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

AGENDA
WORK SESSION AND FORMAL MEETING
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, April 8, 2020

Join Zoom Meeting
https://zoom.us/j/709286009
Meeting ID: 709 286 009

Dial by Your Location
+1 312 626 6799 US (Chicago)
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Meeting ID: 709 286 009

Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting will be conducted remotely using electronic means. The LMCD's usual meeting room will not be open to the public or the Directors. The LMCD is working to establish a platform it can use to conduct the meeting remotely. Information on how to connect to the meeting will be posted on the LMCD's website. Those desiring to participate in the meeting may also email the Executive Director at vschleuning@lmcd.org for information on how to connect once it is available.

WORK SESSION AGENDA
6:00 p.m.

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**

FORMAL MEETING AGENDA
7:00 p.m.

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

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. ROLL CALL

4. APPROVAL OF AGENDA

5. CHAIR ANNOUNCEMENTS, Chair Gregg Thomas

6. APPROVAL OF MINUTES (03/25/2020) LMCD Regular Board Meetings

7. APPROVAL OF CONSENT AGENDA
- **A)** Audit of Vouchers (04/01/2020 – 04/15/2020)
- **B)** USGS Zebra Mussel Control Research Project Temporary Structure Request

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, respond to or correct statements from the public, or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

9. PUBLIC HEARING
- **A)** Shorewood Yacht Club (Shorewood Marina) Sites 1 & 2, Commercial Multiple Dock License and Variance, Qualified Commercial Marina, 23500 Smithtown Road, Shorewood, MN 55331.

10. OTHER BUSINESS

11. OLD BUSINESS

12. NEW BUSINESS
- **A)** 2019 Financial Audit
- **B)** COVID-19 and Lake Use

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE
- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Communications & Legislative Relations
- Deicing and Permanent Dock Workgroup
- High Water Declaration/Slow Wake Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series
  - Slow and No Wake Regulations- April/May 2020
  - Watercraft Density
  - Lake Sales and Services
  - Recodification Clarifications
- Applications
  - Residential Variance Application, 980 Heritage Lane- April 22, 2020

LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., March 25, 2020
VIRTUAL VIA ZOOM

Due to COVID-19 Guidelines, pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting was conducted remotely through electronic means using Zoom. The LMCD's usual meeting room was not open or available to the public or the Directors

1. CALL TO ORDER

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

Pursuant to a statement issued by the Presiding Officer, under Minnesota Statutes, Section 13D.201, the meeting was conducted remotely using electronic means.

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: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and, Matt Cook, Environmental Administrative Technician.

Members absent: None.

Others present in audience: Steve Bren, Wayzata Yacht Club; Eric Evenson

4. APPROVAL OF AGENDA

Schleuning requested to pull an item, 7B, from the Consent Agenda in order to add a clarification to the findings of fact relating to the make ready and accessible dock.

Chair Thomas asked if that verbal amendment could be made tonight and still take action tonight.

Gilchrist confirmed that the item could be pulled from the Consent Agenda to allow staff to provide additional details and the Board can then take action on the amended language.

MOTION: Thomas moved, Walesch seconded to amend the agenda to remove Item 7B from the Consent Agenda to be considered under 11A.

ROLL CALL VOTE:

Anderson aye
Baasen aye

DRAFT

Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

MOTION: Thomas moved, Kroll seconded to approve the agenda as amended above.

ROLL CALL VOTE:

Anderson	absent (lost connection)
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

Chair Thomas thanked everyone for bearing with them with the use of technology. He reported that the office is closed with many of the staff members working from home.

6. APPROVAL OF MINUTES- 3/11/20 LMCD Regular Board Meeting

DRAFT

MOTION: Thomas moved, Baasen seconded to approve the 3/11/20 LMCD Regular Board Meeting minutes as submitted.

ROLL CALL VOTE:

Anderson	absent (lost connection)
Baasen	aye
Brandt	aye
Cook	abstain
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Kirkwood seconded to approve the consent agenda as amended, making the change noted by the Board above. Motion carried unanimously. Items so approved included: **7A)** Audit of Vouchers (03/16/20 – 03/31/20); ~~**7B)** Approval of Findings and of Fact and Order for Wayzata Yacht Club Sites 2 & 3, Commercial Multiple Dock Licenses and Variances, 456 Arlington Circle South and 1000 Eastman Lane, Wayzata, MN 55391;~~ and, **7C)** Approval of 2020 Alcoholic Beverage License Renewals.

ROLL CALL VOTE:

Anderson	absent (lost connection)
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye

DRAFT

Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

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

Kirkwood suggested that staff look into other technology options that would allow member to check green or red on votes, which could forego the necessity of roll call votes.

Schleuning stated that staff can look into it further and determine if that option would be allowed legally.

11. OLD BUSINESS

A. Approval of Findings and of Fact and Order for Wayzata Yacht Club Sites 2 & 3, Commercial Multiple Dock Licenses and Variances, 456 Arlington Circle South and 1000 Eastman Lane, Wayzata, MN 55391

Schleuning stated that during the staff presentation at the last meeting there was discussion relating to the make ready dock that is used by the sailing school. She stated that there is a floating dock section used for accessibility, which allows the youth to board that floating dock and then board the watercraft. She explained that one variance request was for that activity to continue. She stated that staff provided clarified language during the presentation to include the situation in the findings of approval.

The applicant Steve Bren noted that the facility has an existing variance for that activity that they would simply like to continue.

Schleuning stated that the Board can provide authorization for staff and legal counsel to add that language to the findings to continue the variance for the walkway and make ready dock area.

Gilchrist confirmed that exact language does not need to be provided tonight and the Board could provide direction for staff to develop that language.

Kroll asked if Baasen supports this action, as he is the Wayzata representative.

DRAFT

Baasen confirmed that he is in agreement with this as it simply provides access for the children to get on and off.

MOTION: Kroll moved, Baasen seconded to approve the findings of fact and order for the Wayzata Yacht Club Sites 2 & 3, Commercial Multiple Licenses, as presented with the addition of continuation of the variance for the floating dock and make ready area.

ROLL CALL VOTE:

Anderson	absent (lost connection)
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

Cook had nothing further to report.

14. EXECUTIVE DIRECTOR UPDATE

Schleuning stated that there have been quite a few applications and staff is working to determine if there will be adjustments to the review timeline for agencies. She noted that staff will check with legal counsel and the League of Minnesota Cities for further clarification. She expressed appreciation to everyone as the LMCD works within electronic means.

15. STANDING LMCD COMMITTEE/WORKGROUP

DRAFT

Aquatic Invasive Species Taskforce: No report.

Budget Workgroup: No report.

Save the Lake Committee: Baasen reported that the Committee has not met but is planning to conduct a conference call on April 7th if a quorum can be obtained in order to develop and send the spring solicitation letter.

Strategic Plan Subcommittee: No report.

Deicing and Permanent Dock Workgroup: No report.

High Water Declaration/Slow Wake Workgroup: Kroll reported that the group met the previous week via Zoom and are aligned in the steps they will take to move forward.

Schleuning displayed a project outline which can be used for all the workgroups/committees to define the project, scope, objectives, background, members involved, the deliverables, key stakeholders, project development steps and timelines. She explained that this will make it easy for the public to see what the group is trying to accomplish and provides a format for the group to follow.

Kroll thanked Schleuning for the development of this document, in addition to all the other work she is attempting to do remotely. He stated that there are currently nine small bays that are not covered and explained that the group is looking at whether there are small bays that should be added to the high water restricted or regulated list.

Anderson stated that the draft document was discussed. He believed that this type of format for all the workgroups will be helpful.

Other: Chair Thomas thanked everyone for virtually attending tonight. He commented that the format seemed to work well and asked for any feedback members may have, other than staff looking into voting options.

Anderson asked if the Board could voice unanimous approval with only nay votes identifying themselves.

Gilchrist stated that electronic meetings require roll call votes. He stated that he will look into it further to determine if there is a method that could shorten that aspect.

Baasen thanked Schleuning and the staff for all the work they are doing in this unique time. He stated that when this situation is over the Board should determine how staff could be compensated/thanked for this additional work.

Brandt thanked staff for their efforts in allowing the meeting to be held electronically.

Cook also thanked staff.

Klohs commented that the meeting ran smoothly.

DRAFT

Zorn thanked staff as well.

Chair Thomas wished everyone a safe and healthy few weeks for themselves and their families.

16. ADJOURNMENT

Being there no further business, the meeting was adjourned at 7:38 p.m.

MOTION: Kroll moved, Hughes seconded to adjourn the meeting at 7:38 p.m.

ROLL CALL VOTE:

Anderson	aye
Baasen	aye
Brandt	aye
Cook	aye
Hoelscher	aye
Hughes	aye
Kirkwood	aye
Klohs	aye
Kroll	aye
Newall	aye
Stone	aye
Thomas	aye
Walesch	aye
Zorn	aye

Motion carried unanimously.

Gregg Thomas, Chair

Dan Baasen, Secretary

DRAFT

Lake Minnetonka Conservation District
Check Detail
April 1 - 15, 2020

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
04/15/2020	**EFT-20-40**	**ADP**		**Alerus Checking**		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,419.75
			P.E.R.A.	2020 · Payroll Liabilities -	Admin.	1,176.19
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-630.11
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/M...	Admin.	-642.72
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,474.26
04/15/2020	**EFT-20-41**	**P.E.R.A**		**Alerus Checking**		
			Payroll 4/1/20 - 4/15/20	2020 · Payroll Liabilities -	Admin.	-1,176.19
TOTAL						-1,176.19
04/15/2020	**EFT-20-42**	**ADP Service Fee**		**Alerus Checking**		
			Payroll 4/1/20 - 4/15/20	4180M10 · Professional Services - Adm...	Admin.	-76.70
TOTAL						-76.70
04/09/2020	**EFT-20-43**	**SelectAccount Group Service ...**		**Alerus Checking**		
			HSA Employer Contribution for April 2020 (Vickie Sc...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for April 2020 (Matt Cook)	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
			HSA Employer Contribution for April 2020 (Tammy D...	4380M10 · Employee Benefits - Admin.	Admin.	-112.50
TOTAL						-337.50
04/09/2020	**EFT-20-44**	**Unum Life Insurance**		**Alerus Checking**		
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	-136.60
TOTAL						-136.60
04/09/2020	**21786**	**ABDO EICK & MEYERS LLP**	**44790**	**Alerus Checking**		
04/09/2020	Audit 2019		Audit Services	4040M10 · Auditing - Admin.	Admin.	-10,700.00
TOTAL						-10,700.00

Lake Minnetonka Conservation District
Check Detail
April 1 - 15, 2020

Date	Num	Name	Memo	Account	Class	Paid Amount
04/09/2020	**21787**	**AIS Advanced Imaging Solutio...**		**Alerus Checking**		
04/09/2020	Inv.#April		Copier Contract 3/20/20 - 4/20/20	4140M10 · Equipment R&M - Admin.	Admin.	-262.52
TOTAL						-262.52
04/09/2020	**21788**	**NCPERS Group Life Insurance**		**Alerus Checking**		
04/09/2020	April, 2020		Life Insurance, April 2020	4380M10 · Employee Benefits - Admin.	Admin.	-48.00
TOTAL						-48.00
04/09/2020	**21789**	**Kennedy & Graven**	**LK110-00004**	**Alerus Checking**		
04/09/2020	February, 2020		Legal Fees February 2020	4620M10 · Legal Fees - Admin.	Admin.	-4,112.50
TOTAL						-4,112.50
04/09/2020	**21790**	**Tallen & Baertschi**		**Alerus Checking**		
04/09/2020	March 2020		March prosecution costs	4640M10 · Prosecution Fees - Admin.	Admin.	-1,036.50
TOTAL						-1,036.50

ITEM 7B

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

DATE: April 8, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: USGS Zebra Mussel Control Research Project Temporary Structure Request

ACTION
Board approval of a temporary structure permit application in coordination with the Hennepin County Sheriff's Office Water Patrol permit application to place buoys and research equipment in St. Albans Bay and Robinsons Bay as part of a continuing zebra mussel control research project.

