- d. The Subject Property has approximately 3,310 feet of 929.4 NGVD shoreline and, with the proposed continuance of 114 boat storage units (“BSUs”), the site has a density of 1:29. The Subject Property was previously issued a Special Density license, but the conversion to a Qualified Commercial Marina eliminates the need to continue the license.

- e. The Applicant is not proposing to change the existing dock length of approximately 100 feet. A Qualified Commercial Marina may extend a dock up to 200 feet, but this Order limits the length of the dock to 100 feet, which is consistent with how the dock has been installed in previous years. The dock may only be extended if the Applicant seeks, and the Board approves, a new Commercial Multiple Dock license. Furthermore, a proposed extension of the dock beyond 100 feet would require the Board to consider the additional criteria set out in Section 6-2.01, Subd. 4 of the LMCD Code of Ordinances (“Code”).
- f. Under Section 3-1.09 of the Code, the conversion from a Commercial Marina use to a Qualified Commercial Marina use requires the issuance of a new license.
- g. As a Qualified Commercial Marina, the Applicant is eligible under Section 3-2.07, Subd. 1(b) of the Code to seek a Commercial Multiple Dock License in accordance with the procedures set out in Section 6-2.01 of the Code.
- h. The Applicant submitted a site plan, which is attached hereto as Exhibit A and is incorporated herein (“Site Plan”).
- i. Because the dock structure is not being changed, there is no need to consider the need for an EAW.
- j. There were no agency comments received by LMCD regarding the multiple dock license.
- k. The LMCD received six comments from neighboring property owners or the public all concerned about increases in the number of BSUs, the dock structure or the extension of the dock structure into the Lake.
- l. The Board appreciates the input from the Public but finds that under this application there is no increase in the number of BSUs, the dock structure or of the extension into the Lake.
- m. Additional information regarding this matter is provided in the LMCD staff report related to this application dated August 24, 2022 and the presentation made thereon at the meeting (collectively, the “Staff Reports”). The Staff Reports are incorporated herein by reference, except that the approvals and conditions contained in this document shall be controlling to the extent there are any inconsistencies.
- n. The Board has considered the review criteria in Section 6-2.01, Subd. 3 and finds the existing dock structure continues to satisfy those criteria.
- o. The Board held a hearing on the Applicant’s request on August 24, 2022. After hearing from the applicant and the public, and discussing the application, the Board adopted a motion to direct staff to prepare findings and an order approving the request for review and action at its September 14, 2022 meeting.

ORDER

ON THE BASIS OF THE FOREGOING AND THE RECORD OF THIS MATTER, IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Approvals. The following approvals are hereby issued for the Subject Property subject to the conditions identified herein:
 - (a) Change in Use. Allow the change of use of the Subject Property from a Commercial Marina use to a Qualified Commercial Marina use.
 - (b) Commercial Multiple Dock License. Issue a Commercial Multiple Dock license for 114 BSUs for overnight storage as shown on the Site Plan (Exhibit A), with the exception of the removal of the additional dock structure shown at northwestern end of the dock structure on Tanager Lake that is not consistent with the previous approved site plan.
2. Conditions. The approvals granted in this Order are subject to, and conditioned upon, compliance with the following:
 - (a) The Applicant will provide adequate sanitation facilities for persons using the Commercial Multiple Dock facility.
 - (b) Failure of the Applicant to comply with any relevant regulation of the LMCD or other regulatory body may result in revocation of these approvals.
 - (c) Length overall of the watercraft stored at the subject facility shall be no longer than four feet beyond the boat storage unit. Length overall is defined as the horizontal measurement for the foremost to the outmost points of the watercraft including all equipment and attachments in their normal operating position.
 - (d) Any change in the existing dock lighting shall require submission of a new lighting plan and approval by the LMCD staff.
 - (e) Dock structures shall remain and be and maintained in strict compliance with the Site Plan (Exhibit A) as approved.
 - (f) The Subject Property must be maintained and operated in compliance with all other provisions of this Code including, but not limited to, noise standards, and other applicable regulations, ordinances and state law, and particularly applicable zoning regulations of the City of Orono.
 - (g) Adequate lighting and/or reflectorized material be provided at the end of the southwestern edge of the dock along the public navigation channel.

3. Authorizations. The LMCD staff is hereby authorized and directed to issue the approved Commercial Multiple Dock License for the Subject Property and to take such other actions as may be needed to ensure compliance with this Order and the requirements of the Code.
4. Single Order. This order replaces the previous Multiple Dock License issued for the Commercial Marina use and the previous Special Density license, both of which are hereby repealed.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 14th day of September 2022.

Gregg Thomas, Chair

ATTEST: _____
Dan Baasen, Secretary

EXHIBIT A

Site Plan

[attached hereto]

LAKE MINNETONKA CONSERVATION DISTRICT

APPLICANT REQUEST FOR TIME LIMIT EXTENSION

Applicant Name	<i>Name as it appears on the application:</i> Rich Anderson
Business/Site Address	<i>Business Name (if applicable) and site address of request:</i> North Shore Marina, 1449 Shoreline Drive, Wayzata MN 55391
Application	<i>Describe the application to which this request applies:</i> New Multiple Dock Application
Scope of Request	<i>This request will include all requests or matters related to the Application unless expressly excluded from this request by listing them here:</i> All requests
Requested Extended Deadline	<i>List the date of the extended time limit for action on this Application (or state "Indefinite"):</i> Per discussion on 06/22/2022, I am providing an extension until September 16, 2022.
Reason for Requested Extension	<i>Provide a general description of the reason(s) for this request:</i> To allow processing the application and time to obtain any follow up information.

Applicant hereby requests the Lake Minnetonka Conservation District ("LMCD") extend the applicable deadline imposed pursuant to Minnesota Statutes, sections 15.99 ("Act"), or such other law as may apply, for reviewing and taking action on the above listed Application to the date listed above as the Requested Extended Deadline. If the Requested Extended Deadline is identified as indefinite, the Applicant is required to notify the LMCD in writing when its Application is ready for further processing. If no such written notice is provided within 12 months from the date of this request, the Application will automatically be deemed denied. This request is made voluntarily on behalf of all persons or entities which may be considered an Applicant and with the understanding that it waives the Applicant's right to final action on the Application by the deadline imposed by the Act and any previously requested extensions. It is further understood the Applicant may not cancel, waive, or withdraw this extension request.

Applicant understands and agrees the deadline imposed under the Act is suspended until at least the Requested Extended Deadline listed above. Upon that date, or upon written notice to proceed if the extension is indefinite, the LMCD Board will have the until the remaining period provided under the Act, including any remaining extension period, to make a decision on the Application. This request does not limit the LMCD's authority to extend the deadline under the Act for up to an additional 60 days if that authority has not already been exercised with respect to this particular Application. This request for an extension does not prevent the LMCD Board from acting on the Application before the Requested Extended Deadline.

APPLICANT:

Date: 6/22/2022

Richard Anderson

Signature(s)

Rich Anderson

Print Name(s)

No. 2022-48
Commercial Marina



Fee: \$1973.75
256.5 WSUs, 114 BSUs

MULTIPLE, MUNICIPAL, COMMERCIAL DOCK, AND/OR LAUNCHING RAMP LICENSE

LAKE MINNETONKA CONSERVATION DISTRICT County of Hennepin, State of Minnesota

The Lake Minnetonka Conservation District ("LMCD") hereby issues a license to the Licensee named below, for the identified Licensed Facility, in accordance with the LMCD Code of Ordinances and conditioned on the continued compliance with the conditions identified below, existing regulations, and the density policies adopted by the LMCD Board of Directors.

Licensee: North Shore Marina, 3222 North Shore Drive, Wayzata, MN 55391

Licensed Facility: North Shore Marina (Browns Bay), 1449 Shoreline Dr., Orono, Browns & Tanager Bays

License Conditions Summary:

- Per Approved Site Plan 4/4/13
- Subject to: 1) Multiple Dock License; 2) Special Density License 03/27/2013
- Density 1:29, Lakeshore Frontage: 3,310 feet

This license is valid for the 2022 Dock Season and terminates on December 31, 2022. This license is not transferable, and a violation of its conditions can result in the license being revoked. Additionally, a violation of the LMCD Code of Ordinance is punishable by imprisonment for up to 90 days and/or a fine of up to \$1,000.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 29th day of April 2022.

Attest:


Vickie Schleuning
Executive Director

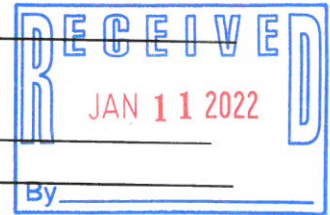


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**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE / COMMERCIAL DOCK AND LAUNCHING RAMP
LAKE MINNETONKA CONSERVATION DISTRICT
License Year 2022**

For LMCD use:

Fee Amount: 2171.13 Check# 21303 Date Received: _____



I. CONTACT INFORMATION

Applicant: **Richard Anderson** Applicant Title: OWNER *Owner, Authorized Agent, etc.*

Phone: **(612) 282-8290** Address: **3222 North Shore Drive, Wayzata, MN 55391**

Company Name: **North Shore Marina (Browns Bay)** Email: **nsmarina@mchsi.com**

II. SITE INFORMATION

Site/Business Name: **North Shore Marina (Browns Bay)** Type of facility: **Commercial Marina**

Site Address: **1449 Shoreline Dr.**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Private use	<u>81</u>	Other Use	0
Service work	0		
Off Lake Storage Dry Slips (No Fee)			0

Watercraft Storage Units (WSU) computation schedule. Enter number of on-lake BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
19	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	57
2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

III. FEES

Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	<u>\$1,923.75</u>
TOTAL LICENSE FEE DUE FOR 2022 (Non-refundable) =	\$1,973.75

IV. PAYMENT OPTIONS

- Option A: Before 12/1/21** Full Payment of License Fee with completed application
- Option B: Before 12/1/21** Partial payment of 20% of the License fee (\$100.00 minimum) with completed application, **remaining balance due 3/31/2021**
- Option C: After 12/1/21** Full payment **plus a 10% late fee** required with completed application

I am returning this completed application along with a check in the amount of:

Option A: Full Payment of License Fee \$ _____ Before 12/1/2021

Option B: 20% of the application fee (\$100 minimum) \$ _____ Before 12/1/2021

Balance Due by 3/31/2022 \$ _____ By 3/31/2022

(Keep a copy of this page for submittal of balance due)

Option C: Full Payment of Fee PLUS 10% LATE FEE \$ 2,171.13 After 12/1/2021

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

Applicant's Signature:


Resident
1/11/2022

Name
Title
Date

Return to: **Lake Minnetonka Conservation District**
5341 Maywood Road, Suite 200
Mound, MN 55364



**MULTIPLE DOCK,
COMMERCIAL DOCK, LAUNCHING RAMP,
and / or MUNICIPAL PUD LICENSE**

**LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota**

WHEREAS, **North Shore Marina (Browns Bay)**, c/o **Richard Anderson**, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:


NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **North Shore Marina (Browns Bay)** is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

- Licensed Facility Located at 1449 Shoreline Dr., Orono, Browns & Tanager Bays;
- Per Site Plan 4/4/13;
- Special Density License Order of 3/27/13;
- Conforming Structure, , 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2021 Dock Season and ending December 31, 2021 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 26th day of April, 2021.

Attest:



Vickie Schleuning, Executive Director

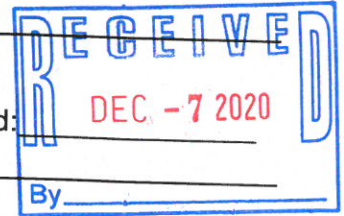


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**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE / COMMERCIAL DOCK AND LAUNCHING RAMP
LAKE MINNETONKA CONSERVATION DISTRICT
License Year 2021**

For LMCD use:

Fee Amount: 2171.13 Check# 20682 Date Received: _____



I. CONTACT INFORMATION

Applicant: **Richard Anderson** Applicant Title: _____ *Owner, Authorized Agent, etc.*

Phone: **(612) 282-8290** Address: **3222 North Shore Drive, Wayzata, MN 55391**

Company Name: **North Shore Marina (Browns Bay)** Email: **nsmarina@mchsi.com**

II. SITE INFORMATION

Site/Business Name: **North Shore Marina (Browns Bay)** Type of facility: **Commercial Marina**

Site Address: **1449 Shoreline Dr.**

Number of Boat Storage Units (BSU), for which you are licensed: **114**
Number of boats stored by use:

Rent, lease	114	Transient Use	0
Private use	<u>8.18%</u>	Other Use	0
Service work	0		
Off Lake Storage Dry Slips (No Fee)			0

Watercraft Storage Units (WSU) computation schedule. Enter number of on-lake BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
19	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	57
2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

III. FEES

Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	\$1,923.75
TOTAL LICENSE FEE DUE FOR 2020 (Non-refundable) =	\$1,973.75

IV. PAYMENT OPTIONS


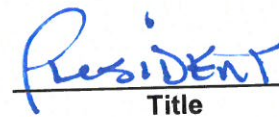
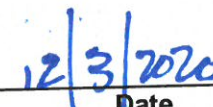
- Option A: Before 12/1/20** Full Payment of License Fee with completed application
- Option B: Before 12/1/20** Partial payment of 20% of the License fee (\$100.00 minimum) with completed application, **remaining balance due 3/31/2021**
- Option C: After 12/1/20** Full payment **plus a 10% late fee** required with completed application

I am returning this completed application along with a check in the amount of:

- Option A: Full Payment of License Fee \$ _____ Before 12/1/2020
- Option B: 20% of the application fee (\$100 minimum) \$ _____ Before 12/1/2020
- Balance Due by 3/31/2021 \$ _____ By 3/31/2021
(Keep a copy of this page for submittal of balance due)
- Option C: Full Payment of Fee PLUS 10% LATE FEE \$ 271.13 After 12/1/2020

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

Applicant's Signature:

 Name Title Date

Return to:

**Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364**



**MULTIPLE DOCK,
COMMERCIAL DOCK, LAUNCHING RAMP,
and / or MUNICIPAL PUD LICENSE**

**LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota**

WHEREAS, **North Shore Marina (Browns Bay)**, c/o **Richard Anderson**, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:


NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **North Shore Marina (Browns Bay)** is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

- Licensed Facility Located at 1449 Shoreline Dr., Orono, Browns & Tanager Bays;
- Per Site Plan 4/4/13;
- Special Density License Order of 3/27/13;
- Conforming Structure, , 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2020 Dock Season and ending December 31, 2020 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 13th day of April, 2020.

