



# LAKE MINNETONKA CONSERVATION DISTRICT

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**AGENDA**  
**WORK SESSION AND FORMAL MEETING**  
**LAKE MINNETONKA CONSERVATION DISTRICT**  
**Wednesday, March 11, 2020**  
**Wayzata City Hall**  
**600 Rice Street, Wayzata, MN 55391**

## **WORK SESSION AGENDA**

**6:00 p.m.**

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*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.*

**1. No Work Session- Meeting to Start at Formal Meeting Agenda**

## **FORMAL MEETING AGENDA**

**7:00 p.m.**

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*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**, Chair Gregg Thomas
  - A) Oath of Office to Deborah Zorn (City of Shorewood)**
- 6. APPROVAL OF MINUTES** (02/12/2020 and 02/26/2020) LMCD Regular Board Meetings
- 7. APPROVAL OF CONSENT AGENDA**
  - A) Audit of Vouchers (03/01/2020 – 03/15/2020)**

**8. PUBLIC COMMENTS** – Persons in attendance for subjects not on the agenda (**limited to 5 minutes**). *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion 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.*

**9. PRESENTATIONS**

A) 2019 Prosecution Update

**10. PUBLIC HEARINGS**

A) Wayzata Yacht Club Sites 2 & 3, Commercial Multiple Dock Licenses, Special Density, and Variance, 456 Arlington Circle South and 1000 Eastman Lane, Wayzata, MN 55391.

**11. OTHER BUSINESS**

**12. OLD BUSINESS**

**13. NEW BUSINESS**

A) Recodification Clarification Amendments

**14. TREASURER REPORT**

**15. EXECUTIVE DIRECTOR UPDATE**

**16. STANDING LMCD COMMITTEE / WORKGROUP UPDATE**

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee
- Deicing and Permanent Dock Workgroup
- High Water Declaration Review Workgroup

**17. ADJOURNMENT**

**Future Items – Tentative**

- Lake Use Vision and Policy Discussion Continuing Series
  - High Water Declaration Regulations- March 2020
  - Slow and No Wake Regulations- April 2020
  - Watercraft Density
  - Lake Sales and Services
- Applications
  - Residential Variance Application, 435 Lakeview Ave- March 25, 2020
  - Multiple Dock Reconfiguration, Shorewood Yacht Club

## LAKE MINNETONKA CONSERVATION DISTRICT BOARD OF DIRECTORS

7:00 P.M., February 12, 2020  
Wayzata City Hall

### WORK SESSION

6:00 p.m.

**Members Present:** Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; and Gregg Thomas, Tonka Bay. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; Matthew Cook, Environmental Administrative Technician.

**Members Absent:** Rich Anderson, Orono; Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood.

**Persons in Audience:** Eric Evenson, Lake Minnetonka Association (LMA); Bill Olson, Victoria and others that may not have signed the attendance sheet.

#### 1. Channel Navigation and Storage Discussion

Schleuning stated that the LMCD Code prevents individuals from blocking navigation channels. She noted that enforcement of such standards becomes challenging when partial blockage of a navigation channel is caused by docks or storage of watercraft along riparian lakeshore property that has existed for a long time.

Schleuning provided examples of channels with private riparian property, noting that watercraft storage on these channels can restrict boat traffic in the channels for several reasons including change in size of watercraft over time.

Schleuning added that overhanging trees can limit the navigation channel further, especially for larger or taller boats, which are becoming more common on the Lake.

Schleuning invited the Board to provide feedback on how the LMCD should encourage or enforce adequate channel navigation.

Kroll asked if the LMCD has jurisdiction when it comes to the trimming of trees.

Schleuning stated that the LMCD does have jurisdiction to trim or require the trimming of trees in some cases.

Newell stated that he drives a large boat, but understands that he cannot take a large boat to all locations on Lake Minnetonka. He said that he does not believe that the character of a neighborhood, including boat storage, should have to change to accommodate oversized watercraft.

Thomas stated that navigation of channels requires some common sense, noting that some channels are wide enough for two-way traffic while others are not. He said that the channel to St. Albans Bay, for instance, is wide enough for two boats, but perhaps is not wide enough for two large boats. Thomas noted the difficulty of writing Code language to acknowledge the different aspects of the channels around the lake.

Hughes noted that the restriction of towing objects behind watercraft while navigating through a channel ought to allow watercraft in need of repair to be towed through channels.

Schleuning stated that she was hearing discussion of a more education-focused approach to addressing non-emergency issues with channel navigation.

Cook stated that he is not concerned with the variation amongst the channels. He stated that staff ought to consider the navigational issues and riparian rights as they pertain to watercraft storage in crafting a recommendation for specific enforcement standards.

Schleuning asked the board if they were hearing concerns similar to the office in which they had not at this point.

Thomas agreed with Cook, and suggested that staff come back with a recommendation for further discussion.

## **2. LMCD Goals Regarding Strategy for AIS & Vegetation**

B. Cook stated that the LMCD has been struggling to articulate its goals for the development of the Vegetation and (AIS) Master Plan. He explained that other organizations were confused by the LMCD developing the plan while working on specific parts of existing AIS programming, namely the harvesting program.

B. Cook said that he believes that the LMCD's goals for the process must mesh with the goals of other organizations on Lake Minnetonka. He noted that as some other organizations lose funding, they are reducing the services they provide, leaving some services unperformed.

B. Cook said that Lake Minnetonka is a regional treasure for the state of Minnesota. He noted that he wishes to pursue state funding for AIS prevention and management on the lake, as the lake belongs to the whole state. B. Cook presented a draft of his understanding of the LMCD's goals:

1. B. Cook stated that he imagines the LMCD would fill the gaps in the array of AIS services currently provided. He said that this will likely include providing technical resources and program assistance to other organizations.
2. B. Cook said that he believes the LMCD should seek to help lake stakeholders in their efforts to abate AIS and nuisance vegetation. He noted that other organizations are doing more work on AIS prevention and management than the LMCD. He added that the LMCD should seek to hire technical expertise relevant to AIS management.



3. B. Cook stated that the LMCD can serve as a clearing house for AIS-related data. He explained that the LMCD can conduct vegetation surveys and gather data related to surveys or herbicide and pesticide treatments by other organizations.

B. Cook asked that Board members send comments to him or Executive Director Schleuning via email.

Newell asked if the LMCD could give funding directly to Lake Improvement Districts or other lake groups for herbicide or pesticide treatments.

B. Cook noted that with some constraints, the LMCD may be able to give funds to organizations but would defer that to the LMCD legal counsel. He noted that the Board would have to look into the mechanics of doing so to get a better understanding of what is possible. B. Cook noted that the LMCD does not currently have a budgeted account for such expenditures.

Attorney Gilchrist stated there are restraints on how the LMCD can give funds.

Olson entered the meeting at this time.

Thomas noted that the LMCD is seeking ways to help coordinate efforts on the lake. Thomas again invited the Board to provide comments on the draft goals as presented by Director B. Cook.

Evenson stated that he thought the draft goals were good and encouraged the Board to underscore its efforts to restore the health of the lake and use the term "proactive" in the goal statements.

The Work Session was adjourned at 6:54 PM.

## **REGULAR SESSION**

**7:00 p.m.**

### **1. CALL TO ORDER**

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

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

**Members present:** Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Ben Brandt, Mound; Michael Kirkwood, Minnetrista; Mark Kroll, Excelsior; Denny Newell, Woodland; and Nicole Stone, Minnetonka. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matthew Cook, Environmental Administrative Technician.

**Members absent:** Rich Anderson, Orono; Dan Baasen, Wayzata; Dennis Klohs, Minnetonka Beach; Jake

Walesch, Deephaven; and, Deborah Zorn, Shorewood

#### 4. APPROVAL OF AGENDA

Chair Thomas requested to add a summary of conclusions to the closed session from the previous meeting related to the Executive Director's performance review, noting that could occur under Item 6. He also requested to add an amendment to the Audit of Vouchers, Item 7A, noting that an amended version was distributed to the Board prior to the meeting. He stated that if the City Manager from Excelsior arrives, related to Item 10B, that case could be considered prior to 10A.

**MOTION:** Kroll moved, Hughes seconded to approve the agenda as amended, making the change noted by Thomas above.

**VOTE:** Motion carried unanimously.

#### 5. CHAIR ANNOUNCEMENTS

- A) Oath of Office to Bill Cook (City of Greenwood)
- B) Oath of Office to Ann Hoelscher (City of Victoria)
- C) Oath of Office to Gregg Thomas (City of Tonka Bay)
- D) ~~Oath of Office to Deborah Zorn (City of Shorewood)~~

Gilchrist administered the Oath of Office to Cook, Hoelscher, and Thomas.

Chair Thomas thanked everyone for their service.

#### 6. APPROVAL OF MINUTES- 01/22/2020 LMCD Regular Board Meeting Summary of Conclusions from the Executive Director's Performance Review

Chair Thomas referenced the worksession minutes from January 22<sup>nd</sup>, noting that it should state, "Gilchrist administered the Oath of Office to ~~Denny Newell and Mark Kroll~~ Mike Kirkwood." He noted on page five of the regular Board meeting minutes, it should state, "...Schleuning and ~~himself~~ he met with staff from LMA and BWS to discuss what could be done as a group together which is how the suggest to implement the video technology."

**MOTION:** Kirkwood moved, Hoelscher seconded to approve the 01/22/2020 LMCD Regular Board Meeting minutes and summary of conclusions from the Executive Director's Performance Review with the noted corrections.

**VOTE:** Ayes (4), Abstained (4), (Brandt, Kroll, Cook, and Hughes). Motion carried.

#### 7. APPROVAL OF CONSENT AGENDA

**MOTION:** Cook moved, Kroll seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/01/2020 – 02/15/2020) as amended; **7B)** Resolution Accepting Save the Lake Contributions; **7C)** LMCIT Liability Waiver Form; and **7D)** Pay Equity Report.

**VOTE:** Motion carried unanimously.

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

There were no public comments.

**9. PRESENTATIONS**

**A) Senator Scott M. Jensen**

Hoelscher stated that the Board is privileged to have a special guest provide an update regarding the busy legislative session. She stated that Senator Scott Jensen represents District 47, elected in 2016 and has announced that he is not going to run again. She highlighted some the committees the Senator serves on, his career experience and areas of legislative focus.

Senator Scott Jensen stated that the legislature is not nearly as enthusiastic or aggressive as it should be in terms of water quality. He stated that he will be submitting a bill and provided details on the added requirements that should be necessary in order for a community to tap into the aquifer. He stated that aquatic invasive species will continue to garner attention with funding proposed to be included in the bonding bill. He stated that he understands some of the challenges that the LMCD faces in terms of items that appear before the House and Senate. He stated that he would be glad to forward any information that could impact LMCD to Hoelscher in order to help keep the LMCD alert of issues that could impact the organization.

Newell stated that he shares the concern with water quality and aquatic invasive species and asked the thoughts of the legislature related to boat tracking, similar to what is done with vehicles.

Senator Jensen replied that he did not think there would be funding for that activity. He stated that the legislature is more likely to provide pools of money for groups to tap into for lake activity and monitoring.

Newell asked if there would be a stomach for a fee-based launch system on Lake Minnetonka to fund additional monitoring for invasive species.

Senator Jensen replied that he did not think that would go far because there needs to be access available to all people as that is a public amenity. He stated that lake associations are probably going to have to fend for themselves and attempt to do what they can. He stated that there has been some traction in invasive species activities but could not promise that type of funding would be available either.

Hoelscher stated that she does not believe that the Board would support that type of fee-based activity either. She thanked Senator Jensen for taking the time to come and speak with the Board tonight. She appreciated that Senator Jensen is willing to assist in passing on helpful information in order for the LMCD to be more involved in applicable issues.

Senator Jensen stated that there was an initiative and intent to create the LMCD for specific purposes, noting that there are only two such organizations in the state. He stated that it is possible that without a body such as LMCD there would be no cohesive management of what occurs on and around the lake. He thanked the

group for the work it does to protect Lake Minnetonka.

## 10. PUBLIC HEARING

- B)** City of Excelsior, New Multiple Dock License/Municipal Planned Unit Development with Continue Special Density License Applications, The Commons and 399 Lake Street, Excelsior, MN 55331. Excelsior Bay

M. Cook presented a request from the City of Excelsior to adjust its multiple dock license and special density license. He provided background information on the request, noting that a charter boat user has proposed to dock at Excelsior and the City is requesting to amend its license. He explained how the applicant would propose to create storage for the charter boat, converting a transient slip to an overnight storage slip along with additional decking and possible pilings added for the charter boat. He displayed an aerial photo of the site and identified where the slip would be located. He stated that because the density would not be changing, it would be recommended to continue that special density license. He stated that no comments have been received from other public agencies. He noted that two public comments were received and reviewed that input. He stated that staff recommends approval of this application as proposed.

Newell stated that most of the boat slips are straight in, while this boat would be stored horizontally. He asked if there were any concerns related to the security of the boat related to wind and waves.

M. Cook replied that the applicant would be installing dolphin poles to provide additional security. He noted that there are additional slips that are parallel to shore.

Kristi Luger, City Manager of Excelsior, commented that she is available to answer any questions.

Thomas opened the public hearing at 7:31 p.m. No comments were offered, and the public hearing was closed at 7:31 p.m.

**MOTION:** Kroll moved, Cook seconded to approve the Findings of Fact and Order approving the City of Excelsior New Multiple Dock/PUD License Application and Continued Special Density License for the property located at 399 Lake Street in the City of Excelsior as presented and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2020 Board meeting.

**VOTE:** Motion carried unanimously.

- A)** Boulder Bridge Farms, Reconfiguration of Nonconforming Structure and Variance, 28124 Boulder Bridge Drive, Shorewood, MN 55331, Two parcels PIDs 31-117-23-31-0019 and 31-117-23-31-0022. South Upper Lake

M. Cook presented a request for the reconfiguration of nonconforming structure and variance. He provided background on the request which has held a license since 1977/1978, noting that the most recent approval was a minor change in the spring of 2019. He stated that as part of the minor change installation, the applicant noticed the existing dock lengths were longer than approved and the project was not continued due to this application. He stated that the current application is related to the lagoon and to keep the existing dock lengths and reconfigure the dock facility to include an additional increase of 24 linear feet of dock structure.

He provided details on the proposed reconfiguration and the variance to length. He reviewed the dock sketch that was approved through the 2019 minor change, but was not installed due to the discrepancy. He displayed the proposed site plan and highlighted the proposed changes to the site. He stated that the proposed approval would include the existing structures plus an additional 24 linear feet of dock structure. He provided details regarding the internal navigation of the site. He reviewed the variance criteria that the Board must consider when reviewing a request. He stated that the City of Shorewood provided a response that the request seems to meet the requirements and therefore had no comments. He noted that no other agencies provided response. He advised of one public comment, noting that after reviewing the additional information the resident was in support of the request. He stated that staff recommends approval of the license with the condition that watercraft may not overhang the slip structures for BSUs 17, 18, and 40 due to navigation space. He stated that the other BSUs in the lagoon would continue to have no overhang restriction.

Kirkwood asked if the LMCD is requesting the dolphin poles or whether the applicant requested that item.

M. Cook replied that the applicant is requesting that element.

Thomas invited the applicant to address the Board.

Bruce Praska, applicant, stated that he has met many times with staff over the years. He explained the process for the minor change that occurred in 2019, which led to the discovery that there were errors found in the existing conditions compared to the site plan. He thanked staff for their assistance throughout this process. He stated that the last major reconfiguration that occurred was in 1994 and noted that the docks have not changed in the past 15 years with the exception of the minor change that took place in 2017. He stated that the homeowner's association went back to the developer in attempt to find where the error occurred but was not able to make that determination. He stated that they pulled out the five most egregious docks that extended past the agreed upon lengths. He stated that the plan would be to install five additional floating docks prior to ice off in order to save on labor costs. He stated that the organization received a letter of compliance from the LMCD in 1996 and could not identify any large changes that have occurred since that time. He asked the Board to grant the approval on the lengths of the nine wooden docks that somehow exceed past the agreed upon lengths. He stated that zebra mussels continue to move into the lake and therefore the number of lifts has increased from five to ten recently with the hope of protecting additional boats.

Kroll asked for clarification between slides six and seven and asked if the homeowners association completely encompasses the lagoon.

Praska replied that the homeowner's association does completely encompass the lagoon, with the exception of the Lesters.

Chair Thomas noted that adjacent homeowner did walk the site with the applicant and staff and is in agreement with the request.

Praska explained that it is in the best interest of the association to have the lagoon navigable. He explained that there is a mix of young and old boat users within the lagoon.

Kirkwood asked if all the boat lifts were installed when the docks were widened.

Praska replied that the docks were removed last fall and have not yet been widened. He explained that is a part of this request.

Kirkwood asked if the docks are assigned to specific properties.

Praska explained that the docks are distributed in an annual lottery and allocated each year through that process. He stated that homeowners are not guaranteed a spot or preferred location. He stated that for the past seven years he has been able to get everyone in a slip that accommodates their needs.

Kirkwood asked how it would get handled if a homeowner wanted to dock a 50-foot jetboat on the docks.

Praska provided details on the navigation space allowed into the lagoon, noting that big boats would never be there because of the limited navigation space and clearance. He stated that they do alert new homeowners as to the process of dock selection and confirmed that the bridge is the limiting factor for size of boats that dock within the lagoon. He stated that he did receive communication from Zorn that stated that she reviewed the information and supports approval of the request.

Schleunig stated at the beginning of the application process, the discussion included how to improve navigation in the lagoon, improve boater safety, and protect watercraft, which is similar to the goals of other projects. If safety concerns are found in the future, staff will work with the licensee regarding any necessary corrections.

M. Cook confirmed that Zorn did reach out to staff and supports approval.

Thomas opened the public hearing at 8:10 p.m. No comments were offered, and the public hearing was closed at 8:10 p.m.

Kroll stated that he suspects that enforcement would not be a problem.

**MOTION:** Thomas moved, Kirkwood seconded to approve the Findings of Fact and Order approving Boulder Bridge Farms Association 2020 Reconfiguration of Nonconforming Structure and Variance applications for the property located at 28184 Boulder Bridge Drive in the City of Shorewood, with the condition that watercraft may not overhang the slip structures for BSUs 17, 18, and 40 and direct staff and legal counsel to draft Findings of Fact and Order for consideration at the February 26, 2020 Board meeting.

**VOTE:** Motion carried unanimously.

## 11. OTHER BUSINESS

There was no other business.

## 12. OLD BUSINESS

### A) Nomination and Election of Board Officers

Chair Thomas stated that a recommendation was included in the Board packet from the Nominating Committee. He welcomed any additional nominations from the floor.

Stone reviewed the recommendations from the Nomination Committee.

No additional nominations were made from the floor.

**MOTION:** Stone moved, Kroll seconded to appoint Gregg Thomas as Chair, Ann Hoelscher as Vice Chair, Dan Baasen as Secretary and Bill Cook as Treasurer for 2020.

**VOTE:** Motion carried unanimously.

Chair Thomas expressed appreciation to the Nominating Committee for the time they spent on this topic and developing this recommendation.

Kroll commented that Chair Thomas does a great job running the meetings and providing a balance, which is appreciated by the Board.

Chair Thomas stated that he has a terrific group of self-motivated Officers that are very engaged and thanked other board members for their work.

### **13. NEW BUSINESS**

Kroll referenced an item mentioned under future items, high water declaration regulations and slow and no wake regulations. He volunteered to setup a committee that could address those two issues together. He invited other members that have interest in the topic to join him.

Chair Thomas agreed that would be helpful.

Newell volunteered to join Kroll in that endeavor.

Schleuning clarified that this would be a work group rather than a committee.

### **14. TREASURER REPORT**

Cook reported that a statement was included in the Board packet. He noted that not all of the expense and income items have been posted but it appears the LMCD will be close to the budgeted amount for the end of the year. He noted the upcoming audit and advised that the results will be presented to the Board once completed.

### **15. EXECUTIVE DIRECTOR UPDATE**

Schleuning provided the following information:

- MPCA will be rolling out communications and campaigns against lead-free tackle to prevent lead poisoning and death of loons and other fowl.
- The State will be rolling out an “own your wake for the lake’s sake” campaign.
- LMCD has been working with the Department of Health and other organizations related to mass gatherings and the outbreak that occurred the previous 4<sup>th</sup> of July. Public education will be an important focus since people can spread illness.
- She thanked the Board for the wonderful year and all the accomplishments during that time.

Chair Thomas thanked staff for their hard work throughout the past year as well.

#### **16. STANDING LMCD COMMITTEE/WORKGROUP**

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: No report.

Strategic Plan Subcommittee: No report.

Nominating Committee: No report.

Deicing Operations and Permanent Dock Workgroup: No report.

#### **17. ADJOURNMENT**

Being there no further business, the meeting was adjourned at 8:28 p.m.

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Gregg Thomas, Chair

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Dan Baasen, Secretary



**LAKE MINNETONKA CONSERVATION DISTRICT  
BOARD OF DIRECTORS**

7:00 P.M., February 26, 2020  
Wayzata City Hall

**WORK SESSION**

**6:00 p.m.**

**Members present:** Rich Anderson, Orono; Dan Baasen, Wayzata; Ben Brandt, Mound; Bill Cook, Greenwood; Ann Hoelscher, Victoria; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Gregg Thomas, Tonka Bay; Jake Walesch, Deephaven; and Deborah Zorn, Shorewood.

**Members absent:** None.

**Present in Audience:** Lieutenant Shane Magnuson, Dave Lawrance, Tom Robb, and Ross Simpson.

1. Deicing Regulations & Operations Overview

Anderson provided a presentation about deicing regulations and operations.

He presented some statistics about current deicing licensees, including other licenses held and the types of facilities.

He shared photos taken by the workgroup when visiting a deicing site.

He explained who is eligible for a license under the current code.

Anderson stated that Schleuning has not had a chance to review the document and any proposed changes and therefore, he was just providing an update to the board at this time as to the status of the workgroup. He stated that the workgroup would continue to work on this topic and would gather feedback from licensees and the public.

2. Request to Amend Code to Expand Facilities Eligible for Deicing License

Paul Robinson provided a presentation on behalf The Cove Homeowners Association.

He provided an overview of the outlot association, including site details, a history of its approvals from the LMCD, and the circumstances that prompted the code amendment request. Paul stated that when they went through the multiple dock licensing process, he had checked with multiple parties and the need for a deicing operation was not mentioned at that time. The cost to replace the dock facility would be significant as they become more damaged due to the ice.

He requested that the code be changed to allow outlot associations with permanent docks to deice their facilities. He provided diagrams of proposed deicing operations for The Cove. He stated he understood the timing likely would not allow a deicing license this year, but wanted the board to consider options.

## **REGULAR SESSION**

**7:00 p.m.**

### **1. CALL TO ORDER**

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

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

**Members present:** Gregg Thomas, Tonka Bay; Rich Anderson, Orono; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Michael Kirkwood, Minnetrista; Dennis Klohs, Minnetonka Beach; Mark Kroll, Excelsior; Denny Newell, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Jason Hill, LMCD Legal Counsel; and Vickie Schleuning, Executive Director.

**Members absent:** None.

### **4. APPROVAL OF AGENDA**

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

**VOTE:** Motion carried unanimously.

### **5. CHAIR ANNOUNCEMENTS**

A) Oath of Office to Deborah Zorn (City of Shorewood)

Thomas noted that Gilchrist was unable to attend and although Hill is attending in his place, he is unable to complete the Oath of Office and therefore that will occur at the next meeting.