BACKGROUND
LMCD Code Section 2-5.01, Subdivision 1, states that the Board may grant permits, in accordance with LMCD Section 6-5.07, for temporary structures surrounded by navigable water located beyond the authorized dock use area. The Hennepin County Sheriff's Office Water Patrol Division (Water Patrol) typically processes and approves special event permits and temporary structure permits in accordance with LMCD Code Sections 6-5.03 to 6-5.07, and LMCD Resolution 111.

Staff from the Water Patrol and LMCD are bringing this permit to the Board's attention because of the distance of the structures from shore (further than 200 feet), the duration of the project (May through September), and the visibility of the project. The research team plans to place the buoys as close as possible to the sites permitted in 2019.

While the Board has been previously informed about the project, additional funding was secured to resample sites in St. Albans and Robinson bays to determine whether the copper treatment suppressed zebra mussel densities into a second year. LMCD staff recommend that the Board approve the permit to formalize the Board's review of the project.

The low dose copper treatments appeared to be effective in reducing zebra mussel populations. Some quick facts about the USGS Zebra Mussel Control Research Project are: 1) Low-dose, long duration treatment of 60 ppb of free copper was maintained for 10 days; 2) Non-target impacts varied during the course of the study; and 3) Follow up monitoring is intended to occur in 2020 and 2021. More information about the project is available in the attached MAISRC Zebra Mussel Control with Low-Dose Copper 2019-2021 Project Update

ATTACHMENTS
- HCSO Water Patrol Temporary Structure Permit Application
- MAISRC Zebra Mussel Control with Low-Dose Copper 2019-2021 Project Update

HENNEPIN COUNTY SHERIFF'S OFFICE
WATER PATROL UNIT
4141 Shoreline Drive; Spring Park, MN 55384

TEMPORARY STRUCTURE APPLICATION

*The following information is necessary to ensure proper and accurate issuance of your permit. Please fill out completely – including the **diagram on the reverse side** – and return it to our office as soon as possible.*

NAME: ___Diane Waller, USGS – Upper Midwest Environmental Sciences Center__ DATE OF BIRTH: _01-08-1961__

____2630 Fanta Reed Road La Crosse, WI 54603 _____
Address City State ZIP

E-MAIL ADDRESS: __dwaller@usgs.gov_____

PHONE: _____N/A_____(608)781-6282_____(608)518-6752_____
Home Work Cell Other

LAKESHORE OWNER (if not above applicant): _Unknown_____

_____
Address City State ZIP

PHONE: _____
Home Work Cell Other

LOCATION OF PROPOSED STRUCTURE: (Lake or Bay): __St. Albans Bay and Robinson Bay, Lake Minnetonka____

SELECT ONE. A separate application must be filled out for each temporary structure you are requesting.

Mooring Buoy	Floating Raft	Swim Buoys	Slalom Course	Other*	Ice Rink
( )	( )	( )	( )	(X)	( )

*Describe the structure Lighted "Submerged Hazard" buoy with a PVC pipe ring covered with pool noodle

I hereby acknowledge that my *temporary structure* meets the proper regulations.

APPLICANT'S SIGNATURE: _____ DATE: _____

PERMIT ISSUED BY DEPUTY: _____ DATE: _____

Please sign and return completed form to Sheriff's Water Patrol

-- For Office Use Only --

Date	*Badge#*		*Date*	*Badge#*	
_____		Letter of permission from CITY	_____		Renewed
_____		Letter of permission from LANDOWNER	_____		Renewed
_____		Signed list of ADJACENT LANDOWNERS	_____		Renewed
_____		Letter of permission from _____	_____		Renewed
_____		Letter of permission from _____	_____		Renewed

!!Remember to draw diagram on back / page 2!!

TEMPORARY STRUCTURE LOCATION DIAGRAM

INSTRUCTIONS: Prepare a detailed drawing of the area where you propose to place your temporary structure. Your drawing should encompass the shoreline and lake area in front of your property and the two adjacent lots. Be sure to include lot lines, docks and any existing temporary structures in front of all three lots. Note any landmarks that will assist our deputies in locating your site from a boat. You must indicate the length of the shoreline between your lot lines (lake frontage) and the distance from shore to the proposed location for your structure. Indicate north with an arrow through the drawing.

St. Albans Bay

Buoy	Distance to shore (ft)
1	400
2	260
2	250
4	120
5	305

Robinson Bay

Buoy	Distance to shore (ft)
1	100
2	150
3	470
4	400
5	320

Minnesota
Aquatic Invasive Species
Research Center

2019-2021 Project Update:

Zebra Mussel Control with Low-Dose Copper

Zebra mussels (Dreissena polymorpha) are one of the most problematic invasive species in Minnesota, causing significant ecological and economic impacts in bodies of water where they have established.

EarthTec QZ is an EPA-registered proprietary formulation of copper sulfate that has been used in Minnesota for controlling dreissenid mussels in open water systems.

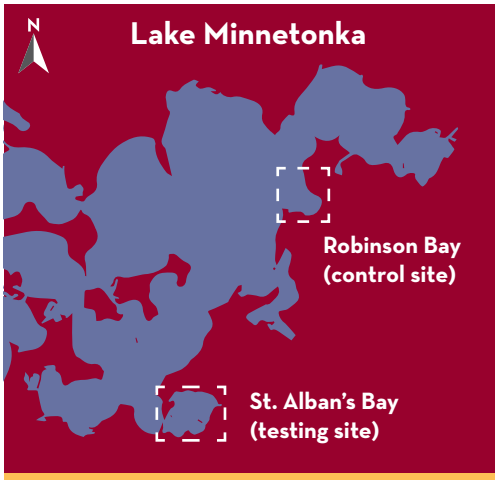
In 2019, MAISRC and USGS researchers conducted an experimental application of low-dose copper in Lake Minnetonka. The concentration was substantially lower than previously used for adult zebra mussels in Minnesota lakes—60 parts per billion (ppb) vs. one part per million (ppm) of free copper. This 'suppression strategy' has shown promise in early-stage trials.

The objectives of the study were to determine the effectiveness of low-dose copper for reducing zebra mussel recruitment and to monitor the response of native biota.

Approach

Pre-treatment assessments of zebra mussel density, native zooplankton and benthic invertebrate communities were conducted in early July in the treated (St. Alban's) and control (Robinson) bays in Lake Minnetonka.

continued...



QUICK FACTS

- Low-dose, long duration treatment of 60 ppb of free copper maintained for 10 days.
- Treatments effectively reduced zebra mussel veliger density, juvenile zebra mussel recruitment, and live zebra mussel density in quadrat samples
- Non-target impacts varied during the course of the study.
- Follow up monitoring will occur in 2020 and 2021.

Approach cont.

Juveniles of four species of native fish, one species of native mussel, as well as adult zebra mussels were placed in submerged cages at several locations within each site to assess treatment-related impacts on survival and accumulation of copper in tissues. Settlement plates were placed at multiple sites within each bay to assess recruitment after the treatment.

Application of EarthTec QZ occurred in St. Alban's bay, Lake Minnetonka between July 22, 2019 and July 30, 2019. Researchers maintained a targeted concentration of 60 ppb for waters above the thermocline with five, every-other-day EarthTec QZ applications.

Preliminary Results

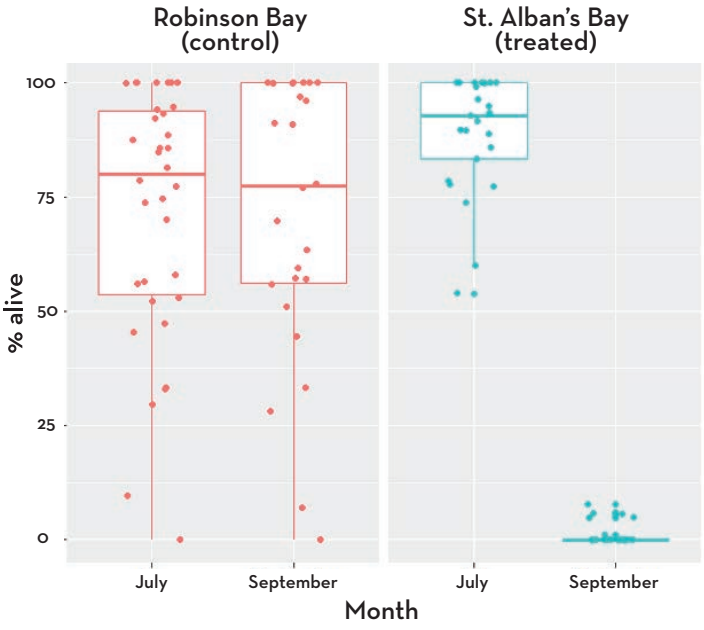
Data is under review and is preliminary; however, the results suggest that the treatment effectively reduced zebra mussel veliger density, juvenile zebra mussel recruitment, and live zebra mussel density in quadrant samples.

Potential treatment-related impacts to native species varied. Zooplankton mean density declined after exposure in the treated bay compared to an increase in the control bay. Similar trends were observed in abundance and family richness of benthic invertebrates that were collected. Chlorophyll A concentration increased about three-fold immediately after treatment, but returned to baseline levels two weeks post-treatment. No treatment-related adverse impacts were observed to the native mussels 24 hours after exposure.

Survival of caged native fish within the treated and control bays was similar except for fathead minnows. Mean fathead minnow survival was 84 and 38% in the control and treated bays, respectively. Of interest, the mean tissue copper residue in fathead minnows was higher than other fish species in the treated bay. Mean copper tissue residue was highest in zebra mussels, followed by native mussels.

Post-treatment monitoring is planned for 2020 and 2021 to determine the duration of the treatment effect on zebra mussel density in St. Alban's bay, to inform the need for retreatment, and to determine the recovery response of the native community.

Percent of living zebra mussels found



In the graph above, each dot represents results from one quadrat. The percentage refers to the number of living zebra mussels out of the total number of zebra mussels found. Quadrats with no found zebra mussels are excluded.