Attest:



Vickie Schleuning, Executive Director



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**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE / COMMERCIAL DOCK AND LAUNCHING RAMP
LAKE MINNETONKA CONSERVATION DISTRICT
License Year 2020**

For LMCD use:

Fee Amount: 2171.13 Check# 20119 Date Received: _____

I. CONTACT INFORMATION

Applicant: **Richard Anderson** Applicant Title: Resident Owner, Authorized Agent, etc.

Phone: **(612) 282-8290** Address: **3222 North Shore Drive, Wayzata, MN 55391**

Company Name: **North Shore Marina (Browns Bay)** Email: **nsmarina@mchsi.com**

II. SITE INFORMATION

Site/Business Name: **North Shore Marina (Browns Bay)** Type of facility: **Commercial Marina**

Site Address: **1449 Shoreline Dr.**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Private use	0	Other Use	0
Service work	0		

Off Lake Storage Dry Slips (New 2020 – No Fee) **0**

Watercraft Storage Units (WSU) computation schedule. Enter number of on-lake BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
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2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

III. FEES

Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	\$1,923.75
TOTAL LICENSE FEE DUE FOR 2020 (Non-refundable) =	\$1,973.75

*New 2020 – No Charge for Off Lake Dry Slips

IV. PAYMENT OPTIONS


- Option A: Before 12/1/19** Full Payment of License Fee with completed application
- Option B: Before 12/1/19** Partial payment of 20% of the License fee (\$100.00 minimum) with completed application, **remaining balance due 3/31/2020**
- Option C: After 12/1/19** Full payment **plus a 10% late fee** required with completed application

I am returning this completed application along with a check in the amount of:

Option A: Full Payment of License Fee	\$ _____	Before 12/1/2019
Option B: 20% of the application fee (\$100 minimum)	\$ _____	Before 12/1/2019
Balance Due by 3/31/2020 (Keep a copy of this page for submittal of balance due)	\$ _____	By 3/31/2020
Option C: Full Payment of Fee PLUS 10% LATE FEE	<u>\$2171.13</u>	After 12/1/2019

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

Applicant's Signature:


RESIDENT
12/20/19

 Name Title Date

Return to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364



**MULTIPLE DOCK,
COMMERCIAL DOCK, LAUNCHING RAMP,
and / or MUNICIPAL PUD LICENSE**

**LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota**

WHEREAS, North Shore Marina (Browns Bay), c/o Richard Anderson, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:

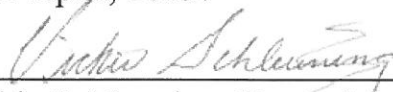
NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **North Shore Marina (Browns Bay)** is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

- Licensed Facility Located at 1449 Shoreline Dr., Orono, Browns & Tanager Bays;
- Per Site Plan 4/4/13;
- Special Density License Order of 3/27/13;
- Conforming Structure, , 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2019 Dock Season and ending December 31, 2019 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 11th day of April, 2019.

Attest:



Vickie Schleuning, Executive Director



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**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE / COMMERCIAL DOCK AND LAUNCHING RAMP
LAKE MINNETONKA CONSERVATION DISTRICT
License Year 2019**

For LMCD use:

Fee Amount: 2171.13 Check# 2019-70 Date Received: 3-4-19

I. CONTACT INFORMATION

Applicant: **Richard Anderson** Applicant Title: _____ *Owner, Authorized Agent, etc.*

Phone: **(612) 282-8290** Address: **3222 North Shore Drive, Wayzata, MN 55391**

Company Name: **North Shore Marina (Browns Bay)** Email: **nsmarina@mchsi.com**

II. SITE INFORMATION

Site/Business Name: **North Shore Marina (Browns Bay)** Type of facility: **Commercial Marina**

Site Address: **1449 Shoreline Dr.**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	<u>25.2891</u> 114	Transient Use	0
Service work	<u>88.701</u> 0	Off Lake Storage	0
Private use	<u>21.115</u> 0	Other Use	0

Watercraft Storage Units (WSU) computation schedule. Enter number of BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
19	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	57
2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

III. FEES

Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	\$1,923.75
TOTAL LICENSE FEE DUE FOR 2019 (Non-refundable) =	\$1,973.75

IV. PAYMENT OPTIONS

- Option A: Before 12/1/18** Full Payment of License Fee with completed application
- Option B: Before 12/1/18** Partial payment of 20% of the License fee (\$100.00 minimum) with completed application, **remaining balance due 3/31/19**
- Option C: After 12/1/18** Full payment **plus a 10% late fee** required with completed application

I am returning this completed application along with a check in the amount of:

Option A: Full Payment of License Fee \$ _____ Before 12/1/18

Option B: 20% of the application fee (\$100 minimum) \$ _____ Before 12/1/18


Balance Due by 3/31/19 \$ _____ By 3/31/19
(Keep a copy of this page for submittal of balance due)

Option C: Full Payment of Fee PLUS 10% LATE FEE \$ 2171.13 After 12/1/18

1973.75
 + 197.38

 2171.13

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge no changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

Applicant's Signature:  RESIDENT 2/28/18

Name Title Date

Return to: Lake Minnetonka Conservation District
 5341 Maywood Road, Suite 200
 Mound, MN 55364



**MULTIPLE DOCK,
COMMERCIAL DOCK, LAUNCHING RAMP,
and / or MUNICIPAL PUD LICENSE**

**LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota**

WHEREAS, **North Shore Marina (Browns Bay)**, c/o **Richard Anderson**, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:

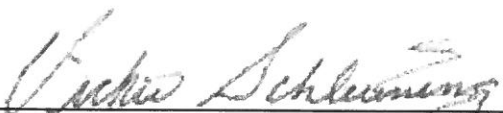
NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **North Shore Marina (Browns Bay)** is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

- Licensed Facility Located at 1449 Shoreline Dr., Orono, Browns & Tanager Bays;
- Per Site Plan 4/4/13;
- Special Density License Order of 3/27/13;
- Conforming Structure, 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2018 Dock Season and ending December 31, 2018 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 16th day of February, 2018.

Attest:


Vickie Schleuning, Executive Director



**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE / COMMERCIAL DOCK AND LAUNCHING RAMP
LAKE MINNETONKA CONSERVATION DISTRICT
License Year 2018**

Handwritten initials

RECEIVED
DEC 15 2017
BY: _____

For LMCD use: 2017-437
 Fee Amount: 1973.75 Check# 1411 Date Received: _____

I. CONTACT INFORMATION

Applicant: **Richard Anderson** Applicant Title: Resident *Richard* **Owner, Authorized Agent, etc.**
 Phone: **(612) 282-8290** Address: **3222 North Shore Drive, Wayzata, MN 55391**
 Company Name: **North Shore Marina (Browns Bay)** Email: **nsmarina@mchsi.com**

II. SITE INFORMATION

Site/Business Name: **North Shore Marina (Browns Bay)** Type of facility: **Commercial Marina**
 Site Address: 32.899 1449 Shoreline Dr.

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Service work	0	Off Lake Storage	0
Private use	0	Other Use	0

Watercraft Storage Units (WSU) computation schedule. Enter number of BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
19	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	57
2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

III. FEES

Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	\$1,923.75
TOTAL LICENSE FEE DUE FOR 2018 (Non-refundable) =	\$1,973.75

IV. PAYMENT OPTIONS

- Option A: Before 12/31/17** Full Payment of License Fee with completed application
- Option B: Before 12/31/17** Partial payment of 20% of the License fee (\$100.00 minimum) with completed application, **remaining balance due 3/31/18**
- Option C: After 12/31/17** Full payment **plus a 10% late fee** required with completed application

I am returning this completed application along with a check in the amount of:

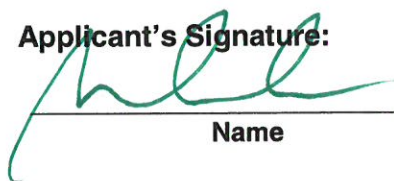


Option A: Full Payment of License Fee \$ 1973.75 Before 12/31/17

Option B: 20% of the application fee (\$100 minimum) \$ _____ Before 12/31/17
 Balance Due by 3/31/18 \$ _____ By 3/31/18
(Keep a copy of this page for submittal of balance due)

Option C: Full Payment of Fee PLUS 10% LATE FEE \$ _____ After 12/31/17

I certify that the information provided herein and any attachments hereto are true and correct statements to the best of my knowledge. No changes have been or will be made without LMCD approval at this site and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change. I understand that any license issued may be revoked by the District for violation of the LMCD code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District in excess of the original fee. I agree to the provisions of the license, if granted; and I consent to permitting officers and agents of the District to investigate at all reasonable times and to determine compliance with all applicable regulation.

Applicant's Signature:

 Name Title Date

Return to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364



MULTIPLE DOCK AND MOORING AREA LICENSE

LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota

WHEREAS, **North Shore Marina (Browns Bay)**, c/o **Richard Anderson**, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **North Shore Marina (Browns Bay)** is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

- Licensed Facility Located at 1449 Shoreline Dr., Orono, Browns & Tanager
- Per Site Plan 4/4/13;
Special Density License Order of 3/27/13;
- NOTICE: If the licensed facility meets the definition of a "Qualified Commercial Marina" in LMCD Code, Section 1.02, Subdivision 40a, the licensee may operate its facility without a Special Density License, and therefore, without providing amenities required by that license. However, if licensee elects not to meet the requirements of the Special Density License, it must continue to qualify as a Qualified Commercial Marina. If at any time in the future, the facility ceases to be a Qualified Commercial Marina, it will not be able to continue to operate without securing a new Special Density License under the requirements of the LMCD Code in effect at the time of application for the Special Density License.;
- Conforming Structure, 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2017 Dock Season and ending December 31, 2017 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 3rd day of April, 2017.

Attest:


Vickie Schleuning, Executive Director

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LAKE MINNETONKA CONSERVATION DISTRICT

LMCD Receipt # 2016-324

DOCK RENEWAL
License Year 2017

**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE &/OR COMMERCIAL DOCK, AND LAUNCHING RAMP**

I, **Richard Anderson, Owner or Authorized Agent** (Circle one), Phone: **(612) 282-8290**; Address: **3222 North Shore Drive, Wayzata, MN 55391**; Email: **nsmarina@mchsi.com**, certify that no changes are to be made in the dock configuration or in the number or location of boats stored for lake use by **North Shore Marina (Browns Bay)** located at **1449 Shoreline Dr.** in the City of **Orono**, riparian to **Browns & Tanager Bay**, during the 2016 season; that all information and attachments on file with the District for last year's application will be applicable to the license being applied for; and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change.

Type of facility: **Commercial Marina**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Service work	0	Off Lake Storage	0
Private use	0	Other Use	0

RECEIVED
DEC 20 2016
BY: _____

Watercraft Storage Units (WSU) computation schedule. Enter number of BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

<u>BSU</u>	<u>SLIP SIZE CATEGORIES</u>	<u>WSU</u>
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
19	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	57
2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

FEE CALCULATION:


Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	<u>\$1,923.75</u>
TOTAL LICENSE FEE DUE FOR 2017 (Non-refundable) =	\$1,973.75

PAYMENT OPTIONS (Please Read):

- ❖ Partial payment of 20% of the application fee, with a \$100.00 minimum, is due with completed application, **on or before 12/31/2016**. The remaining balance due on or before **3/31/2017**.
- ❖ Full payment of fees and a 10% late fee, are required with completed application **if received after 12/31/2016**.

AMOUNT PAID WITH APPLICATION	\$ _____
BALANCE DUE BY 3/31/2017 (Only If Partial Payment Received by 12/31/2016)	\$ _____
	OR
FULL PAYMENT DUE, PLUS 10% LATE FEE (If Payment Received After 12/31/2016)	\$ <u>1973.75</u>

I certify that the information provided herein and the attachments hereto are true and correct. I understand that any license issued may be revoked by the District for violation of the LMCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District during and up to the approval or denial of a license for this application. I consent to permitting officers and agents of the District to enter the premises at all reasonable time to investigate and to determine whether or not the Code of the District is being complied with.



Authorized Signature



Title

Return to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952) 745-0789
Fax: (952) 745-9085



MULTIPLE DOCK AND MOORING AREA LICENSE

LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota

WHEREAS, North Shore Marina (Browns Bay), c/o Richard Anderson, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said North Shore Marina (Browns Bay) is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

Per Site Plan - 4/4/13;

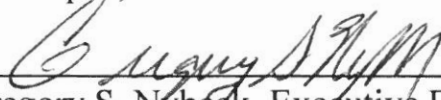
Special Density License Order of 3/27/13;

NOTICE: If the licensed facility meets the definition of a "Qualified Commercial Marina" in LMCD Code, Section 1.02, Subdivision 40a, the licensee may operate its facility without a Special Density License, and therefore, without providing amenities required by that license. However, if licensee elects not to meet the requirements of the Special Density License, it must continue to qualify as a Qualified Commercial Marina. If at any time in the future, the facility ceases to be a Qualified Commercial Marina, it will not be able to continue to operate without securing a new Special Density License under the requirements of the LMCD Code in effect at the time of application for the Special Density License.; Conforming Structure, 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2016 Dock Season and ending December 31, 2016 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 4th day of April, 2016.