### **6. APPROVAL OF MINUTES- 02/12/2020 LMCD Regular Board Meeting**

Anderson stated that although he did not attend the meeting, he watched the video online. He wanted to add information to New Business Item 13. He stated that those who are affected or their livelihood should be involved in the process. He stated that he would provide the additional language to Schleuning for incorporation. He stated that he wanted to be on the workgroup with Kroll and Newell.

Chair Thomas confirmed that Kroll would not have an objection to adding those statements to the minutes.

Newell expressed concern that someone that was not in attendance at the meeting could add comments to the meeting.

Schleunig suggested delaying action on the minutes at this meeting. She stated that she could then review the suggested edits and make any changes to be reviewed at the next meeting for approval.

Hughes stated that he would not be in favor of adding to the minutes and only making corrections.

Chair Thomas stated that the suggestion was made that Schleuning will review the video for that section of the discussion and determine if there should be any more detail.

**MOTION:** Thomas moved, Walesch seconded to table the 02/12/2020 LMCD Regular Board Meeting minutes.

**VOTE:** Ayes (13), Nay (1), (Hughes). Motion carried.

## 7. APPROVAL OF CONSENT AGENDA

Anderson stated that he needs to abstain from the Boulder Bridge Farms item as his son is working on the dock project.

**MOTION:** Kroll moved, Cook seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (02/16/2020 – 02/29/2020); **7B)** Approval of Boulder Bridge Farms Association, Reconfiguration of Nonconforming Structure and Variance, 28124 Boulder Bridge Drive, Shorewood, MN 55331. Two parcels PIDs 31-117-23-31-0019 and 31-117-23-31-0022. South Upper Lake; and, **7C)** Approval of City of Excelsior, New Multiple Dock License/Municipal Planned Unit Development with Continued Special Density License Applications, The Commons and 399 Lake Street, Excelsior, MN 55331. Excelsior Bay.

**VOTE:** Ayes (13), Abstain (1, Anderson). Motion carried.

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

There were no public comments.

## 9. PUBLIC HEARING

There were no public hearings.

## 10. OTHER BUSINESS

### A) Resolution Authorizing Appointment of Committee Members

Chair Thomas stated that this is a draft version and asked the Board to review the information and provide any feedback to staff.

Anderson referenced the Wake Work Group, noting that the title should be more accurate to include High Water Declaration Regulations which should be separate from Slow and No Wake Regulations.

Chair Thomas stated that in the minutes the group was titled as High-Water Declaration Regulations and Slow and Low Wake Regulations.

Anderson commented that these are two separate items that should remain separate.

Lieutenant Magnuson stated that the meeting topic was High Wake Declaration but wake boats were also discussed. He stated that it would be the opinion of the Board whether to group those items together, noting that he would have different opinions on the two topics because they have different rules/regulations.

Kroll explained that they wanted to put the issues together because it involves some of the same expertise and concerns for safety and environmental damage. He stated that they chose to put together the work group to address those two issues because they are closely related. He invited Anderson to join the group, if he desires, noting that the group has met multiple times. He explained that because there is so much overlap between the two issues it seemed to make sense to put the two together. He stated that the title Wake Work Group was decided upon because it was an easy way to identify the topics.

Chair Thomas stated that his concern with the title Wake Work Group would be that people might feel that focus is on wakeboarding. He believed a longer title would be more appropriate.

Anderson stated that he would like the names to remain the same as they have been, keeping the items as two separate items.

Baasen stated that when the lake was closed because of high water, it was because of wake damage to the shoreline and properties and therefore the issues are related, and it would make sense to combine the issues.

Anderson asked why the issues were kept separate for the past nine months.

Hoelscher stated that the same group could answer two different issues.

Newell stated that there is a lot of science behind the two issues and the same information is useful in both discussions. He stated that this is a matter of energy and the impact that it has on another boat or the shoreline. He stated that it is a discussion of how wave energy is managed rather than the boat that creates it.

Hoelscher stated that she would love to have additional people join the Communications Workgroup and described the intent of the group.

## **11. OLD BUSINESS**

There was no old business.

## 12. NEW BUSINESS

There was no new business.

## 13. TREASURER REPORT

Cook reported that the field work for the audit has been completed and the Finance Workgroup will meet to review the audit once the report is prepared.

## 14. EXECUTIVE DIRECTOR UPDATE

Schleuning had nothing further to report.

## 15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported that the group will meet on March 10<sup>th</sup>. He encouraged the Committee to attend and any other Board members that may be interested.

Strategic Plan Subcommittee: Zorn stated that she and Schleuning are working on a draft that could possibly be added as an item at a future workshop.

Deicing and Permanent Dock Workgroup: No report.

Wake Workgroup: Kroll reported that the group is considering a name change and is open to suggestions. He stated that the group believes that the two issues of high water and wake safety remain linked. He stated that the group has pulled over two dozen scientific papers on the topics and have a guest speaker scheduled for a future workgroup meeting.

Schleuning stated that it is important for the public to know that there will be a lot of public input during this process.

Aquatic Invasive Species Taskforce: Newell asked if the Board should refresh its knowledge of the previous plan that was developed in conjunction with other entities related to chemical treatment. He asked if something could be done this year to ensure the customers of the lake that the LMCD is still engaged in making the lake a better place for them.

B. Cook replied that one of the next meetings of the workgroup will include discussions with the stakeholders and partners and the group will bring a recommendation back to the board.

**16. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:37 p.m.

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Gregg Thomas, Chair

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Dan Baasen, Secretary

7:58 AM

03/05/20

**Lake Minnetonka Conservation District**  
**Check Detail**  
**March 1 - 15, 2020**

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
03/12/2020	EFT-20-27	ADP		<b>Alerus Checking</b>		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,306.50
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,160.32
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-621.61
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/M...	Admin.	-634.05
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,359.71
03/12/2020	EFT-20-28	ADP Service Fee		<b>Alerus Checking</b>		
			Payroll 3/1/20 - 3/15/20	4180M10 · Professional Services - Ad...	Admin.	-76.70
TOTAL						-76.70
03/12/2020	EFT-20-29	SelectAccount Group ...		<b>Alerus Checking</b>		
			HSA Employer Contribution for March 2020 (Vickie Schleuning)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March 2020 (Matt Cook)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for March 2020 (Tammy Duncan)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
03/12/2020	EFT-20-30	P.E.R.A		<b>Alerus Checking</b>		
			Payroll 3/1/20 - 3/15/20	2020 · Payroll Liabilities -	Admin.	-1,160.32
TOTAL						-1,160.32
03/12/2020	EFT-20-31	Unum Life Insurance		<b>Alerus Checking</b>		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
03/12/2020	21771	AIS Advanced Imagin...		<b>Alerus Checking</b>		
03/12/2020	Inv.# 408147965		Copier Contract 2/20/20 - 3/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-1,094.27
TOTAL						-1,094.27

7:58 AM  
03/05/20

**Lake Minnetonka Conservation District**  
**Check Detail**  
**March 1 - 15, 2020**

Date	Num	Name	Memo	Account	Class	Paid Amount
03/12/2020	21772	Innovative Office Sol...		Alerus Checking		
03/12/2020	Inv.#IN2877634		Office Supplies	4220M10 · Office Supplies -Admin.	Admin.	-152.74
TOTAL						-152.74
03/12/2020	21773	Kennedy & Graven		Alerus Checking		
03/12/2020	January, 2020		Legal Fees January 2020	4620M10 · Legal Fees - Admin.	Admin.	-4,725.00
TOTAL						-4,725.00
03/12/2020	21774	LMCC		Alerus Checking		
03/12/2020	Inv.#1341		VOD Services for Meeting 2/28/20	4182M10 · Media (Cable/Internet) - Ad...	Admin.	-100.00
TOTAL						-100.00
03/12/2020	21775	Mark Hodges Media P...		Alerus Checking		
03/12/2020	Inv.#20200226		Meeting 2/26/20	4182M10 · Media (Cable/Internet) - Ad...	Admin.	-80.00
TOTAL						-80.00
03/12/2020	21776	Minnesota Trophies		Alerus Checking		
03/12/2020	Inv.# 28971		Name Plates for new board officers	4230M10 · Meeting Exp. - Admin.	Admin.	-59.50
TOTAL						-59.50
03/12/2020	21777	MN NCPERS		Alerus Checking		
03/12/2020	March 2020		Life Insurance, March 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
03/12/2020	21778	Tallen & Baertschi		Alerus Checking		
03/12/2020	February 2020		February prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-842.40
TOTAL						-842.40



7:58 AM

03/05/20

**Lake Minnetonka Conservation District**  
**Check Detail**  
March 1 - 15, 2020


Date	Num	Name	Memo	Account	Class	Paid Amount
03/12/2020	21779	TimeSaver Off Site Se...		Alerus Checking		
03/12/2020	Inv.#M25476		Board Meeting Minutes 2/12/20	4230M10 · Meeting Exp. - Admin.	Admin.	-183.50
TOTAL						-183.50




## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** March 11, 2020

**TO:** LMCD Board of Directors 

**FROM:** Matthew Cook, Environmental Administrative Technician

**THROUGH:** Vickie Schleuning, Executive Director 

**RE:** Wayzata Yacht Club Multiple Dock License, Special Density License, and Variance

### **ACTION**

Board consideration of the Wayzata Yacht Club (WYC) Multiple Dock License, Special Density License, and Variance applications, and public input as part of the public hearing for the applications. The site is located at 456 Arlington Circle South and 1000 Eastman Lane in the City of Wayzata, MN 55391. The site is primarily comprised of two parcels PIDs 06-117-22-44-0006 and 06-117-22-44-0005, with shoreline on Wayzata Bay.

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

#### Approval:

I make a motion to approve the Wayzata Yacht Club 2020 Multiple Dock Licenses, Special Density License, and Variance applications for the properties located at 456 Arlington Circle South and 1000 Eastman Lane in the City of Wayzata as presented <with amendments> and authorize staff and legal counsel to draft Findings of Fact and Order for consideration at the March 25, 2020 Board meeting. <Amendments are as follows...>

#### Denial:

I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying Wayzata Yacht Club 2020 Multiple Dock Licenses, Special Density License, and Variance applications for the property located at 456 Arlington Circle South and 1000 Eastman Lane in the City of Wayzata based on the following reasons... for consideration at the March 25, 2020 Board meeting.

#### Continue Hearing:

I make a motion to continue the public hearing for the Wayzata Yacht Club's 2020 Multiple Dock Licenses, Special Density License, and Variance applications to the March 25, 2020 Board meeting for further consideration.

## **APPLICATION SUMMARY**

With a variance, the applications meet general code requirements. The applicant has submitted applications for the following potential approvals:

- 2 Multiple Dock Licenses- Site 2 and Site 3
- Change in classification from Club to Qualified Yacht Club
  - Increase in dock length
  - Relocate BSUs
  - Reclassify 3 BSUs
- Special Density License
  - No change to total BSUs
- Variance(s)
  - As needed to clarify dock use area between the 2 sites

## **APPLICATION BACKGROUND**

Mr. Steve Bren, representative of the WYC, (“Applicant”) has submitted applications for the dock facility located at 456 Arlington Circle South and 1000 Eastman Lane (including aforementioned two parcels) in the City of Wayzata. The Applicant proposes to reconfigure the extend two portions of the existing dock structures (one extension per site) and reclassify three transient BSUs as overnight storage. Some change in BSU dimensions are proposed.

In an Order signed June 25, 2014, the current extent of Site 2 was created when Sites 2 and 4 were combined. This order and the other relevant orders for the site are attached for reference.

## **APPLICATION REVIEW**

Below is a review of the relevant attributes of the proposal:

- **Boat Density.** Shoreline measurements (929.4’ NGVD elevation contour) and boat density for the sites are as follows:

### **SITE 2**

- Current and proposed BSUs (no change): 58
- Current and proposed shoreline (no change): 697’ (per 06/25/14 Order)
- Current and proposed boat density (no change): 1:12 restricted; 1:15 unrestricted

### **SITE 3**

- Current and proposed BSUs (no change): 27
- Current and proposed shoreline (no change): 368’
- Current and proposed boat density (no change): 1:13 restricted; 1:15 unrestricted

- **BSU Location.** The applicant proposes to relocate BSUs within each site as follows:
  - **Site 2:** 2 BSUs move from near launch / crane jib to westernmost dock
  - **Site 3:** 3 BSUs
- **BSU Classification Type.** The applicant is proposing to change BSU classification as follows:
  - **Site 2:** No change

- **Site 3:** 3 BSUs will change from Transient to Overnight Storage
- **BSU Size.** The applicant proposes to change BSU width and length as follows:

<b>SITE 2 (per site plan labels and scaled measurements)</b>						
BSU # Prev → New	EXISTING WIDTH	PROPOSED WIDTH	NET WIDTH	EXISTING LENGTH	PROPOSED LENGTH	NET LENGTH
15 → 15	~6'	~12'	6'	20.9'	20.9'	0'
16 → 52	~6'	10.3'	4.3'	20.9'	30'	9.1'
17 → 16	~8'	~16'	8'	20.9'	20.9'	0'
18 → 53	~8'	10.3'	2.3'	20.9'	30'	9.1'
<b>TOTAL</b>			20.6'			18.2'

<b>SITE 3 (per applicant-submitted slip report)</b>						
BSU # Prev → New	EXISTING WIDTH	PROPOSED WIDTH	NET WIDTH	EXISTING LENGTH	PROPOSED LENGTH	NET LENGTH
T1 → 25	13'	11'	-2'	32'	28'	-4'
T2 → 26	13'	11'	-2'	32'	28'	-4'
T3 → 27	13'	11.5'	-1.5'	32'	28'	-4'
13 → 13	8'	9'	1'	20'	24'	4'
<b>TOTAL</b>			-4.5'			-8'

- **Dock Length.** The applicant proposes to increase maximum dock length as follows:
  - **Site 2:** from 100' from the OHW to approximately 143' from the OHW
  - **Site 3:** from 100' from the OHW to approximately 138' from the OHW
- **Pier Width.** The applicant proposes to narrow a walkway (between 1000 Eastman Lane and the island on Site 3) from approximately 10.6' to 8'. Doing so will bring the walkway into compliance with LMCD Code. The applicant holds a variance for the existing walkway width.
- **Site Classification.** The applicant's proposal for each site appears to meet the criteria of a Qualified Yacht Club (QYC). Switching classifications from Club to QYC is necessary to allow the dock length extension without a variance. Each site that is classified as a QYC may be able to forgo a special density license, as higher boat densities can be allowed for QYC sites.
- **Variance(s).** To the extent to which portions of this proposal may not adhere to the LMCD Code, the applicant is requesting a variance for adjustment of the dock use area.

## EAW DETERMINATION

As the changes proposed do not reach or surpass an increment of expansion of 20,000 square feet of dock structures, boat storage, and navigational area, a Mandatory EAW is not required.

## SUMMARY OF CODE CONSIDERATIONS

Key LMCD Code items are listed below, with a description of the code section as it relates to this application. Code excerpts are attached for additional reference. *Staff comments regarding the application are written in italics below the relevant code language. Code excerpts from Section 6-2.01 without staff comments indicate site characteristics relevant to the code excerpt are not expected to change as a result of the proposal. These sites have operated in these locations for years and are expected to continue a similar mode of operation.*

### **Section 1-3.01. Definitions.**

Subd. 77. Qualified Commercial Uses. “Qualified commercial use” is, unless specifically noted otherwise, a general reference to qualified commercial marinas, qualified sailing schools, and qualified yacht clubs.

Subd. 79. Qualified Yacht Club. “Qualified yacht club” means a non-profit corporation, owned by its members, volunteer-driven, created to further the sport of sailing, with at least 25 boat storage units at its licensed site, and that is the sole occupant of the licensed site or occupies the site with a qualified sailing school.

- *The applicant appears to meet the definition of a Qualified Yacht Club for both sites.*

### **Section 2-3.03. Determination of Authorized Dock Use Area.**

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

- (a) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.

### **Section 2-4.07. Qualified Commercial Uses.**

Subd. 1. General Rule – May 3, 1978. Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site 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 shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

**Section 6-2.01. Commercial Multiple Dock License.** An application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- *No change to watercraft density is proposed.*

(b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;

- *Variance recommended to clarifying dock use area and extended side site line between the licensed sites since two licenses are requested.*

(c) Whether the proposed structure will be structurally safe for use by the intended users;

(d) Whether the structure will comply with the regulations contained in this Code;

(e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

- *The volume of traffic in the lake is not expected to change as a result of this proposal. No change in total BSUs is proposed.*

(f) Whether the proposed structure will be compatible with the adjacent development;

(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

(i) Whether the proposed structure, 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 structure;

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

(k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;

(l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and

(m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

(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;

- *Variance recommended to clarifying dock use area and extended side site line between the licensed sites since two licenses are requested.*

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

- *Variance recommended to clarifying dock use area and extended side site line between the licensed sites since two licenses are requested.*

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

- *Removal of emergent native vegetation is not proposed.*

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

- *Variance recommended to clarifying dock use area and extended side site line between the licensed sites since two licenses are requested.*

## **VARIANCE REQUEST**

A variance from the strict application of the provisions of the Code may be granted if the applicant is able to demonstrate to the satisfaction of the Board that practical difficulties exist that make the granting of the requested variance necessary. A variance may only be granted if doing so does not adversely affect: (1) the purposes of the Code; (2) the public health, safety, and welfare; or (3) reasonably access to or use of the Lake by the public or riparian owners.

A practical difficulty is the existence of one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code. A practical difficulty only exists with respect to a particular property if the conditions preventing the proposed reasonable use of the property are: (1) unique to the property; (2) were not created by the property owner; and (3) are not based solely on economic considerations.

The applicant has submitted a variance application for adjustment of the dock use area and to continue any variance orders as needed.

## **PUBLIC COMMENTS**

In compliance with MN DNR General Permit 97-6098, the MN DNR, MCWD, and the City of Wayzata were provided information regarding the applications on February 28, 2020. City and agency comments are due by March 9, 2020. Comments received as of March 6, 2020 are summarized below. Any comments received after March 6, 2020 will be provided at the Board meeting for review.

- The Wayzata City Council will review the applications to provide comment to the LMCD on March 10, 2020. City staff will forward Council comments to LMCD staff on March 11, 2020 prior to the LMCD Board meeting.

As of March 6, 2020, comments received by LMCD staff from the general public are summarized below:

- An individual called in to ask about a potential increase of BSUs on the site. After being informed that no increase in the number of BSUs is proposed, the individual stated that the applicant's proposals should not be allowed to interfere with nearby use of the lake if the proposed changes would constitute an interference.

## **PUBLIC HEARING**

The public hearing provides an opportunity for interested individuals to present their views to the Board for consideration. This is an important part of reviewing the impact of a project. Only items under the LMCD Code and Board authority may be considered as part of any approval or denial decision.

The public hearing notice was published in the February 27, 2020 edition of the Lakeshore Weekly News and posted on the LMCD Bulletin Board. Residents and owners of property within 350 feet of the site were notified via a mailing sent out February 27, 2020. In addition, the Board packet will be posted online.

## **RECOMMENDATION**

Staff recommend approval of the multiple dock licenses and variances for the Qualified Yacht Club (QYC) sites.

## **ATTACHMENTS**

1. LMCD Code Excerpts
2. Aerial Map(s) of Proposed Area
3. Site 2 Existing and Proposed Site Plans
4. Site 3 Existing and Proposed Site Plans
5. Site 2 Application Forms
6. Site 3 Application Forms
7. Site 3 Slip Size Report (as submitted by Applicant)
8. Additional Application Materials
9. June 25, 2014 Variance Order
10. July 23, 2008 Variance Order
11. July 9, 2008 Variance Order
12. July 9, 2008 Bridge Permit
13. Public Hearing Notice
14. Public Hearing Notification to Property Owners



# ITEM 10A ATTACHMENT 1

## ATTACHMENT: LMCD Code Excerpts WYC 2020 New Multiple Dock License, Variance Applications

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### **Section 1-3.01. Definitions.**

Subd. 20. Commercial Use. “Commercial use” is, unless specifically noted otherwise, a general reference to commercial marinas, club facilities, qualified commercial marinas, qualified sailing schools, and qualified yacht clubs. The owner of a commercial use is eligible to apply for a license for a commercial structure.

Subd. 77. Qualified Commercial Uses. “Qualified commercial use” is, unless specifically noted otherwise, a general reference to qualified commercial marinas, qualified sailing schools, and qualified yacht clubs.

Subd. 78. Qualified Sailing School. “Qualified sailing school” means a corporation qualified under Internal Revenue Code Section 501(c)(3) that is created to educate and train for the sport of sailing and that is the sole occupant of the licensed Site or occupies the site with a qualified yacht club.

Subd. 79. Qualified Yacht Club. “Qualified yacht club” means a non-profit corporation, owned by its members, volunteer-driven, created to further the sport of sailing, with at least 25 boat storage units at its licensed site, and that is the sole occupant of the licensed site or occupies the site with a qualified sailing school.

### **Section 2-3.03. Determination of Authorized Dock Use Area.**

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National Geodetic Vertical Datum of 1929 (“NGVD”). The authorized dock use area includes the area on, under, and over the surface of the Lake.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

- (a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.
- (b) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized 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.

- (c) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.
- (d) Existing Site – February 5, 1970. The authorized dock use area for a site in existence on February 5, 1970 shall be determined as follows:
  - (1) Over 40 feet of Frontage. If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized dock use area extends into the Lake a distance of 60 feet.
  - (2) Under 40 feet of Frontage. If the site has a Lake frontage of less than 40 feet, the authorized dock use area extends into the Lake to the point necessary to reach a water depth of four feet, measured from 929.4 NGVD, except that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed unless the Board issues a setback variance under Section 6-5.01.
- (e) Public Safety Docks. The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD, or municipalities bordering on the Lake and used exclusively for law enforcement, public safety, or LMCD purposes extends into the Lake a distance of 125 feet.

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision.

- (a) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

- (b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not located adjacent to another multiple dock, mooring area, or commercial single docks.
  - (1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming

structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.

#### **Section 2-4.07. Qualified Commercial Uses.**

Subd. 1. General Rule – May 3, 1978. Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site 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 shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

Subd. 2. Qualified Sailing Schools and Qualified Yacht Clubs. Watercraft that are 20 feet or less in hull length, have no motor, and are stored on land are not counted for density purposes under this Section.

Subd. 3. Qualified Sailing Schools. Motorized watercraft stored at a qualified sailing school site or on the adjacent site of a qualified yacht club are not counted for density purposes under this Section, provided:

- (a) The overall length of the watercraft is 20 feet or less;
- (b) The horsepower of the motor on the watercraft is 90 horsepower or less;
- (c) Sailboats stored at the qualified sailing school site and used exclusively for students at the sailing school that are registered with the LMCD shall be declared student sailboats and there is no more than one such motorized watercraft for each six registered student sailboats;
- (d) All such motorized watercraft are stored on land or over the land on a slide or ramp; and
- (e) The motorized watercraft is used by the qualified sailing school exclusively for safety, education, and coaching or managing sailboat races.