ENVIRONMENT AND NATURAL RESOURCES TRUST FUND

Minnesota Aquatic Invasive Species Research Center
University of Minnesota
Driven to Discover℠

USGS science for a changing world

Special thanks to:

Hennepin County, the State of Minnesota, the Fletcher Family Foundation, the Bay Lake Improvement Association and the Pelican Lakes Association of Crow Wing County.

ITEM 9A

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

DATE: April 8, 2020

TO: LMCD Board of Directors

FROM: Matthew Cook, Environmental Administrative Technician

THROUGH: Vickie Schleuning, Executive Director

RE: Shorewood Yacht Club Multiple Dock License and Variance(s)

ACTION
Board consideration of the Shorewood Yacht Club (SYC) (potential name change to Shorewood Marina) Multiple Dock License and Variance applications, and receive public input as part of the public hearing for the applications. The site is located at 23500 Smithtown Road in the City of Shorewood, MN 55331 (PID: 34-117-23-21-0064). The site has shoreline on Gideon 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 direct staff and LMCD legal counsel to draft Findings of Fact and Order approving the Shorewood Yacht Club (Shorewood Marina) 2020 Multiple Dock License and Variance applications for the properties located at 23500 Smithtown Road in the City of Shorewood as presented <or with additional amendments> for consideration at the April 22, 2020 Board meeting.

Denial:
I make a motion to direct LMCD legal counsel to draft Findings of Fact and Order denying Shorewood Yacht Club 2020 Multiple Dock License and Variance applications for the property located at 23500 Smithtown Road in the City of Shorewood based on the following reasons… for consideration at the April 22, 2020 Board meeting.

Continue Hearing:
I make a motion to continue the public hearing for the Shorewood Yacht Club's 2020 Multiple Dock License and Variance applications to the April 22, 2020 Board meeting for further consideration.

APPLICATION SUMMARY

A summary of the applications that were submitted is provided below:

- Commercial Multiple Dock License
    - Combine current licenses for Site 1 (Nonconforming) and Site 2 (Conforming)
- Change in classification from Club to Qualified Commercial Marina
    - Expansion of facility to include increase in dock length to 200 feet for some areas
        - Remove side-opening slips on east side
    - No change to total BSUs or increase in watercraft density, increase in some sizes of BSUs
- Convert two slips classified as "private use" for rent to the general public
- Variance(s)
    - Determine/adjust side site line on west side where overlapping dock use areas exist
    - Adjust side setbacks on west side, as needed

APPLICATION BACKGROUND

Mr. Gabriel Jabbour, owner of the SYC, ("Applicant") has submitted applications for the dock facility located at 23500 Smithtown Road in the City of Shorewood. The Applicant proposes to reconfigure the dock structures and combine the current two licenses into one license. Dock structures will be extended to areas previously unoccupied by permanent structures. Some change in BSU dimensions are proposed as part of the expansion.

In addition to having a dock use area that overlaps with neighboring dock use areas, the following items present key considerations for the Board regarding the Applicant's site(s):

- A drainage easement running through the middle of the site between the east and west portions of land at 23500 Smithtown Road;
- This proposed site has noncontinuous shoreline and a portion of shoreline is owned by the Hennepin County Regional Railroad Authority (HCRRA) between the east and west portions of land at 23500 Smithtown Road;
    - The HCRRA has stated that the agency has no comments or concerns with the proposed application.
- There is City lakeshore and access via Timber Lane on the west side of the site;
    - The City of Shorewood has stated that the city has no concerns with the proposed application. See Public Comments section of this document for more information.
- An access / dockage agreement on the west side (near Timber Lane) for a nearby resident. The status of this agreement may have changed since LMCD staff were last informed of the agreement.
    - Provision of one BSU within the marina to another party via an agreement has existed at the site as part of previous approvals.

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 1**
        - Current BSUs: 82
        - Current shoreline: 480 feet
        - Current boat density: 1:6 (allowed via LMCD Code Section 2-4.09, Subd. 3)
    - **Site 2**
        - Current BSUs: 35
        - Current shoreline: 350 feet
        - Current boat density: 1:10 (allowed via 01/12/05 Special Density License Order)
    - **Combined Sites**
        - Proposed BSUs: 117 (no change)
        - Proposed shoreline: 830 feet (no change)
        - Proposed boat density: 1:7

    Per LMCD Code Section 2-4.09, Subdivision 4(b), the Applicant may apply for a variance to combine the non-continuous lakeshore within the parcel without having to demonstrate a hardship.

    The Applicant currently holds a special density license for Site 2. However, a special density license would no longer be required if the proposed license is approved and the site meets the definition of a Qualified Commercia Marina. The current nonconforming density of Site 1 could be allowed to continue per LMCD Code Section 2-4.09, Subd. 3.

- **BSU Location**. The Applicant proposes to relocate BSUs within the new combined site area.

- **BSU Classification**. The Applicant is proposing to use the two slips stored under the canopy along the seawall (BSUs #116 and #117) for rent to the public. Historically, these slips were marked as "private use" on renewal application forms and "company use" on applications for new licenses for the site.

- **BSU Size**. The Applicant proposes to change BSU width and length. BSU size is generally proposed to increase. Additionally, some increase in surface area is due to the increase in walkway surface area to promote safer pedestrian navigation on the dock structure. Please see the existing and proposed site plans for more information.

- **Dock Length**. Some portions of the existing dock already extend to 200 feet. The Applicant's proposed docks would extend to 200 feet in some areas where dockage did not previously extend to 200 feet.

- **Site Classification**. The Applicant's proposal for each site appears to meet the criteria of a Qualified Commercial Marina (QCM) as identified in LMCD Code Section 1-3.01, Subd. 76. Switching classifications from Club to QCM is necessary to allow the dock length extension to 200 feet without a variance. If the site is classified as a QCM, the Applicant would no longer need a special density license for Site 2, as higher boat densities (up to 1:10) can be allowed for QCM sites.

  The current nonconforming density of Site 1 could be allowed to continue per LMCD Code Section 2-4.09, Subd. 3.

- **Variance(s)**. Given the requirement stated in LMCD Code Section 6-2.01, Subd. 4, paragraph (b), a variance is necessary for the Applicant's site to clarify the western side site line and determine the dock use area for this and adjacent sites to be eligible for a Qualified Commercial Marina to resolve the overlapping dock use areas. Variances will also be necessary for the western side for reduced setbacks as proposed.

  Additionally, per LMCD Code Section 2-4.09, Subdivision 4(b), the Applicant can apply for a variance to combine the non-continuous lakeshore within the parcel without having to demonstrate a hardship. The Applicant is proposing to combine the sites, and thereby combine the shoreline. However, consent of the HCRRA and City of Shorewood regarding drainage and access is recommended.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) DETERMINATION
The proposed marina layout constitutes an expansion in surface area of approximately 14,763 square feet for structures, boat storage, and navigational area beyond the existing layout. LMCD staff also contracted with a surveyor to verify measurements. 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 at this time. The LMCD Board may opt to require a Discretionary EAW. To note, in previous discussions, the board had determined that absent of other specific environmental concerns, an EAW would not be required for cumulative expansions less than 20,000 square feet.

The MN DNR initially recommended a discretionary EAW as part of the agency review process. After presented with additional information, such as a previous EAW conducted in 2000-2001 for Site 2. The recommendation was adjusted to requiring a discretionary EAW if any future expansion brings the increase of the surface area of the site (including this proposal's increase) to 20,000 square feet or more. Staff are not aware of any significant environmental concerns at this site. More information is available in the Public Comments section of this document.

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. 76. Qualified Commercial Marina. "Qualified commercial marina" means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

(a) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and

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

- *The Applicant appears to meet the definition of a Qualified Commercial Marina.*

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;

- *The Applicant has applied for variances to clarify and adjust the dock use area as needed.*

(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 2-4.09, subdivision 4(a).

- *Per 2-4.09, subdivision 4(b), the Applicant can apply for a Variance to combine the shoreline without demonstrating a hardship as the non-continuous shoreline is all located within a single parcel.*

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;

- *The Applicant has applied for variances to clarify and adjust the dock use area as needed, including continuance of any necessary variances.*

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

- *The Applicant has applied for variances to clarify and adjust the dock use area as needed.*

(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.

- *The Applicant has applied for variances to clarify and adjust the dock use area as needed, including continuance of any necessary variances. Public navigation and access such as reduced navigation area south of the dock system and navigation of the northeast corner of the dock system formerly restricted to 150 feet should be considered.*

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 Department of Natural Resources (MN DNR), Minnehaha Creek Watershed District (MCWD), and the City of Shorewood were provided information regarding the applications on March 24, 2020. The Hennepin County Regional Railroad Authority (HCRRA) was also given notice on March 24, 2020. City and agency comments were due by April 3, 2020. Any comments received after April 3, 2020 will be provided at the Board meeting for review. Comments received as of April 3, 2020 are summarized below:

- The Area Hydrologist for the MN DNR recommended that the LMCD Board require a Discretionary EAW, if not for this proposal, then for the next proposal for this site. The email exchange is attached for reference.
- The MCWD stated that is has no comments regarding the application.
- The HCRRA stated that it has no comments or concerns regarding the application.
- The City of Shorewood submitted the following comment:

  > "City of Shorewood staff note that the application includes a variance to the setback from the extension of property lines. Even with the variance request, it appears that the dock configuration would permit canoe or kayak access to Lake Minnetonka from the Timber Lane right-of-way. Consequently, the City of Shorewood's only comment is that the applicant would need to include their new dock configuration with a copy of the LMCD approval with their next renewal of the multiple dock license."

As of April 3, 2020, comments received by LMCD staff from the general public are summarized below:

- One resident stated his concerns regarding increased boat traffic and constriction of navigation space near the northeastern corner of the site as they may interfere with his family's boating and swimming. He would prefer the dock structures to not have slips or navigation areas that open to the east.

- One resident in Shorewood, supplied comment to the City of Shorewood, which was forwarded to the LMCD by city staff. Her comment is below:

  "As a neighbor to the Shorewood Yacht Club I don't recall receiving a notice or any details advising our community of their Dock Enlargement Request. Also, I've heard their will be a meeting held on April 8th at 7pm to review and approve their request. The lack of communication is disturbing, and so is the plan to hold a meeting on this issue given the corona virus pandemic and stay at home order by the Governor. Please direct this message to the appropriate contact and have them contact me directly at [redacted]. Thank you."

  LMCD staff were advised by the League of Minnesota Cities and LMCD legal counsel that the LMCD was still compelled to uphold application deadlines as defined in statute, and that no delay would be granted despite the COVID-19 outbreak. As such, LMCD staff processed the application and provided notice of a public hearing as required.

  LMCD staff contacted the resident and left a voicemail stating the above.

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 March 26, 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 March 25, 2020. In addition, the Board packet will be posted online.