Attest:



Gregory S. Nybeck, Executive Director

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LAKE MINNETONKA CONSERVATION DISTRICT

LMCD Receipt # 2016-67

DOCK RENEWAL
License Year 2016

**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE &/OR COMMERCIAL DOCK, AND LAUNCHING RAMP**

I, **Richard Anderson, Owner or Authorized Agent** (Circle one), Phone: **(612) 282-8290**; Address: **3222 North Shore Drive, Wayzata, MN 55391**; Email: **nsmarina@mchsi.com**, certify that no changes are to be made in the dock configuration or in the number or location of boats stored for lake use by **North Shore Marina (Browns Bay)** located at **1449 Shoreline Dr.** in the City of **Orono**, riparian to **Browns & Tanager Bay**, during the 2016 season; that all information and attachments on file with the District for last year's application will be applicable to the license being applied for; and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change.

Type of facility: **Commercial Marina**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Service work	0	Off Lake Storage	0
Private use	0	Other Use	0

Watercraft Storage Units (WSU) computation schedule. Enter number of BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

BSU	SLIP SIZE CATEGORIES	WSU
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
5	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	7.5
69	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	138
18	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	45
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2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

FEE CALCULATION:


Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	\$1,923.75
TOTAL LICENSE FEE DUE FOR 2015 (Non-refundable) =	\$1,973.75

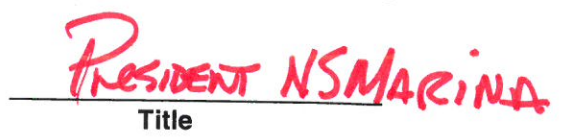
PAYMENT OPTIONS (Please Read):

- ❖ Partial payment of 20% of the application fee, with a \$100.00 minimum, is due with completed application, **on or before 12/1/2015**. The remaining balance due on or before **3/31/2016**.
- ❖ Full payment of fees is required with completed application **if received after 12/1/2015 through 12/31/2015**.
- ❖ Full payment of application fees, plus a 10% late fee, if completed application is received after **12/31/2015**.

AMOUNT PAID WITH APPLICATION	\$ <u>1973.75</u>
BALANCE DUE BY 3/31/2016 (Only If Partial Payment Received by 12/1/2015)	10% LATE \$ <u>197.40</u>
FULL PAYMENT DUE, PLUS 10% LATE FEE (If Payment Received After 12/31/2015)	OR \$ <u>2,171.15</u>

I certify that the information provided herein and the attachments hereto are true and correct. I understand that any license issued may be revoked by the District for violation of the LMCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District during and up to the approval or denial of a license for this application. I consent to permitting officers and agents of the District to enter the premises at all reasonable time to investigate and to determine whether or not the Code of the District is being complied with.


Authorized Signature


Title

Return to:

Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952) 745-0789
Fax: (952) 745-9085

RECEIVED
MAR 31 2016
BY: _____



MULTIPLE DOCK AND MOORING AREA LICENSE

LAKE MINNETONKA CONSERVATION DISTRICT
County of Hennepin, State of Minnesota

WHEREAS, North Shore Marina (Browns Bay), c/o Richard Anderson, 3222 North Shore Drive, Wayzata, MN 55391 has paid the sum of \$1,973.75 DOLLARS to the Treasurer of said LAKE MINNETONKA CONSERVATION DISTRICT as required by the Ordinances of said District and complied with all the requirements of said Ordinances necessary for obtaining this License:

NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said North Shore Marina (Browns Bay) is hereby licensed and authorized to operate a multiple dock subject to existing and future density policies and regulations adopted by the District's Board of Directors,

Per Site Plan - 4/4/13;

Special Density License Order of 3/27/13;

NOTICE: If the licensed facility meets the definition of a "Qualified Commercial Marina" in LMCD Code, Section 1.02, Subdivision 40a, the licensee may operate its facility without a Special Density License, and therefore, without providing amenities required by that license. However, if licensee elects not to meet the requirements of the Special Density License, it must continue to qualify as a Qualified Commercial Marina. If at any time in the future, the facility ceases to be a Qualified Commercial Marina, it will not be able to continue to operate without securing a new Special Density License under the requirements of the LMCD Code in effect at the time of application for the Special Density License.;
Conforming Structure, 1:29 density, 3,310 feet of lakeshore frontage.

for the period of the 2015 Dock Season and ending December 31, 2015 subject to all the conditions and provisions of said Ordinances. Violations of the provisions of the District's Code of Ordinances are punishable by imprisonment for not more than 90 days or imposition of a fine of not more than \$1,000.00 or both.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 5th day of May, 2015.

Attest:

Executive Director, Gregory S. Nybeck

LAKE MINNETONKA CONSERVATION DISTRICT

LMCD Receipt # 2015-207

DOCK RENEWAL
License Year 2015

**RENEWAL WITHOUT CHANGE APPLICATION
MULTIPLE &/OR COMMERCIAL DOCK, AND LAUNCHING RAMP**

I, **Richard Anderson**, *Owner or Authorized Agent (Circle one)*, Phone: **(612) 282-8290**; Address: **3222 North Shore Drive, Wayzata, MN 55391**; Email: **nsmarina@mchsi.com**, certify that no changes are to be made in the dock configuration or in the number or location of boats stored for lake use by **North Shore Marina (Browns Bay)** located at **1449 Shoreline Dr.** in the City of **Orono**, riparian to **Browns & Tanager Bay**, during the 2015 season; that all information and attachments on file with the District for last year's application will be applicable to the license being applied for; and that a new license will be obtained from the Lake Minnetonka Conservation District before making any change.

Type of facility: **Commercial Marina**

Number of Boat Storage Units (BSU), for which you are licensed: **114**

Number of boats stored by use:

Rent, lease	114	Transient Use	0
Service work	0	Off Lake Storage	0
Private use	0	Other Use	0

Watercraft Storage Units (WSU) computation schedule. Enter number of BSU and WSU in each slip size category; (Note: This is only for fee calculations and does not entitle the applicant to install BSU's to the maximum WSU range dimension):

BSU	SLIP SIZE CATEGORIES	WSU
1	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	1
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2	BSU @ 4 WSU (over 16' wide x 48' long) =	8
114	BSU Total WSU for which you are licensed =	256.5

RECEIVED
APR 27 2015
BY: _____

FEE CALCULATION:

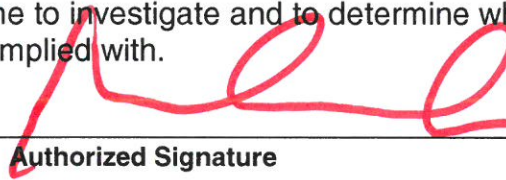
Base Fee =	\$50.00
Number of WSU 256.5 X \$7.50 =	<u>\$1,923.75</u>
TOTAL LICENSE FEE DUE FOR 2015 (Non-refundable) =	\$1,973.75

PAYMENT OPTIONS (Please Read):

- ❖ Partial payment of 20% of the application fee, with a \$100.00 minimum, is due with completed application, **on or before 12/1/2014**. The remaining balance due on or before **3/31/2015**.
- ❖ Full payment of fees is required with completed application **if received after 12/1/2014 through 12/31/2014**.
- ❖ Full payment of application fees, plus a 10% late fee, if completed application is received after **12/31/2014**.

AMOUNT PAID WITH APPLICATION	\$ _____
BALANCE DUE BY 3/31/2015 (Only If Partial Payment Received by 12/1/2014)	\$ _____
FULL PAYMENT DUE, PLUS 10% LATE FEE (If Payment Received After 12/31/2014)	OR \$ <u>2171.13</u>

I certify that the information provided herein and the attachments hereto are true and correct. I understand that any license issued may be revoked by the District for violation of the LMCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance, or other expenses required that be incurred by the District during and up to the approval or denial of a license for this application. I consent to permitting officers and agents of the District to enter the premises at all reasonable time to investigate and to determine whether or not the Code of the District is being complied with.

 RESIDENT
Authorized Signature Title

Return to: Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200
Mound, MN 55364
Phone: (952) 745-0789
Fax: (952) 745-9085

RECEIVED
APR 27 2015
BY: _____



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

May 4, 2022

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: 2022 Multiple, Municipal, Commercial Dock, and/or Launching Ramp License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) has approved your application to renew your 2022 Multiple, Municipal, Commercial Dock, and/or Launching Ramp License(s).

Please note that the license(s) outlines some respective documents associated with your site (e.g. Site Plan, Findings of Fact and Order, Variance(s), Special Density License, etc.). Please review your license and confirm all information and fees are accurate. If your records do not match the license documentation, please contact the LMCD office

Site Inspections

The LMCD may conduct inspections of multiple dock and licensed facilities during the 2022 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses.

Thank you for your cooperation in helping to preserve and enhance the "Lake Minnetonka experience." Have a safe and enjoyable boating season.

Sincerely,

A handwritten signature in cursive script that reads "Vickie Schleuning".

Vickie Schleuning
Executive Director

Enc. – 2022 Multiple, Municipal, Commercial Dock, and/or Launching Ramp License



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

April 26, 2021

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: 2021 Multiple Dock License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) has approved your application to renew your 2021 LMCD Multiple Dock, District Mooring Area, and/or PUD License(s).

Please note that the license(s) outline all respective documents associated with your site (e.g. Site Plan, Findings of Fact and Order, Variance(s), Special Density License, etc.). Please review your license and confirm all information and fees are accurate. If your records do not match the license documentation, please contact the LMCD.

Site Inspections

The LMCD may conduct inspections of multiple dock facilities during the 2021 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses.

Thank you for your cooperation in helping to preserve and enhance the "Lake Minnetonka experience." Have a safe and enjoyable boating season.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Cook", with a long horizontal flourish extending to the right.

Matthew Cook
Environmental Administrative Technician

Enc. – 2021 LMCD Multiple Dock and/or District Mooring Area License(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

April 13, 2020

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: 2020 Multiple Dock License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) has approved your application to renew your 2020 LMCD Multiple Dock, District Mooring Area, and/or PUD License(s).

Please note that the license(s) outline all respective documents associated with your site (e.g. Site Plan, Findings of Fact and Order, Variance(s), Special Density License, etc.). Please review your license and confirm all information and fees are accurate. If your records do not match the license documentation, please contact the LMCD.

Site Inspections

The LMCD may conduct inspections of multiple dock facilities during the 2020 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses.

Thank you for your cooperation in helping to preserve and enhance the "Lake Minnetonka experience." Have a safe and enjoyable boating season.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Cook", with a long horizontal flourish extending to the right.

Matthew Cook
Environmental Administrative Technician

Enc. – 2020 LMCD Multiple Dock and/or District Mooring Area License(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

October 29, 2020

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: Application to Renew Multiple Dock License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) is pleased to enclose your Renewal without Change Multiple Dock License application(s) for 2021. The application(s) is based on the 2020 approved license and all respective documentation associated with such.

Review for Accuracy

Please review the application(s) carefully. If any of the contact information has changed, please make the proper changes on the application itself. However, no changes may be made to the boat storage unit (BSU) and watercraft storage unit (WSU) breakdown and their respective totals. If that information is not correct, please call the LMCD office.

Responsibility of License Holder

It is your responsibility to ensure that: 1) dock installation and boat storage will remain consistent with the previously approved license and any respective documentation and 2) the LMCD regulations are adhered to.

Application Submittal Deadlines

If the license is continuing without change, please complete and return the enclosed application(s) with your payment. A 20% deposit of the full application fee, or a minimum of \$100, must be submitted with the application to the LMCD Office by December 1, 2020. The remaining balance is due on or before March 31, 2021. If the completed application is received after December 1, 2020, full payment of the fee is required plus a 10% late fee.

Sincerely,

A handwritten signature in black ink that reads "Matthew Cook".

Matthew Cook, Environmental Administrative Technician

Encl: Renewal without Change Multiple Dock License Application(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

November 1, 2019

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: Application to Renew Multiple Dock License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) is pleased to enclose your Renewal without Change Multiple Dock License application(s) for 2020. The application(s) is based on the 2019 approved license and all respective documentation associated with such.

Review for Accuracy

Please review the application(s) carefully. If any of the contact information has changed, please make the proper changes on the application itself. However, no changes may be made to the boat storage unit (BSU) and water storage unit (WSU) breakdown and their respective totals. If that information is not correct, please call the LMCD office.

Responsibility of License Holder

It is your responsibility to ensure that: 1) dock installation and boat storage will remain consistent with the previously approved license and any respective documentation and 2) the LMCD regulations are adhered to.

Copies Available Upon Request

If you need copies of your 2019 approved license and respective documentation or you are considering changes to your facility, please contact the LMCD office.

Application Submittal Deadlines

If the license is continuing without change, please complete and return the enclosed application(s) with your payment. A 20% deposit of the full application fee, or a minimum of \$100, must be submitted with the application to the LMCD Office by December 2, 2019. The remaining balance is due on or before March 31, 2020. If the completed application is received after December 2, 2019, full payment of the fee is required plus a 10% late fee.

New for 2020: Fees are not required for off-lake dry slips. Please call the LMCD Office if you have any questions. We look forward to working with you in 2020.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Cook".

Matthew Cook, Environmental Administrative Technician

Encl: Renewal without Change Multiple Dock License Application(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

April 11, 2019

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: 2019 Multiple Dock License

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) has approved your application to renew your 2019 LMCD Multiple Dock, District Mooring Area, and/or PUD License(s).