**Section 3-2.01. Commercial Uses Identified.** The commercial uses identified in this Section are eligible to apply for commercial licenses on the Lake. The following designations are based on the characteristics of the commercial use and are used to determine eligibility for certain commercial licenses. The LMCD does not license these uses, but the licenses issued a particular use will identify the particular commercial use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of commercial use is identified below and may be referred to in this Code collectively as commercial uses. The commercial uses that are also identified as qualified may be referred to in this Code collectively as qualified commercial uses. The commercial uses, including qualified commercial uses, identified in this Code are as follows:

- (a) Commercial Marinas;
- (b) Club Facilities;
- (c) Qualified Commercial Marinas;
- (d) Qualified Sailing Schools; or
- (e) Qualified Yacht Clubs.

**Section 3-2.11. Qualified Yacht Club.** Qualified yacht clubs may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A qualified yacht club may apply for the following types of licenses:

- (a) Commercial single dock license;
- (b) Commercial multiple dock license;
- (c) Commercial mooring area license; or
- (d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a qualified yacht club shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Conversion of Use. The conversion of a qualified yacht club to any other use is subject to the restrictions in Section 3-2.03, subdivision 3.

**Section 6-2.01. Commercial Multiple Dock License.** An application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

- (a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;
- (b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;
- (c) Whether the proposed structure will be structurally safe for use by the intended users;
- (d) Whether the structure will comply with the regulations contained in this Code;
- (e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;
- (f) Whether the proposed structure will be compatible with the adjacent development;
- (g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;
- (h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;
- (i) Whether the proposed structure, 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 structure;
- (j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;
- (k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;

(l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and

(m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

(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 native vegetation; and

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

Subd. 5. Limitations. The following limitations and restrictions apply to structures licensed under this Section.

(a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.

(b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

### **Section 6-5.01. Variances.**

Subd. 1. Authorized. Where practical difficulties occur or where necessary to provide access to persons with disabilities, the Board may permit a variance from the requirements of this Code or may require a variance from what is otherwise permitted by this Code, provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners. Except as otherwise provided in this Code, all variances granted by the LMCD shall be governed by the provisions of this Section.

Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Board for a variance. A variance may be to permit the applicant to locate a dock, mooring area, or other structure in a location different from that permitted by this Code or to permit or require the owner of any adjacent or nearby site to do so.

Subd. 3. Length Variances. The length limitations prescribed by this Code may be adjusted to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 NGVD, at the outer end of such dock to provide adequate water depth for

navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

Subd. 6. Criteria. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to persons with disabilities. The Board may only grant a variance if the property owner is able to demonstrate that granting the variance will be in keeping with the spirit and intent of this Code, the plight of the property owner is due to circumstances unique to the property that were not created by the property owner, the proposed use is reasonable under the circumstances, and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

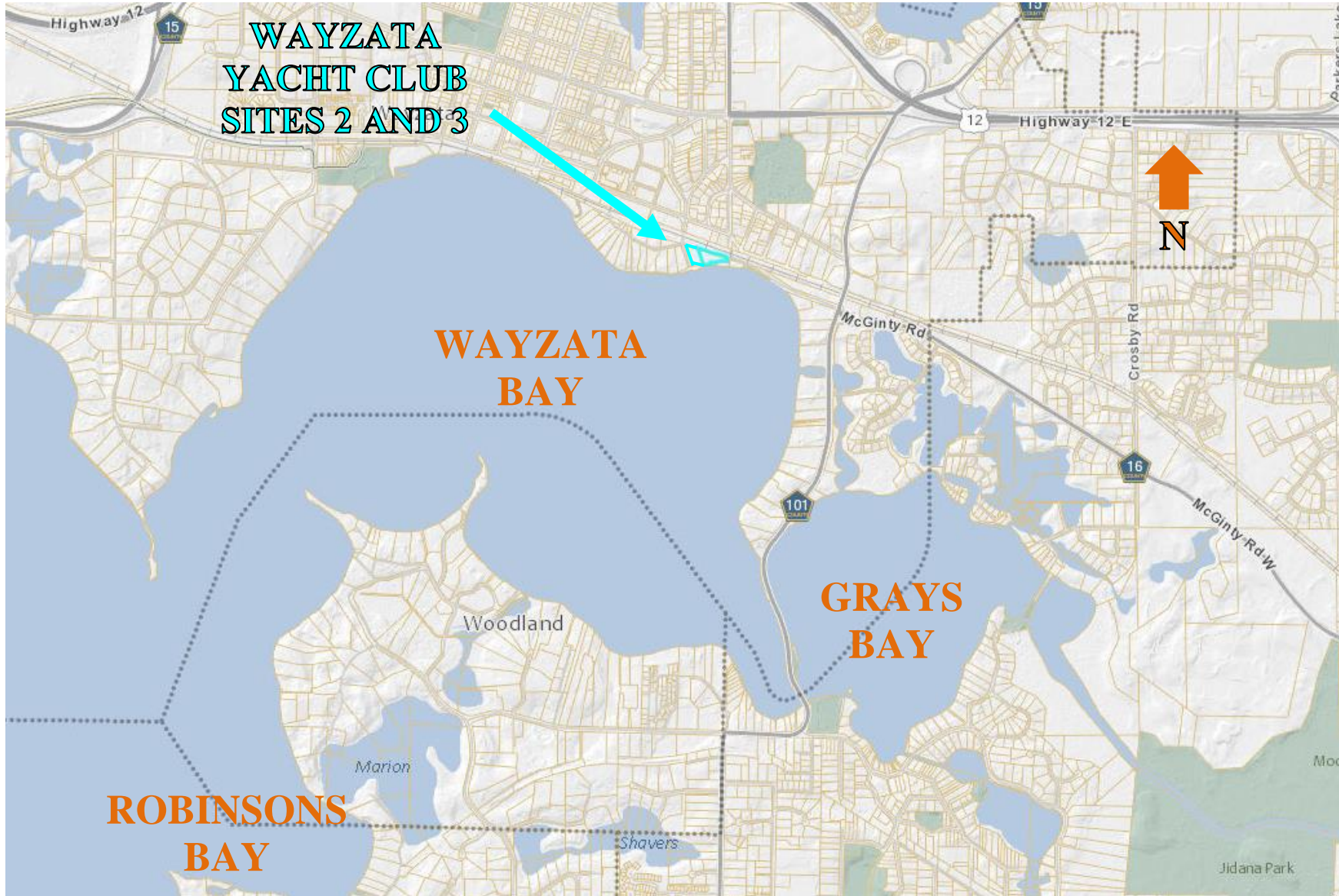


## ITEM 10A ATTACHMENT 2

Wayzata Yacht Club Sites 2 and 3

Multiple Dock License, Special Density License, and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 02/25/2020.

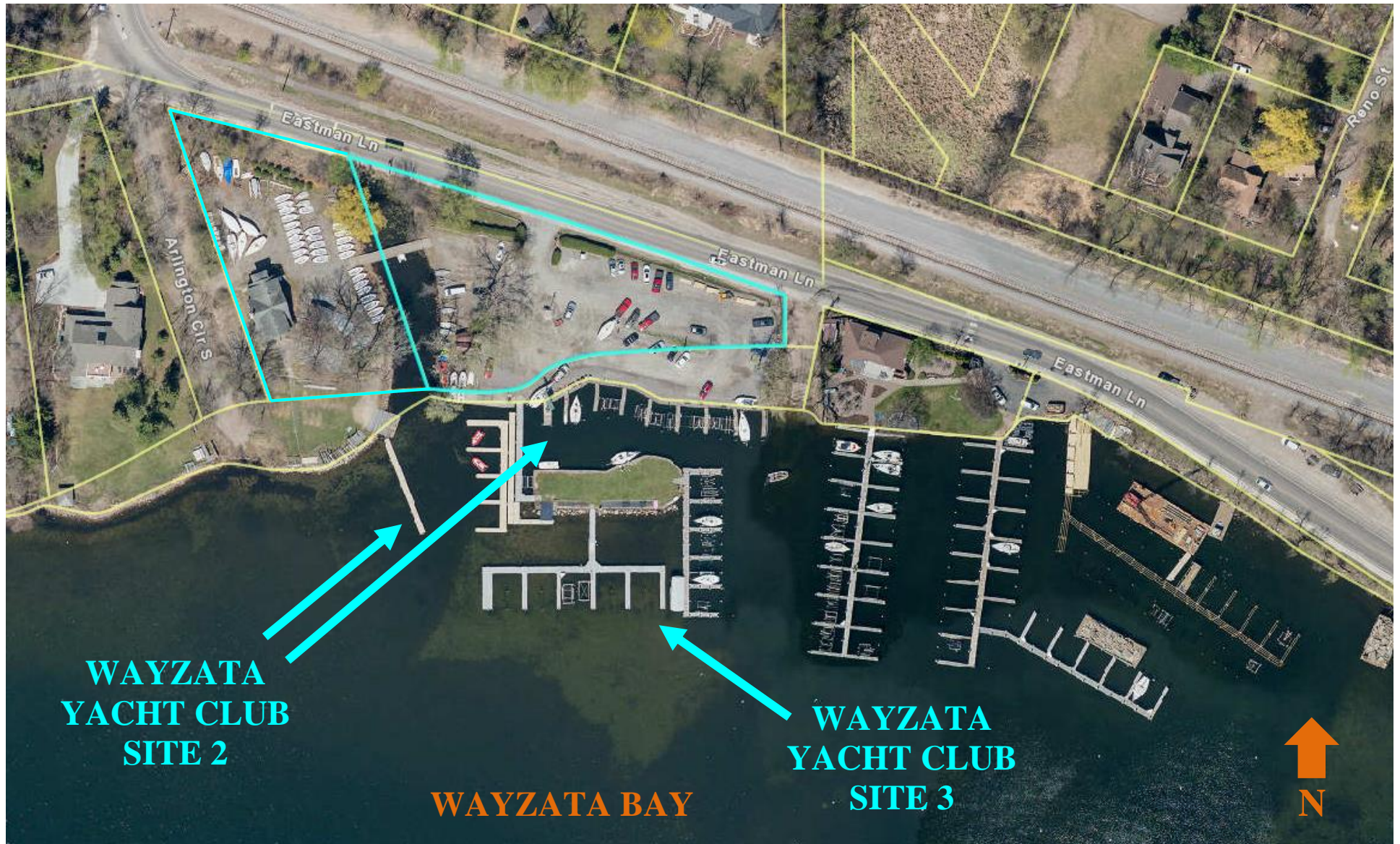




## Wayzata Yacht Club Sites 2 and 3

Multiple Dock License, Special Density License, and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 02/25/2020. Images taken in 2018.





## ITEM 10A ATTACHMENT 3



I hereby certify that this survey, plan, or report 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.

*Mark A. Benberg*

DATE 4-15-97 MINN. LICENSE NUMBER 22355

[illegible]

**SITE 2**

BSU SLIPS IN WATER 26  
 BSU SLIDES ON SHORE 27  
 BSU TRANSIENTS 5  
 TOTAL BSU 58

DIRECT STRAIGHT LINE BY CODE A-B = 432 L.F. x 1.25 = 540 L.F.  
 SHORELINE A-D-E-B = 743 L.F.

**RECEIVED**  
 DEC 20 2019

**RECEIVED**  
 DEC 20 2019

**LAKE MINNETONKA**

**WAYZATA BAY**

**BURLINGTON NORTHERN RAILROAD**

**EASTMAN LANE**

**SHADY LANE**

**ARLINGTON CIRCLE SOUTH**

**BRIDGE POSITION**

**DREDGED CHANNEL**

**EXISTING HOUSE**

**GRAVEL RUNWAY**

**929.4 CONTOUR LINE**

**COACH BOATS**

**CHILDREN'S SMALL BOAT MAKE-READY DOCK AND WHEELCHAIR ACCESSIBLE FOR SMALL BOATS**

**ISLAND**

**100 FOOT SETBACK LINE**

**4 FT BOULDER LINE FALLS ON BOULDERS**

**PROPERTY LINE EXTENDED**

**0 30**

DIRECT STRAIGHT LINE BY CODE A-B = 432 L.F. x1.25 = 540 L.F.  
SHORELINE A-D-E-B = 743 L.F.

0 30 60 90 120

SCALE IN FEET

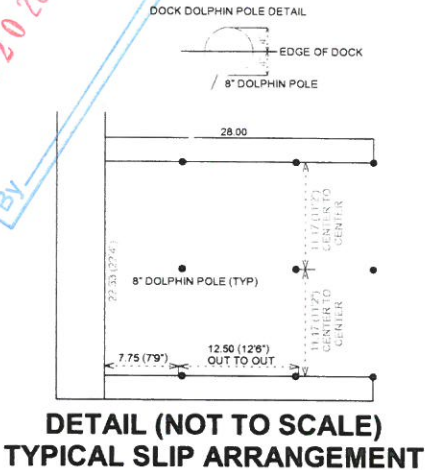
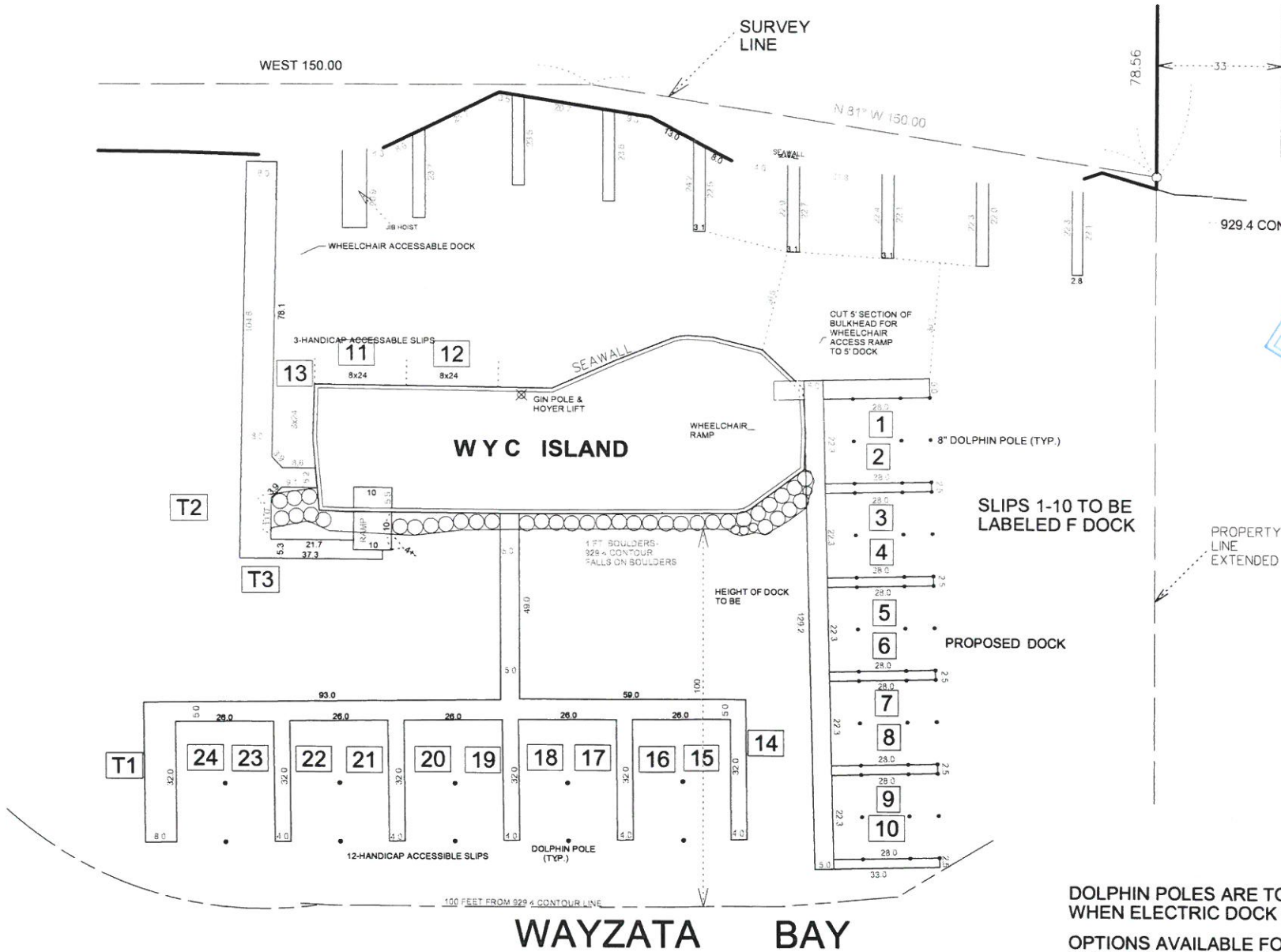
[illegible]



EXISTING DOCK PLAN DETAIL FOR  
WAYZATA YACHT CLUB

ITEM 10A ATTACHMENT 4

SITE 3



ISLAND SHORELINE CALCULATIONS  
368 L.F.

27 BSU'S ALLOWED

PLAN SHOWS  
24 BOAT SLIPS  
3 TRANSIENT SLIPS

DOLPHIN POLES ARE TO BE INSTALLED  
WHEN ELECTRIC DOCK LIFTS ARE INSTALLED  
OPTIONS AVAILABLE FOR PLASTIC DECKING  
OR PLASTIC OVER ALUMINUM DECKING

7 REVISIONS

DATE	BY	REVISIONS
4-24-13	BT	UPDATED
5-8-13		REVISIONS
11-18-13		REVISED DOCK SLIPS 1-10
11-28-13		ADDITIONAL INFORMATION, HANDICAP RAMP ADDED
12-11-13		REVISIONS
12-13-13		REVISIONS

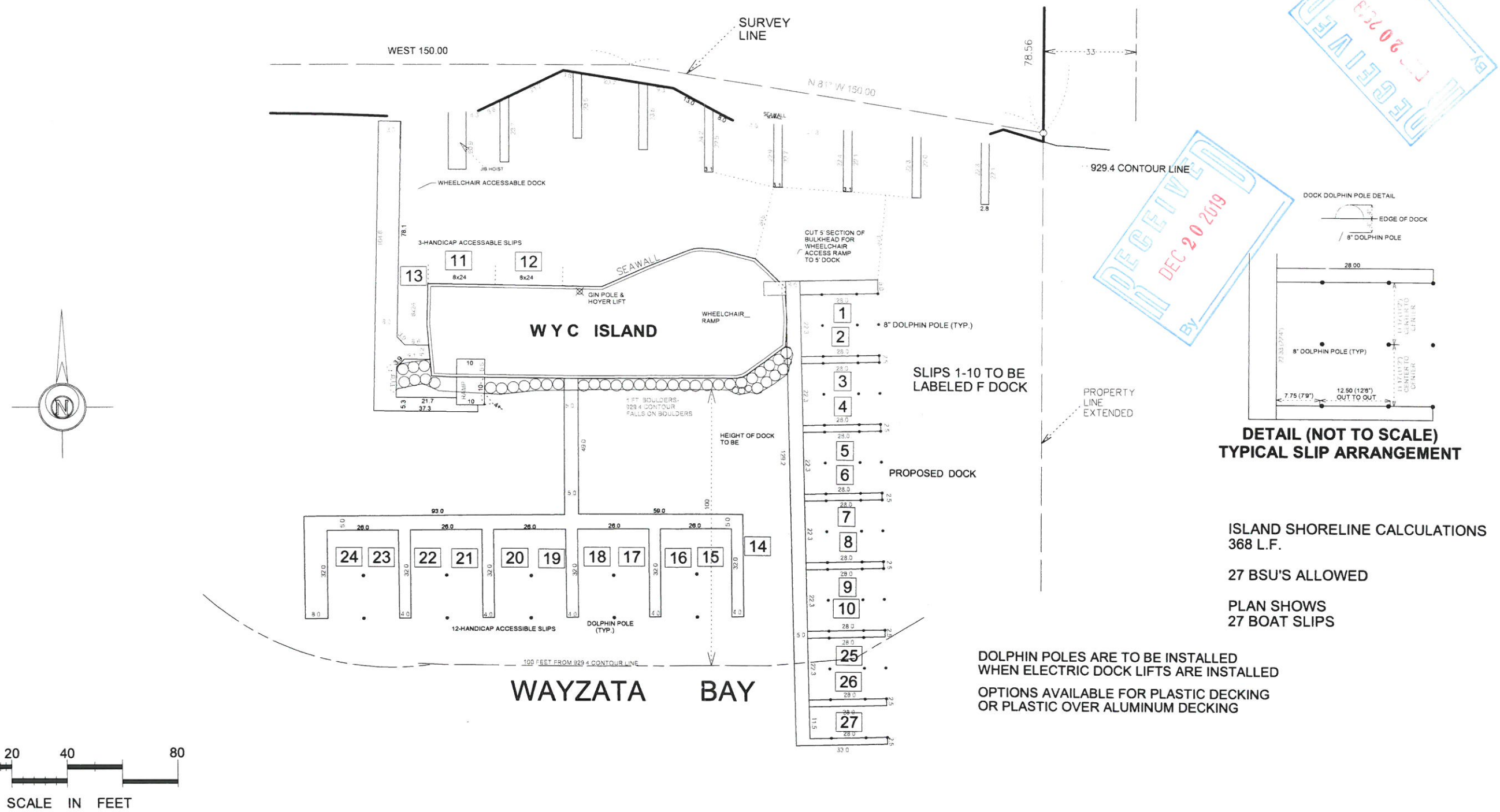
DESIGNED  
DRAWN  
CHECKED  
DATE 12-13-13 MN LICENSE NUMBER 12755



**GRONBERG & ASSOCIATES, INC.**  
Civil Engineers, Land Surveyors, Land Planners  
445 North Willow Drive, Long Lake, MN 55356  
952-473-4141

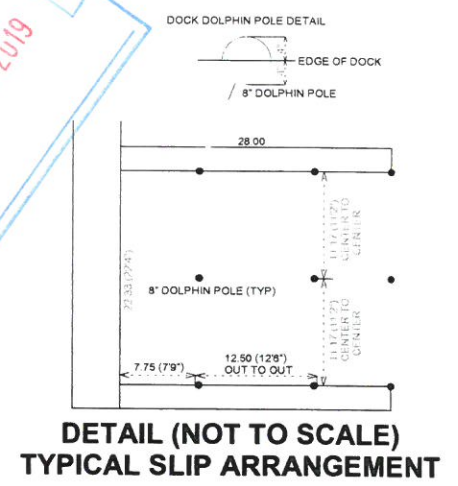
DATE 10-2-12  
SCALE 1"=40'  
JOB NO. 12-273  
SHEET 7 OF 7

PROPOSED DOCK PLAN DETAIL FOR  
WAYZATA YACHT CLUB  
SITE 3



RECEIVED  
DEC 20 2019  
BY

RECEIVED  
DEC 20 2019  
BY



ISLAND SHORELINE CALCULATIONS  
368 L.F.  
27 BSU'S ALLOWED  
PLAN SHOWS  
27 BOAT SLIPS

DOLPHIN POLES ARE TO BE INSTALLED  
WHEN ELECTRIC DOCK LIFTS ARE INSTALLED  
OPTIONS AVAILABLE FOR PLASTIC DECKING  
OR PLASTIC OVER ALUMINUM DECKING

DATE	BY	REMARKS	DESIGNED	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.			<b>GRONBERG &amp; ASSOCIATES, INC.</b> Civil Engineers, Land Surveyors, Land Planners 445 North Willow Drive, Long Lake, MN 55356 952-473-4141	DATE	10-31-19
			DRAWN					SCALE	1"=40'
			CHECKED					JOB NO.	19-367
								SHEET	OF 1



2020-15

2020-16 ITEM 10A ATTACHMENT 5



# NEW MULTIPLE DOCKS, MOORING AREAS, COMMERCIAL DOCKS, AND/OR LAUNCHING RAMPS APPLICATION

Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200

Mound, MN 55364

Phone (952) 745-0789

Site 2

LMCD Receipt # \_\_\_\_\_

*Because this form is to be copied, please use black ink or type. This form may be filled out online*

Pursuant to LMCD Code Section 2.03, a new multiple dock license is requested, in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

Applicant: Steve Bren

Address: 540 North Arm Drive

City, State, Zip: Mound, MN 55364

Phone: 612-701-3230 Fax: \_\_\_\_\_ Email: Steve\_bren@yahoo.com

Property owner (if different from applicant): Wayzata yacht club

Address: 1100 Eastman Lane

City, State, Zip: Wayzata MN 55391

Phone: 952-473-0357 Fax: \_\_\_\_\_ Email: jonathon@McDonagh.com

## PROPERTY LOCATION:

The property is located in the city of: Wayzata

The property is riparian to LMCD bay/area(s): 29

1. Classification of user per Section 2.11, Subd. 2 (please select one):

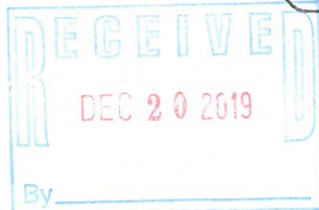
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> a) commercial marina       | <input type="checkbox"/> d) transient          | <input type="checkbox"/> g) private residence |
| <input checked="" type="checkbox"/> b) private club | <input type="checkbox"/> e) outlot association | <input type="checkbox"/> h) other (explain)   |
| <input type="checkbox"/> c) municipal               | <input type="checkbox"/> f) multiple dwelling  |   |

2. Type of dock construction, describe and attach to-scale drawing:

permanent pile driven + floating docks @ sailing school

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property.

Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.



PIN # 0611722440006

### New Multiple Dock License Application

4. Documents listed below are required; check that they are attached:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Locator Map                              | <input type="checkbox"/> Scaled drawing of docks on abutting properties |
| <input checked="" type="checkbox"/> County Plat Map                          | <input type="checkbox"/> Proposed facility site plan                    |
| <input checked="" type="checkbox"/> Certified Land Survey, Legal Description | <input type="checkbox"/> Existing facility site plan                    |

*Absence of significant data requested above could result in a processing delay.*

5. All required permits, licenses, and approvals have been obtained from the MN DNR and from the city in which the multiple dock, ramp, and/or mooring is located, copies attached?

Yes ☐ No ☒ if no explain: existing permits already in place + Approved.

6. Check the parking requirements of the City if you provide the following services: CNO Added BSU's

Boat Storage	_____
Launching ramps	<u>2 @ Sailing school, 1 public</u>
Sales	_____
Service	_____
Boat Rentals	_____
Restaurant	_____
Other (explain)	_____
<b>TOTAL</b>	<u>0</u>

7. Restroom facilities provided: Yes ☒ No ☐ Indoor 1 Outdoor portable (number) 2 (incl 1 DNR)

8. Boat toilet pumping service provided? Yes ☐ No ☒

9. Total square footage of dock area including maneuvering space = 18,670 sq. ft.  
If 20,000-sq. ft. or over, an Environmental Assessment Worksheet (EAW) is required.

10. Boat Storage Units (BSU) computation: Lakeshore Frontage 698 feet divided by 50 = 0 BSU's allowable under the one-boat per fifty-foot rule. **If this number is less than the total BSU's applied for in No. 12 below, an application for a Special Density License is required per Code Section 2.05.** we have a special density license in place, since 7/23/08

11. Number of BSU's applied for:

LOCATION	
Slips	<u>53</u>
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
<b>TOTAL BSU's</b>	<u>0</u>

USE	
Rent, lease, etc.	
Service work	
Company use	
Private use	
Transient use	<u>5</u>
Other	
<b>TOTAL BSU's</b>	<u>58</u> 0

12. Watercraft Storage Unit (WSU) computation schedule:

BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	0.00
BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to 11' wide)	0.00
BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	0.00
BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to 14' wide)	0.00
BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide)	0.00
BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	0.00

0

### BSU and WSU Totals

0.00

83

[illegible]

Number of Watercraft Storage Units (WSU) 0.00 x \$7.50 = \$0.00 622.50

**Total Fee Enclosed** ..... \$500.00 # 112250

I agree to submit a certified, as-built survey upon completion of the docks.

Stephen Bren  
Authorized Signature

11-23-19  
Date

Manager / WYC  
Title

prop mgmt Co SecB mgmt,  
Relationship to Owner (owner)

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



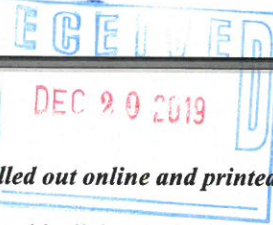
Site 2

L



# SPECIAL DENSITY LICENSE APPLICATION

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



LMCD Receipt # \_\_\_\_\_

*Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.*

Pursuant to LMCD Code Section 2.05, a Special Density License is requested, in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

Applicant: Steve Bren + Jonathan McDonagh

Address: 540 No. Arm Drive

City, State, Zip: Mound MN Jonathan@McDonagh.com

Phone: 612 701 3230 Fax: \_\_\_\_\_ Email: Steve\_bren@yahoo.com

Property owner (if different from applicant): Wayzata Yacht Club

Address: 1100 Eastman Lane

City, State, Zip: Wayzata, MN 55391

Phone: 612 865 1636 Fax: \_\_\_\_\_

## PROPERTY LOCATION:

The property is located in the city of: Wayzata

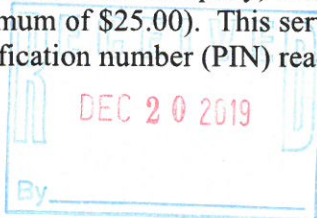
The property is riparian to LMCD bay/area(s): 29

1. Classification of user per Section 2.11, Subd. 2 (please circle one):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> a) commercial marina       | <input type="checkbox"/> d) transient          | <input type="checkbox"/> g) private residence     |
| <input checked="" type="checkbox"/> b) private club | <input type="checkbox"/> e) outlot association | <input type="checkbox"/> h) other (explain) _____ |
| <input type="checkbox"/> c) municipal               | <input type="checkbox"/> f) multiple dwelling  |   |

2. Intended use of the facility: yacht club + sailing school

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditor's Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.





4. Documents listed below are required; check that they are attached:

- Absence of significant data requested above could result in a processing delay.*

6. Computation of number of boat Storage Units (BSU):

8. Density of BSU's applied for:

9. Special requirements (§2.05), Subd. 4): Please indicate benefits to the Lake and other factors upon which this permit should be considered. Amenities may be from Group B, Group C, and /or Group D below, but at least one must be from Group A. Attach description, photos, scaled drawings, etc.

- (1) Special density permit granted by LMCD on 7-23-08
- (2) provide jib crane take out to public for sailboats by appt.
- (3) provide a lakeshore site + program: All Amenities Still in force
- (4) for U of M sailing team + 600 students per year.

- (1) sheet aluminum bulkhead + rapped shoreline @ school
- (2)
- (3)
- (4)

- (1) offer the water patrol mooring slip for impounded boats
- (2) offer jib crane for emergencies
- (3) teach, coach a of M renting sailboats + providing instructors
- (4)

- (1) Restore eroded island, Bulkhead shoreline to
- (2) protect from ice damage
- (3)
- (4)

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

Special Density Application

10. Have all the required permits, licenses and approvals been obtained from the MN DNR and from the city in which the multiple docks ramp, and/or mooring is located?

☒ Yes ☐ No: If yes, attach copies now; if no, attach copies when received.

11. Base Fee:.....\$300.00

Plus number of Boat Storage Units (BSU's) 58 X \$10.00 ea = \$ 0  
Or

For approved Special Density License Applications, Net increase in BSU's \_\_\_\_\_ x \$10.00 = \$ 0

**Total fee enclosed**

(This fee is for processing of the application and does not entitle the applicant to a license) \$300.00

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 incurred by the District in excess of the amount of the application fee.** I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified, as-built survey upon completion of the docks.

Stephen C. Breen  
Authorized Signature

11-22-19  
Date

manager  
Title

property manager of WYC.  
Relationship to Owner

Return this application, attachments and fee to:

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



## VARIANCE APPLICATION

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

site #2

LMCD Receipt # \_\_\_\_\_

In accordance with LMCD Code Section 1.07, where practical difficulties occur or where necessary to provide access to the handicapped, the Board may permit a variance from the requirements of the Code, or may require a variance from what is otherwise permitted the Code provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this ordinances, the public health, safety, and welfare, and reasonable access to or use of the Lake by public or riparian owners. The following application, when completed, shall be filed with the Executive Director of the District along with surveys, photos, and such other information as required.

*Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.*

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

Applicant: Steve Bren / Jonathan McDonagh

Address: 540 No. Arm Drive

City, State, Zip: Mound Mn 55364

Phone: 612 701 3230 Fax: \_\_\_\_\_ Email: steve\_bren@yahoo.com

Property owner (if different from applicant): Wayzata yacht club

Address: 1100 Eastman Lane

City, State, Zip: Wayzata Mn 55391

Phone: 612 701-3230 Fax: 952 473 0352

### PROPERTY LOCATION:

Located in the city of: Wayzata

Address & Property Identification No (PID): 1100 Eastman Lane : 05117-22-33-0003  
Address PID#

TYPE OF VARIANCE: purpose is to reaffirm or reapprove any

State practical difficulties causing variance to be required:

necessary current variances for the site, and to address any  
potential necessary variances for adjustment of the  
dock use area

Variance Application

**ABUTTING LAKESHORE PROPERTY OWNERS:**

North or West: Wayzata Sailing school 456 Arlington Circle Wayzata 55391  
(Name and mailing address)

South or East: Robert and Janet Sabes 1450 Eastman Lane Wayzata  
(Name and mailing address)

Other affected parties (attach sheet if necessary):

\_\_\_\_\_  
(Name and mailing address)

Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910 (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

Documents listed below are required; check that they are attached:

- ☐ **Locator Map** (U.S.G.S area map with scale, North direction, Site clearly marked, Name or Title, LMCD Area Name, LMCD number)
- ☐ **County Plat Map** (Site clearly marked, Name, LMCD area name, LMCD number)
- ☐ **Certified Land Survey** (Legal description, Name, LMCD area name, LMCD number, 929.4 N.G.V.D. shoreline)
- ☐ **Proposed facility site plan** (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☐ **Existing facility site plan**, if applicable (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☐ **Scaled drawing of docks on abutting properties** and other affected dockage

***Absence of significant data requested above could result in a processing delay.***

**FEE CALCULATION**

**APPLICATION FEE**.....(non-refundable).....\$250.00

**DEPOSIT**..... (refundable, upon full compliance with the Code and extent of administrative, inspection and legal service required).....+\$250.00

Variance Application

**TOTAL FEE ENCLOSED.....** (this fee is for processing of the application and does not entitle the applicant to a variance)..... **\$500.00**

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted 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 incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified, as-built survey upon completion of the docks.

Stephen Brien  
**Authorized Signature**

Jan 23, 2020  
**Date**

manager  
**Title**

management company owner  
**Relationship to Owner**

Return this application, attachments and fee to:

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



2020-17

## ITEM 10A ATTACHMENT 6

500 L 24



# NEW MULTIPLE DOCKS, MOORING AREAS, COMMERCIAL DOCKS, AND/OR LAUNCHING RAMPS APPLICATION

Lake Minnetonka Conservation District

5341 Maywood Road, Suite 200

Mound, MN 55364

Phone (952) 745-0789

site 3

LMCD Receipt # \_\_\_\_\_

*Because this form is to be copied, please use black ink or type. This form may be filled out online*

Pursuant to LMCD Code Section 2.03, a new multiple dock license is requested, in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

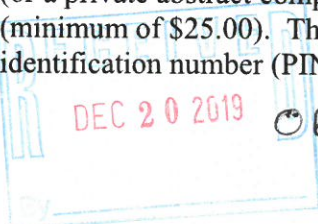
Applicant: Steve BrenAddress: 540 North Arm DriveCity, State, Zip: Mound MN 55364Phone: 612 701-3230 Fax: \_\_\_\_\_ Email: Steve\_bren@yahoo.comProperty owner (if different from applicant): Wayzata Yacht ClubAddress: 1100 Eastman LaneCity, State, Zip: Wayzata, MN 55391Phone: 612 435-2001 Fax: \_\_\_\_\_ Email: jonathan@mcDonagh.com**PROPERTY LOCATION:**The property is located in the city of: WayzataThe property is riparian to LMCD bay/area(s): 29

## 1. Classification of user per Section 2.11, Subd. 2 (please select one):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> a) commercial marina       | <input type="checkbox"/> d) transient          | <input type="checkbox"/> g) private residence |
| <input checked="" type="checkbox"/> b) private club | <input type="checkbox"/> e) outlot association | <input type="checkbox"/> h) other (explain)   |
| <input type="checkbox"/> c) municipal               | <input type="checkbox"/> f) multiple dwelling  |   |

2. Type of dock construction, describe and attach to-scale drawing: permanent  
permanent, pile driven wood docks + floating commercial docks

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.



### New Multiple Dock License Application

4. Documents listed below are required; check that they are attached:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Locator Map                              | <input type="checkbox"/> Scaled drawing of docks on abutting properties |
| <input checked="" type="checkbox"/> County Plat Map                          | <input type="checkbox"/> Proposed facility site plan                    |
| <input checked="" type="checkbox"/> Certified Land Survey, Legal Description | <input type="checkbox"/> Existing facility site plan                    |

*Absence of significant data requested above could result in a processing delay.*

5. All required permits, licenses, and approvals have been obtained from the MN DNR and from the city in which the multiple dock, ramp, and/or mooring is located, copies attached?

Yes ☐ No ☒ if no explain: we are an existing facility (not adding BSU's)

6. Check the parking requirements of the City if you provide the following services:

Boat Storage	_____
Launching ramps	<u>2</u>
Sales	_____
Service	_____
Boat Rentals	_____
Restaurant	_____
Other (explain)	_____
<b>TOTAL</b>	<u>0</u>

7. Restroom facilities provided: Yes ☒ No ☐ Indoor 1 Outdoor portable (number) 2

8. Boat toilet pumping service provided? Yes ☐ No ☒

9. Total square footage of dock area including maneuvering space = 12,460 sq. ft.  
If 20,000-sq. ft. or over, an Environmental Assessment Worksheet (EAW) is required.

10. Boat Storage Units (BSU) computation: Lakeshore Frontage 368 feet divided by 50 = 0 BSU's allowable under the one-boat per fifty-foot rule. **If this number is less than the total BSU's applied for in No. 12 below, an application for a Special Density License is required per Code Section 2.05.** we have one already

11. Number of BSU's applied for:

LOCATION	
Slips	<u>27</u>
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
<b>TOTAL BSU's</b>	<u>27</u>

USE	
Rent, lease, etc.	<u>27</u>
Service work	
Company use	
Private use	
Transient use	<u>0</u>
Other	
<b>TOTAL BSU's</b>	<u>27</u>

12. Watercraft Storage Unit (WSU) computation schedule:

<u>SLIP SIZE CATEGORIES</u>		
<u>1</u>	BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	0.00 <u>1</u>
<u>0</u>	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to 11' wide)	0.00 <u>0</u>
<u>14</u>	BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	0.00 <u>28</u>
<u>12</u>	BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to 14' wide)	0.00 <u>30</u>
<u>    </u>	BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide)	0.00
<u>    </u>	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	0.00
<u>27</u>	<b>BSU and WSU Totals</b>	0.00 <u>59</u>

Base fee >>>>>>>>>>>>>>>>>>>>>>>>>	\$500.00
Number of Watercraft Storage Units (WSU) <u>0.00</u> x \$7.50 =	<u>\$0.00</u>
<b>Total Fee Enclosed .....</b>	<b>\$500.00</b>

I agree to submit a certified, as-built survey upon completion of the docks.

Prop mgmt Co. owner,  
Relationship to Owner  
SEB Mgmt.

Page 3 of 3



Site 3



# SPECIAL DENSITY LICENSE APPLICATION

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

LMCD Receipt # \_\_\_\_\_

*Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.*

Pursuant to LMCD Code Section 2.05, a Special Density License is requested, in accordance with all data and other information submitted herewith and made a part hereof.

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

Applicant: Steve Bren

Address: 540 North Arm Drive

City, State, Zip: Mound, MN 55364 jonathan@McDonagh.com

Phone: 612 701 3230 Fax: \_\_\_\_\_ Email: steve-bren@yahoo.com

Property owner (if different from applicant): Wayzata Yacht Club

Address: 1100 Eastman Lane

City, State, Zip: Wayzata, MN 55391

Phone: 612 865 1636 Fax: \_\_\_\_\_

## PROPERTY LOCATION:

The property is located in the city of: Wayzata

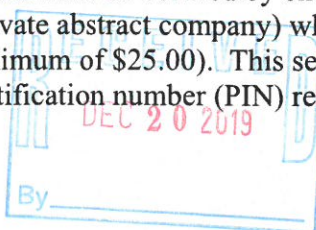
The property is riparian to LMCD bay/area(s): 29

1. Classification of user per Section 2.11, Subd. 2 (please circle one):

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> a) commercial marina       | <input type="checkbox"/> d) transient          | <input type="checkbox"/> g) private residence     |
| <input checked="" type="checkbox"/> b) private club | <input type="checkbox"/> e) outlot association | <input type="checkbox"/> h) other (explain) _____ |
| <input type="checkbox"/> c) municipal               | <input type="checkbox"/> f) multiple dwelling  |   |

2. Intended use of the facility: yacht club

3. Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditor's Office, (612) 348-5910, (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.



Special Density Application

4. Documents listed below are required; check that they are attached:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Locator Map                              | <input checked="" type="checkbox"/> Scaled drawing of existing docks               |
| <input checked="" type="checkbox"/> County Plat Map                          | <input checked="" type="checkbox"/> Scaled drawing of proposed docks               |
| <input checked="" type="checkbox"/> Certified Land Survey, Legal Description | <input checked="" type="checkbox"/> Scaled drawing of docks on abutting properties |

*Absence of significant data requested above could result in a processing delay.*

5. Site Lake Frontage (at 929.4 Normal High water Level): 368 feet.

6. Computation of number of boat Storage Units (BSU):

Frontage 368 feet  $\div$  50 = 7<sup>0</sup> BSU's at one boat per 50 feet.

7. Number of BSU's applied for: 27 same as we have (reconfiguring)

8. Density of BSU's applied for:

Frontage 368 feet  $\div$  27 (number of BSU's) = 13.6 feet per BSU.

9. Special requirements (§2.05), Subd. 4): Please indicate benefits to the Lake and other factors upon which this permit should be considered. Amenities may be from Group B, Group C, and /or Group D below, but at least one must be from Group A. Attach description, photos, scaled drawings, etc.

A. Public Access

- (1) Special Density Permit granted on 7-23-08
- (2) based on stated Amenities which are still
- (3) current, and in place - see findings
- (4) SB

B. Environmental Protection

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

C. Public Service

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

D. Other Amenities

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

E. Other Factors

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

Special Density Application

10. Have all the required permits, licenses and approvals been obtained from the MN DNR and from the city in which the multiple docks ramp, and/or mooring is located?

☐ Yes ☐ No: If yes, attach copies now; if no, attach copies when received.

11. Base Fee:.....\$300.00

Plus number of Boat Storage Units (BSU's) \_\_\_\_\_ X \$10.00 ea = \$0  
Or

For approved Special Density License Applications, Net increase in BSU's \_\_\_\_\_ x \$10.00 = \$0

**Total fee enclosed**

(This fee is for processing of the application and does not entitle the applicant to a license) **\$300.00**

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 incurred by the District in excess of the amount of the application fee.** I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified, as-built survey upon completion of the docks.

Stephen Bien  
Authorized Signature

11-23-19  
Date

manager / wye  
Title

owner of prop. mgmt co  
Relationship to Owner

SeB mgmt LTD

Return this application, attachments and fee to:

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



## VARIANCE APPLICATION

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

Site #3

LMCD Receipt # \_\_\_\_\_

In accordance with LMCD Code Section 1.07, where practical difficulties occur or where necessary to provide access to the handicapped, the Board may permit a variance from the requirements of the Code, or may require a variance from what is otherwise permitted the Code provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this ordinances, the public health, safety, and welfare, and reasonable access to or use of the Lake by public or riparian owners. The following application, when completed, shall be filed with the Executive Director of the District along with surveys, photos, and such other information as required.

*Because this form is to be copied, please use black ink or type. The form may be filled out online and printed.*

The person completing this form is the ☒ **authorized agent** or ☐ **property owner** (select one).

Applicant: Steve Bren / Jonathon Mc Donagh

Address: 540 North Arm Drive

City, State, Zip: Mound, MN 55364

Phone: 612 701 3230 Fax: \_\_\_\_\_ Email: Steve - bren@yahoo.com

Property owner (if different from applicant): Wayzata Yacht Club

Address: 1100 Eastman Lane

City, State, Zip: Wayzata, MN. 55391

Phone: 612 701 -3230 Fax: 952 473 0352

### PROPERTY LOCATION:

Located in the city of: Wayzata

Address & Property Identification No (PID): 1100 Eastman Lane : 05117-22-33-001  
Address PID#

TYPE OF VARIANCE: to address any potential necessary

State practical difficulties causing variance to be required:

variances for adjustment of the dock use area.

Variance Application

**ABUTTING LAKESHORE PROPERTY OWNERS:**

North or West: Wayzata Sailing School 456 Arlington Ave way  
(Name and mailing address)

South or East: Robert and Janet Sabes 1450 Eastman Lane way  
(Name and mailing address)

Other affected parties (attach sheet if necessary):

\_\_\_\_\_  
(Name and mailing address)

Please submit names and mailing addresses of owners within a 350-foot radius of the property. Such owners must be verified by checking with the Hennepin County Auditors Office, (612) 348-5910 (or a private abstract company) which can provide actual mailing labels at a cost of \$1.25 per tax parcel (minimum of \$25.00). This service usually takes two days, and you must have your tax parcel identification number (PIN) ready when calling for this assistance.

Documents listed below are required; check that they are attached:

- ☐ **Locator Map** (U.S.G.S area map with scale, North direction, Site clearly marked, Name or Title, LMCD Area Name, LMCD number)
- ☐ **County Plat Map** (Site clearly marked, Name, LMCD area name, LMCD number)
- ☐ **Certified Land Survey** (Legal description, Name, LMCD area name, LMCD number, 929.4 N.G.V.D. shoreline)
- ☐ **Proposed facility site plan** (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☐ **Existing facility site plan**, if applicable (to scale, 929.4' N.G.V.D. shoreline, LMCD area name, LMCD number, Scale, North direction, affected neighbors, locate setback area, locate dock use area, location of dock structure with dimensions and slip numbers, indicate type of slip if applicable)
- ☐ **Scaled drawing of docks on abutting properties** and other affected dockage

***Absence of significant data requested above could result in a processing delay.***

**FEE CALCULATION**

**APPLICATION FEE**.....(non-refundable).....\$250.00

**DEPOSIT**..... (refundable, upon full compliance  
with the Code and extent of  
administrative, inspection and  
legal service required).....+\$250.00

Variance Application

**TOTAL FEE ENCLOSED.....** (this fee is for processing of the application and does not entitle the applicant to a variance)..... **\$500.00**

I certify that the information provided herein and the attachments hereto are true and correct; I understand that any variance granted 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 incurred by the District in excess of the amount of the application fee. I consent to permitting officers and agents of the District to enter the premises at reasonable times to investigate and to determine whether or not the Code of the District is being complied with.