RECOMMENDATION

Additional information may be presented through the public hearing process that may need to be considered. Based on the information available to staff as part of the application review process, the recommendation is some minimum conditions be included in a draft of Findings of Fact and Order for potential approval:

- 2 BSUs remain classified as "private use" for company use;
- A fence, barrier or other approved method by the Executive Director to discourage use of the spaces directly west of proposed BSUs #42 and #100 for storing watercraft;
- For the City of Shorewood site, the applicant will ensure lake access and make any adjustments if necessary; and
- If the HCRRA requests access for its site, the applicant will make any adjustments to allow lake access; and,
- Including this proposal's 14,763 square feet of expansion, future proposals that expand the marina a cumulative 20,000 square feet or present another environmental issue will trigger a Mandatory EAW.

ATTACHMENTS

1. LMCD Code Excerpts
2. Aerial Map(s) of Proposed Area
3. Site 1 Existing Approved Site Plan
4. Site 2 Existing Approved Site Plan
5. Combined Existing Site Plan
6. Combined Proposed Site Plan
7. Email from DNR
8. Application Forms, Letters from Three Rivers Park District, and Additional Materials
9. Current LMCD Findings of Fact and Order Documents for Sites 1 and 2
10. Public Hearing Notice
11. Public Hearing Notification to Property Owners

ATTACHMENT: LMCD Code Excerpts
Shorewood Yacht Club (SYC)
2020 New Multiple Dock License, Variance Applications

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. 76. Qualified Commercial Marina. "Qualified commercial marina" means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

(a) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and

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

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.

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.

Section 2-4.09. Special Density Rules. The number of restricted watercraft stored at a site under the general density rules may be increased as provided in this Section. With respect to residential sites, the homestead or non-homestead status of property for ad valorem real estate tax purposes has no bearing on or application to this Section.

Subd. 3. Non-Conforming Docks and Mooring Areas in Existence on May 3, 1978. Docks and mooring areas lawfully in existence on May 3, 1978, may continue provided the number of restricted watercraft moored or docked at such docks and mooring areas does not exceed the number moored or docked on May 3, 1978. No such docks or moorings may be maintained without first securing the required license or permit under Article 6. Effective October 28, 2019 2-14 515348v7LK110-52

Subd. 4. Sites with Non-Continuous Shoreline.

(b) Sites with Non-Continuous Shoreline in a Single Parcel Identification Number. The owner of a site with a single County parcel identification number ("PID") that has two or more segments of non-continuous shoreline may apply for a variance under Effective October 28, 2019 2-15 515348v7LK110-52 Section 6-5.01 to combine non-continuous shoreline within that PID for restricted watercraft density purposes without demonstrating practical difficulties.

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 3-2.07. Qualified Commercial Marinas. Qualified commercial marinas 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 commercial marina 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 commercial marina shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Additional Density. A commercial marina that constitutes a qualified commercial marina may be eligible for additional boat storage density as provided in Article 2, Chapter 4.

Subd. 4. Conversion of Use. The conversion of a qualified commercial marina 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.

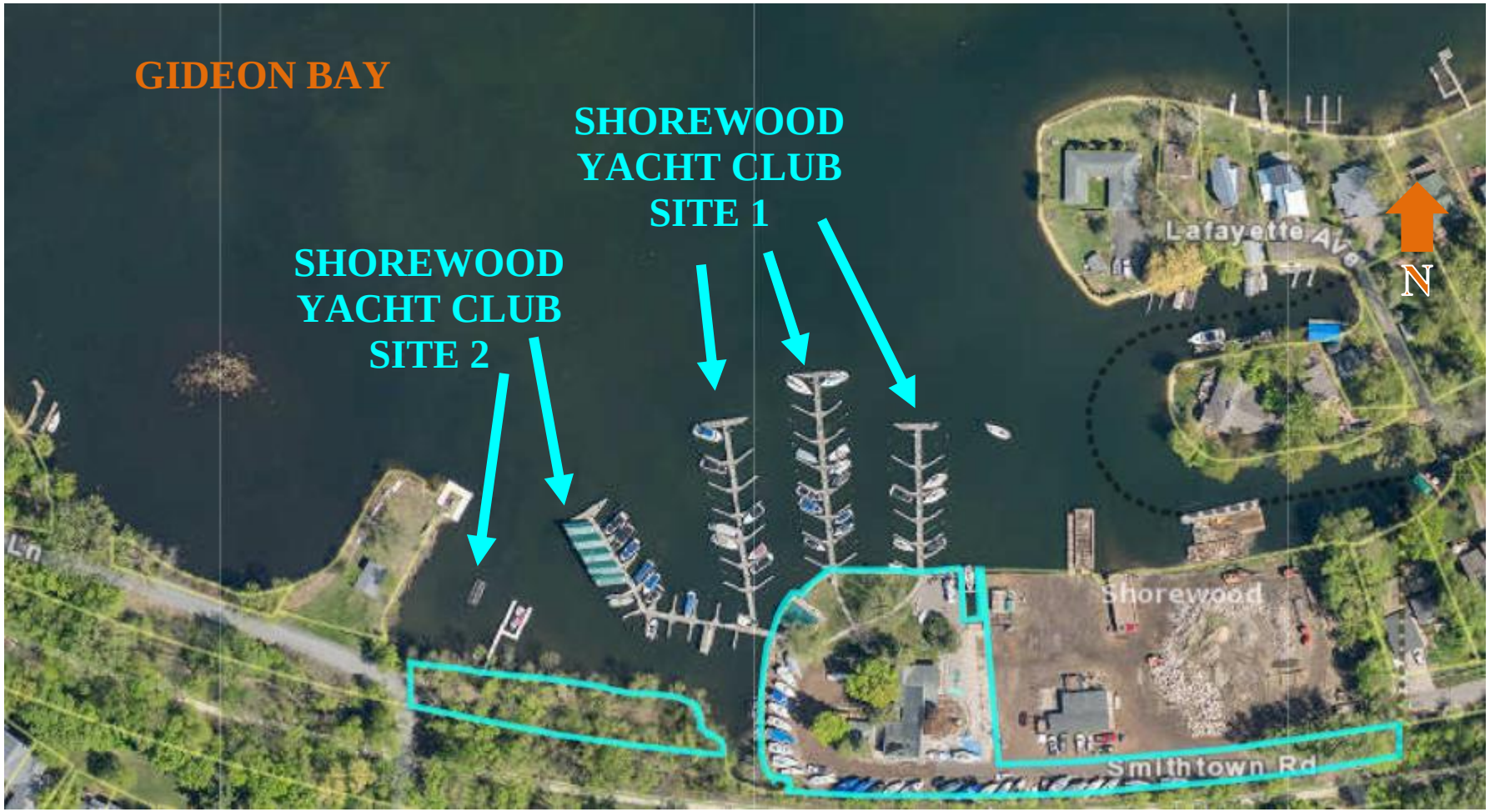
Subd. 3. Length Variances. The length limitations prescribed by this Code may be adjusted to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 NGVD, at the outer end of such dock to provide adequate water depth for navigation and to protect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

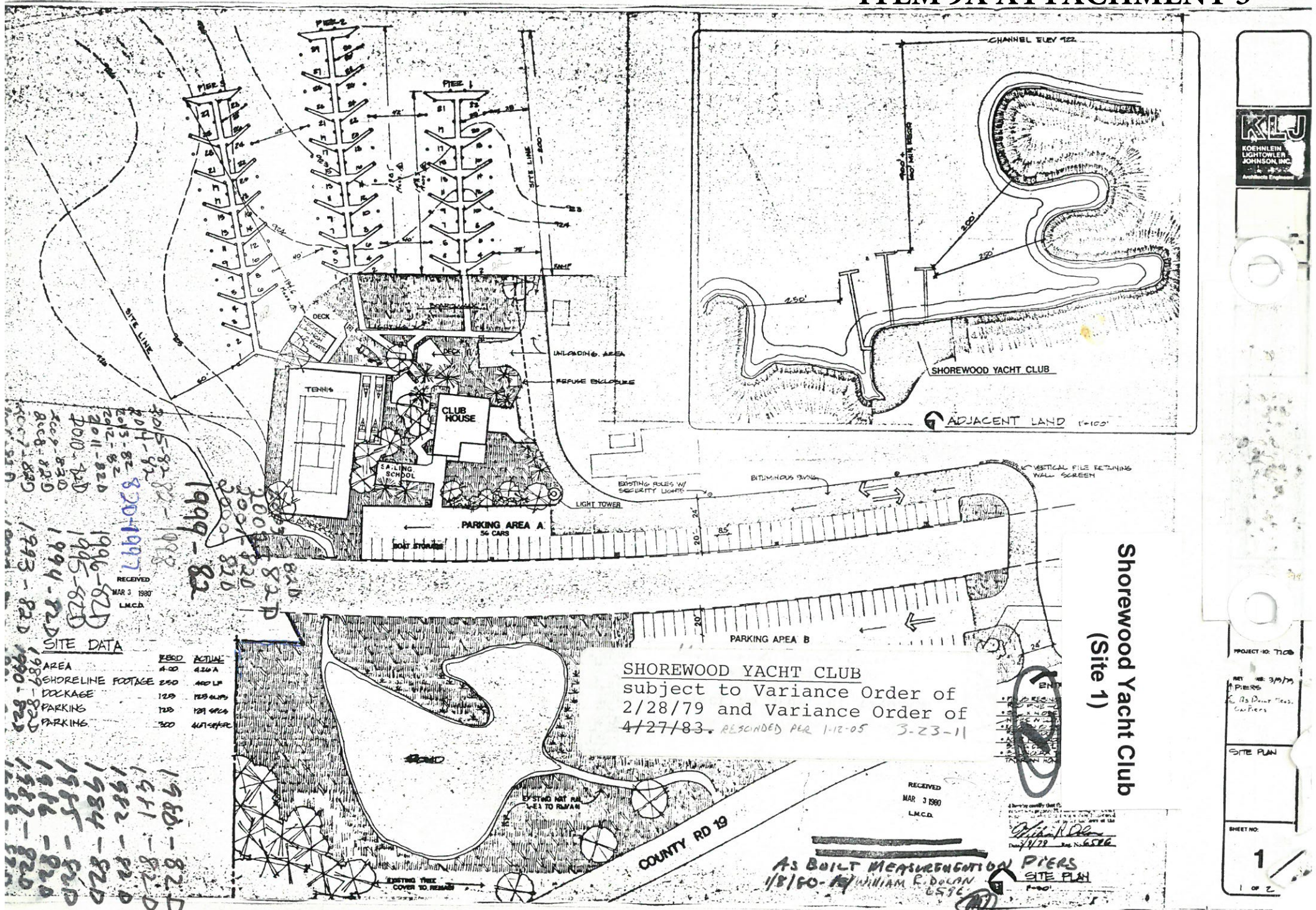
Shorewood Yacht Club Sites 1 and 2
Multiple Dock License and Variance Requests
For illustrative purposes only. Created using Hennepin County Property Interactive Map 03/24/2020.

ITEM 9A ATTACHMENT 2

Shorewood Yacht Club Sites 1 and 2
Multiple Dock License and Variance Requests
For illustrative purposes only. Created using Hennepin County Property Interactive Map 03/24/2020. Images taken in 2018.