Please note that the license(s) outline all respective documents associated with your site (e.g. Site Plan, Findings of Fact and Order, Variance(s), Special Density License, etc.). Please review your license and confirm all information and fees are accurate. If your records do not match the license documentation, please contact the LMCD.

Site Inspections

The LMCD may conduct inspections of multiple dock facilities during the 2019 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses.

Thank you for your cooperation in helping to preserve and enhance the "Lake Minnetonka experience." Have a safe and enjoyable boating season.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Cook', with a long horizontal flourish extending to the right.

Matthew Cook
Environmental Administrative Technician

Enc. – 2019 LMCD Multiple Dock and/or District Mooring Area License(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

October 30, 2018

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: Application to Renew Multiple Dock License for Facility in Orono

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) is pleased to enclose your Renewal without Change Multiple Dock License application(s) for 2019. The application(s) is based on the 2018 approved license and all respective documentation associated with such.

Review for Accuracy

Please review the application(s) carefully. If any of the contact information has changed, please make the proper changes on the application itself. However, no changes may be made to the boat storage unit (BSU) and water storage unit (WSU) breakdown and their respective totals. If that information is not correct, please call the LMCD office.

Responsibility of License Holder

It is your responsibility to ensure that: 1) dock installation and boat storage will remain consistent with the previously approved license and any respective documentation and 2) the LMCD regulations are adhered to.

Copies Available Upon Request

If you need copies of your 2018 approved license and respective documentation or you are considering changes to your facility, please contact the LMCD office.

Application Submittal Deadlines

If the license is continuing without change, please complete and return the enclosed application(s) with your payment. A 20% deposit of the full application fee, or a minimum of \$100, must be submitted with the application to the LMCD Office by December 1, 2018. The remaining balance is due on or before March 31, 2019. If the completed application is received after December 1, 2018, full payment of the fee is required plus a 10% late fee.

Please call the LMCD Office if you have any questions or concerns regarding this matter. We look forward to working with you in 2019.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt Cook', written over a white background.

Matthew Cook, Environmental Administrative Technician

Encl: Renewal without Change Multiple Dock License Application(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

February 16, 2018

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

RE: 2018 Multiple Dock, Commercial Dock, District Mooring Area, Launching Ramp, and /
or PUD License(s)

Dear Mr. Anderson:

The Lake Minnetonka Conservation District has approved your application to renew your 2018 Multiple Dock, Commercial Dock, District Mooring Area, Launching Ramp, and/or PUD License(s). Your license(s) is enclosed with this letter.

Please note that each license should list documents associated with your site (e.g. Site Plan, Findings of Fact and Order, Variance(s), Special Density License, etc.). Please review your license and confirm all information and fees are accurate. If your records do not match the license documentation, please contact the LMCD.

Site Inspections

The LMCD will be conducting inspections of multiple dock facilities during the 2018 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses.

Thank you for your cooperation in helping to preserve and enhance the "Lake Minnetonka experience." Have a safe and enjoyable boating season.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Cook', with a long horizontal flourish extending to the right.

Matthew Cook
Environmental Administrative Technician

Enc. – 2018 LMCD Multiple Dock and/or District Mooring Area License(s)

To preserve and enhance the "Lake Minnetonka experience"
www.lmcd.org • lmcd@lmcd.org

/LakeMtkCD

/LakeMinnetonkaConservationDistrict



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

November 2, 2017

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) is pleased to enclose your Renewal without Change Multiple Dock License application(s) for 2018. The application(s) is based on the 2017 approved license and all respective documentation associated with such.

Review for Accuracy

Please review the application(s) carefully. If any of the contact information has changed, please make the proper changes on the application itself. However, no changes may be made to the boat storage unit (BSU) and water storage unit (WSU) breakdown and their respective totals. If that information is not correct, please call the LMCD office.

Responsibility of License Holder

It is your responsibility to ensure that: 1) dock installation and boat storage will remain consistent with the previously approved license and any respective documentation and 2) the LMCD regulations are adhered to.

Copies Available Upon Request

If you need copies of your 2017 approved license and respective documentation or you are considering changes to your facility, please contact the LMCD office.

Application Submittal Deadlines

If the license is continuing without change, please complete and return the enclosed application(s) with your payment. A 20% deposit of the full application fee, or a minimum of \$100, must be submitted with the application to the LMCD Office by December 31, 2017. The remaining balance is due on or before March 31, 2018. If the completed application is received after December 31, 2017, full payment of the fee is required plus a 10% late fee.

Please call the LMCD Office if you have any questions or concerns regarding this matter. We look forward to working with you in 2018.

Sincerely,

A handwritten signature in black ink that reads 'Matthew Cook'.

Matthew Cook
Environmental Administrative Technician

Encl: Renewal without Change Multiple Dock License Application(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

April 24, 2017

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

On behalf of the Lake Minnetonka Conservation District (LMCD), I am pleased to provide your 2017 Lake Minnetonka Conservation District (LMCD) Multiple Dock, District Mooring Area, and/or PUD License(s).

Record of File

Please note that the license(s) outline all respective documents by date, specific to your site. Because your license was issued without change and you have received a copy of the applicable documentation in prior licenses, additional copies are not included with this mailing. Please review your license and confirm all application information and documentation is accurate. If your file does not match the license documentation, please contact the LMCD to discuss or to obtain a copy of any document.

Site Inspections

The LMCD will be conducting inspections of multiple dock facilities during the 2017 boating season. Please ensure your site is in compliance with the approved site plan, as well as any applicable variances and special density licenses. The following are items commonly reviewed during inspections.

- Dock Installation and Boat Storage
 - Dock and structure installation in accordance with approved site plan, e.g. side setbacks and dock length requirements.
 - Placement of watercraft in authorized boat storage units (BSU), consistent with approved site plan. Only one watercraft can be stored within a BSU, e.g., a personal watercraft cannot be stored on or within a BSU already storing one watercraft.
- Conditions of Approved Variances and/or Special Density Licenses (where applicable)
 - Conformance with any approved variance, special density license, or specific conditions within Findings of Fact and Order.



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

November 29, 2016

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

The Lake Minnetonka Conservation District (LMCD) is pleased to enclose your Renewal without Change Multiple Dock License application(s) for 2017. The application(s) is based on the 2016 approved license and all respective documentation associated with such.

Review for Accuracy

Please review the application(s) carefully. If any of the contact information has changed, please make the proper changes on the application itself. However, no changes may be made to the boat storage unit (BSU) and water storage unit (WSU) breakdown and their respective totals. If that information is not correct, please call the LMCD office.

Responsibility of License Holder

It is your responsibility to ensure that: 1) dock installation and boat storage will remain consistent with the previously approved license and any respective documentation and 2) the LMCD regulations are adhered to.

Copies Available Upon Request

If you need copies of your 2016 approved license and respective documentation or you are considering changes to your facility, please contact the LMCD office.

Application Submittal Deadlines

If the license is continuing without change, please complete and return the enclosed application(s) with your payment. A 20% deposit of the full application fee, or a minimum of \$100, can be submitted with the application and received in our office by December 31, 2016. The remaining balance is due on or before March 31, 2017. If the completed application is received after December 31, 2016, full payment of the fee is required plus a 10% late fee.

Feel free to call the office if you have any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Emily Herman'.

Emily Herman
Administrative Technician

Encl: Renewal without Change Multiple Dock License Application(s)



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085
Gregory S. Nybeck, EXECUTIVE DIRECTOR

April 4, 2016

Mr. Richard Anderson
North Shore Marina (Browns Bay)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

Please find enclosed your 2016 Lake Minnetonka Conservation District (LMCD) Multiple Dock License. The LMCD will be inspecting your multiple dock facility during the 2016 boating season. When this inspection is conducted, staff will be checking on the following to ensure the site is in compliance with the approved site plans(s), as well as approved variances and special density license where applicable.

Dock Installation and Boat Storage

- The dock installation and placement of the watercraft in authorized boat storage units (BSU); consistent with approved site plan(s). Only one watercraft can be stored within a BSU, e.g., a personal watercraft cannot be stored on or within a BSU already storing one watercraft.
- Side setback and dock length requirements.

Conditions of Approved Variances and/or Special Density Licenses (where applicable)

- Sites that have an approved variance and/or special density license are required to meet the conditions outlined within the approved Findings of Fact and Order.

Overhang Restrictions (summarized on license where applicable)

- Sites that are subject to the four foot length overall restriction.
- Watercraft fully contained within its BSU for sites approved to the outer limit of the dock use area.

The site plan(s) and any respective Findings of Fact and Order (where applicable) were mailed to you last October with your 2016 renewal application. You will note that the license outlines all respective documents, by date, specific to your site. Please know the LMCD is available to email any and all documents that cannot be located, as well as answer any questions you may have.

On behalf of the LMCD, thank you for your efforts in maintaining your license. Enjoy the boating season.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory S. Nybeck', is written over a printed name.

Gregory S. Nybeck
Executive Director
Lake Minnetonka Conservation District:

Enclosure

Cc: City of Orono





LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

October 13, 2015

Mr. Richard Anderson
North Shore Marina (Browns & Maxwell)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

We are pleased to enclose a renewal without change application(s) to renew your multiple dock license(s) for 2016. It is your responsibility to ensure that your dock installation and boat storage is consistent with the enclosed site plan(s). The renewal without change application is based on the site plan on file not what may have been previously installed in the water.

In an effort to save paper and staff time, the attached site plan, with respective Orders if applicable, will be the only copy submitted to you in the processing of your 2016 license. Please make every effort to maintain the attached copy for your records. As always, the LMCD is available to assist in providing additional copies upon request.

The 2016 applications were generated using a database of information we have gathered in past years. Please review the enclosed application(s) carefully to verify the accuracy of our database as it relates to your facility. If any of the contact information has changed within the past year, please make the proper changes on the enclosed application. However, no changes can be made to the BSU breakdowns at the bottom of page one through a renewal without change application. Please call the LMCD office if you do not believe the BSU dimensions in relation to the WSU categories are correct. Please note if computer-proofing errors exist, it does not entitle you to those errors.

It is your responsibility to ensure that LMCD regulations are being strictly adhered to on an annual basis. If you have plans to modify or change your dock installation or boat storage from your approved site plan in any way, please call the LMCD office to receive a new multiple dock license application. It is recommended that all new multiple dock applications, with proposed changes and accompanying fees, be received as soon as possible so that the Lake Minnetonka Conservation District has enough time to process the application for the 2016 boating season.

If no changes will be made, please complete and return the enclosed renewal without change application with your payment. A 20% deposit of the full application fee, or a \$100 minimum, can be submitted with the application and received in our office by Tuesday, December 1, 2015. The remaining balance is due on or before Thursday, March 31, 2016. If the completed application is received after December 1, 2015 through December 31, 2015, full payment of the fee is required. If the completed application is received after December 31, 2015, you must remit full payment of the fee, plus a 10% late fee.

Feel free to call the office if you have any questions or concerns regarding this matter.

Sincerely,
Lake Minnetonka Conservation District

A handwritten signature in black ink, appearing to read 'Judd J. Harper'.

Judd J. Harper
Administrative Technician

Encl: application(s), approved site plan(s), Orders (if applicable)





LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

Gregory S. Nybeck, EXECUTIVE DIRECTOR

May 5, 2015

Mr. Richard Anderson
North Shore Marina (Browns & Maxwell)
3222 North Shore Drive
Wayzata, MN 55391

Dear Mr. Anderson:

The Lake Minnetonka Conservation District has approved your multiple dock license(s) for the 2015 boating season. The license(s) are enclosed. Any deviation from the approved site plan(s) will require a new license.

It is your responsibility to ensure that your dock installation and boat storage is consistent with the approved site plan(s). The renewal without change application is based on the site plan on file, not what may have been previously installed in the water. If changes are planned, please call the LMCD office to request the appropriate applications. Your cooperation in complying with LMCD Code requirements is greatly appreciated.

Feel free to call the office if you have any questions.

Sincerely,

LAKE MINNETONKA CONSERVATION DISTRICT

A handwritten signature in black ink that reads 'Judd J. Harper'.

Judd J. Harper
Administrative Technician

Encl: license(s)

ATTACHMENT- ITEM 11A

Response Summary for Public Hearing Comments on August 24, 2022 North Shore Marina, 1449 North Shore Dr., Browns Bay and Tanager Lake, Orono

Several comments or questions were raised as part of the Public Hearing process regarding the proposed license classification change for North Shore Marina located on Browns Bay and Tanager Lake. Responses are provided for LMCD Board consideration of the application at the continued review on September 14, 2022. The responses are not intended to be all inclusive; additional resources may be noted if additional information is desired.

Information was also obtained from the Minnehaha Creek Watershed District (MCWD), Hennepin County Public Works Transportation Operations, City of Orono, the Applicant, residents, and other parties as needed. Please note that some items are not under the LMCD authority as indicated, but referenced since it was brought up as part of the public hearing process.

1. What was the purpose of the public hearing?

The application submitted by the Applicant (Rich Anderson, North Shore Marina) was to change the license type from a commercial marina to a qualified commercial marina. The Applicant stated that no changes to the structure or number of watercraft was proposed, but he wished to eliminate the requirements for the special density license and associated conditions. Note: the submitted site plan indicated additional structure on Tanager Lake.

At the public hearing at the Board meeting, the Applicant brought up information not shared as part of the application submittal. Therefore, it was not considered or addressed during the application review process or in the associated Board Memo. This created confusion for the Board and public.

2. Do all commercial marinas need to request QCM status whether or not they are requesting changes to the structures, watercraft density, or navigation?