I agree to submit a certified, as-built survey upon completion of the docks.

Stephen Bren  
Authorized Signature

1-23-20  
Date

manager, WRC  
Title

head of mgmt company  
Relationship to Owner

Return this application, attachments and fee to:

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



# ITEM 10A ATTACHMENT 7

## Slip size Report for Site 3 wayzata yacht club

existing

1. 28' x 11.1'
2. 28' x 11'
3. 28' x 11'
4. 28' x 11'
5. 28' x 11'
6. 28' x 11'
7. 28' x 11'
8. 28' x 11'
9. 28' x 11'
10. 28' x 11'
11. 8' x 24'
12. 24' x 8'
13. 20' x 8'
14. 32' x 13'
15. 32' x 13'
16. 32' x 13'
17. 32' x 13'
18. 32' x 13'
19. 32' x 13'
20. 32' x 13'
21. 32' x 13'
22. 32' x 13'
23. 32' x 13'
24. 32' x 13'
- T-1 32' x 13'
- T-2 32' x 13'
- T-3 32' x 13'

proposed

1. 28' x 11'
2. 28' x 11'
3. 28' x 11'
4. 28' x 11'
5. 28' x 11'
6. 28' x 11'
7. 28' x 11'
8. 28' x 11'
9. 28' x 11'

formerly 10. 28' x 11'

T1 T2 { 25. 28' x 11'

+ T-3 { 26. 28' x 11'

27. 28' x 11.5

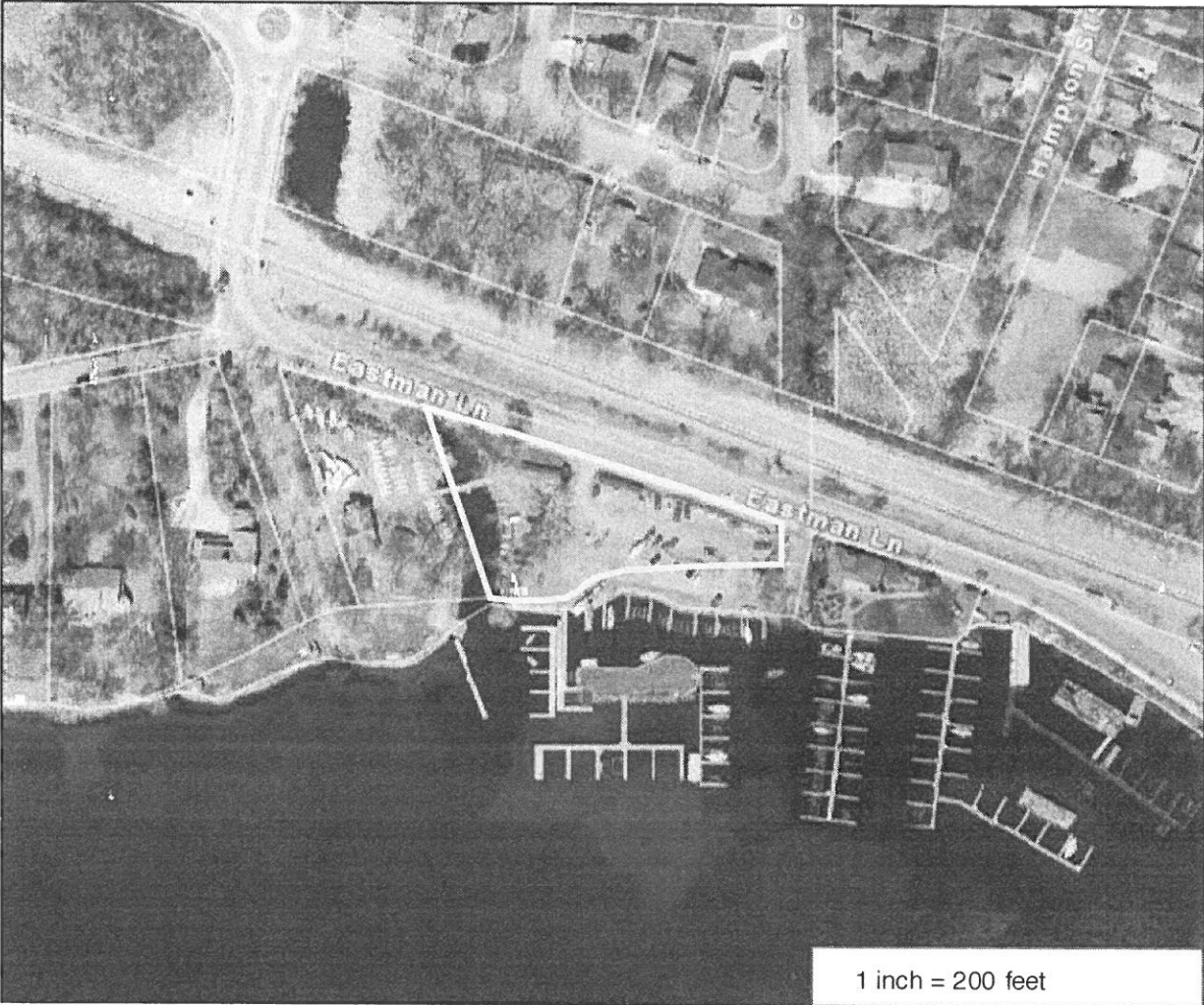
11. 24' x 8'
12. 24' x 8'
13. 24' x 9'
14. 32' x 13'
15. 32' x 13'
16. 32' x 13'
17. 32' x 13'
18. 32' x 13'
19. 32' x 13'
20. 32' x 13'
21. 32' x 13'
22. 32' x 13'
23. 32' x 13'
24. 32' x 13'



# Hennepin County Property Map

## ITEM 10A ATTACHMENT 8

Date: 11/23/2019



PARCEL ID: 0611722440005

OWNER NAME: Wayzata Yacht Club

PARCEL ADDRESS: 1000 Eastman La, Wayzata MN 55391

PARCEL AREA: 0.94 acres, 40,796 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Seasonal Marina

HOMESTEAD: Non-Homestead

MARKET VALUE: \$855,000

TAX TOTAL: \$21,559.08

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Unavailable

HOMESTEAD: Non-homestead

MARKET VALUE: \$1,789,000

Comments:

shows general location  
Wayzata Yacht club

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

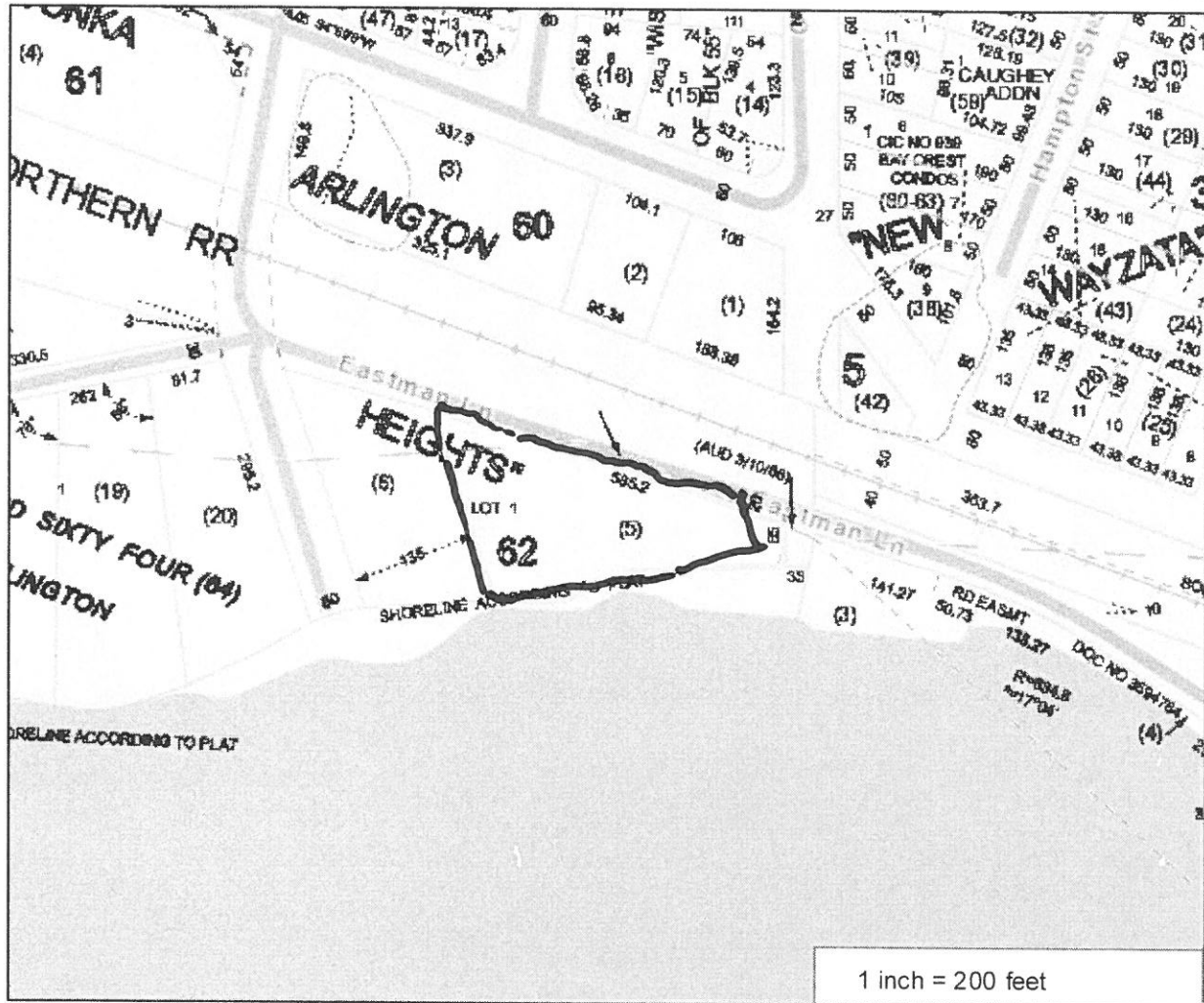
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COUNTY 2019





# Hennepin County Property Map

Date: 11/22/2019



PARCEL ID: 0611722440005

OWNER NAME: Wayzata Yacht Club

PARCEL ADDRESS: 1000 Eastman La, Wayzata MN 55391

PARCEL AREA: 0.94 acres, 40,796 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Seasonal Marina

HOMESTEAD: Non-Homestead

MARKET VALUE: \$855,000

TAX TOTAL: \$21,559.08

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Unavailable

HOMESTEAD: Non-homestead

MARKET VALUE: \$1,789,000

## Comments:

shows west parking lot  
of Wayzata yacht club  
site 2 is shoreline

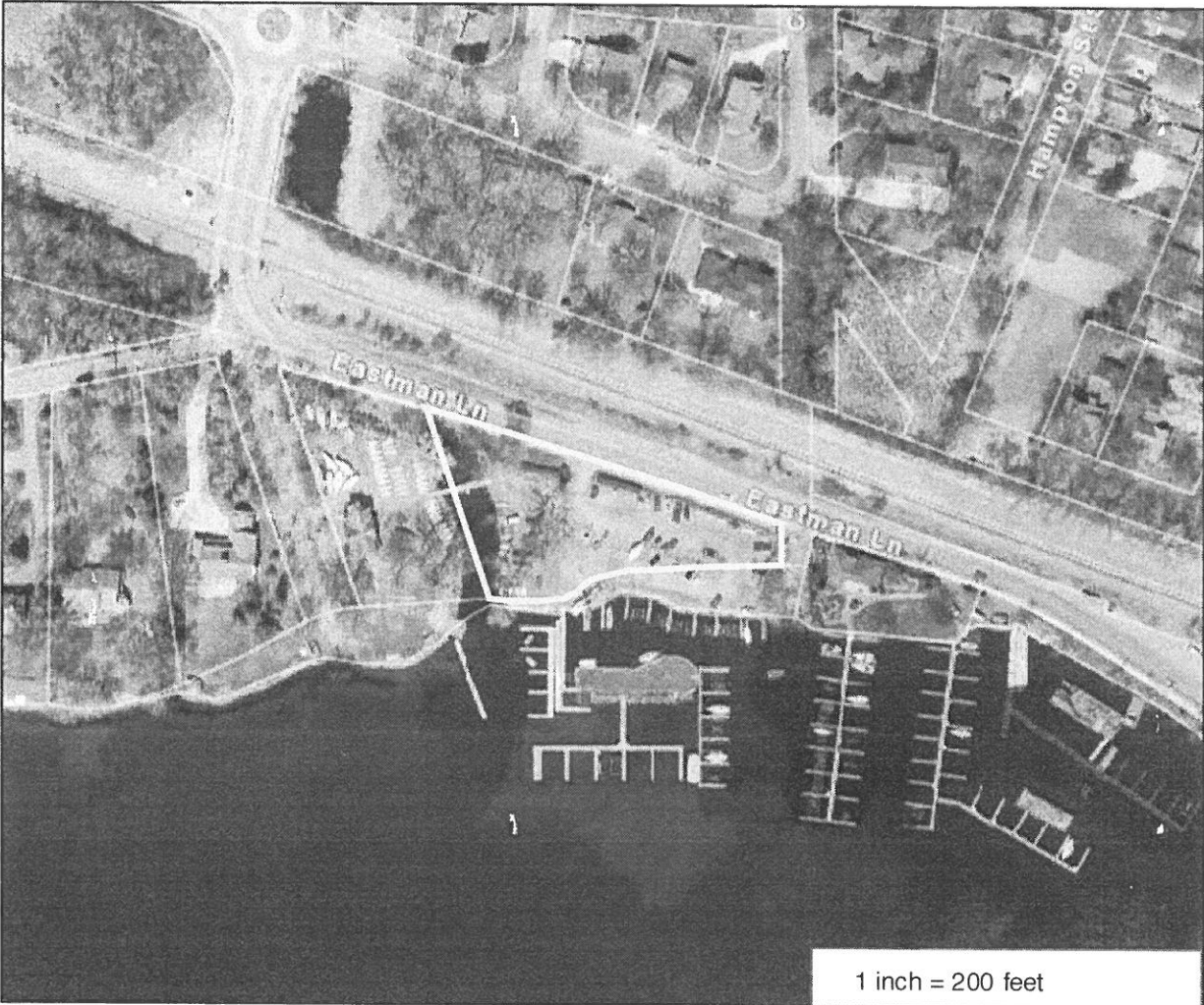
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COUNTY 2019



# Hennepin County Property Map

Date: 11/23/2019



PARCEL ID: 0611722440005

OWNER NAME: Wayzata Yacht Club

PARCEL ADDRESS: 1000 Eastman La, Wayzata MN 55391

PARCEL AREA: 0.94 acres, 40,796 sq ft

A-T-B. Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Seasonal Marina

HOMESTEAD: Non-Homestead

MARKET VALUE: \$855,000

TAX TOTAL: \$21,559.08

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Unavailable

HOMESTEAD: Non-homestead

MARKET VALUE: \$1,789,000

## Comments:

shows general location  
Wayzata Yacht club

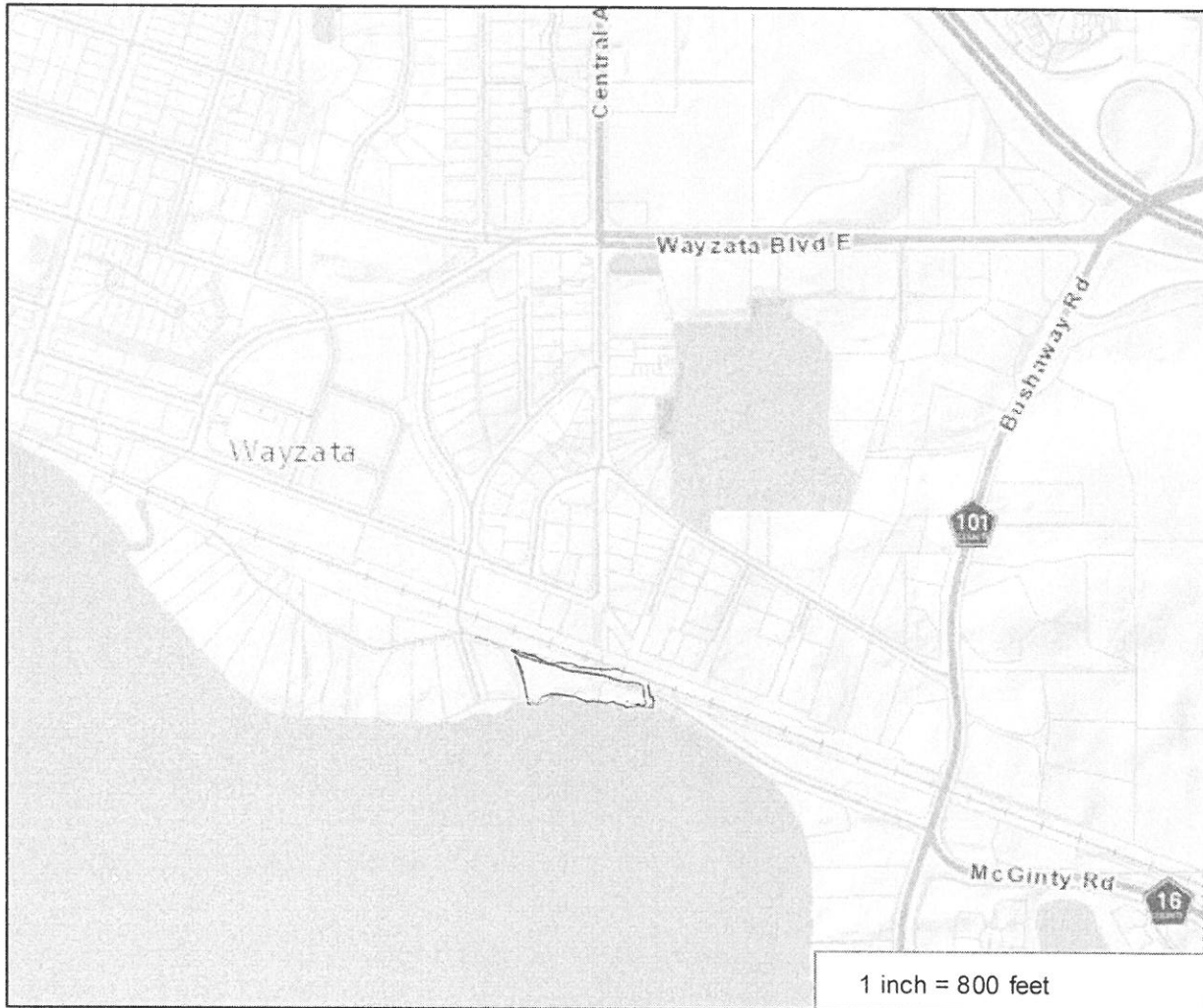
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# Hennepin County Property Map

Date: 11/22/2019



PARCEL ID: 0611722440005

OWNER NAME: Wayzata Yacht Club

PARCEL ADDRESS: 1000 Eastman La, Wayzata MN 55391

PARCEL AREA: 0.94 acres, 40,796 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Seasonal Marina

HOMESTEAD: Non-Homestead

MARKET VALUE: \$855,000

TAX TOTAL: \$21,559.08

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Unavailable

HOMESTEAD: Non-homestead

MARKET VALUE: \$1,789,000

## Comments:

shows west parking lot  
of Wayzata yacht club  
site 2 is shoreline

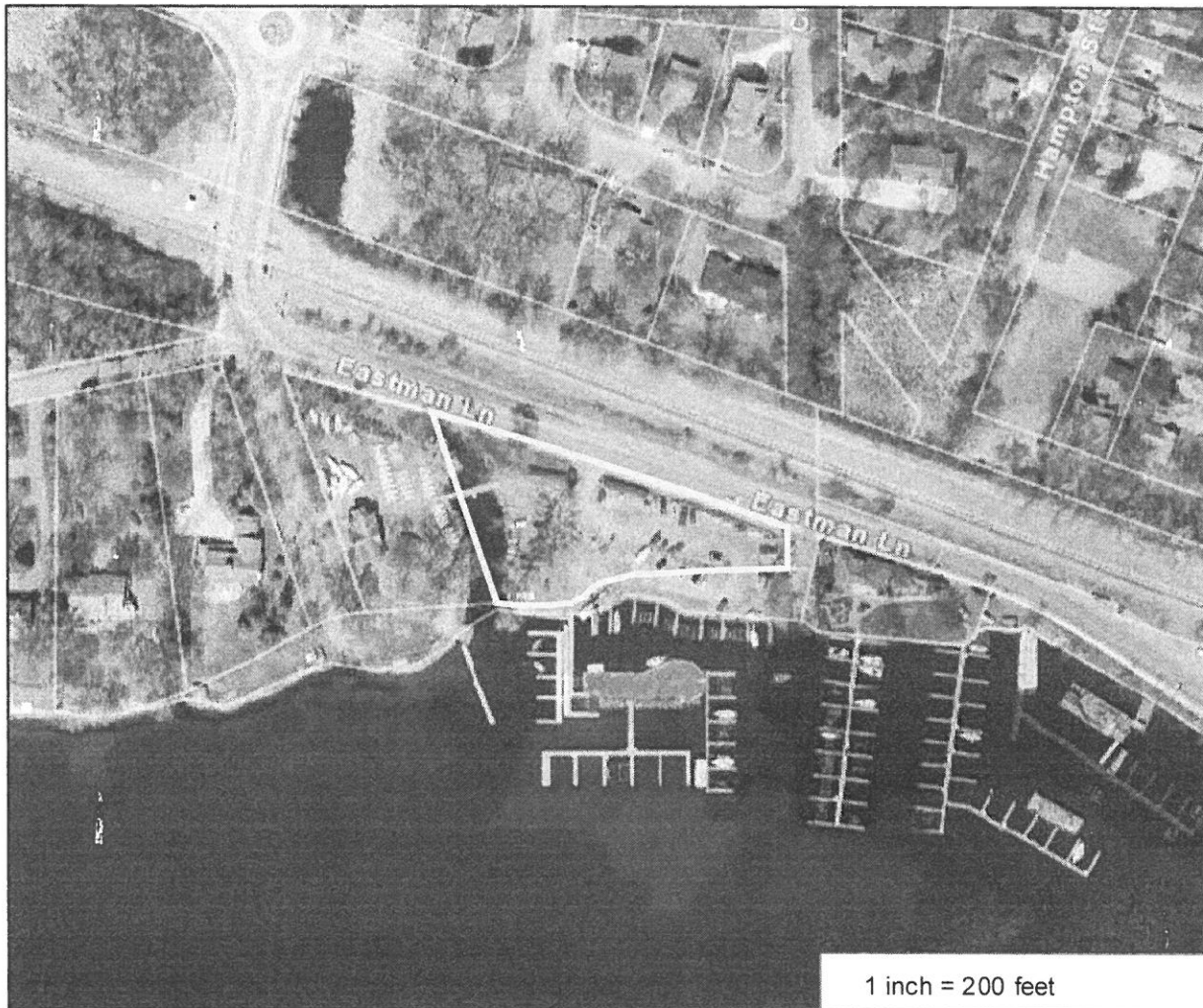
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# Hennepin County Property Map

Date: 11/23/2019



PARCEL ID: 0611722440005

OWNER NAME: Wayzata Yacht Club

PARCEL ADDRESS: 1000 Eastman Ln, Wayzata MN 55391

PARCEL AREA: 0.94 acres, 40,796 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019

PROPERTY TYPE: Seasonal Marina

HOMESTEAD: Non-Homestead

MARKET VALUE: \$855,000

TAX TOTAL: \$21,559.08

ASSESSED 2019, PAYABLE 2020

PROPERTY TYPE: Unavailable

HOMESTEAD: Non-homestead

MARKET VALUE: \$1,789,000

## Comments:

shows general location  
Wayzata Yacht club

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# ITEM 10A ATTACHMENT 9

## LAKE MINNETONKA CONSERVATION DISTRICT

### RE: APPLICATION OF WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER

#### FINDINGS

On June 11, 2014, commencing 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 conducted to consider the application of Wayzata Yacht Club ("WYC") and the Wayzata Community Sailing Center ("WCSC") (collectively, the "Applicants") for a multiple dock license, special density license and variance for properties located at 100 Eastman Lane and property adjacent to 456 Arlington Circle South in the City of Wayzata.