ITEM 9A ATTACHMENT 3



SITE DATA

	REQD	ACTUAL
AREA	4.00	4.26 A
SHORELINE FOOTAGE	250	400 LF
DOCKAGE	125	125 SLIPS
PARKING	125	129 SPCS
PARKING	300	401 SPACES

SHOREWOOD YACHT CLUB
subject to Variance Order of
2/28/79 and Variance Order of
~~4/27/83~~. RESCINDED PER 1-12-05 3-23-11

As Built Measurements on Piers
1/8/80 - William R. Dolan
6576

Shorewood Yacht Club
(Site 1)

KLJ
KOEHNLEIN LIGHTOWLER JOHNSON, INC.
Architects Engineers

PROJECT NO: 7108
PIERS
SITE PLAN
SHEET NO: 1
1 OF 2

1996-82D 1995-82D 1994-82D 1993-82D 1992-82D 1991-82D 1990-82D 1989-82D 1988-82D 1987-82D 1986-82D 1985-82D 1984-82D 1983-82D 1982-82D 1981-82D 1980-82D 1979-82D 1978-82D 1977-82D 1976-82D 1975-82D 1974-82D 1973-82D 1972-82D 1971-82D 1970-82D 1969-82D 1968-82D 1967-82D 1966-82D 1965-82D 1964-82D 1963-82D 1962-82D 1961-82D 1960-82D 1959-82D 1958-82D 1957-82D 1956-82D 1955-82D 1954-82D 1953-82D 1952-82D 1951-82D 1950-82D 1949-82D 1948-82D 1947-82D 1946-82D 1945-82D 1944-82D 1943-82D 1942-82D 1941-82D 1940-82D 1939-82D 1938-82D 1937-82D 1936-82D 1935-82D 1934-82D 1933-82D 1932-82D 1931-82D 1930-82D 1929-82D 1928-82D 1927-82D 1926-82D 1925-82D 1924-82D 1923-82D 1922-82D 1921-82D 1920-82D 1919-82D 1918-82D 1917-82D 1916-82D 1915-82D 1914-82D 1913-82D 1912-82D 1911-82D 1910-82D 1909-82D 1908-82D 1907-82D 1906-82D 1905-82D 1904-82D 1903-82D 1902-82D 1901-82D 1900-82D 1899-82D 1898-82D 1897-82D 1896-82D 1895-82D 1894-82D 1893-82D 1892-82D 1891-82D 1890-82D 1889-82D 1888-82D 1887-82D 1886-82D 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RECEIVED
MAR 3 1980
L.M.C.D.

2011 - 35
2012 - 35
2013 - 35

ITEM 9A ATTACHMENT 4

ADVANCE SUR[illegible]NG & ENGINEERING CO.
5300 S. Hwy. No. 101 Minneto[illegible]55345 Phone (952) 474 7964 Fax (952) 225 0502

SURVEY FOR: ***GABRIEL JABBOUR***

SURVEYED: January, 2011 DRAFTED: January 12, 2011
REVISED: January 25, 2011 to show changes per LMCD.

LEGAL DESCRIPTION:

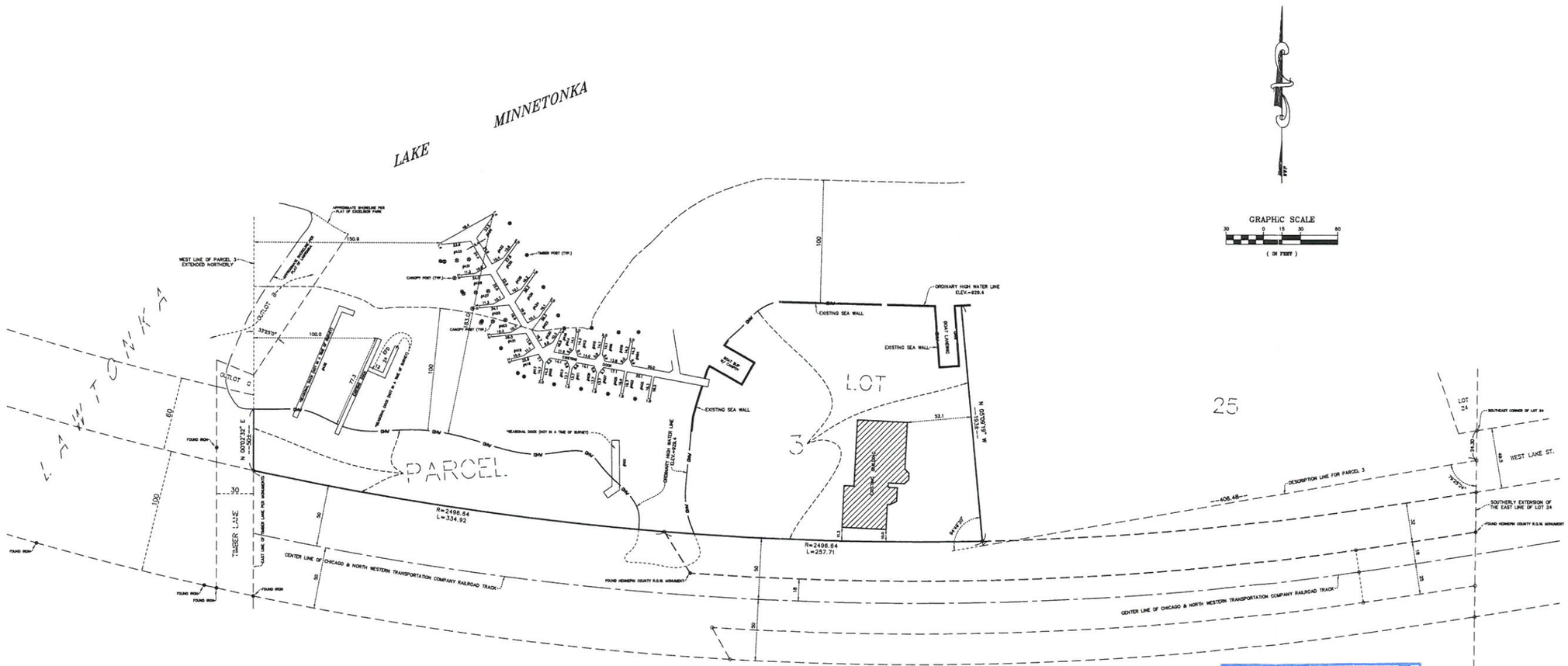
Parcel 3: That part of Lot 25, Auditor's Subdivision No. 313, Hennepin County, Minnesota, lying Westerly of the following describe line: Commencing at the Southeasterly corner of Lot 24; thence South along the East line of said Lot 25, a distance of 24.30 feet; thence deflecting right 79 degrees 25 minutes 40 seconds, a distance of 406.48 feet; thence deflecting right 94 degrees 49 minutes 20 seconds, to a point on the Southerly line of said Lot 25 which is the true point of beginning of the line being described; thence continuing along last described line to the shore line of Lake Minnetonka and there ending, Auditor's Subdivision No. 313, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. It should be noted, that this survey was completed under "snow conditions" and we cannot be certain that all items were found due to the snow cover. If you are aware of any items that we may have missed, we could come back, if requested, and locate them after you have expose them or wait until the snow and ice has melted.
5. While we are showing the boundary lines of Parcel 3, this survey is not intending to show all easements, rights, and/or exceptions that affect the property. Also, while the entire property consists of additional parcels, we are only intending to show Parcel 3 for the purposes of this survey.

STANDARD SYMBOLS & CONVENTIONS:
" ● " Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
James H. Parker P.E. & P.S. No. 9235



* = SEASONAL DOCK NOT IN AT TIME OF SURVEY. DOCK LOCATION TAKEN OFF OF PREVIOUS SURVEY/SITE PLAN.

RECEIVED
JAN 25 2011
By

DWG. NO. 110001 DOCK 4

ITEM 9A ATTACHMENT 5 Existing Site Plan 2019

ADVANCE SURVEYING & ENGINEERING CO.
5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502

SURVEY FOR: ***GABRIEL JABBOUR***

SURVEYED: January, 2011 DRAFTED: January 12, 2011

LEGAL DESCRIPTION:

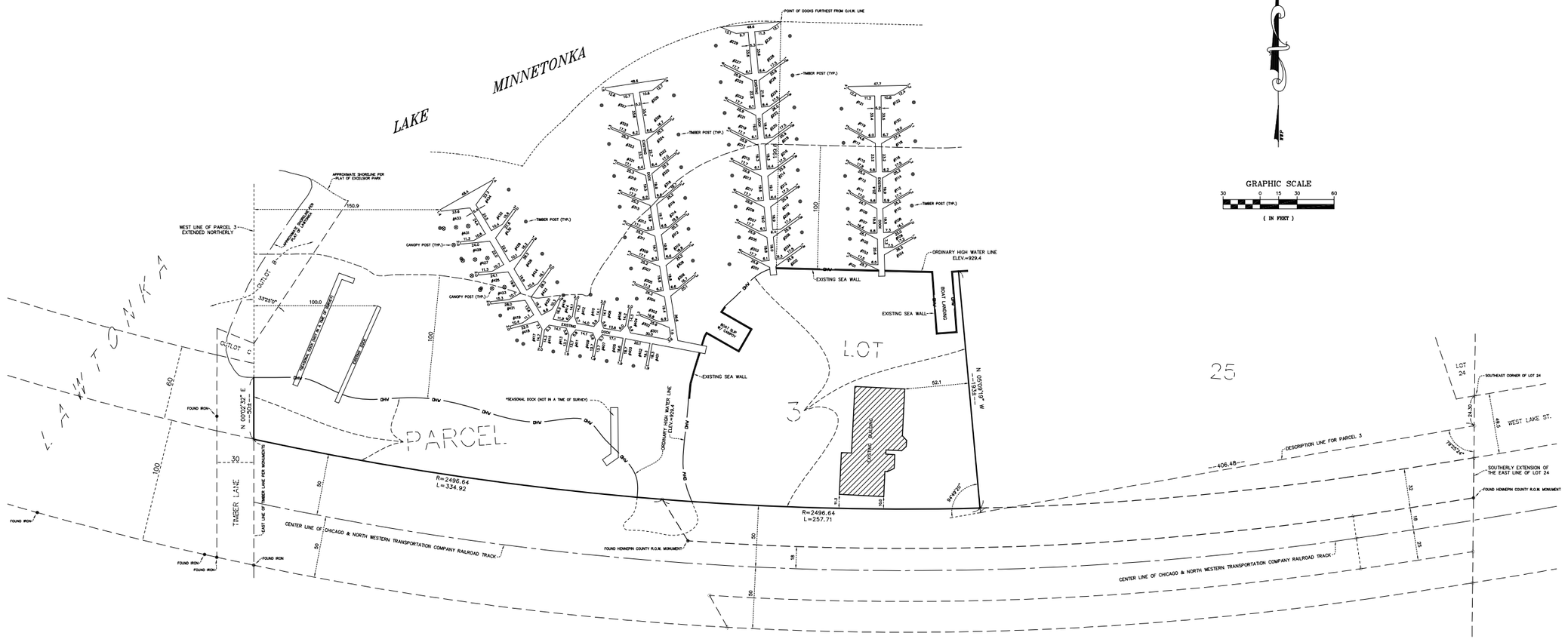
Parcel 3: That part of Lot 25, Auditor's Subdivision No. 313, Hennepin County, Minnesota, lying Westerly of the following describe line: Commencing at the Southeasterly corner of Lot 24; thence South along the East line of said Lot 25, a distance of 24.30 feet; thence deflecting right 79 degrees 25 minutes 40 seconds, a distance of 406.48 feet; thence deflecting right 94 degrees 49 minutes 20 seconds, to a point on the Southerly line of said Lot 25 which is the true point of beginning of the line being described; thence continuing along last described line to the shore line of Lake Minnetonka and there ending, Auditor's Subdivision No. 313, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. It should be noted, that this survey was completed under "snow conditions" and we cannot be certain that all items were found due to the snow cover. If you are aware of any items that we may have missed, we could come back, if requested, and locate them after you have expose them or wait until the snow and ice has melted.
5. While we are showing the boundary lines of Parcel 3, this survey is not intending to show all easements, rights, and/or exceptions that affect the property. Also, while the entire property consists of additional parcels, we are only intending to show Parcel 3 for the purposes of this survey.