If a commercial marina does not wish to change their use and continue as a commercial marina, no application is required and the regular license renewal process continues.

If a commercial marina wishes to change the use and license category from a commercial marina to a QCM, the initial application must be brought to the Board for approval to ensure compliance with the code use requirements, remove the need for a special density license, and if docks are extended beyond 100 feet in length. Once the QCM is achieved, certain minor changes may be approved administratively by the Executive Director. Some related code sections are summarized below:

Per LMCD Code 3-2.01. Commercial Uses Identified describes the types of commercial uses including commercial marina and qualified commercial marina.

Per LMCD Code 6-2.03 Renewal of Commercial Multiple Dock License, Subd. 2. New License. If an owners proposes to change slip size, boat storage units, ownership, width, height, or location of an existing commercial multiple dock, or change from the current commercial use, a new commercial multiple dock license is required. The owner shall submit a new application and have it processed as a new commercial multiple dock license request.

Per 6-1.17, New License Required, The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Per 6-1.17 Subd. 2. Other New Licenses. When a new license is required that involves more than a minor change that may be processed administratively, or involves a conversion to a different classification of use, the applicant shall be required to comply with all of the requirements associated with seeking the new license, including paying the required fees, and the LMCD shall process and hold a hearing on the application in the same manner as a new application.

Per 3-2.03, Subd. 3, the conversation of a Commercial Marina to a Qualified Commercial Marinas requires a new license in accordance with Code 6-1.17.

In furtherance, the Board adopted the QCM ordinance on 04/23/2014. In the minutes, it was pointed out by the LMCD legal counsel at that time (Charlie LeFevere) that to become a QCM, the initial license must be approved by the Board. A couple of related excerpts are:

Lefevere confirmed that the initial license request would have to continue to come to the Board for approval to extend their dock beyond 100 feet. Furthermore, he clarified that the two big changes to this draft ordinance would be to maintain their 1:10 density without a special density license and to extend their dock to 200 feet. Once the board approves such a license, the Executive Director would have the authority to administratively approve minor changes thereafter.

Add requires Board action beyond 100 feet to the QCM Review Criteria to Extend Dock Length.

Morris received confirmation that if the draft ordinance is approved, Board approval would be required when the QCM initially applies for reconfiguration. He believed if the Board felt that a service was lacking with such a business, they could have a dialogue with that owner during the approval process and then (possibly requested that needed service be address). He stressed the importance of the Board not mandating services to a QCM, but would welcome the dialogue

in proving such (referencing the installation of a pump out station should one be lacking.)

3. If an approved QCM is requesting changes to BSU's, dock length, etc., is Board review and a public hearing required?

Certain changes to a QCM within the perimeter/envelope are allowed with administrative review and approval. Code 6-1.17, Subd. 1.

6-1.17. New License Required. The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, conversion in use, or the change in the type of structure requiring a license under this Code.

Subd. 1. **Minor Changes.** The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

- (a) All information required by the Executive Director has been submitted by the applicant;
- (b) The structure is in compliance with the provisions of this Code;
- (c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;
- (d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;
- (e) The change will not involve a change in use from one of the classifications of use to another; and
- (f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

4. Is a QCM and all multiple dock licensees required to apply for a new license every year.

Yes, per LMCD Code 3-2.07, Subd. 2, licenses must be renewed annually.

5. What is the typical time frame to process a new license?

The typical application process processed through the Board may take 60-120 days to process, depending on the complexity and responsiveness of the Applicant. The process and timeline are generally based on Minnesota State Law. An Applicant may choose to extend the process through a written notice.

While staff attempt to work with Applicants regarding process times to accommodate Applicant schedules, it often creates more work for the office for additional communications and processing requirements. We frequently work with applicants,

residents, other stakeholders and their attorneys to facilitate a transparent, inclusive process where multiple stakeholders are considered in the review and analysis of applications.

The Applicant was contacted on multiple occasions to try to move the process forward. This included to clarify the application submittal and to schedule the onsite visit. A brief summary of communications and activities is provided below, with some attached written communications:

- On March 17, 2022, an application was received for the change in license type from commercial marina to qualified commercial marina.
- On March 24, 2022, an email was sent to Applicant requesting the digital copy of the site plan.
- On March 24, 2022, an email was sent requesting a corrected signature page with the correct date of submission. It indicated January instead of March.
- On March 24, 2022, received an email from Applicant stating there was no hurry, and to take the full 60 days or whatever time frame.
- On March 25, 2022, received a digital copy of site plan.
- In early April 2022, a review of application and materials revealed additional structure on the plan submitted than on existing site plan. No purpose or additional watercraft were explained.
- In April, the Applicant was contacted a couple times to clarify the application and the submitted changes that contradicted the stated application intention. The Applicant stated he was not able to meet to review the items. He stated there were no changes proposed but would follow up.
- On April 27, 2022, the Applicant was advised that we need to process the MDL application in order to meet the 60-day requirement. He advised me not to worry about it but he was advised that we still need to process the application or he needs to submit an extension request or withdraw the application.
- On May 6, 2022, staff followed up with an email to Applicant with a form to complete for an extension request.
- On May 12, 2022, staff sent an email to Applicant stating since no response received from him that the LMCD was issuing a 60-day extension notice, by email and regular mail.
- On June 15, 2022, an email was sent to the Applicant stating since the office hasn't heard from him, a public hearing would be scheduled for July 13, 2022. There were some differences noted between the current site plan and proposed site plan. A copy of an overlay was provided.
- On June 15, 2022, the public hearing notice was scheduled and sent to the official newspaper and published in the Sun Sailor on June 30, 2022.
- On June 18, 2022, the Applicant emailed stating he could meet at North Shore Marina at 3:00pm Monday, June 20, 2022.
- June 20, 2022, Applicant was emailed stating Monday would not work, and suggested Tuesday June 21 instead. Applicant responded by suggesting

- Wednesday June 22 in addition to stating he would be out of town after that until Monday June 27th. A meeting was confirmed for June 22 to set up a time.
- On June 21, 2022, Applicant emailed stating he would be short-staffed Wednesday, and would get back to LMCD staff later in the day. Applicant also asked for copies of 2015-current Licenses. Applicant was advised of what the inspection would encompass, and again expressed availability of LMCD staff. Applicant responded with a request to be on site for the inspection.
 - On June 22, 2022, staff spoke to Applicant and advised him that the public hearing was scheduled and it needed to be completed. The Applicant thought the 60-day notice he received from LMCD earlier covered the time frame. He was advised it did not and he would be sent another extension request form.
 - On June 22, 2022, the Applicant was sent another form to request a time extension. Based on the conversation with the Applicant, the extension was established as September 16, 2022.
 - On June 22, 2022, the Applicant emailed the signed Request for Time Extension form providing an extension until September 16, 2022.
 - On August 3, 2022, an onsite visit of North Shore Marina was conducted with the Applicant. General measurements were taken of principle dock lengths, watercraft count, and setbacks.
 - The Applicant was advised of two unauthorized storage items that were not in compliance with the existing site plan. The first was an unauthorized Boat Storage Unit located at the north western end of the marina on Tanager Lake. The floating BSU was located next to the walkway from land to shore. The Applicant stated that it was not in use and he was attempting to sell it. Another watercraft was located on the southeastern most end of the docks on Tanager Lake next to the channel outside of an approved boat slip. He was advised that storage was not allowed outside the dock structure on the site plan and that the structure itself did not meet the setback requirements encroaching on the navigation channel so additional encroachment was not allowed. The Applicant stated that he would just change the channel extension. He was advised that would be a change and may not be feasible. The Applicant commented that staff had not provided him the 2015-2022 marina licenses, so he would come in to the office in person to look at past licenses.
 - On August 12, 2022, staff distributed the agency and neighbor notices.
 - On August 15, 2022, staff emailed the public hearing notice to the Applicant for informational purposes. The Applicant emailed back to say that he had received the public hearing notice.
 - Mid-August received inquiries and public comments regarding application.
 - On August 24, 2022, spoke to Applicant and updated him regarding the comments received about the application.
 - On August 24, 2022, the application was presented to the Board and a public hearing was held.

6. Did the Applicant submit an “indefinite” extension request?

No. The extension request signed by the Applicant extends to September 16, 2022, which is not “indefinite”. The LMCD legal counsel stated the application must be approved the next Board meeting of September 14, 2022, since this is the last meeting before the extension request expires. A copy is attached.

7. Did the Applicant have a QCM license taken away and why was the language on the license in 2015 removed from future licenses?

No, the notice originally placed on the license was just that – a notice. It was not a grant of a QCM license. Instead, it was informing those with a special density license the potential to avoid having to comply with the requirements of the special density license if they obtain a QCM license.

When the new QCM code provisions passed, educational information was provided on the 2015 license with the intent of informing licensees of the new license type and conditions. The language was confusing and was therefore removed. Periodic changes are made to documents, such as applications and licenses, as we continually strive to enhance communications for our customers. The following language was not meant to allow commercial marinas to choose their commercial use and associated license type.

NOTICE: If the licensed facility meets the definition of a "Qualified Commercial Marina" in LMCD Code, Section 1.02, Subdivision 40a, the licensee may operate its facility without a Special Density License, and therefore, without providing amenities required by that license. However, if licensee elects not to meet the requirements of the Special Density License, it must continue to qualify as a Qualified Commercial Marina. If at any time in the future, the facility ceases to be a Qualified Commercial Marina, it will not be able to continue to operate without securing a new Special Density License under the requirements of the LMCD Code in effect at the time of application for the Special Density License.

Copies of the North Shore Marina Licenses from 2015-2022 are attached and should have been provided timelier to the Applicant per his request.

8. Applicant states did not receive the board memo information except 3 hours beforehand.

The board memo was sent to the Board, including the Applicant, on Monday, August 22, 2022. The Board meeting was held on Wednesday, August 24, 2022. The Board was previously advised on August 19, 2022 that additional Board agenda items would be sent on Monday. While it is preferred by staff and others to have all board meeting items included in the initial packet, sometimes it is not always possible due to timing.

9. What is the status of the new parking area?

According to the City of Orono, Hennepin County Public Works Transportation Operations, and Minnehaha Creek Watershed District, no permits have been received for a new parking area in this area. Additional questions should be referred to these agencies.

From: [Vickie Schleuning](#)
To: [Vickie Schleuning](#)
Cc: "[Gilchrist, Troy J.](#)"; [LMCD](#); [Maisyn Prueter](#); [Thomas Tully](#)
Bcc: [Ann Hoelscher](#); [Ben Brandt](#); [Bill Cook](#); [Dan Baasen](#); [Deborah Zorn](#); [Dennis Klohs](#); [Denny Newell](#); [Gabriel Jabbour](#); [Gregg Thomas](#); [Jake Walesch](#); [Mark Kroll](#); [Mike Kirkwood](#); [Nicole Stone](#); [Rich Anderson](#)
Subject: RE: Board Meeting Packet 08/24/2022
Date: Monday, August 22, 2022 4:32:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hello Board Directors,

Please see the attached link to the amended board packet including Items 10B and 12A. [HERE](#)
Please note that the public hearing for Item 10A will be continued to a future meeting per the applicant's request.

Let me know if you have questions. Thanks.

Vickie

From: Vickie Schleuning
Sent: Friday, August 19, 2022 10:11 PM
To: Vickie Schleuning <vschleuning@lmcd.org>
Cc: 'Gilchrist, Troy J.' <tgilchrist@kennedy-graven.com>; LMCD <lmcd@lmcd.org>; Maisyn Prueter <mprueter@lmcd.org>; Thomas Tully <ttully@lmcd.org>
Subject: Board Meeting Packet 08/24/2022

Hello Board Directors, Attorney Gilchrist, and Staff,

The Board Packet for the August 24, 2022 is available [HERE](#). It is also available on the website at www.lmcd.org. No hard copies are requested at this time.

The meeting will be held in-person at the Wayzata Community Room, 600 Rice Street in Wayzata.

The following is an overview of the meeting:

- **Meeting Starts at 7:00pm.** No Work Session is scheduled..
- **Attendance.** To ensure we have a quorum, please let us know the status of your attendance.
- Two public hearings are scheduled.
- Three agenda items will be provided by end of day Monday.

If you have questions about the meeting items, please let me know. Have a good weekend,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200 | Mound, MN 55364

Ph 952-745-0789 | vschleuning@lmcd.org

www.lmcd.org

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Vickie Schleuning

From: Maisyn Prueter
Sent: Thursday, March 17, 2022 1:54 PM
To: Rich Anderson; Vickie Schleuning
Subject: RE: All: Please confirm you have everything you need to process my application....

Hi Richie,

We haven't had a chance to look at it yet. Most likely we will take a look at it next week.

Best,
Maisyn

From: Anderson, Rich
Sent: Thursday, March 17, 2022 1:39 PM
To: Vickie Schleuning <vschleuning@lmcd.org>
Cc: Maisyn Prueter <mprueter@lmcd.org>
Subject: All: Please confirm you have everything you need to process my application....

Vickie Schleuning

From: Anderson, Rich <rich@nsmarina.com>
Sent: Thursday, March 24, 2022 3:58 PM
To: Vickie Schleuning; Maisyn Prueter
Cc: Vickie Schleuning
Subject: Re: My application

10-4....

There is no hurry so take the full 60 days or whatever that time frame is...
I will get what you need....

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From: Vickie Schleuning <vschleuning@lmcd.org>
Sent: Thursday, March 24, 2022 3:55:24 PM
To: Anderson, Rich <rich@nsmarina.com>; Maisyn Prueter <mprueter@lmcd.org>
Cc: Vickie Schleuning <vschleuning@lmcd.org>
Subject: RE: My application

Hello Rich,

We need a digital copy of the site plan. Also, the signature date states 01/07/2022 and we received the materials on 03/16/2022. Otherwise, the remaining documents seem sufficient to get started with the review. We may have questions as we proceed with the review.