The two Applicants are the owners of three sites. Two of the three sites are adjacent, and the Applicants wish to combine the licenses for those two sites. The two sites that are the subject of the application are referred to herein as Site 4, the WCSC site, located adjacent to 456 Arlington Circle South, and the WYC site referred to as Site 2 located at 100 Eastman Lane.

The Applicants have submitted applications to combine Site 4 and Site 2 for licensing purposes, to correct survey and dock installation discrepancies, to add one dock section to increase the size of two boat storage units ("BSUs") and a dock width variance for a floating dock to be used for handicapped and youth access to watercraft.

The two sites were the subject of two previous orders of the Board: an Order dated July 9, 2008, approving a variance for setbacks between the two sites, and a bridge permit (the "July 9, 2008 Order"); and an Order dated July 23, 2008 approving multiple dock licenses and special density licenses for these two sites and one additional site (the "July 23, 2008 Order"). The combination of these two sites makes the variance granted by the July 9, 2008 Order unnecessary.

The Applicants do not propose to increase the total number of BSUs, the number of BSUs on slips, the number of BSUs on slides, or the number of transient slips.

The Applicants do propose to make minor adjustments to the previously approved dock plan to correct discrepancies in the previous plan by showing the docks as actually constructed along the sea wall at the site, and to angle the 100-foot long T4 and T5 floating dock as shown on the dock plan attached to this Order as Attachment One, which is made a part of this Order. The Applicants also propose to lengthen the dock between BSU Nos. 51 and 52 from 20 feet to 30 feet as shown on Attachment One.

Finally, the Applicants propose to add a 5.3 foot wide floating dock adjacent to the existing 5.3 foot fixed height dock to the island. This will require a dock width variance. The

Applicants list as justifications for the variance that it will facilitate handicapped access to watercraft and increase the safety of loading watercraft for youths engaged in sailing school activities.

LMCD Code, Section 1.07, Subdivision 1 authorizes the Board to grant variances where practical difficulties or particular hardships occur or where necessary to provide access to the handicapped. The Board finds that the basis for the proposed variance meets the requirements of LMCD Code, Section 107.

The Applicants do not propose to alter the amenities identified in the July 23, 2008 Order as the basis for the special density licenses for Site 2 and Site 4.

The Board finds that the new multiple dock license application meets the criteria of LMCD Code, Section 2.03, Subdivision 3(a) for a multiple dock license and that the facility as amended in accordance with this Order continues to meet the review criteria of LMCD Code, Section 2.05, Subdivision 4(a) for a special density license.

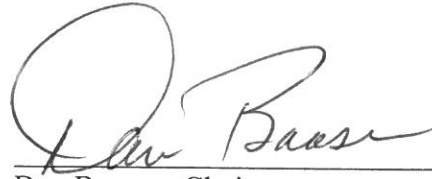
### **ORDER**

ON THE BASIS OF THE FOREGOING, IT IS ORDERED that the multiple dock license, special density license and variance requested for the combined Sites 2 and 4 are approved subject to the following conditions:

1. The docks and facilities constructed at Sites 2 and 4 must be constructed and maintained in strict conformance with the dock plan attached hereto as Attachment One.
2. The Applicants shall provide and continue to provide the amenities approved and listed in the July 23, 2008 Order.
3. The maximum number of unrestricted watercraft at the combined Sites 2 and 4 is limited to a density of one watercraft for each 15 feet of shoreline and such unrestricted watercraft must be used for educational purposes and under the exclusive control of an educational organization. Such unrestricted watercraft may not be stored in the water of the Lake or on a mechanical lift. For purposes of computing the allowed density, the shoreline for combined Sites 2 and 4 shall be 697 feet.
4. The special density license and new dock license are subject to the condition that these sites and their related facilities are, and continue to be, under common or unified control, or subject to such cooperative agreements as are necessary to assure that the conditions of this Order, and the July 23, 2008 Order are satisfied and that the amenities listed in the July 23, 2008 Order continue to have the same benefit to the public and conform to the criteria set forth in LMCD Code, Sections 2.02 and 2.05.

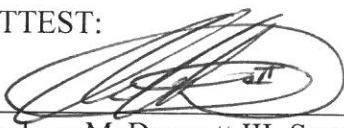
The granting of these licenses and this variance shall grant no vested rights to the use of Lake Minnetonka. Such use shall at all times remain subject to regulation by the District to assure the public of reasonable and equitable access to the Lake.

BY ORDER OF THE BOARD OF DIRECTORS of the Lake Minnetonka Conservation District this 25th day of June, 2014.

A handwritten signature in cursive script, appearing to read "Dan Baasen", written over a horizontal line.

Dan Baasen, Chair

ATTEST:

A handwritten signature in cursive script, appearing to read "Andrew McDermott III", written over a horizontal line.  
Andrew McDermott III, Secretary

# ITEM 10A ATTACHMENT 10

## LAKE MINNETONKA CONSERVATION DISTRICT

### RE: APPLICATIONS OF WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING CENTER

#### FINDINGS

On June 11, 2008, commencing 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 continued to later meetings of the Board and completed on July 9, 2008. The hearing was held to consider the applications by the Wayzata Yacht Club ("WYC") and the Wayzata Community Sailing Center ("WCSC") for special density licenses, new multiple dock licenses, a bridge permit and related variances. By separate Order dated July 9, 2008, the Board granted a variance and bridge permit for two of the sites involved in this Order.

The two applicants are the owners of three sites. WYC is the owner of sites referred to herein as Sites 2 and 3. WCSC is the owner of the site referred to herein as Site 4. Although the Board received separate applications for the three sites and two owners are involved, all applications are dealt with herein in one Order because: the hearings were conducted as a single hearing; some of the amenities proposed by the applicants involve the use of more than one site; and the use of the three sites are interrelated in various ways such as the bridge between Sites 2 and 4, access to Site 3 is provided through Site 2, and parking or access to certain activities are provided from other sites.

Sites 2 and 3, owned by the WYC, were previously licensed as a single site. However, the applications are now separated because the shoreline of the two sites is not continuous. WYC is requesting a new dock license for Site 2 for 42 boat storage units (BSUs) consisting of 18 slips, 21 slides and 3 transient BSUs at specified tie-on locations. WYC is requesting a new dock license for Site 3 for 27 BSUs consisting of 24 slips and 3 transient BSUs at specified tie-on locations. WCSC is requesting a new dock license for Site 4 for 16 BSUs consisting of 8 slips, 6 slides and 2 transient BSUs at specified tie-on locations. The Board finds that the proposed facilities for all three sites, with the conditions specified herein, meet the requirements for multiple dock licensing under LMCD Code, Section 2.03.

The applicants have proposed that certain amenities be provided to justify the density of watercraft storage at the three facilities, in accordance with LMCD Code, Section 2.05. The Board has considered the proposed amenities and their value to the public together with the review criteria of Section 2.05, and has concluded that it is appropriate that the following amenities be approved and that credit be given for the points indicated for such amenities as shown below:



## **Amenities Site 2**

- A. Public Access (10 points each)
1. Provide jib crane service to the general public to put-in and take-out sailboats with keels that can not be trailer launched. This service will be available all summer by appointment, and for emergency sinking boats. Due to the safety issues, this service requires a trained staff person to operate the crane and a fee may be charged.
  2. Provide a lakeshore site and program for University of Minnesota Sailing. This will include providing teachers and coaches for the U of M sailing team and Rec Sports Sailing Activity, including storage of the school's small sailboats on shore (unrestricted watercraft), and their coach boats (restricted watercraft, some on slides and some in slips in the water) parking, and small boat launching. This will also include renting of sailboats to students for both racing and Rec Sports Sailing. Also, a complete regatta site for "Big 10" and other college regattas hosted by the U of M, the WCSC, and the WYC. This will also include a lakeshore site and program for the U of M Rec Sports Sailing program.

**Total A points 20**

- B. Environmental Protection (5 points each)
1. Bulkhead and restore eroded main shoreline

**Total B points 5**

- C. Public Service (3 points each)
1. Offer the Water Patrol a mooring slip for impounded boats and the jib crane for emergencies when a boat is sinking and needs an emergency lift on the crane including training the water patrol on use of the crane and providing a crane card so the Sheriff could use it at any time.
  2. Teach/Coach University of Saint Thomas Sailing Team including renting sailboats to the students and providing teachers and coaches for the team.

**Total C points 6**

Total Points Needed 20

**Total points provided 31**

## **Amenities Site 3**

- A. Public Access (10 points each)
1. Provide wheelchair-accessible docks with Hoyer lifts. This amenity will be open to the general public and advertised.
  2. Provide a shore site with parking, beach and swimming dock for over 100 children to swim with adult supervision. This includes a roped off swimming area with a beach. This amenity is available to the general public who participate in the sailing school program.

**Total A points 20**

- B. Environmental Protection (5 points each)
1. Restore eroded island, bulkhead shoreline, and riprap portions to protect from ice damage in the spring thaw.

**Total B points 5**

Total Points Needed 20

**Total points provided 25**

**Amenities Site 4**

**A. Public Access (10 points each)**

1. Provide a lakeshore regatta site, docks, parking, small boat launching, and schedule coordination for children involved in the Twin City Youth Regattas, including renting of 20 to 40 small boats for the regatta. This amenity will be open to the general public and advertised extensively.

**Total A points 10**

**B. Environmental Protection (5 points each)**

1. Riprap shoreline. See permit in LMCD file.
2. Offer LMCD harvesters offload and/or shore parking site in the dock use area west of the dock in association with the City of Wayzata fire lane.

**Total B points 10**

**C. Public Service (3 points each)**

1. Teach beginning, intermediate, and advanced sailing to over 100 children on the water and shore, including the renting of up to 40 small boats for the children's use.
2. Teach beginning, intermediate, and advanced sailboat racing classes to adults to over 100 attendees.

**Total C points 6**

Total Points Needed 20

**Total points provided 26**

**ORDER**

ON THE BASIS OF THE FOREGOING, IT IS ORDERED:

That the multiple dock licenses and special density licenses for the WYC and WCSC at Sites 2, 3 and 4 in the City of Wayzata are granted subject to the following conditions:

1. The docks and facilities constructed at Sites 2, 3 and 4 must each be constructed and maintained in strict conformance with the dock plans attached hereto as Attachments One, Two and Three, respectively. The mooring buoy located at Site 4 must be removed.


2. The applicants shall provide and continue to provide the amenities approved and listed in this Order.
3. The maximum number of unrestricted watercraft at each of the three sites is limited to a density of one watercraft for each 15 feet of shoreline and such unrestricted watercraft must be used for educational purposes and under the exclusive control of an educational organization. Such unrestricted watercraft may not be stored in the water of the Lake or on a mechanical lift. For purposes of computing allowed density, the shoreline has been reduced, pursuant to Order of the Board of July 9, 2008, to 457 feet for Site 2 and 240 feet for Site 4.
4. The special density licenses and new dock licenses for Sites 2, 3 and 4 are subject to the condition that all three sites and their related facilities are under common or unified control, or such other cooperative agreements as are necessary to assure that the conditions of this Order and the amenities provided herein continue to be provided. If any of the three sites cease to be under common or unified control or agreement, the Board may reconsider the licenses granted by this Order to assure that all amenities listed in this Order are provided and continue to have the same benefit to the public and conform to the criteria set forth in LMCD Code, Sections 2.02 and 2.05.

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 23rd day of July, 2008.

  
\_\_\_\_\_  
Lisa Whalen, Chair

ATTEST:

  
\_\_\_\_\_  
Andrew McDermott III, Secretary

# ITEM 10A ATTACHMENT 11

## LAKE MINNETONKA CONSERVATION DISTRICT

### IN RE: APPLICATION OF WAYZATA YACHT CLUB AND WAYZATA COMMUNITY SAILING SCHOOL

#### FINDINGS

On Wednesday, June 11, 2008, at 7:00 p.m., pursuant to due notice, a public hearing was held at the Wayzata City Hall in the City of Wayzata, Minnesota, to consider the application of the Wayzata Yacht Club ("WYC") and the Wayzata Community Sailing Center ("WCSC"), (collectively the "Applicants"), for new multiple dock licenses, variances, special density licenses and a bridge permit. The hearing was continued to June 25, 2008. Only the bridge permit and variances are dealt with in this Order.

The Applicants own two properties, Site 2 and Site 4, both on Wayzata Bay in the City of Wayzata.

The Applicants seek variances and a bridge permit to construct a bridge between Sites 2 and 4.

The proposed bridge would be constructed partially outside of the dock use areas of Sites 2 and 4, across the inlet between Sites 2 and 4, to the extended lot line between the two Sites, requiring a zero foot setback on both Sites. The bridge would block access for watercraft to the area behind the bridge, making that shoreline unusable for the storage of watercraft.

The hardship asserted by the Applicants is that students of the sailing school conducted on Site 4 are dropped off at the parking lot at Site 2 and must walk to Site 4 along Eastman Road, which has no shoulder, creating a safety hazard.

The Board finds that this safety hazard is a hardship and practical difficulty within the meaning of LMCD Code, Section 1.07 and that granting the variances on the terms and conditions hereafter set forth is consistent with the spirit and intent of the LMCD Code.

#### ORDER

ON THE BASIS OF THE FOREGOING, IT IS ORDERED, that variances and a bridge permit are granted for the proposed facility on the following conditions:

1. The bridge shall be constructed and maintained in conformance with the plan attached hereto as Attachment One and hereby made a part hereof.
2. For purposes of determining allowed watercraft storage density on Sites 2 and 4, the countable shoreline will be reduced so that the shoreline made inaccessible for watercraft storage behind the bridge will not be counted. Specifically, the shoreline for Site 2 is reduced from 544 feet to 457 feet, and the shoreline for Site 4 is reduced from 328 feet to 240 feet.

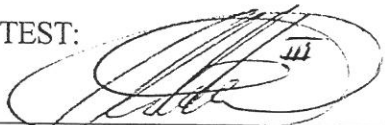
3. The zero foot setbacks on both Sites shall continue only so long as they are consented to by the owners of both Sites or both Sites are under common or unified ownership or control.
4. No watercraft may be stored at or tied to the bridge.

The granting of this permit and these variances shall grant no vested right 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 9th day of July, 2008.

  
\_\_\_\_\_  
Lisa Whalen, Chair

ATTEST:

  
\_\_\_\_\_  
Andrew McDermott, Secretary



ITEM 10A  
ATTACHMENT 12

## BRIDGE PERMIT

LAKE MINNETONKA CONSERVATION DISTRICT  
County of Hennepin, State of Minnesota

WHEREAS, Wayzata Yacht Club (Site 2) and Wayzata Community Sailing Center (Site 4) , 1000 Eastman Lane, Wayzata, MN 55391 and 456 Arlington Circle S., Wayzata, MN 55391, has paid the sum of \$250 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 for Seton Channel Bridge, Arcola Rail Bridge, and Tanager Lake Bridge:

NOW, THEREFORE, By order of the Board of Directors of said District and by virtue hereof, the said **Wayzata Yacht Club (Site 2) and Wayzata Community Sailing Center (Site 4)** are hereby licensed and authorized to maintain a bridge on Lake Minnetonka subject to existing and future policies and regulations outlined in Section 2.13, adopted by the District's Board of Directors,

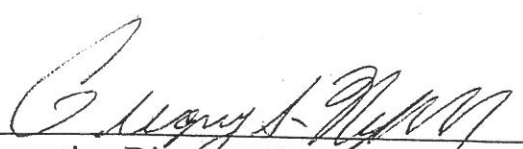
Per Site Plan 5/16/08

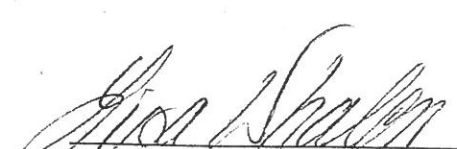
Subject to Variance Order 7/9/08

The granting of the Permit shall grant no vested rights to the use of Lake Minnetonka. Such use shall at all times remain subject to regulations by the District to assure the public of reasonable and equitable access to the Lake. Conviction of a violation of the provisions of the District's Code of Ordinances are subject to misdemeanor charges as outlined in Section 1.08, Penalties.

Given under my hand and the corporate seal of the LAKE MINNETONKA CONSERVATION DISTRICT this 9<sup>th</sup> day of July 2008.

Attest:

  
Executive Director, Gregory S. Nybeck

  
Chair, Lisa Whalen



## ITEM 10A ATTACHMENT 13

### LAKE MINNETONKA CONSERVATION DISTRICT

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

DATE: February 20, 2020

TO: Lakeshore Weekly News  
Attn: Legal Department  
Fax: (952) 473-0895

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (02/27/2020 Edition)

**LAKE MINNETONKA CONSERVATION DISTRICT  
PUBLIC HEARING NOTICE**

7:00 PM, March 11, 2020  
Wayzata City Hall  
600 Rice Street, Wayzata, MN 55391

**Wayzata Yacht Club (Sites 2 and 3)  
1000 Eastman Lane and 456 Arlington Circle South, Wayzata  
Wayzata Bay, Lake Minnetonka**

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for two new multiple dock licenses, with applications submitted for special density licenses and variances as needed. The sites are located at 1000 Eastman Lane and 456 Arlington Circle South in Wayzata, MN 55391. Sites 2 and 3 are, in part, comprised of two parcels with the following PIDs: 06-117-22-44-0005 and 06-117-22-44-0006. The applicant proposes to maintain 58 boat storage units (BSUs) on Site 2 and 27 on Site 3 (no increase in BSUs). The applicant proposes to relocate 9 total BSUs, each remaining within its original site. The applicant proposes to reclassify 3 BSUs from Transient to Overnight Storage on Site 3. The applicant proposes to increase the length portions of the dock structures as measured from the shoreline from 100 feet to approximately 143 feet on Site 2, and from 100 feet to approximately 138 feet on Site 3. All interested persons will be given an opportunity to comment.

Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789.





## ITEM 10A ATTACHMENT 14

### LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** February 27, 2020  
**TO:** Property Owner  
**FROM:** Vickie Schleuning, Executive Director  
**SUBJECT:** Public Notice of Multiple Dock License, Special Density License, and Variance Request(s)

You are receiving this notice because Hennepin County property records indicate you own property within 350 feet of a property (or you reside at such a property) being considered for the following approvals: multiple dock license, special density license, and variance. The applicant is the Wayzata Yacht Club (WYC). These applications concern WYC Sites 2 and 3.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for two new multiple dock licenses, with applications submitted for special density licenses and variances as needed. The sites are located at 1000 Eastman Lane and 456 Arlington Circle South in Wayzata, MN 55391. Sites 2 and 3 are, in part, comprised of two parcels with the following PIDs: 06-117-22-44-0005 and 06-117-22-44-0006. The applicant proposes the following:

- To maintain the current amount of 58 boat storage units (BSUs) on Site 2 and 27 on Site 3 (no increase in BSUs);
- To relocate 9 total BSUs, each remaining within its original site;
- To reclassify 3 BSUs from Transient to Overnight Storage on Site 3; and,
- To increase the length of portions of the dock structures as measured from the shoreline from 100 feet to approximately 143 feet on Site 2, and from 100 feet to approximately 138 feet on Site 3.

#### LMCD Public Hearing:

The LMCD public hearing will be held at 7:00 PM, March 11, 2020, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391. The items detailed 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](http://lmcd.org).

#### Wayzata City Council Review:

In addition, this request will be reviewed by the Wayzata City Council at 7:00 PM, March 10, 2020, at Wayzata City Hall, 600 Rice Street, Wayzata, MN 55391.

A map for the site is enclosed. The location map was made using the Hennepin County Interactive Property Map. The site is indicated by a blue line and blue text. The application materials are also posted on the City of Wayzata website at:

<https://www.wayzata.org/629/4872/Marina-Reconfiguration-at-Wayzata-Yacht->

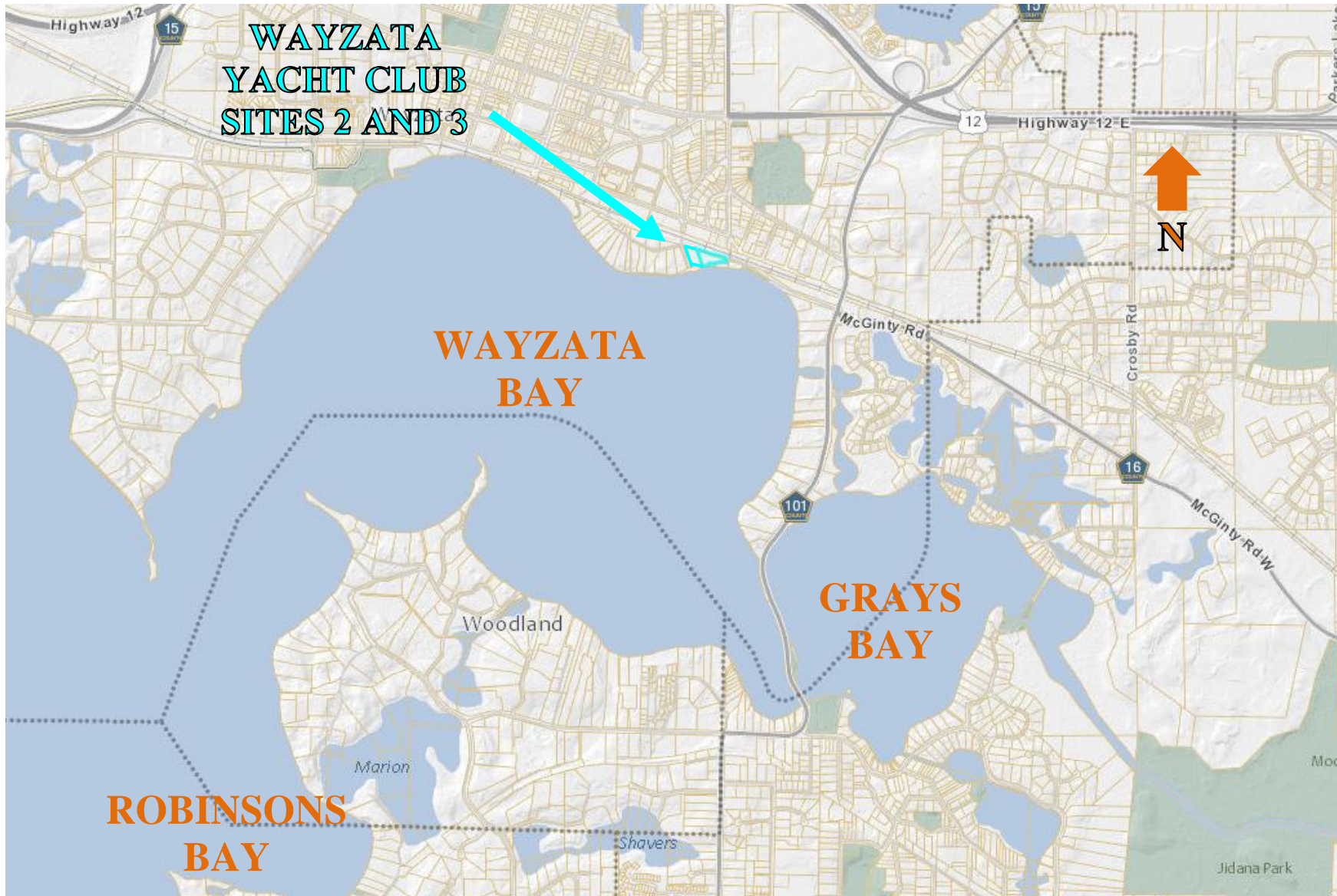
Details are available at the LMCD Office, 5341 Maywood Road, Suite 200, Mound, MN 55364 or by calling (952) 745-0789. Thank you for helping us to protect Lake Minnetonka and all those who enjoy it.