STANDARD SYMBOLS & CONVENTIONS:
"⊙" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
James H. Parker P.E. & P.S. No. 9235



* = SEASONAL DOCK NOT IN AT TIME OF SURVEY. DOCK LOCATION TAKEN OFF OF PREVIOUS SURVEY/SITE PLAN.

DWG. NO. 110001

ADVANCE SURVEYING & ENGINEERING CO.
17917 Highway No. 7 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502

SURVEY FOR: **GABRIEL JABBOUR**

LEGAL DESCRIPTION:

Parcel 3: That part of Lot 25, Auditor's Subdivision No. 313, Hennepin County, Minnesota, lying Westerly of the following describe line: Commencing at the Southeasterly corner of Lot 24; thence South along the East line of said Lot 25, a distance of 24.30 feet; thence deflecting right 79 degrees 25 minutes 40 seconds, a distance of 406.48 feet; thence deflecting right 94 degrees 49 minutes 20 seconds, to a point on the Southerly line of said Lot 25 which is the true point of beginning of the line being described; thence continuing along last described line to the shore line of Lake Minnetonka and there ending, Auditor's Subdivision No. 313, Hennepin County, Minnesota.

ITEM 9A ATTACHMENT 6

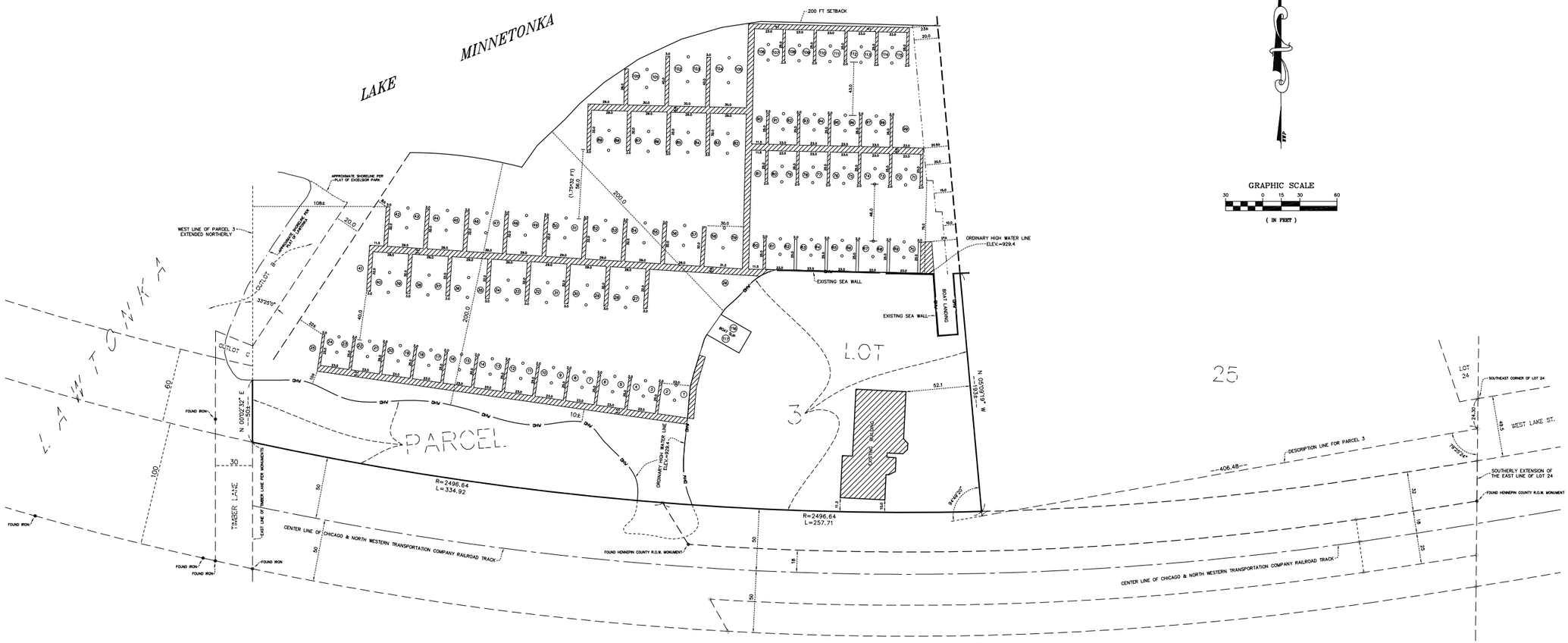
PROPOSED 2020

Not Approved At This Time

BSU	Slip Size Catergories	WSU
0	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	0
62	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	93
3	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	6
38	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	95
8	BSU @ 3.0 WSU (up to & incl. 16' wide x 48' long) =	24
4	BSU @ 4 WSU (over 16' wide x 48' long) =	16
115	BSU Total WSU for which you are licensed	234

NOTE: SOME BOAT SLIP SIZES WERE REDUCED TO ACCOUNT FOR PILINGS.

Slip No.	Slip Size	BSU
1	11x25	1.5
2	11x25	1.5
3	11x25	1.5
4	11x25	1.5
5	11x25	1.5
6	11x25	1.5
7	11x25	1.5
8	11x25	1.5
9	11x25	1.5
10	11x25	1.5
11	11x25	1.5
12	11x25	1.5
13	11x25	1.5
14	11x25	1.5
15	11x25	1.5
16	11x25	1.5
17	11x25	1.5
18	11x25	1.5
19	11x25	1.5
20	11x25	1.5
21	11x25	1.5
22	11x25	1.5
23	11x25	1.5
24	11x25	1.5
25	Oversize	4
26	Oversize	4
27	14x32	2.5
28	14x32	2.5
29	14x32	2.5
30	14x32	2.5
31	14x32	2.5
32	14x32	2.5
33	14x32	2.5
34	14x32	2.5
35	14x32	2.5
36	14x32	2.5
37	14x32	2.5
38	14x32	2.5
39	14x32	2.5
40	14x32	2.5
41	Oversize	4
42	14x32	2.5
43	14x32	2.5
44	14x32	2.5
45	14x32	2.5
46	14x32	2.5
47	14x32	2.5
48	14x32	2.5
49	14x32	2.5
50	14x32	2.5
51	14x32	2.5
52	14x32	2.5
53	14x32	2.5
54	14x32	2.5
55	14x32	2.5
56	14x32	2.5
57	14x32	2.5
58	14.5x32	3
59	14.5x32	3
60	11.5x25	2
61	11x25	1.5
62	11x25	1.5
63	11x25	1.5
64	11x25	1.5
65	11x25	1.5
66	11x25	1.5
67	11x25	1.5
68	11x25	1.5
69	11x25	1.5
70	11x25	1.5
71	11x25	1.5
72	11x25	1.5
73	11x25	1.5
74	11x25	1.5
75	11x25	1.5
76	11x25	1.5
77	11x25	1.5
78	11x25	1.5
79	11x25	1.5
80	11x25	1.5
81	11.5x25	2
82	14x32	2.5
83	14x32	2.5
84	14x32	2.5
85	14x32	2.5
86	14x32	2.5
87	14x32	2.5
88	14x32	2.5
89	14x32	2.5
90	11.5x25	2
91	11x25	1.5
92	11x25	1.5
93	11x25	1.5
94	11x25	1.5
95	11x25	1.5
96	11x25	1.5
97	11x25	1.5
98	11x25	1.5
99	23x25	4
100	14x32	3
101	14.5x40	3
102	14.5x40	3
103	14.5x40	3
104	14.5x40	3
105	14.5x40	3
106	11x25	1.5
107	11x25	1.5
108	11x25	1.5
109	11x25	1.5
110	11x25	1.5
111	11x25	1.5
112	11x25	1.5
113	11x25	1.5
114	11x25	1.5
115	11x25	1.5
	WSU	234



DWG. NO. 191199 BH REV 12-23-2019

M Cook

From: Bonin, BJ (DNR) <bj.bonin@state.mn.us>
Sent: Wednesday, March 25, 2020 10:13 AM
To: M Cook
Subject: RE: Request for Review -- Application for New Multiple Dock License and Variance(s), 23500 Smithtown Road

Matt:
Yes it does, to a degree. If you decide to let it go this time, then the next expansion would probably require one. Not knowing the history, it's good to see that the last one was only 20 years ago. I was thinking it was 40.
Like always, keep us in the loop.

BJ Bonin, PG
Interim Area Hydrologist | Ecological and Water Resources – Region 3
Phone: 651-259-5822

From: M Cook <mcook@lmcd.org>
Sent: Wednesday, March 25, 2020 10:05 AM
To: Bonin, BJ (DNR) <bj.bonin@state.mn.us>
Subject: RE: Request for Review -- Application for New Multiple Dock License and Variance(s), 23500 Smithtown Road

Hi BJ,

The original layout was over 20,000 square feet (78,121 square feet). An EAW was conducted for Site 2 back in 2000/2001, which is comprised of the southwestern-most multiple dock and the single docks stemming off of the western portion of the property (estimated at the time to be a 21,322 square foot proposal). A negative declaration for an EIS was made.

Would this information change your recommendation or not?

Thanks for reviewing this so quickly.