Thanks,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
www.lmcd.org

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From: Anderson, Rich <rich@nsmarina.com>
Sent: Thursday, March 24, 2022 9:49 AM
To: Vickie Schleuning <vschleuning@lmcd.org>; Maisyn Prueter <mprueter@lmcd.org>
Subject: RE: My application

I chatted with Maisyn on Monday about the Application I dropped off on Friday of last week....
The question I have is do you have everything you need, which I think I got for you, so you can proceed to process the application....

Let me know if you need anything else and now that the board meeting is behind us, maybe you can find the time to let me know today....

I am going out of town next week and would like to get an answer today or tomorrow....

THX

Vickie Schleuning

From: Anderson, Rich <rich@nsmarina.com>
Sent: Friday, March 25, 2022 4:06 PM
To: Vickie Schleuning
Subject: RE: This should be the digital copy.... Please confirm you are now good.... I have only today before I go out of town and if needing anything else, I can get done today.... THX

Dynamite and thank you....

Sorry for being a pest, but I am trying to tie up loose ends before I head out...

From: Vickie Schleuning <vschleuning@lmcd.org>
Sent: Friday, March 25, 2022 4:05 PM
To: Anderson, Rich <rich@nsmarina.com>
Subject: Re: This should be the digital copy.... Please confirm you are now good.... I have only today before I go out of town and if needing anything else, I can get done today.... THX

This works. Thanks.

From: Anderson, Rich <rich@nsmarina.com>
Sent: Friday, March 25, 2022 9:49:39 AM
To: Vickie Schleuning <vschleuning@lmcd.org>
Subject: This should be the digital copy.... Please confirm you are now good.... I have only today before I go out of town and if needing anything else, I can get done today.... THX

From: Ken Faucher <kfaucher@efnsurvey.com>
Sent: Friday, March 25, 2022 9:23 AM
To: Anderson, Rich <rich@nsmarina.com>
Subject: RE: Tanager Parcel




Ken Faucher
Project Manager

T: (612)466-3363
C: (612)703-9102
E: kfaucher@efnsurvey.com
W: www.efnsurvey.com

Egan, Field & Nowak, Inc. | 475 Old Highway 8 NW, Suite 200 | New Brighton, MN 55112

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From: Anderson, Rich <rich@nsmarina.com>
Sent: Wednesday, March 23, 2022 2:23 PM
To: Ken Faucher <kfaucher@efnsurvey.com>
Subject: RE: Tanager Parcel

Perfect and they did come out and stake it, and we look good....

From: Ken Faucher <kfaucher@efnsurvey.com>
Sent: Wednesday, March 23, 2022 2:00 PM
To: Anderson, Rich <rich@nsmarina.com>
Subject: RE: Tanager Parcel

Hi Rich,
I only saw one description and I have marked it on the last drawing we prepared.
The location of the right-of-way described in the file (attached) you provided to me is shown in Magenta hatching.

Hope all is well and that I informed you our company has moved?
Thanks




Ken Faucher
Project Manager

T: (612)466-3363
C: (612)703-9102
E: kfaucher@efnsurvey.com
W: www.efnsurvey.com

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 -Think Green - Please do not print this email unless necessary

From: Anderson, Rich <rich@nsmarina.com>
Sent: Tuesday, March 22, 2022 12:05 PM
To: Ken Faucher <kfaucher@efnsurvey.com>
Subject: FW: Tanager Parcel

Ken, I am finally settling up with Hennepin County to deed the property they use to have in exchange for new easements they needed for the bridge and wondering if you can confirm the legal to the drawing enclosed in the two documents....
THX

From: John D Ekola <John.Ekola@hennepin.us>
Sent: Tuesday, March 22, 2022 8:23 AM
To: Anderson, Rich <rich@nsmarina.com>
Subject: Tanager Parcel

Good morning Rich,

The property stakes should be marked now, let me know if there's any issues.

Also, attached is the layout and the property description, let me know if you have any questions.

Thanks,

John Ekola, PE
Bridge Division
Hennepin County Transportation Department
1600 Prairie Drive
Medina, MN 55340
(612) 596-0370

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Vickie Schleuning

From: Vickie Schleuning
Sent: Thursday, May 12, 2022 9:43 AM
To: Rich Anderson
Cc: LMCD; Vickie Schleuning
Subject: RE: North Shore Marna Application
Attachments: 60-day Extension_North Shore Marina_20220511 .pdf

Tracking:	Recipient	Delivery
	Rich Anderson	
	LMCD	Delivered: 5/12/2022 9:44 AM
	Vickie Schleuning	Delivered: 5/12/2022 9:43 AM

Hello Rich,

I know you are busy so not sure if you saw the earlier email. I am attaching a 60-day extension letter for the North Shore Marina MDL application and also mailed one by regular mail.

Let me know when you have time to discuss the application. Thanks,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
www.lmcd.org

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From: Vickie Schleuning
Sent: Friday, May 6, 2022 7:39 AM
To: Rich Anderson <rich@nsmarina.com>
Cc: Vickie Schleuning <vschleuning@lmcd.org>; LMCD <lmcd@lmcd.org>
Subject: North Shore Marna Application

Hello Rich,

Will you please sign the attached time extension request as soon as possible for the North Shore Marina new multiple dock application request, noting we are still moving forward with its processing. I would appreciate it.

Also, I know you are busy too, but do you have time to meet to review the application? If you have time next week, please provide a couple preferred dates/times or let me know when you are available otherwise.

Thanks and I hope all is going well.

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200 | Mound, MN 55364

Ph 952-745-0789 | vschleuning@lmcd.org

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LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

May 11, 2022

Richard Anderson
Northshore Marina
1449 Shoreline Drive
Wayzata, MN 55391

Email: rich@nsmarina.com

RE: Multiple Dock License Application for North Shore Marina, 1449 Shoreline Drive (PID 111-17-23-21-0001)

Dear Mr. Anderson:

I am writing to notify you the Lake Minnetonka Conservation District ("LMCD") is exercising its option under Minnesota Statutes, section 15.99 to extend the period in which it has to take final action on your application requests by an additional 60 days. Your applications requesting a new multiple dock license for the proposed dock facility at 1449 Shoreline Drive was submitted March 16, 2022. The initial 60-day period expires on May 16, 2022, and this extension means the LMCD Board of Directors ("Board") must take final action on your application or seek an additional extension by July 14, 2022.

The reason for this extension is to provide more time for review and the applicant to gather additional site information as needed and to allow time to hold a public hearing at a LMCD Board meeting.

Please contact me if you have questions.

Sincerely,


Vickie Schleuning, Executive Director

CC: Thomas Tully, Environmental Administrative Technician

Vickie Schleuning

From: Vickie Schleuning
Sent: Wednesday, June 15, 2022 6:24 PM
To: Rich Anderson
Cc: Thomas Tully; Vickie Schleuning
Subject: RE: North Shore Marna Application
Attachments: Overlay Existing Proposed 2022 NSM Browns 052022.pdf

Hello Rich,

As follow up to our previous discussion, we should meet to discuss the MDL application submittal and site plan. This is a typical part of the application review process. In the meantime, I have attached an overlay that shows the original site plan and currently submitted site plan, which match closely. We also attached a site plan overlay using the Hennepin County aerial for comparison with your current dock installation, noting some differences, but it is an approximate overlay. Did the widening of the channel reduce the portion of dock BSU #113 to 13.7 feet from the channel versus the 22.7 feet closest to shore? We will also verify measurements on site.

Since you have not submitted a 60-day time extension request per previous correspondence, we will submit the legal notice to the newspaper. The public hearing will be scheduled for July 13, 2022.

I look forward to hearing from you. Thank you,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
www.lmcd.org

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From: Vickie Schleuning <vschleuning@lmcd.org>
Sent: Thursday, May 12, 2022, 9:43 AM
To: Rich Anderson <rich@nsmarina.com>
Cc: LMCD <lmcd@lmcd.org>; Vickie Schleuning <vschleuning@lmcd.org>
Subject: RE: North Shore Marna Application

Hello Rich,

I know you are busy so not sure if you saw the earlier email. I am attaching a 60-day extension letter for the North Shore Marina MDL application and also mailed one by regular mail.

Let me know when you have time to discuss the application. Thanks,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
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From: Vickie Schleuning
Sent: Friday, May 6, 2022 7:39 AM
To: Rich Anderson <rich@nsmarina.com>
Cc: Vickie Schleuning <vschleuning@lmcd.org>; LMCD <lmcd@lmcd.org>
Subject: North Shore Marna Application

Hello Rich,

Will you please sign the attached time extension request as soon as possible for the North Shore Marina new multiple dock application request, noting we are still moving forward with its processing. I would appreciate it.

Also, I know you are busy too, but do you have time to meet to review the application? If you have time next week, please provide a couple preferred dates/times or let me know when you are available otherwise.

Thanks and I hope all is going well.

Vickie Schleuning

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APPLICANT REQUEST FOR TIME LIMIT EXTENSION

Applicant Name	<i>Name as it appears on the application:</i> Rich Anderson
Business/Site Address	<i>Business Name (if applicable) and site address of request:</i> North Shore Marina, 1449 Shoreline Drive, Wayzata MN 55391
Application	<i>Describe the application to which this request applies:</i> New Multiple Dock Application
Scope of Request	<i>This request will include all requests or matters related to the Application unless expressly excluded from this request by listing them here:</i> All requests
Requested Extended Deadline	<i>List the date of the extended time limit for action on this Application (or state "Indefinite"):</i> Per discussion on 06/22/2022, I am providing an extension until September 16, 2022.
Reason for Requested Extension	<i>Provide a general description of the reason(s) for this request:</i> To allow processing the application and time to obtain any follow up information.

Applicant hereby requests the Lake Minnetonka Conservation District ("LMCD") extend the applicable deadline imposed pursuant to Minnesota Statutes, sections 15.99 ("Act"), or such other law as may apply, for reviewing and taking action on the above listed Application to the date listed above as the Requested Extended Deadline. If the Requested Extended Deadline is identified as indefinite, the Applicant is required to notify the LMCD in writing when its Application is ready for further processing. If no such written notice is provided within 12 months from the date of this request, the Application will automatically be deemed denied. This request is made voluntarily on behalf of all persons or entities which may be considered an Applicant and with the understanding that it waives the Applicant's right to final action on the Application by the deadline imposed by the Act and any previously requested extensions. It is further understood the Applicant may not cancel, waive, or withdraw this extension request.

Applicant understands and agrees the deadline imposed under the Act is suspended until at least the Requested Extended Deadline listed above. Upon that date, or upon written notice to proceed if the extension is indefinite, the LMCD Board will have the until the remaining period provided under the Act, including any remaining extension period, to make a decision on the Application. This request does not limit the LMCD's authority to extend the deadline under the Act for up to an additional 60 days if that authority has not already been exercised with respect to this particular Application. This request for an extension does not prevent the LMCD Board from acting on the Application before the Requested Extended Deadline.

APPLICANT:

Date: 6/22/2022

Richard Anderson

Signature(s)

Rich Anderson

Print Name(s)

Vickie Schleuning

From: Anderson, Rich <rich@nsmarina.com>
Sent: Wednesday, June 22, 2022 2:30 PM
To: Vickie Schleuning
Subject: RE: North Shore Marna Application
Attachments: EXTENSION.pdf

From: Vickie Schleuning <vschleuning@lmcd.org>
Sent: Wednesday, June 22, 2022 1:40 PM
To: Anderson, Rich <rich@nsmarina.com>
Cc: Vickie Schleuning <vschleuning@lmcd.org>; Thomas Tully <ttully@lmcd.org>
Subject: RE: North Shore Marna Application

Hello Rich,

Per our discussion, attached is an extension request form for you to complete. I am hoping we can complete it earlier than the date though so let us know when you are back and able to meet for the onsite review.

Thanks and have a safe trip,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
www.lmcd.org

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From: Anderson, Rich <rich@nsmarina.com>
Sent: Tuesday, June 21, 2022 1:11 PM
To: Thomas Tully <ttully@lmcd.org>
Cc: Vickie Schleuning <vschleuning@lmcd.org>
Subject: RE: North Shore Marna Application

Nah, I'll be there so I know beforehand what your issues are....
Were you able to send me over those LMCD permits that should be easy to find in my file....
Looking for those to find out what Vickie has issues with and we can discuss....
THX

From: Thomas Tully <ttully@lmcd.org>
Sent: Tuesday, June 21, 2022 12:59 PM
To: Anderson, Rich <rich@nsmarina.com>
Cc: Vickie Schleuning <vschleuning@lmcd.org>
Subject: RE: North Shore Marna Application

Hey Rich,

We are just planning on doing routine observations and measurements. You don't need to be there if you don't have the time. We could get out there tomorrow or anytime this week. Let me know if that would work!
Thanks

-Tom

From: Anderson, Rich <rich@nsmarina.com>
Sent: Tuesday, June 21, 2022 8:24 AM
To: Thomas Tully <ttully@lmcd.org>
Cc: Vickie Schleuning <vschleuning@lmcd.org>
Subject: RE: North Shore Marna Application

Well, let me get back to you in a bit this morning....

I all of a sudden am two people short and had tomorrow covered, but nobody can work these days with a runny nose....
Amazing....

In the meantime, please send me copies of my Licenses from [2015-current](#)....

THX and I will come back with a time and if I can't figure out a time, can we meet on Monday next....