## Wayzata Yacht Club Sites 2 and 3

Multiple Dock License, Special Density License, and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 02/25/2020.

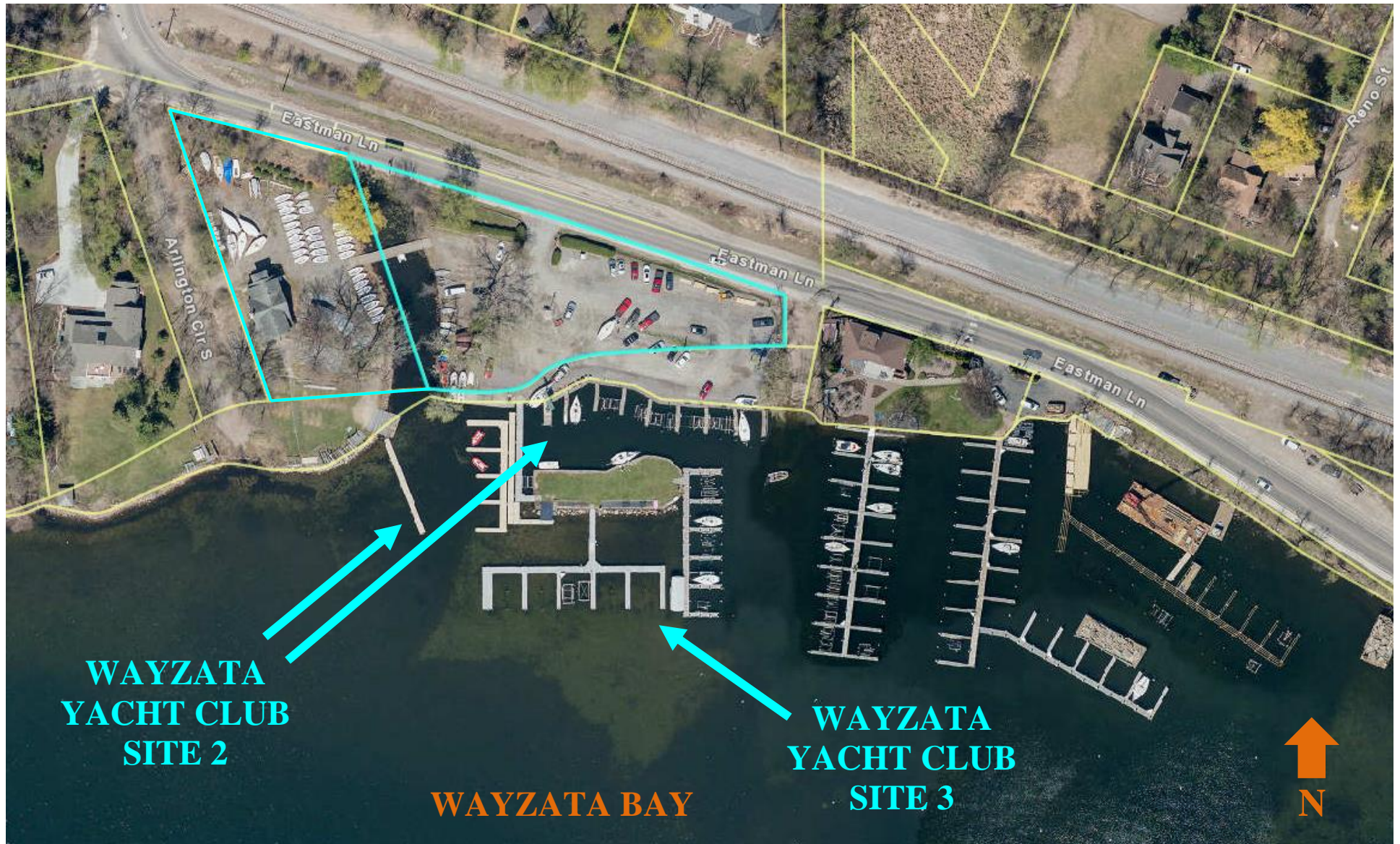


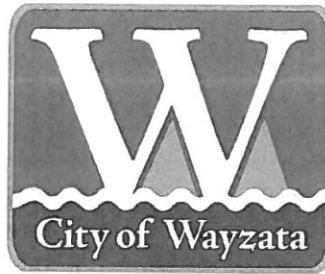


## Wayzata Yacht Club Sites 2 and 3

Multiple Dock License, Special Density License, and Variance(s)

For illustrative purposes only. Created using Hennepin County Property Interactive Map 02/25/2020. Images taken in 2018.





City Council  
Mayor Ken Willcox  
Jeff Buchanan  
Dan Koch  
Johanna McCarthy  
Alex Plechash

City Manager  
Jeffrey Dahl

March 11, 2020

Lake Minnetonka Conservation District (LMCD) Office  
Attn: Vickie Schleuning, Executive Director  
5341 Maywood Road, Suite 200  
Mound, MN 55364  
SENT ONLY BY EMAIL TO: [vschleuning@lmcd.org](mailto:vschleuning@lmcd.org)

**Re: Wayzata City Council Comments regarding Wayzata Yacht Club and Sailing Center Applications for Multiple Dock Licenses, Special Density Licenses, and Variances for Sites 2 and 3**

Ms. Schleuning and the LMCD Board of Directors,

I am writing this letter on behalf of the Wayzata City Council, who conducted a review of the recent applications submitted to the LMCD in November 2019 for modifications to Sites 2 and 3 of the Wayzata Yacht Club and Sailing Center at 1000 Eastman Lane and 456 Arlington Circle South (PIDs: 06-117-22-44-0005 and 06-117-22-44-0006).

Upon review of this information at a regular City Council Meeting on March 10, 2020, the Council directed staff to forward the following comments to the LMCD Board of Directors and LMCD staff for the Public Hearing on this matter, scheduled for March 11, 2020 at 7:00 pm:

*The City Council concluded upon review and discussion that there is general majority support for the proposed reconfiguration of boat storage units and changes in the length of docks within Sites 2 and 3.*

*However, a minority of the Wayzata City Council is concerned about further expansion of the docks into Lake Minnetonka and its potential impacts to navigation, public access, parking, and congestion in a confined area. Those Council Members also noted that the history of growth and expansion in this area of the Lake has been a source of concern for community members.*


Please note that the changes between transient and overnight slips was not discussed.

However, ultimately the majority of the Wayzata City Council found their presented plan to be a sensible approach to changing condition with two assumptions:

- The plan remains consistent with the City's previously approved Planned Unit Development, and
- The LMCD finds the plan to be acceptable in terms of navigation and any other water-related issues.

If you have any questions about the content of this letter, please contact Emily Goellner at (952) 404-5312 or [egoellner@wayzata.org](mailto:egoellner@wayzata.org).

On behalf of the Wayzata City Council,

A handwritten signature in black ink, appearing to read 'Jeffrey Dahl', written over a horizontal line.

Jeffrey Dahl  
City Manager





# ITEM 13A

## LAKE MINNETONKA CONSERVATION DISTRICT

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

**DATE:** March 11, 2020

**TO:** LMCD Board of Directors

**FROM:** Vickie Schleuning, *Vickie Schleuning* Executive Director

**SUBJECT:** Recodification Clarification Code Amendment

### ACTION

Board review and consideration of a recommended code amendment to clarify language included as part of the recent recodification.

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

#### Approval:

I make a motion to approve the code amendment clarifying recodification language <with the following amendment...>.

I make a motion to adopt the resolution approving summary language of the ordinance for publication.

#### Denial:

I make a motion to deny the code amendment clarifying recodification language for the following reasons...

### BACKGROUND

In 2019, the LMCD Board approved a recodification of its ordinances. Given the scope of the recodification project, the Board of Directors understood the LMCD office would identify the need for clarifying amendments as it began administering the updated code to ensure it reflects the intent of previously adopted ordinances and how they have been administered. As such, some items have been identified and are brought forward to clarify the language.

### ATTACHMENTS

- Proposed Ordinance Language

**LAKE MINNETONKA CONSERVATION DISTRICT  
STATE OF MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE MAKING CLARIFYING AMENDMENTS TO THE LAKE  
MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES**

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

**Article I. Legislative Findings.** The Board of Directors hereby finds and determines as follows:

- a. The Lake Minnetonka Conservation District Code of Ordinances (“LMCD Code”) is a collection of more than 230 ordinances adopted by the Board of Directors under its authority in Minnesota Statutes, sections 103B.601–103B.645 over several decades.
- b. In order to make the LMCD Code more accessible to the public and easier to administer and enforce, the Board of Directors directed the LMCD Attorney to recodify the existing LMCD Code (“Previous Code”) without making substantive changes to the regulations.
- c. The recodification occurred over more than a year, was adopted by the Board of Directors, and the updated LMCD Code went into effect on October 28, 2019 (“Updated Code”).
- d. The recodification project provided the LMCD an opportunity to reword, add, and rearrange the language to further explain and clarify the previously adopted provisions and regulations.
- e. Given the scope of the recodification project, the Board of Directors understood the LMCD office would identify the need for clarifying amendments as it began to administer the Updated Code to ensure it reflects the intent of previously adopted ordinances and how they have been administered.
- f. Article 6, Chapter 1, Section 6-1.03, Subdivision 5 of the LMCD Code requiring owner consent was included in the Updated Code to make clear that someone cannot submit an application for someone else’s property without the owner of the property consenting to the application. The LMCD previously refused to process a variance request submitted by an owner that would have the effect of amending the variances issued to a neighboring property and require the relocation of one or more docks to accommodate the owner’s proposed expanded dock. The suit brought by the owner claiming the LMCD did not act on the application as required by Minnesota Statutes, section 15.99 was dismissed. In order to avoid similar disputes in the future, the language was added to inform applicants of the need to obtain owner consent if submitting an application for someone else’s property.

- g. The language requiring owner consent on an application was not intended to limit the ability of municipalities to continue to have and maintain docks on their lands abutting the Lake, including on fire lanes that have been used for that purpose for many decades. Municipalities provide the public access to the Lake through a variety of means (parks, launches, docks, etc.) and for the purpose of the LMCD Code the LMCD has always treated municipalities as the owner of public lands under their jurisdiction, including rights-of-way dedicated to the public by plat. The public has an interest in public lands held by a municipality and the LMCD never intended to require the consent of everyone claiming an interest in public lands before a municipality may apply for a license to use those lands for docks or other purposes.
- h. The LMCD Code requires owners to seek a new license when they make certain changes to the docks or convert the use of the dock. This ordinance adds language to make it clear an owner seeking a new license for anything other than a minor change must comply with all of the same procedures required for obtaining a new license.
- i. The shoreland measurement provision needs to be adjusted to accurately reflect the definition of shoreline and how the LMCD has traditionally measured shoreline. An inadvertent omission of a percent of shoreline needs to be corrected by reinserting it.
- j. The Board of Directors is not required to hold a public hearing before adopting amendments to the LMCD Code. The Board of Directors typically does not conduct a hearing before adopting an ordinance, but at times have made additional efforts to seek input from the public before acting on an ordinance. This ordinance makes clarifying amendments to the LMCD Code and the Board of Directors determines that taking additional time to seek public input or to hold a public hearing on these changes is not necessary.
- k. The LMCD staff will bring forward to the Board of Directors additional clarifying amendments as they are identified.

**Article II. Definitions.** Article 1, Chapter 3, Section 1-3.01 of the LMCD Code is hereby amended as follows and the subdivisions shall be renumbers as needed:

Subd. \_\_\_\_ . Classification of Use. “Classification of Use” means the category into which a particular use is classified for the purposes of determining the applicable regulations and licensing requirements. The classification of uses under this Code includes commercial facilities, club facilities, municipal facilities, outlot association facilities, residential association facilities, residential multiple docks, and transient facilities. The conversion from one classification of use to another requires a new license.

Subd. 67. Owner. “Owner” in the case of personal property means a person, other than a lien holder, having the property interest in or title to such property. The term includes a person entitled to the use or possession of such property, subject to an interest



of another person, reserved or created by agreement and securing payment or performance of any obligation, but the term excludes a lessee under a lease not intended as security. In the case of real property, the term “owner” means the fee owner of land or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors. For the purposes of this Code, a municipality shall be considered the owner of public lands and rights-of-way under its jurisdiction, and of all other properties held by the municipality in trust for the public, regardless of whether its interest is held in fee, easement, or by lease.

**Article III. Shoreline Calculation.** Article 2, Chapter 4, Section 2-4.03 of the LMCD Code is hereby amended as follows:

2-4.03. Shoreline Calculation. The shoreline of a site for the purposes of calculating restricted watercraft density shall be measured as provided in this subdivision.

Subd. 1. Measurement. The shoreline of a site is calculated based on ~~a straight line extended the line of contact with the Lake~~ between the two end points of the site boundaries located at elevation 929.4 NGVD, subject to adjustment as provided in subdivision 2 of this Section.

Subd. 2. Special Rule for Shoreline Calculation for Multiple Docks. In any case in which the measured shoreline at a site exceeds 125% of the distance, measured on a straight line, between the two end points of the shoreline at the site, the Board may adjust the length of shoreline for which credit is given for purposes of computing the number of restricted watercraft at the site as follows:

- (a) Shoreline will not be adjusted to a length shorter than the straight line distance between the end points of the shoreline;
- (b) Shoreline will be adjusted only for sites requiring a multiple dock license;
- (c) Shoreline will not be adjusted at any site for any dock facility that was in existence on September 17, 1999, unless the number of boat storage units is increased at the site; and
- (d) The Board will make adjustments to shoreline at the time of issuance of new multiple dock licenses. Adjustments may be made when the Board concludes that the amount of shoreline measured at elevation 929.4 NGVD is not fairly representative of the amount of shoreline that is reasonably useable for the construction and maintenance of docks at the site due to such features as narrow inlets, small coves, highly sinuous shoreline configuration, large areas of the shoreline covered by emergent vegetation or a great difference between the length of measured shoreline and the distance measured along the edge of emergent vegetation between the extended lot lines of the site. Shoreline adjustments shall be made so as to

approximate the number of restricted watercraft and impacts resulting from mooring or docking of watercraft to that of other sites with comparable useable dockage space that do not have the same characteristics of unusual topography, shoreline configuration, or vegetation.

**Article IV. Applications.** Article 6, Chapter 1, Section 6-1.03, Subdivision 5 of the LMCD Code is hereby amended as follows:

**6-1.03. Applications Generally.**

...

Subd. 5. Owner Consent. An application submitted by someone other than the owner of the property must have the consent of the owner to be considered a complete application. A municipality is eligible to apply for licenses and other approvals from the LMCD for public lands and rights-of-way under its jurisdiction, and for all other properties held by it in trust for the public, without needing to obtain consent from the public, adjoining owners, or others owning property within the affected plat.

**Article V. Conversion of Uses.** Article 6, Chapter 1, Section 6-1.17 is hereby amended as follows:

**6-1.17. ~~Minor Change;~~ 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.

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.

**Article VI. Declaration.** This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption. The LMCD Attorney is directed to incorporate these amendments into the LMCD Code, and such amended document shall constitute the most current LMCD Code.

Adopted this 11<sup>th</sup> day of March 2020.

**BY THE BOARD OF DIRECTORS**

\_\_\_\_\_  
Gregg Thomas, Chair

ATTEST:

\_\_\_\_\_  
Dan Baasen, Secretary

Date of Publication: \_\_\_\_\_, 2019

Effective Date: \_\_\_\_\_, 2019

New material is double-underlined and removed material is ~~stricken~~.

# AMENDED ITEM 13A

## LAKE MINNETONKA CONSERVATION DISTRICT STATE OF MINNESOTA

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE MAKING CLARIFYING AMENDMENTS TO THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES

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

**Article I. Legislative Findings.** The Board of Directors hereby finds and determines as follows:

- a. The Lake Minnetonka Conservation District Code of Ordinances (“LMCD Code”) is a collection of more than 230 ordinances adopted by the Board of Directors under its authority in Minnesota Statutes, sections 103B.601–103B.645 over several decades.
- b. In order to make the LMCD Code more accessible to the public and easier to administer and enforce, the Board of Directors directed the LMCD Attorney to recodify the existing LMCD Code (“Previous Code”) without making substantive changes to the regulations.
- c. The recodification occurred over more than a year, was adopted by the Board of Directors, and the updated LMCD Code went into effect on October 28, 2019 (“Updated Code”).
- d. The recodification project provided the LMCD an opportunity to reword, add, and rearrange the language to further explain and clarify the previously adopted provisions and regulations.
- e. Given the scope of the recodification project, the Board of Directors understood the LMCD office would identify the need for clarifying amendments as it began to administer the Updated Code to ensure it reflects the intent of previously adopted ordinances and how they have been administered.
- f. Article 6, Chapter 1, Section 6-1.03, Subdivision 5 of the LMCD Code requiring owner consent was included in the Updated Code to make clear that someone cannot submit an application for someone else’s property without the owner of the property consenting to the application. The LMCD previously refused to process a variance request submitted by an owner that would have the effect of amending the variances issued to a neighboring property and require the relocation of one or more docks to accommodate the owner’s proposed expanded dock. The suit brought by the owner claiming the LMCD did not act on the application as required by Minnesota Statutes, section 15.99 was dismissed. In order to avoid similar disputes in the future, the language was added to inform applicants of the need to obtain owner consent if submitting an application for someone else’s property.

- g. The language requiring owner consent on an application was not intended to limit the ability of municipalities to continue to have and maintain docks on their lands abutting the Lake, including on fire lanes that have been used for that purpose for many decades. Municipalities provide the public access to the Lake through a variety of means (parks, launches, docks, etc.) and for the purpose of the LMCD Code the LMCD has always treated municipalities as the owner of public lands under their jurisdiction, including rights-of-way dedicated to the public by plat. The public has an interest in public lands held by a municipality and the LMCD never intended to require the consent of everyone claiming an interest in public lands before a municipality may apply for a license to use those lands for docks or other purposes.
- h. The LMCD Code requires owners to seek a new license when they make certain changes to the docks or convert the use of the dock. This ordinance adds language to make it clear an owner seeking a new license for anything other than a minor change must comply with all of the same procedures required for obtaining a new license.
- i. The shoreland measurement provision needs to be adjusted to accurately reflect the definition of shoreline and how the LMCD has traditionally measured shoreline. An inadvertent omission of a percent of shoreline needs to be corrected by reinserting it.
- j. The Board of Directors is not required to hold a public hearing before adopting amendments to the LMCD Code. The Board of Directors typically does not conduct a hearing before adopting an ordinance, but at times have made additional efforts to seek input from the public before acting on an ordinance. This ordinance makes clarifying amendments to the LMCD Code and the Board of Directors determines that taking additional time to seek public input or to hold a public hearing on these changes is not necessary.
- k. The LMCD staff will bring forward to the Board of Directors additional clarifying amendments as they are identified.

**Article II. Definitions.** Article 1, Chapter 3, Section 1-3.01 of the LMCD Code is hereby amended as follows and the subdivisions shall be renumbers as needed:

Subd. \_\_\_\_ . Classification of Use. “Classification of Use” means the category into which a particular use is classified for the purposes of determining the applicable regulations and licensing requirements. The classification of uses under this Code includes commercial facilities, club facilities, municipal facilities, outlot association facilities, residential association facilities, residential multiple docks, and transient facilities. The conversion from one classification of use to another requires a new license.

Subd. 67. Owner. “Owner” in the case of personal property means a person, other than a lien holder, having the property interest in or title to such property. The term includes a person entitled to the use or possession of such property, subject to an interest

of another person, reserved or created by agreement and securing payment or performance of any obligation, but the term excludes a lessee under a lease not intended as security. In the case of real property, the term "owner" means the fee owner of land or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors. For the purposes of this Code, a municipality shall be considered the owner of public lands and rights-of-way under its jurisdiction, and of all other properties held by the municipality in trust for the public, regardless of whether its interest is held in fee, easement, or by lease.

**Article III. Shoreline Calculation.** Article 2, Chapter 4, Section 2-4.03 of the LMCD Code is hereby amended as follows:

2-4.03. Shoreline Calculation. The shoreline of a site for the purposes of calculating restricted watercraft density shall be measured as provided in this subdivision.

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**Article V. Conversion of Uses.** Article 6, Chapter 1, Section 6-1.17 is hereby amended as follows:

**6-1.17. ~~Minor Change; 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.

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.

**Article VI. Declaration.** This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption. The LMCD Attorney is directed to incorporate these amendments into the LMCD Code, and such amended document shall constitute the most current LMCD Code.

Adopted this 11<sup>th</sup> day of March 2020.

**BY THE BOARD OF DIRECTORS**

\_\_\_\_\_  
Gregg Thomas, Chair

ATTEST:

\_\_\_\_\_  
Dan Baasen, Secretary

Date of Publication: \_\_\_\_\_, 2019

Effective Date: \_\_\_\_\_, 2019

New material is double-underlined and removed material is ~~stricken~~.

## Vickie Schleuning

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**From:** Debra Kind <dkind100@me.com>  
**Sent:** Wednesday, March 11, 2020 12:52 PM  
**To:** Vickie Schleuning  
**Subject:** Proposed LMCD Ordinance Amendments

Vickie —

I received a copy of the proposed LMCD Ordinance Amendments to be considered at your meeting tonight. Some of the proposed changes appear to be potentially significant from a city standpoint, and I would like our city council to have the opportunity to discuss them with our LMCD representative Bill Cook before the LMCD takes action on them. The open meeting law prevents us from having this discussion outside of city council meeting. Since these changes are being presented as clarifications, my assumption is that there should be no rush to enact them without providing a greater opportunity for input by the member cities.