Matt

From: Bonin, BJ (DNR) <bj.bonin@state.mn.us>
Sent: Wednesday, March 25, 2020 9:30 AM
To: M Cook <mcook@lmcd.org>
Subject: RE: Request for Review -- Application for New Multiple Dock License and Variance(s), 23500 Smithtown Road

Matt:
If the original layout was under 20k sf, and the expansion is another 14k sf, the DNR would typically require an EAW for the expansion. We often see marinas grow in 19,500 sf increments to attempt to skirt the EAW.
I would recommend that LMCD exercises your discretion and require the EAW for an expansion of that size.
Thanks,

BJ Bonin, PG
Interim Area Hydrologist | Ecological and Water Resources – Region 3

Minnesota Department of Natural Resources

1200 Warner Road
St. Paul, MN, 55106
Phone: 651-259-5822

DEPARTMENT OF NATURAL RESOURCES

From: M Cook <mcook@lmcd.org>
Sent: Tuesday, March 24, 2020 4:47 PM
To: Bonin, BJ (DNR) <bj.bonin@state.mn.us>; Ellison, Daryl G (DNR) <daryl.ellison@state.mn.us>; James Wisker <jwisker@minnehahacreek.org>; Tom Dietrich <tdietrich@minnehahacreek.org>; Greg Lerud <glerud@ci.shorewood.mn.us>; Marie Darling <MDarling@ci.shorewood.mn.us>; Jessica M Galatz <Jessica.Galatz@hennepin.us>
Cc: Deborah Zorn <dzorn@lmcd.org>; Gregg Thomas <gthomas@lmcd.org>; Vickie Schleuning <vschleuning@lmcd.org>; LMCD <lmcd@lmcd.org>; A Rehm <arehm@lmcd.org>
Subject: Request for Review -- Application for New Multiple Dock License and Variance(s), 23500 Smithtown Road

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Hello all,

The LMCD is providing a notice to our partner agencies regarding an application from the Shorewood Yacht Club (SYC) for a new multiple dock license and variance(s). The site is located at 23500 Smithtown Road in Shorewood. The LMCD Board will be considering these applications at the April 8, 2020 LMCD Board meeting.

Please provide your comments to either me or Vickie Schleuning by **April 3, 2020**. Let one of us know if you have questions.

Matthew Cook
Environmental Administrative Technician | Lake Minnetonka Conservation District
5341 Maywood Road, Suite 200 | Mound, MN 55364
Ph 952-745-0789 | Fx 952-745-9085 | mcook@lmcd.org

To preserve and enhance the Lake Minnetonka experience

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www.twitter.com/LakeMtkaCD
www.lmcd.org

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

RECEIVED DEC 30 2019 By

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 [X] **authorized agent** or [ ] **property owner** (select one).

Applicant: Gabriel Jabbour

Address: 220 Tonka Bay Rd

City, State, Zip: Tonka Bay, MN 55331

Phone: 612-599-2838 Fax: 952-474-2488 Email: Gabriel Jabbour@MSN.com

Property owner (if different from applicant): Wolfshore Wood

Address: 220 Tonka Bay Rd

City, State, Zip: Tonka Bay, MN 55331

Phone: 612-599-2838 Fax: 474-2488 Email: Gabriel Jabbour@MSN.com

PROPERTY LOCATION:

The property is located in the city of: Shorewood
The property is riparian to LMCD bay/area(s): Gideon

1. Classification of user per Section 2.11, Subd. 2 (please select one):
   - [X] a) commercial marina
   - [ ] b) private club
   - [ ] c) municipal
   - [ ] d) transient
   - [ ] e) outlot association
   - [ ] f) multiple dwelling
   - [ ] g) private residence
   - [ ] h) other (explain)

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

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.

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4. Documents listed below are required; check that they are attached:
   - ☒ Locator Map
   - ☒ County Plat Map
   - ☒ Certified Land Survey, Legal Description
   - ☒ Scaled drawing of docks on abutting properties
   - ☒ Proposed facility site plan
   - ☒ 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: _____

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

Boat Storage	115 Boat No Chang in Parking
Launching ramps	No Parking on site
Sales	0
Service	0
Boat Rentals	0
Restaurant	0
Other (explain)	
TOTAL	0

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

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

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

10. Boat Storage Units (BSU) computation: Lakeshore Frontage 0 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.**

11. Number of BSU's applied for:

LOCATION	
Slips	115
Slides	
Lifts	
Tie-ons	
Moorings	
Off Lake Rack Storage	
Other	
TOTAL BSU's	0

USE	
Rent, lease, etc.	113
Service work	0
Company use	2
Private use	0
Transient use	0
Other	
TOTAL BSU's	0

12. Watercraft Storage Unit (WSU) computation schedule:

SLIP SIZE CATEGORIES

____	BSU @ 1 WSU (each slip up to 20' long and/or up to 10' wide)	0.00
93	BSU @ 1.5 WSU (each slip up to 20'-24' long and/or up to11' wide)	0.00
6	BSU @ 2 WSU (each slip up to 24-32' long and/or up to 12' wide)	0.00
95	BSU @ 2.5 WSU (each slip up to 32-40' long and/or up to14' wide)	0.00
24	BSU @ 3 WSU (each slip up to 40-48' long and/or up to 16' wide	0.00
16	BSU @ 4 WSU (each slip over 48' long and/or over 16' wide)	0.00
234	**BSU and WSU Totals**	0.00

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13. Fee Calculation:

Base fee >>>>>>>>>>>>>>>>>>>>>>>>>>>>>> $500.00

Number of Watercraft Storage Units (WSU) ~~0.00~~ 234 x $7.50 = $0.00 1,755

Total Fee Enclosed $500.00

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 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.

[signature]
Authorized Signature

12-30-2019
Date

C.E.O
Title

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

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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 [X] **authorized agent** or [ ] **property owner** (select one).

Applicant: Gabriel Jabbour

Address: 220 TONKA BAY RD

City, State, Zip: TONKA BAY, MN. 55331

Phone: 612-594-2838 Fax: 474-2488 Email: Gabriel Jabbour@MSN.com

Property owner (if different from applicant): W of G Shorewood

Address: 220 TONKA BAY RD

City, State, Zip: TONKA BAY, MN. 55331

Phone: 612-594-2838 Fax: 952-474-2488

PROPERTY LOCATION:

Located in the city of: Shorewood

Address & Property Identification No (PID): 23500 ~~Smith~~ Smithtown Rd (Address): 341172 3210064 (PID#)

TYPE OF VARIANCE: _____

State practical difficulties causing variance to be required:

_____

_____

_____

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ABUTTING LAKESHORE PROPERTY OWNERS:

North or West: Gideon Cove Ass. 7400 Metro Blvd, Edina 55439
(Name and mailing address)

South or East: W of Minnetonka 2220 Tonka Bay Rd, Tonka Bay 55331
(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

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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.

Authorized Signature — **Date** 12-30-2019

C.C.O

Title

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

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

For LMCD use:
Fee Amount: 1321.25 Check# 001015 Date Received: _____

I. CONTACT INFORMATION

Applicant: **Gabriel Jabbour** Applicant Title: _____ *Owner, Authorized Agent, etc.*

Phone: **474-0292** Address: **220 Tonka Bay Road, Tonka Bay, MN 55331**

Company Name: **Shorewood ~~Yacht Club (Site 1)~~** Marina (S) Email: **gabrieljabbour@msn.com**

II. SITE INFORMATION

Site/Business Name: **Shorewood Yacht Club (Site 1)** Type of facility: **Commercial Marina**

Site Address: **23500 Smithtown Road**

Number of Boat Storage Units (BSU), for which you are licensed: **82**

Number of boats stored by use:

Rent, lease	**80**	Transient Use	**0**
Private use	**2**	Other Use	**0**
Service work	**0**		

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

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

BSU	SLIP SIZE CATEGORIES	WSU
2	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	**2**
0	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	**0**
66	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	**132**
13	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	**32.5**
1	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	**3**
0	BSU @ 4 WSU (over 16' wide x 48' long) =	**0**
82	BSU Total WSU for which you are licensed =	**169.5**

III. FEES

Base Fee =	**$50.00**
Number of WSU 169.5 X $7.50 =	**$1,271.25**
TOTAL LICENSE FEE DUE FOR 2020 (Non-refundable) =	**$1,321.25**

**New 2020 – No Charge for Off Lake Dry Slips*

IV. PAYMENT OPTIONS

Option A: Before 12/1/19 Full Payment of License Fee with completed application

Option B: Before 12/1/19 Partial payment of 20% of the License fee ($100.00 minimum) with completed application, **remaining balance due 3/31/2020**

Option C: After 12/1/19 Full payment **plus a 10% late fee** required with completed application

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

Option A:	Full Payment of License Fee	$ 1321.25	Before 12/1/2019
Option B:	20% of the application fee ($100 minimum)	$_____	Before 12/1/2019
	Balance Due by 3/31/2020 (Keep a copy of this page for submittal of balance due)	$_____	By 3/31/2020
Option C:	Full Payment of Fee PLUS 10% LATE FEE	$_____	After 12/1/2019

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

Applicant's Signature:

[signature]	Marina Manager	11/6/19
Name	**Title**	**Date**

Return to:

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

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

L
2L

For LMCD use:
Fee Amount: 518.75 Check# 001015 Date Received: _____

I. CONTACT INFORMATION

Applicant: **Gabriel Jabbour** Applicant Title: _____ *Owner, Authorized Agent, etc.*

Phone: **474-0292** Address: **220 Tonka Bay Road, Tonka Bay, MN 55331**

Company Name: **Shorewood ~~Yacht Club~~ (Site 2)** (Marina (-s)) Email: **gabrieljabbour@msn.com**

II. SITE INFORMATION

Site/Business Name: **Shorewood Yacht Club (Site 2)** Type of facility: **Commercial Marina**

Site Address: **23500 Smithtown Road**

Number of Boat Storage Units (BSU), for which you are licensed: **35**

Number of boats stored by use:

Rent, lease	**35**	Transient Use	**0**
Private use	**0**	Other Use	**0**
Service work	**0**		

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

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

BSU	SLIP SIZE CATEGORIES	WSU
0	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	0
19	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	28.5
15	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	30
0	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	0
0	BSU @ 3 WSU (up to & incl. 16' wide x 48' long) =	0
1	BSU @ 4 WSU (over 16' wide x 48' long) =	4
35	BSU Total WSU for which you are licensed =	62.5

III. FEES

Base Fee =	**$50.00**
Number of WSU 62.5 X $7.50 =	**$468.75**
TOTAL LICENSE FEE DUE FOR 2020 (Non-refundable) =	**$518.75**

**New 2020 – No Charge for Off Lake Dry Slips*

IV. PAYMENT OPTIONS

Option A: Before 12/1/19 Full Payment of License Fee with completed application

Option B: Before 12/1/19 Partial payment of 20% of the License fee ($100.00 minimum) with completed application, **remaining balance due 3/31/2020**

Option C: After 12/1/19 Full payment **plus a 10% late fee** required with completed application

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

Option A:	Full Payment of License Fee	$ 518.75	Before 12/1/2019
Option B:	20% of the application fee ($100 minimum)	$_____	Before 12/1/2019
	Balance Due by 3/31/2020 (Keep a copy of this page for submittal of balance due)	$_____	By 3/31/2020
Option C:	Full Payment of Fee PLUS 10% LATE FEE	$_____	After 12/1/2019

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

Applicant's Signature:

[signature]	Manna Manager	11/6/19
Name	**Title**	**Date**

Return to:

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

ThreeRivers
PARK DISTRICT

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Three Rivers Park District Board of Commissioners

Marge Beard
District 1

Jennifer DeJournett
District 2

Daniel Freeman
Vice Chair
District 3

John Gunyou
Chair
District 4

John Gibbs
District 5

Steven Antolak
Appointed
At Large

Gene Kay
Appointed
At Large

Boe Carlson
Superintendent

December 27, 2019

Gabriel Jabbour
Tonka Bay Marina
2200 Tonka Bay Road
Tonka Bay, MN 55331

Dear Gabe,

Recently you informed me that there may be some desire to create a canoe/kayak access along the Minnetonka LRT Trail just west of the Shorewood marina.