From: Thomas Tully <ttully@lmcd.org>
Sent: Monday, June 20, 2022 4:19 PM
To: Anderson, Rich <rich@nsmarina.com>
Subject: RE: North Shore Marna Application

Hey Rich,

Wednesday works, is there a time you had in mind? We could make any time work.
Thank you.

-Tom

From: Anderson, Rich <rich@nsmarina.com>
Sent: Monday, June 20, 2022 2:27 PM
To: Thomas Tully <ttully@lmcd.org>
Subject: RE: North Shore Marna Application

I am short handed tomorrow....

Wednesday is good for me and then out of town till Monday next week.....

I forgot you guys probably have the day off today....

From: Thomas Tully <ttully@lmcd.org>
Sent: Monday, June 20, 2022 1:03 PM
To: Anderson, Rich <rich@nsmarina.com>

Cc: Vickie Schleuning <vschleuning@lmcd.org>

Subject: RE: North Shore Marna Application

Hey Rich,

Thank you for getting back to us. Today unfortunately doesn't work, would tomorrow at 3:00 work for you?

Thanks

-Tom

From: Anderson, Rich <rich@nsmarina.com>

Sent: Saturday, June 18, 2022 12:57 PM

To: Vickie Schleuning <vschleuning@lmcd.org>

Cc: Thomas Tully <ttully@lmcd.org>; Vickie Schleuning <vschleuning@lmcd.org>

Subject: Re: North Shore Marna Application

Let's meet at the marina at 3:00 on Monday....

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From: Vickie Schleuning <vschleuning@lmcd.org>

Sent: Wednesday, June 15, 2022 6:23:30 PM

To: Anderson, Rich <rich@nsmarina.com>

Cc: Thomas Tully <ttully@lmcd.org>; Vickie Schleuning <vschleuning@lmcd.org>

Subject: RE: North Shore Marna Application

Hello Rich,

As follow up to our previous discussion, we should meet to discuss the MDL application submittal and site plan. This is a typical part of the application review process. In the meantime, I have attached an overlay that shows the original site plan and currently submitted site plan, which match closely. We also attached a site plan overlay using the Hennepin County aerial for comparison with your current dock installation, noting some differences, but it is an approximate overlay. Did the widening of the channel reduce the portion of dock BSU #113 to 13.7 feet from the channel versus the 22.7 feet closest to shore? We will also verify measurements on site.

Since you have not submitted a 60-day time extension request per previous correspondence, we will submit the legal notice to the newspaper. The public hearing will be scheduled for July 13, 2022.

I look forward to hearing from you. Thank you,

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200 | Mound, MN 55364

Ph 952-745-0789 | vschleuning@lmcd.org

www.lmcd.org

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Vickie Schleuning

From: Anderson, Rich <rich@nsmarina.com>
Sent: Monday, June 20, 2022 12:18 PM
To: Vickie Schleuning
Subject: RE: Sight visit today at 3:00

I didn't hear back from you so assume the site visit is not on today....
I am available from 11:00 to whenever you need to get ready for the Meeting on Wednesday....
Let me know if that works for you....

Vickie Schleuning

Subject: Reminder North Shore Marina Visit
Location: Onsite Application Review

Start: Wed 8/3/2022 1:00 PM
End: Wed 8/3/2022 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Vickie Schleuning
Required Attendees: Rich Anderson; Thomas Tully
Optional Attendees: LMCD

Hello,

This is a reminder appointment regarding the onsite meeting to review the new multiple dock application information for North Shore Marina, Browns Bay and Tanager.

Thanks.

Vickie Schleuning

Executive Director | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | vschleuning@lmcd.org
www.lmcd.org

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Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: 244 588 559 946

Passcode: siBJY8

[Download Teams](#) | [Join on the web](#)

Thomas Tully

From: Anderson, Rich <rich@nsmarina.com>
Sent: Monday, August 15, 2022 12:36 PM
To: Thomas Tully
Cc: Vickie Schleuning
Subject: RE: North Shore Marina Public Hearing Notice

Received, thank you....

From: Thomas Tully <ttully@lmcd.org>
Sent: Monday, August 15, 2022 12:21 PM
To: Anderson, Rich <rich@nsmarina.com>
Cc: Vickie Schleuning <vschleuning@lmcd.org>
Subject: North Shore Marina Public Hearing Notice

Good Afternoon Rich,

Attached in this email is the public hearing notice that was mailed out on Friday August 12, 2022. Included in this attachment is the public hearing letter, areal photos of the site, and the submitted site plan. We will be contacting you on or before Friday August 19 to go over any public feedback and staff's general feedback. Feel free to contact me in the meantime with any questions.

Sincerely,

Thomas Tully

Environmental Administrative Technician | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | Fx 952-745-9085 | Ttully@lmcd.org



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www.lmcd.org



LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: August 12, 2022
TO: Property Owner or Resident
FROM: Vickie Schleuning, Executive Director
CC: Thomas Tully, Environmental Administrative Technician
SUBJECT: Public Hearing Notice

You are receiving this notice since Hennepin County property records indicate you own or reside upon property within 350 feet of a site being considered for reclassification from a Commercial Marina to a Qualified Commercial Marina. The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider the application. The site is located at 1449 Shoreline Drive in Orono and has shoreline on Browns Bay and Tanager Lake. The applicant is North Shore Marina, Rich Anderson.

The applicant proposes to reclassify the site from a Commercial Marina to a Qualified Commercial Marina, stating there have been no changes to structure or storage from the original 2013 site plan. All interested persons will be given an opportunity to comment. An aerial image and proposed site plan are enclosed for your reference.

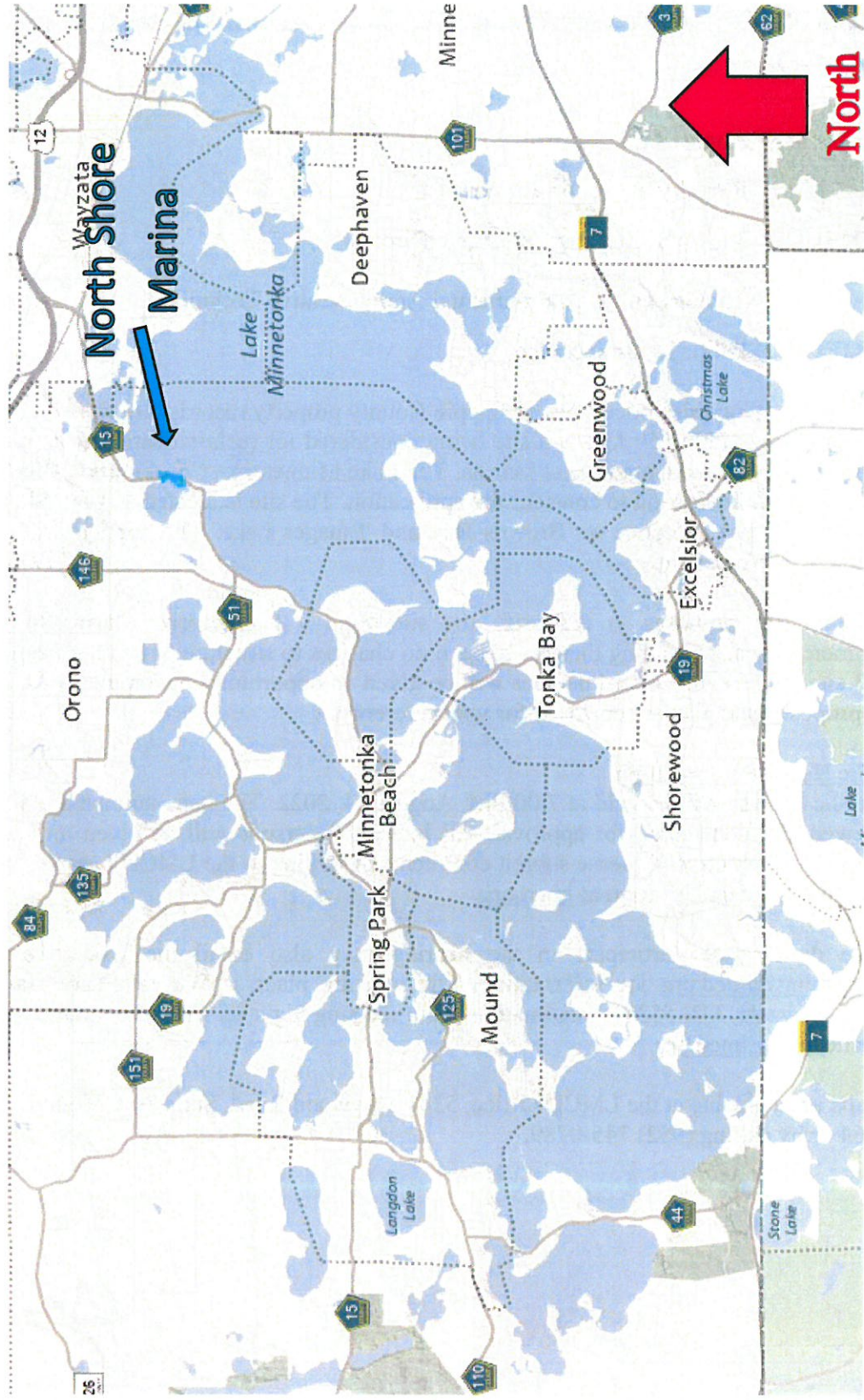
Public Hearing Information

A public hearing will be held at 7:00 PM, August 24, 2022. The item summarized above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the "Contact Us" form at lmcd.org.

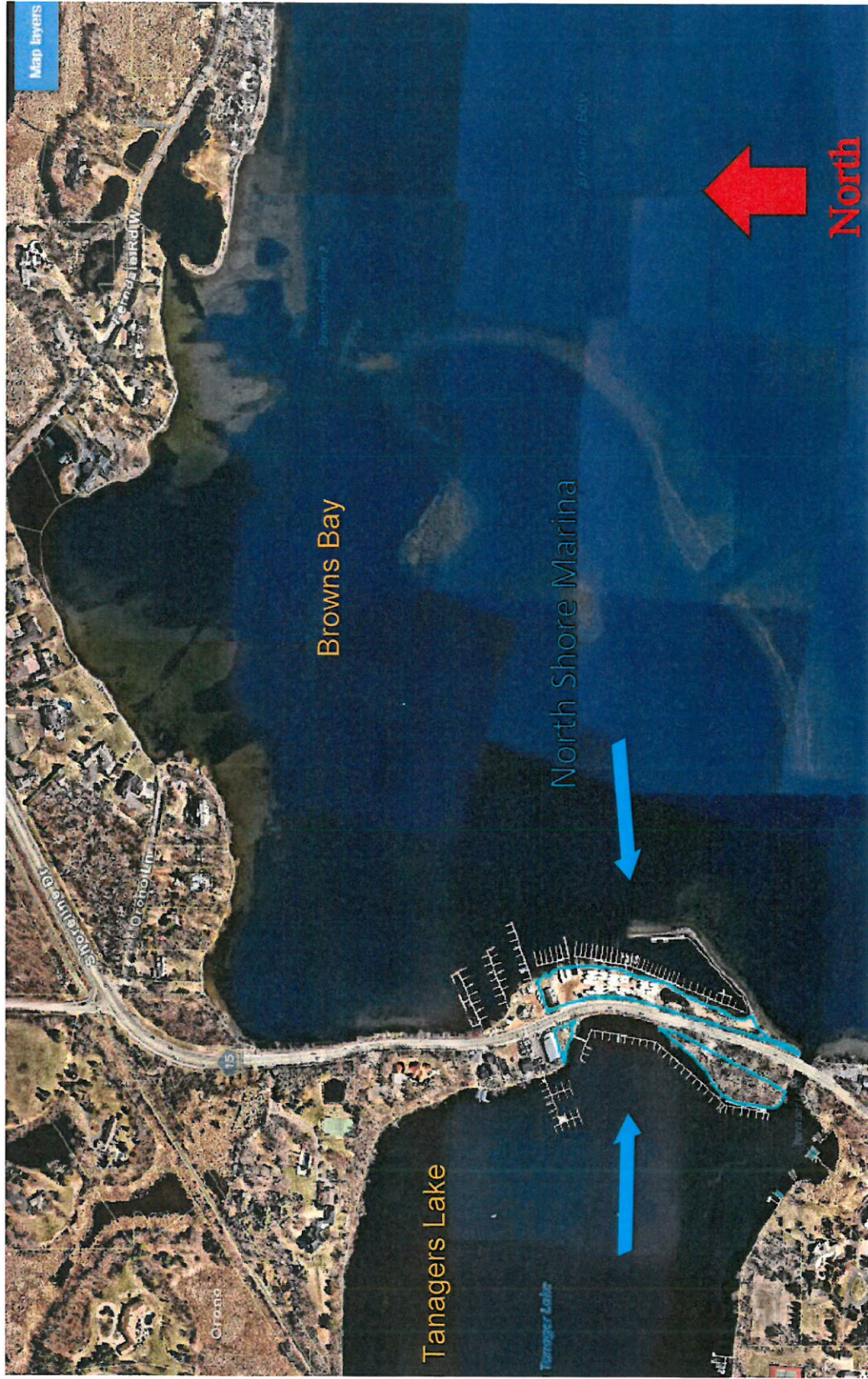
Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information. The meeting place is Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. Information about meeting logistics will be available on the LMCD website, www.lmcd.org.

Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.

North Shore Marina, 1449 Shoreline Dr., Orono. PID 11-117-23-21-0001 | Multiple Dock License – Classification Change Request For illustrative purposes only. Taken from Hennepin County Property Interactive Map 08/03/2022.



North Shore Marina, 1449 Shoreline Dr., Orono. PID 11-117-23-21-0001 | Multiple Dock License – Classification Change Request For illustrative purposes only. Taken from Hennepin County Property Interactive Map 08/03/2022.