Therefore, I request that the LMCD wait to take action on the proposed amendments until its mid-April meeting to allow time for the LMCD cities and other parties to comment on them.

Please provide this email as information to the LMCD board at tonight's meeting.

Thank you!

— Deb

DEBRA J. KIND  
Mayor, City of Greenwood  
20225 Cottagewood Road  
Deephaven, MN 55331  
[www.greenwoodmn.com](http://www.greenwoodmn.com)  
Main: 952.474.6633  
Direct:  
612.718.6753  
Email: [dkind100@me.com](mailto:dkind100@me.com)

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## **Vickie Schleuning**

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**Subject:** FW: Objection to Proposed Ordinance Amendments – Deemed Ownership by Municipalities

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**From:** Greg Frankenfield <GregF@magenic.com>

**Sent:** Wednesday, March 11, 2020 9:31 AM

**To:** Vickie Schleuning <vschleuning@lmcd.org>

**Subject:** Objection to Proposed Ordinance Amendments – Deemed Ownership by Municipalities

Vickie Schleuning, Executive Director  
Lake Minnetonka Conservation District  
5341 Maywood Road  
Suite 200  
Mound, MN 55364

**Re:** Objection to Proposed Ordinance Amendments – Deemed Ownership by Municipalities;

Ms. Schleuning,

I am the owner of the Old Log Theatre in Greenwood. I have ownership of a 700 foot strip of Minnetonka Lakeshore along Minnetonka Boulevard in Greenwood useful only for dockage. A portion of Minnetonka Boulevard right of way passes over our property and I have granted easements for their continued use of the land for snow removal and general safety. While I have no objection to the city's existing roadway use, I object to any action purporting to transfer or assign my ownership rights to the City. As proposed, the ordinance is arbitrary and capricious, overly broad, exceeds the LMCD's limited authority, and constitutes an unconstitutional taking of property without compensation. For your agency to consider passing such an ordinance without public notice or public hearing is clear evidence of the arbitrary nature of the proposal and conflicts with your agency's obligations to the public. I object to this ordinance and would hope you would reconsider its implementation.

Respectfully,  
Greg Frankenfield  
Owner  
Old Log Theatre

## Vickie Schleuning

---

**Subject:** FW: Important Info Clarifying Amendment (LK110-4)  
**Attachments:** AMENDED ITEM 13A ADDL 03112020 DOCSOPEN-#642479-v1-Additional\_Language\_for\_Clarification\_Amendment.pdf; AMENDED ITEM 13A DOCSOPEN-#639951-v4-Clarifying\_Code\_Amendment\_(March\_2020).pdf; Tonka Bay Marina LMCD Letter 3-11-2020.pdf

**Importance:** High

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**From:** Vickie Schleuning  
**Sent:** Wednesday, March 11, 2020 2:47 PM  
**To:** Vickie Schleuning <vschleuning@lmcd.org>  
**Cc:** 'Gilchrist, Troy J.' <TGilchrist@Kennedy-Graven.com>; M Cook <mcook@lmcd.org>; A Rehm <arehm@lmcd.org>; LMCD <lmcd@lmcd.org>  
**Subject:** Important Info Clarifying Amendment (LK110-4)  
**Importance:** High

Hello Board Directors, Attorney Gilchrist, and staff,

Staff have received a couple concerns regarding the recodification amendment clarifications. A letter from Tonka Bay Marina's attorney is attached against the clarifications. Attorney Gilchrist has added language to address concerns, however, please review the legal response below that addresses the concerns.

Hard copies will be available at the meeting. Let me know if you have concerns.

Thanks,

### ***Vickie Schleuning***

Executive Director | Lake Minnetonka Conservation District  
5341 Maywood Road, Suite 200 | Mound, MN 55364  
Ph 952-745-0789 | Fx 952-745-9085 | [vschleuning@lmcd.org](mailto:vschleuning@lmcd.org)  
[www.lmcd.org](http://www.lmcd.org)

CONNECT WITH US  



*To preserve and enhance the Lake Minnetonka experience*

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**From:** Gilchrist, Troy J. <TGilchrist@Kennedy-Graven.com> Hello  
**Sent:** Wednesday, March 11, 2020 11:07 AM  
**To:** Vickie Schleuning <vschleuning@lmcd.org>  
**Subject:** Clarifying Amendment (LK110-4)

Vickie,

I am suggesting the language of the proposed ordinance be expanded to include a sentence making it clear that eligibility to apply for a permit does not grant, take away, or transfer riparian rights or property ownership. Attached is a separate sheet with the additional language highlighted and an updated version of the entire ordinance that includes the additional language.

As to the claims the amendment constitutes a taking of property, they are patently false. The language reflects how the LMCD has treated applications from municipalities, allowing them to apply for licenses associated with their parks and fire lanes. This language makes clear municipalities can continue to do so without having to obtain consent from the adjacent owners or others in the public. Adding language saying a municipality is eligible to apply for a license does not deprive anyone of their property rights. This will not cause municipalities to start applying for licenses for every drainage or utility easement they may have along the lake. Municipalities know better than that and, even if they did apply, the LMCD would not issue such a license as those easements do not provide the municipality any riparian rights (i.e., it obvious the LMCD is not going to issue a license to put a dock off a drainage or utility easement). The added language, which should be unnecessary, makes clear eligibility to apply for a license does not alter any riparian rights or interest in real estate. The LMCD does not have the authority to control or change private interests in real estate or grant riparian rights that do not exist under law.

The bottom line is that the amendment is intended to maintain the status quo of how municipal applications have been handled in the past.

Please forward this to the board and place a copy in the public packet for the meeting.

Thanks.

Troy J. Gilchrist | Attorney at Law  
**Kennedy & Graven, Chartered**  
Direct: 612.337.9214  
[tgilchrist@kennedy-graven.com](mailto:tgilchrist@kennedy-graven.com)



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**PETER W. JOHNSON**  
**ATTORNEY AT LAW**

---

5085 HIGHVIEW PLACE  
GREENWOOD, MINNESOTA 55331  
TELEPHONE (612) 741-1907  
EMAIL - PETERJ@PETERWJOHNSON.COM

March 11, 2020

Vickie Schleuning, Executive Director  
Lake Minnetonka Conservation District  
5341 Maywood Road  
Suite 200  
Mound, MN 55364

BY MAIL and EMAIL:  
vschleuning@lmcd.org

Re: Objection to Proposed Ordinance Amendments – Deemed Ownership by  
Municipalities;

Ms. Schleuning;

As you know I represent Tonka Bay Marina, Shorewood Marina as well as Mr. Jabbour's marinas in Excelsior on Excelsior Bay and St. Albans Bay. Gabriel Jabbour is in Florida and has asked me to convey his objections to the proposed code amendments. Specifically, this letter conveys my clients' objection to amendments which purport to grant to your member municipalities "deemed ownership" of all public riparian lands within each municipality's jurisdiction, as well as any parcels where a municipality "holds" occupancy or use rights by easement or by lease. These proposed amendments were apparently only recently posted on-line and distributed to your Board Members. Even so, the changes are now scheduled for consideration at the meeting on March 11, 2020. The proposed agenda and the draft resolution make clear that staff proposes consideration of the code amendments without public notice or public hearing.

My clients reserve any and all legal objections both to the proposed code amendments and to the procedures proposed for adoption. That said, please accept this letter as my clients' objections that adoption of the amendments as proposed is arbitrary and capricious, overly broad, beyond the limited authority granted to the LMCD, and an impermissible taking of property without compensation.

It's clear that these proposed amendments have broad application to all public lands adjoining Lake Minnetonka and will certainly impair any semblance of cooperation between private and public interests around Lake Minnetonka. The changes mandate that the LMCD Board consider the municipality as the owner whenever the city "holds" the property in trust for the public, whether its interest is held in fee, easement, or by lease. No distinction is made between general use easements or other easements



conveying a narrow interest such as drainage or conservation easements.

**Arbitrary and Capricious:** The Board has sought no public input, has completed no investigation, and has no basis to know what easements or leases may exist or the terms thereof. Yet the LMCD proposes by fiat to treat the municipality having jurisdiction as the owner for lake use applications in every instance.

**Overly broad:** It is obvious that the LMCD seeks to retroactively create an ordinance to address the pending claims in Minnetonka Beach. Rather than responding to the legitimate complaint in Minnetonka Beach, the LMCD has proposed an ordinance that on its face impacts lake use right associated with hundreds of properties along the shores of the Lake Minnetonka. It's does so without considering other remedies or solutions that are more narrowly focused.

**Beyond the Limited Authority Granted to the LMCD:** The Powers of the LMCD are limited as described in Minn. Stat 103B.601 et. seq. LMCD can impose reasonable regulation upon lake uses, but it has no authority to adopt a sweeping ordinance that proposes to transfer riparian rights from private owners to the 14 municipalities who have been granted absolute control over LMCD's regulatory authority.

**Taking for Public Use without Compensation:** State and Federal Constitutions prohibit public takings of property without compensation. Clearly, the ordinance proposes to make the municipalities the deemed owner of many properties where the municipality hasn't bought or paid other interested parties for the rights of ownership. In each case where that results in a transfer of property rights from a private owner to the public, compensation is due.

In addition to the listed legal objections, please know that the proposed ordinance is also contrary to the public interest. No knowledgeable property owner will consider granting rights to the public by easement or lease, if the LMCD rules interpret such a grant as an absolute transfer of all riparian use rights.

At the present time, my client is considering a request from the City of Excelsior to grant easement rights for drainage improvements abutting the Gideon's Bay shoreline. In addition, my client has offered to cooperate with the City of Shorewood to solve existing city drainage issues upstream from the Shorewood Marina.

In recent years, my client settled long standing title disputes on almost a thousand feet of shoreline on St. Albans Bay by granting the City of Excelsior easement rights to maintain Minnetonka Boulevard and agreed to the relocation of a fire lane access by granting the city a limited right of way easement. At the sites of the Excelsior marinas, both Gabriel Jabbour and his predecessor in title cooperated in granting public rights and easements for a variety of purposes:

In 1980 drainage rights were granted to the City of Excelsior;

In 1995, an easement for construction of the pedestrian bridge over the St. Alban's Bay channel was granted to the park district;

In 1999 the Minnesota DNR was granted an easement for a fishing pier adjacent to the St. Alban's Bay channel. An access easement was also granted for access to necessary parking;

In 2000 the City of Greenwood was granted an easement for placement of a water main approaching and spanning the St. Alban's Bay channel;

In Tonka Bay, my client has permitted public winter access to continue adjacent to the marina docks in spite of the marina's claim to fee ownership of the property.

Should this Ordinance be adopted, my clients intend to proceed at the first opportunity to bring their objections forward in the courts. Initially that's likely to consist of a class action seeking declaratory judgment and asserting slander of title.

If you have questions regarding the foregoing, please call me.

Very truly yours,

*Peter W. Johnson*

Peter W. Johnson  
PWJ



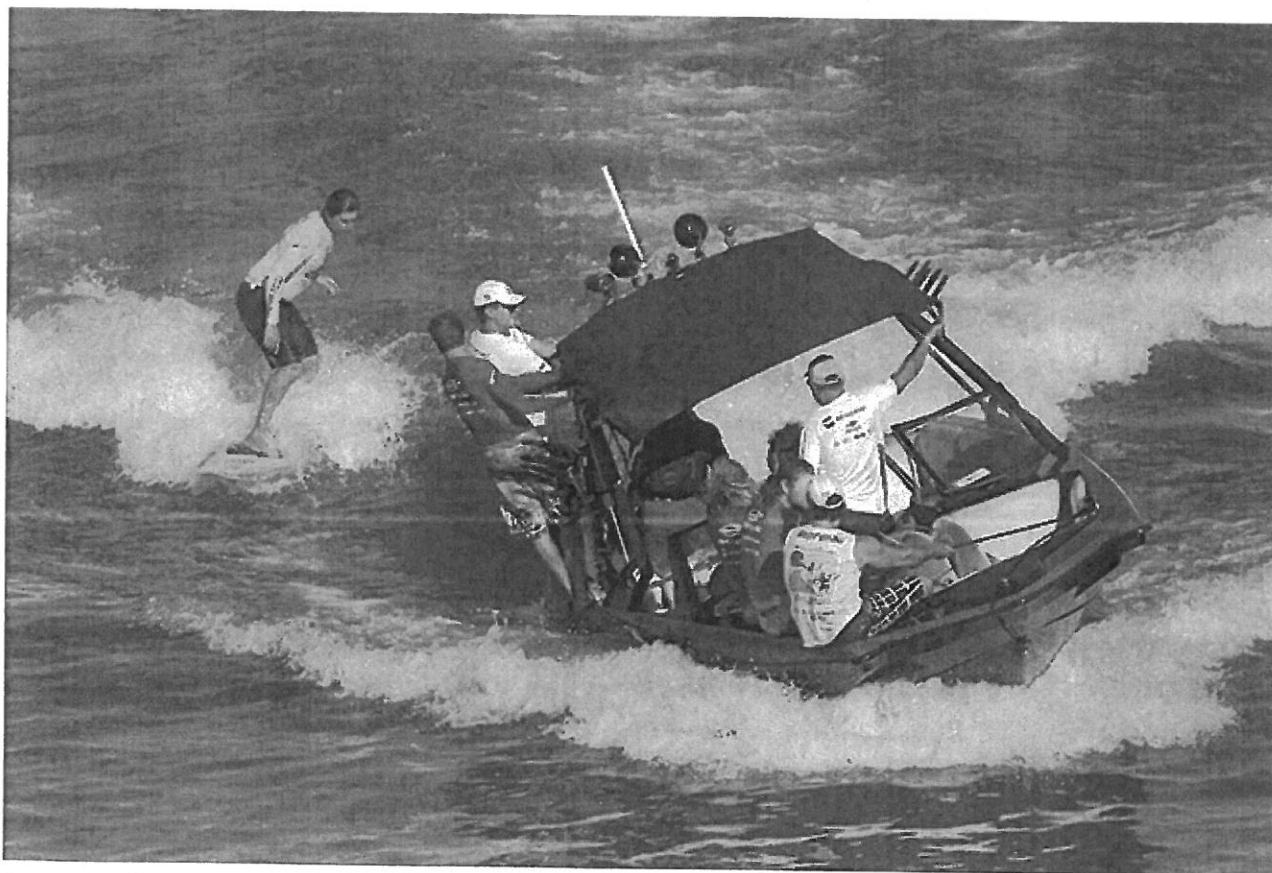
# MINNPOST

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## ENVIRONMENT

# The battle over 'wake surfing' has made its way to the Minnesota Legislature

By Walker Orenstein | 03/09/2020



REUTERS/Ueslei Marcelino

Wake surfing involves boats creating waves big enough for people to surf without the need of a tow rope.

As the sport of “wake surfing” has caught on in Minnesota, it has led to fierce local battles over whether the activity should be restricted — or even banned in places — because of damage it can cause to shorelines, property and fish habitat.

Now, debates that began at lake associations and city halls have spilled over into the Legislature, where resort owners, environmentalists, boat dealers and lake-front residents are split over how to regulate a growing sport and its signature powerful wakes.

An environmental committee in the Republican-led Senate approved a bill on Wednesday aimed at



keeping wake surfing — in which boats create waves big enough for people to surf without the need of a tow rope — 200 feet from shore, docks, swimmers and other boats. Supporters say the measure, sponsored by Sen. Bill Weber, R-Luverne, is backed by industry research and boat dealers, and would address problems while keeping lakes open to surfers.

Jeremy Wiczek, an owner of the boat dealership Nisswa Marine, told the Senate panel that he tries to advise buyers on best practices for avoiding harm and bothering other lake-goers. But he endorsed a 200-foot restriction as a practical, and perhaps necessary, step.

“While there are disrespectful and uneducated boaters in all categories, the boaters in the wake surf community stand out further because of impact these waves can have on other boaters and properties,” Wiczek said. “We do our best to educate all boaters. However we recognize that this may not be enough.”

State Sen. Bill Weber

But a contingent of homeowners and environmental advocates have pushed for tougher regulations — or at least more research on wake boats. They view a 200-foot buffer as an ineffective solution that wouldn't prevent disruption and damage.

## Concerns about shorelines, lake beds

Boats used for wake surfing move relatively slowly, typically between 10 and 12 miles per hour, said Adam Fletcher, a salesman for Minnesota Inboard Water Sports. The boats are designed to make large enough wakes that a person doesn't need a tow rope to ride them, unlike water skiing or wakeboarding.

Fletcher, whose dealership sells four of 10 ski boats powered by inboard motors in Minnesota, said inboard boats are the only growing segment of the boating industry. And what people want to use them for is wake surfing. “Surfing is a huge percent of what most families are actually doing behind their boats these days,” he said.

Yet as boats equipped for surfing have spread, so have complaints about the large, powerful wakes they kick up. Chuck Becker, an anti-surfing activist who lives on Big Sugar Bush Lake north of Detroit Lakes, said boats have chased kayakers and canoers out of the water, sent waves over pontoons and damaged docks.

## Wakesurfing Driver's Courtesy: "The Wake Zone" (2017)



Donna Burt, who helped found the organization Safe Wakes for Small Lakes, lives on Lotus Lake near Chanhassen. She said wake surfing sends strong waves crashing against the shore of her narrow lake, eroding her shoreline, putting infrastructure at risk and damaging aquatic plants like cattails. Burt said her husband fell off a dock and bruised his ribs last year when a “large artificial wake” hit the shore. “Moments before this, he said ‘Donna watch out, here it comes,’” Burt said. “I turned my head and he was in the water. That’s how powerful they are.”

Becker and others raised concerns about the effect of wakes below the water’s surface. Wake-creation systems from the powerful boats can scour the bottom of lakes, disturb fish habitat, uproot plants and disturb sediment that can release phosphorous and nutrients that cause algal blooms, many contend. And water tanks on the boats may also spread invasive species.

### Local debates lead to state battles

Controversy over wake surfing is not unique to Minnesota. Oregon has been pondering new regulations for boaters on the Willamette River, where federal officials say the sport can harm salmon and steelhead trout.

And while Minnesota law generally prohibits boating that harasses others or causes property damage, there are no state regulations specific to wake surfing. People can, however, enact local ordinances to govern what happens on their lakes — as long as they are approved by the state Department of Natural Resources. Some efforts to make local wake boat rules have been hotly contested.

Becker said he hired a hydrology consultant to help research wake boats and their effects, but despite backing from his Lake Association, a push for a local ban has not been universally supported. Other property owners, and the Waters Sports Industry Association, an influential trade group, retained a lawyer that threatened litigation against ordinances.



In a letter to the Big Sugar Bush Lake Association, attorney Tami Norgard wrote the lake was classified by the DNR to allow moderate recreation and development. "A wake boat ban would be a poor decision legally, economically and as a matter of public policy for a township within Becker County," she wrote. Becker is still working to get an ordinance before his local township.

Burt and JoAnn Syverson, who also helps run Safe Wakes, have tried and failed to push an ordinance restricting wake surfing on Lotus Lake at the Chanhassen City Council.

Yet as complaints have risen with the state DNR, the boating industry has promoted courteous surfing by recommending a 200-foot buffer from shore and others, avoiding loud music and more.

Now they're pushing the 200-foot regulations at the Legislature. Those restrictions are based on research commissioned by the WSIA and led by Clifford Goudey, who told the Senate panel last week that energy from surfing waves "start out very high but dissipate rapidly compared to other wakes."

"In all the cases that we tested, there is significant wave energy in the first 200 feet of travel," Goudey said. "After that it tends to be less and less. So the most important reductions in wave energy can occur in the first 200 feet."

Those findings have been met with skepticism by opponents and many DFLers. Becker highlighted 2014 research from the University of Quebec in Montreal that says wake energy has "considerable" impact on shorelines from boats passing within 300 feet, but no significant effect on shorelines when boats are nearly 1,000 feet away. A 2015 study from Laval University in Quebec City says wake surfing impacts lake beds and plants — promoting the development of algae — when boats operate in water less than 16 feet deep.

Still, the Republican-led Environment and Natural Resources Policy and Legacy Finance Committee approved the bill on a party-line 7-to-5 vote, and the measure will now head to the Senate floor for consideration. (The measure is not solely supported by the GOP, it does have DFL sponsors in the House and Senate.)

Weber, the Luverne Republican sponsoring the Senate version of the bill, said the measure sets a minimum restriction for wake surfing boats where one doesn't exist today. The issue can be revisited in light of new science, Weber said, and it doesn't stop local governments from setting tougher ordinances. "I think that for bodies of water that are uniquely sensitive to boat wakes, certainly concerned citizens can petition DNR for tighter restrictions as well as other local regulators," he said.

Even if the Senate approves Weber's bill, it's unlikely to gain traction in the DFL-controlled House. State Rep. John Persell, a Bemidji Democrat who chairs the House Environment and Natural Resources Policy Committee, said he couldn't take the industry study and the 200-foot recommendation "at face value" unless it's published in a peer-reviewed journal.

At first, Persell had considered a bill that would keep wake boats 1,000 feet from shore. But Republicans and boat dealers have protested a 1,000 foot rule because they say it would effectively

close off many lakes to the sport.

Ultimately, Persell dropped the idea. He said he didn't want to try to pass a middle-ground, compromise bill that isn't based on research. He also wants to consider restrictions on what depth the wake boats can operate in. A draft of Persell's new measure, expected to be introduced this week, would order the DNR to develop recommendations for a "watercraft operator's safety program" for some boats larger than 16 feet that teaches people how to reduce conflicts with other water users, prevent the spread of invasive species and reduce ecological impacts.

State Rep. John Persell

The DNR program would specifically require people driving boats with "enhanced wake technology" to complete an additional course based on new research by the Minnesota Aquatic Invasive Species Research Center, as well study of "enhanced" wakes and their impact on lake sediments and plants done by the St. Anthony Falls Laboratory.

By January 2021 the DNR would present its recommendations to the Legislature for lawmakers to consider if the program should be approved. "What I want to do is get more information about the potential impacts as we come to understand those," Persell said.

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**COMMENTS (4)**

SUBMITTED BY GREG LADEN ON 03/09/2020 - 11:08 AM.

Our recreational boating industry is going to continue to grow as a proportion of our excessive use of fossil fuels, as we use less and less in our cars, with the development and spread of powerful boats designed to run as inefficiently as possible (to make huge waves — the energy comes from the gasoline).

Want to surf? Consider using wind power. It was good enough for the Big Kahuna it should be good enough for everybody.

(Or is it just the noise people are going after?)

LOG IN TO REPLY

SUBMITTED BY BRIAN SIMON ON 03/09/2020 - 05:23 PM.

The wake boats aren't particularly noisy; when "surfing" they tend to have more of a deep throbbing noise. Comparatively, jet skis are way more irritating in terms of noise. Instead, particularly on smaller lakes, these boats throw up a wave way larger than anything that occurs naturally.

LOG IN TO REPLY

SUBMITTED BY THOMAS WEYANDT ON 03/09/2020 - 11:19 AM.

The risk they pose in spreading invasives is probably more important to the quality of lakes in the State.  
<https://conservancy.umn.edu/handle/11299/202094>

LOG IN TO REPLY

SUBMITTED BY JOEL STEGNER ON 03/09/2020 - 04:07 PM.

I see no reason to allow this "sport" in any but the biggest and deepest lakes. It clearly is doing a lot of harm. It is not freedom when your past time injures others.

LOG IN TO REPLY

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