LAKE MINNETONKA CONSERVATION DISTRICT

RE: APPLICATION OF NORTH SHORE MARINA (BROWNS BAY)

FINDINGS

On March 13, 2013, at 7:00 p.m. pursuant to due notice, a public hearing was held by the Lake Minnetonka Conservation District ("LMCD") Board of Directors at the Wayzata City Hall in the City of Wayzata, Minnesota. The hearing was held to consider the application by North Shore Marina ("Applicant") for a new multiple dock license and special density license for the North Shore Marina (Browns Bay) at 1449 Shoreline Drive, Orono, Minnesota.

The North Shore Marina (Browns Bay) facility consists of shoreline on Browns Bay and Tanager Lake (the "Subject Facility"). The property has 3,310 feet of continuous shoreline. It is licensed under special density license granted in 1990 and amended in 1995 for 114 boat storage units ("BSUs"). The licensed density of the Subject Facility is one restricted watercraft per 29 feet of shoreline.

The Applicant proposes to reconfigure the docks at the Subject Facility by widening some of the existing BSUs and relocating BSUs to a new dock to be installed along the breakwater peninsula on Browns Bay. The number of BSUs on the Tanager Lake side of the Subject Facility will decrease from 67 to 56 and the number of BSUs on the Browns Bay side will increase from 47 to 58. The Applicant does not propose to increase the overall number of BSUs from the 114 that are currently licensed, 113 of which are rental slips and one of which is a service slip.

The Applicant also proposes to amend and update the public amenities provided for the special density license for the Subject Facility.

The amenities originally proposed by the Applicant in its application were modified somewhat to respond to concerns and comments from the city of Orono and the LMCD Board. The following amenities have been agreed to by the Applicant:

- A. Public Access
 - 1) Charter boat excursion for underprivileged persons. The excursion or excursions shall be provided to a minimum of 100 people per season at no charge. (10 Points)

Public Access Subtotal: 10 Points

- B. Environmental Protection
 - 1) Skimming pond for runoff. (5 Points)
 - 2) Shoreline protection, riprap certified by the Minnehaha Creek Watershed District. (5 Points)

Environmental Protection Subtotal: 10 Points

C. Public Service

- 1) Marine towing service available to the public for a fee. (3 Points)
- 2) Travel lift that shall be available to public safety agencies in emergencies at no charge. (3 Points)
- 3) Sanitary pump-out facilities available to the public for a fee. (3 Points)
- 4) Distribution of free boating safety literature. (3 Points)

Public Service Subtotal: 12 Points

D. Other Amenities

- 1) Travel lift to accommodate 25,000 pounds, available to the public for a fee. (3 Points)
- 2) A loading zone at BSU 57 for Tanager Lake customers that will allow customers to load a boat at the Browns Bay facility. The loading zone shall be available for restroom access and shall be handicapped accessible. (3 Points)

Other Amenities Subtotal: 6 Points

Total Amenity Points: 38

The Board finds that the amenities proposed are reasonable, sufficient and warrant the amenity points listed above.

For the boat storage density requested by the Applicant, LMCD Code, Section 2.05, Subd. 4 d) requires 24 amenity points. Therefore, the Board finds that the proposed amenities meet or exceed the requirements of code for public amenities for the special density license.

The Board further finds that the proposed dock facilities at the Subject Facility meet the requirements for a special density license under LMCD Code, Section 2.05 and for a new multiple dock license of LMCD Code, Section 2.03.

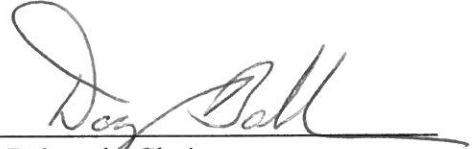
ORDER

ON THE BASIS OF THE FOREGOING, IT IS ORDERED: that the multiple dock license and the special density license requested by the Applicant are granted subject to the following conditions:

1. The Applicant shall provide and continue to provide the amenities approved and listed in the Findings of this Order.
2. The Subject Facility shall be constructed in strict conformance with the Site Plan attached hereto as Attachment One.

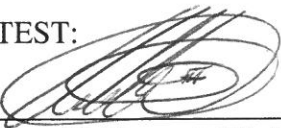
The granting of these licenses shall grant no vested rights to the use of Lake Minnetonka. Such use shall at all times remain subject to regulation by the District to assure the public of reasonable and equitable access to the Lake.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 27th day of March, 2013.



Douglas Babcock, Chair

ATTEST:



Andrew McDermott III, Secretary

PROPOSED DOCK PLACEMENT EXHIBIT FOR: NORTHSHORE MARINA

LEGAL DESCRIPTION:

Per Certificate of Title No. 1346856, registered February 6, 2012.

That part of Government Lot 1, Section 11, Township 117, Range 23, lying southerly of a line described as commencing at the meander corner on the North line of said Government Lot 1; thence South 10 degrees East, assuming the North line of said Government Lot 1 as bearing East and West, a distance of 887.66 feet to the point of beginning of the line to be described; thence North 67 degrees 48 minutes East to the Shore of Lake Minnetonka; thence South 67 degrees 48 minutes West through the point of beginning to the shore of Tanager Lake, formerly Mud Lake, and said line there terminating.

That part of Government Lot 2, Section 11, Township 117, Range 23 contiguous to Government Lot 1 Section 11, Township 117, Range 23 and lying north of the channel shown on Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512.

Subject to the rights of the State of Minnesota below the ordinary high watermark of Lake Minnetonka;

Subject to Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512;

Subject to an easement for sanitary sewer purposes in favor of the City of Orono, recorded October 15, 1980 as CR Doc. No. 4595872;

Subject to an easement for sanitary sewer purposes in favor of the City of Orono, recorded October 15, 1980 as CR Doc. No. 4595873;

Subject to Orono City Council Resolution No. 2308, granting a conditional use permit and variance, recorded January 13, 1988 as CR Doc. No. 5367551;

Subject to Orono City Council Resolution No. 3835, granting variances, recorded June 24, 1997 as CR Doc. No. 6749483;

Subject to Orono City Council Resolution No. 2638, granting variances, recorded December 9, 2009 as CR Doc. No. 9455018;

NOTES:

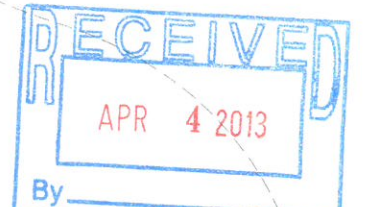
- The orientation of this bearing system is based on the Hennepin County coordinate grid (NAD 83-96 Adj.).
- The total approximate area of the property described herein is 202,350 square feet or 4.6453 acres of which 62,756 square feet or 1.4407 acres is right of way for Hennepin County State Aid Highway No. 15, Plat 51, Registrar of Titles Doc. No. 1457512.
- Title work was not furnished to Egan, Field & Nowak, Inc. for the preparation of this survey to verify the legal description, or the existence of any easements or encumbrances.
- Existing utilities, services and underground structures shown herein were located either physically, from existing records made available to us or by resident testimony. Other utilities and services may be present. Verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.

CERTIFICATION:

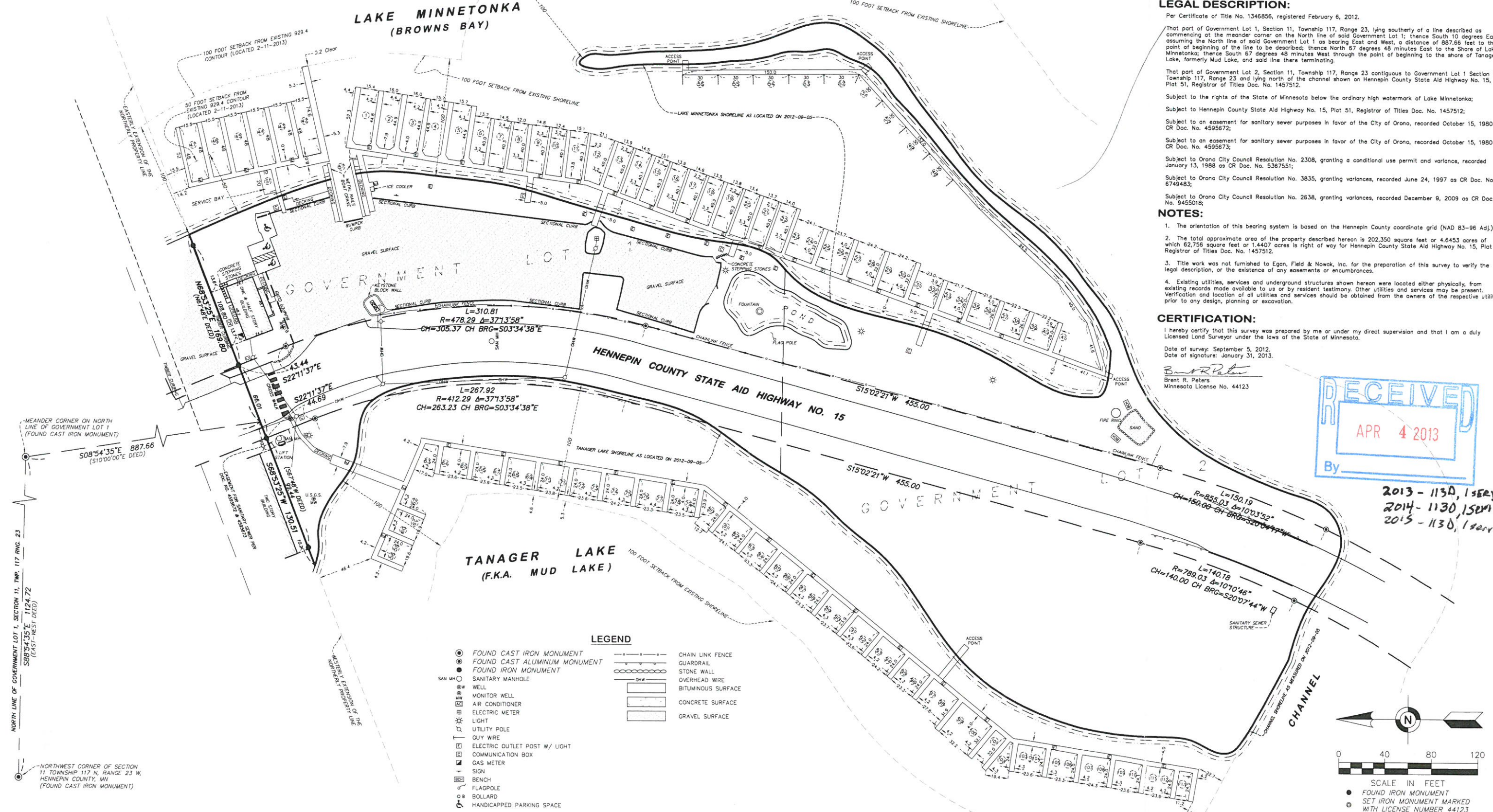
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date of survey: September 5, 2012.
Date of signature: January 31, 2013.

Brent R. Peters
Brent R. Peters
Minnesota License No. 44123



2013 - 1130, 1 service
2014 - 1130, 1 service
2015 - 1130, 1 service

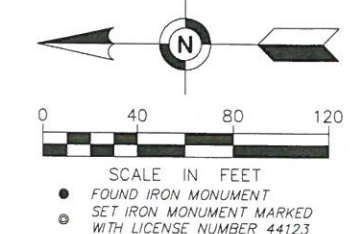


NORTH LINE OF GOVERNMENT LOT 1, SECTION 11, TWP. 117, RANG. 23
S88°54'15"E 1124.72 (EAST-WEST DEED)

MEANDER CORNER ON NORTH LINE OF GOVERNMENT LOT 1 (FOUND CAST IRON MONUMENT)
S08°54'35"E 887.66 (S10°00'00"E DEED)

NORTHWEST CORNER OF SECTION 11 TOWNSHIP 117 N, RANGE 23 W, HENNEPIN COUNTY, MN (FOUND CAST IRON MONUMENT)

LEGEND	
●	FOUND CAST IRON MONUMENT
○	FOUND CAST ALUMINUM MONUMENT
●	FOUND IRON MONUMENT
○	SANITARY MANHOLE
○	WELL
○	MONITOR WELL
○	AIR CONDITIONER
○	ELECTRIC METER
○	LIGHT
○	UTILITY POLE
○	GUY WIRE
○	ELECTRIC OUTLET POST W/ LIGHT
○	COMMUNICATION BOX
○	GAS METER
○	SIGN
○	BENCH
○	FLAGPOLE
○	BOLLARD
○	HANDICAPPED PARKING SPACE
—	CHAIN LINK FENCE
—	GUARDRAIL
—	STONE WALL
—	OVERHEAD WIRE
—	BITUMINOUS SURFACE
—	CONCRETE SURFACE
—	GRAVEL SURFACE



FIELD BOOK	PAGE	FIELDWORK CHIEF:	REVISIONS	
2886	25	TH	NO.	DATE
			1	02-14-13
			2	04-02-13
DRAWING NAME:		DRAWN BY:		
35329-PRO DOCK.dwg		kgf		
JOB NO. 35329		CHECKED BY:		
FILE NO. 5916		BRP		

PROPOSED DOCK PLACEMENT EXHIBIT

SURVEY FOR:
NORTHSHORE MARINA

PROPERTY ADDRESS:
1449 SHORELINE DRIVE
ORONO, MINNESOTA 55391

Egan, Field & Nowak, Inc.
land surveyors since 1872

1229 Tyler Street NE, Suite 100
Minneapolis, Minnesota 55413
PHONE: (612) 466-3300
FAX: (612) 466-3383
WWW.EFNSURVEY.COM
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