After reviewing the information and making a site visit, this is not something the Park District would support. This is not a desirable location for an access simply due to the steep slope down to the lake. In addition, there is no parking in the area to support this type of access. Throughout the Park District's regional trail network, we have no canoe/kayak accesses off of our trails; it is just not a use we would see a need for.

I also asked our Chief of Police to review this concept and provide feedback. I have included his memo to me as well.

Please feel free to contact me at (763) 559-6761 if you have any further questions.

Sincerely,

Boe R. Carlson
Superintendent

Enclosure

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By

Memo

To: Boe Carlson, Superintendent
From: Hugo McPhee, Director of Public Safety
Date: 12-19-2019
Ref: Canoe/kayak access off trail by Shoreview Yacht Club

On 12-18-2019 I conducted a site visit along the trail corridor bounded by County Rd 19/Smithtown Rd on the southwest and the Shoreview Yacht Club/Lake Minnetonka to the northeast. This section of trail had, at least cursorily, been discussed as a possible canoe or kayak landing point from which to gain access to Lake Minnetonka.

Analyzing the area solely from a public safety perspective I note the following inadequacies:

1. No readily identifiable parking areas in immediate area off of Smithtown Rd/Hwy 19 for parking or safe unloading of gear
    a. Road is moderately busy in this area, has several curves and shoulders are narrow or non-existent
    b. There are four intersections in this immediate area which complicate parking or vehicle unloading (Minnetonka Dr, Timber Ln, Wood Duck Crc, Beerhle ave)
2. Trail grade is est 6-8 feet higher than surrounding topography and has steep drop off to yacht club
    a. The steepness of trail to yacht club makes ingress and egress from this area problematic and not suitable for accessibility standards
3. Perceived use unknown at this time
    a. It is unclear if there is a current hue and cry for a canoe/kayak access point at this specific site
    b. Other potentially suitable access points currently exist within the immediate area such as the city park/downtown and Lake Street area or trail area alongside Maynard's Wharf and Old Log Theater near St Alban's Bay

Hennepin County Locate & Notify Map

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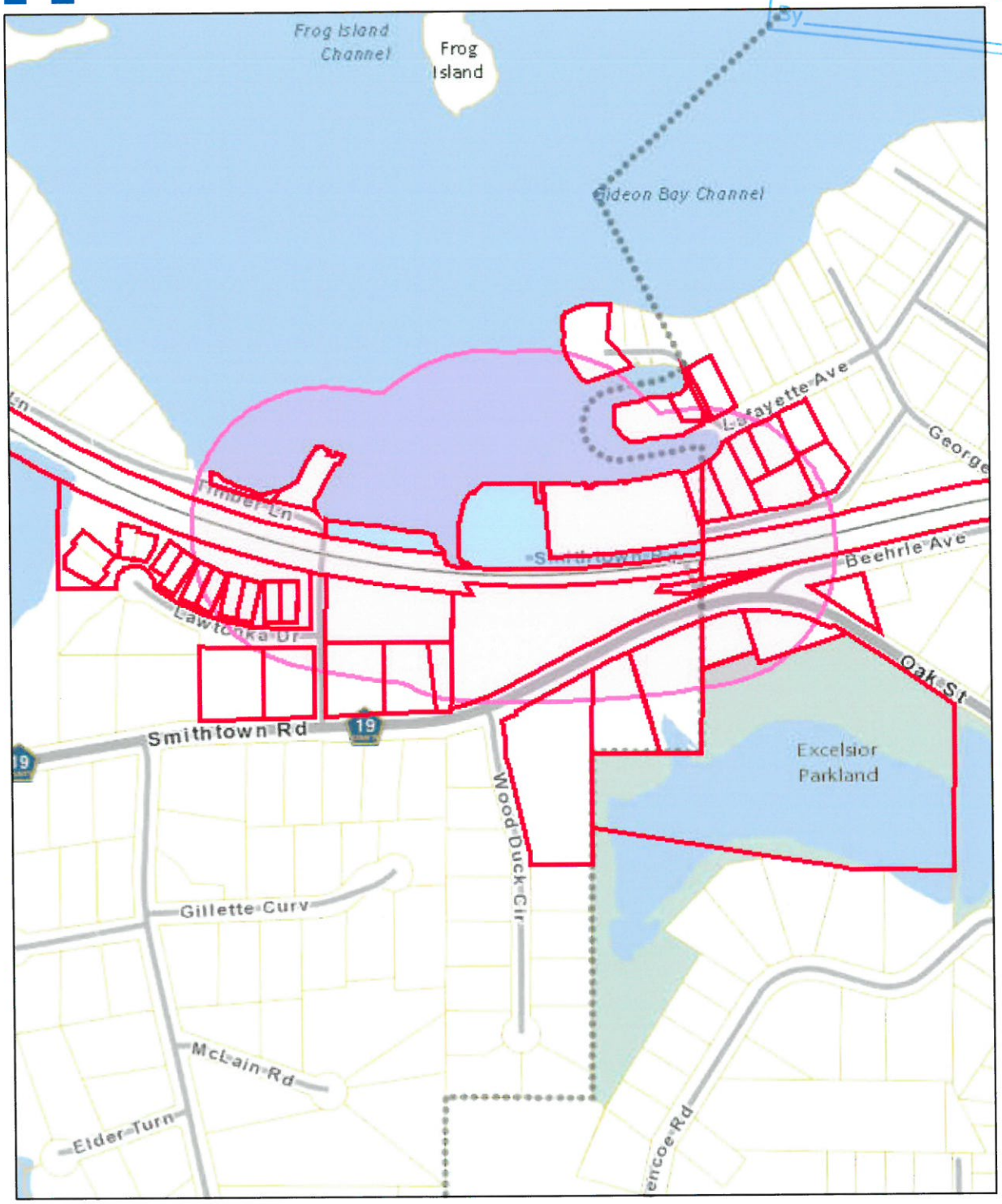
By

Date: 12/26/2019



Buffer Size: 350

Map Comments:

0 100 200 400 Feet

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.

For more information, contact Hennepin County GIS Office
300 6th Street South, Minneapolis, MN 55487 / gis.info@hennepin.us

Hennepin County Property Map

Date: 12/28/2019

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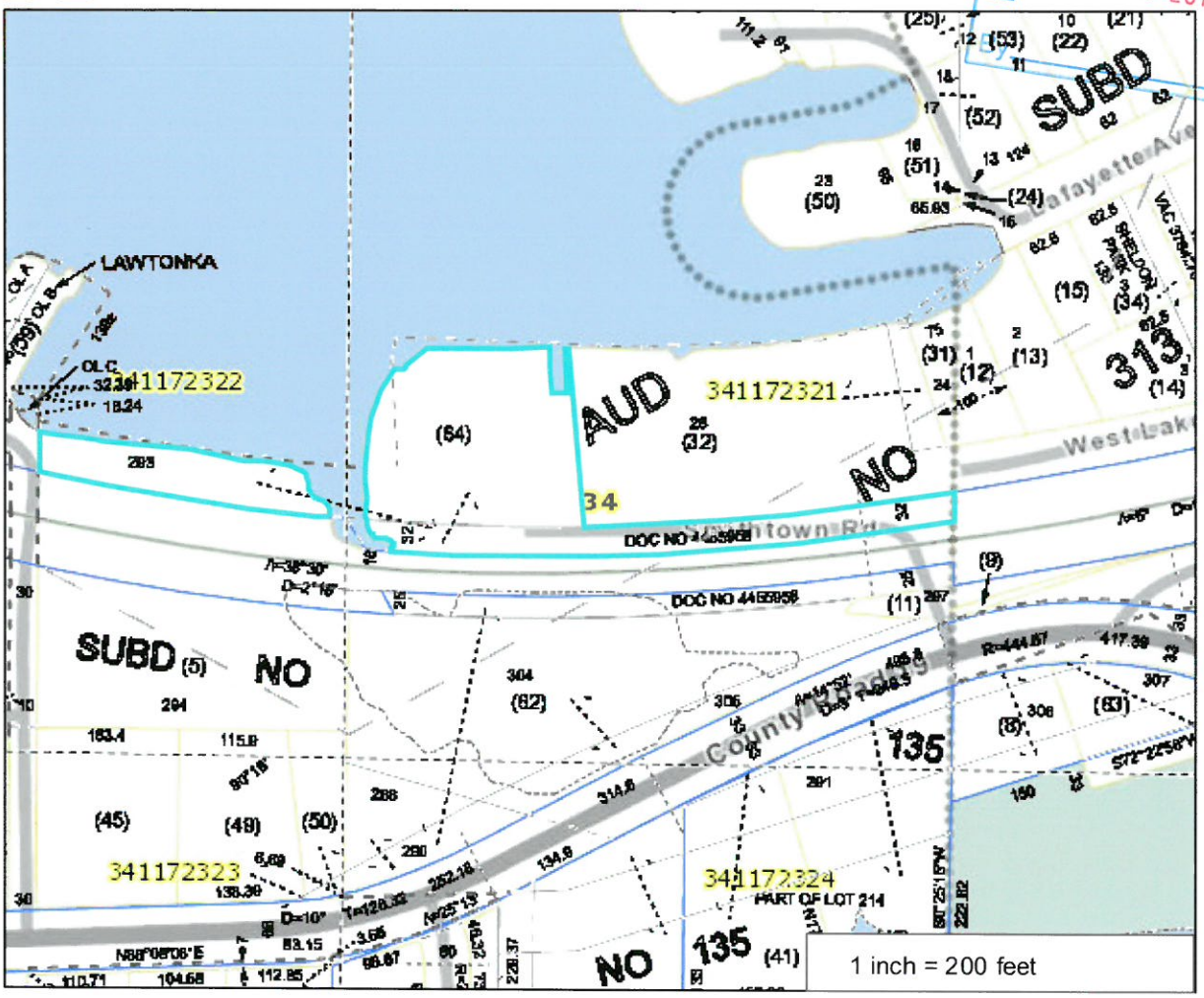

PARCEL ID: 3411723210064

OWNER NAME: W Of Shorewood Llc

PARCEL ADDRESS: 23500 Smithtown Rd, Shorewood MN 55331

PARCEL AREA: 1.74 acres, 75,914 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-Homestead
MARKET VALUE: $1,905,000
TAX TOTAL: $35,105.52

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-homestead
MARKET VALUE: $2,722,000

Comments:

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 notsuitable 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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Hennepin County Property Map

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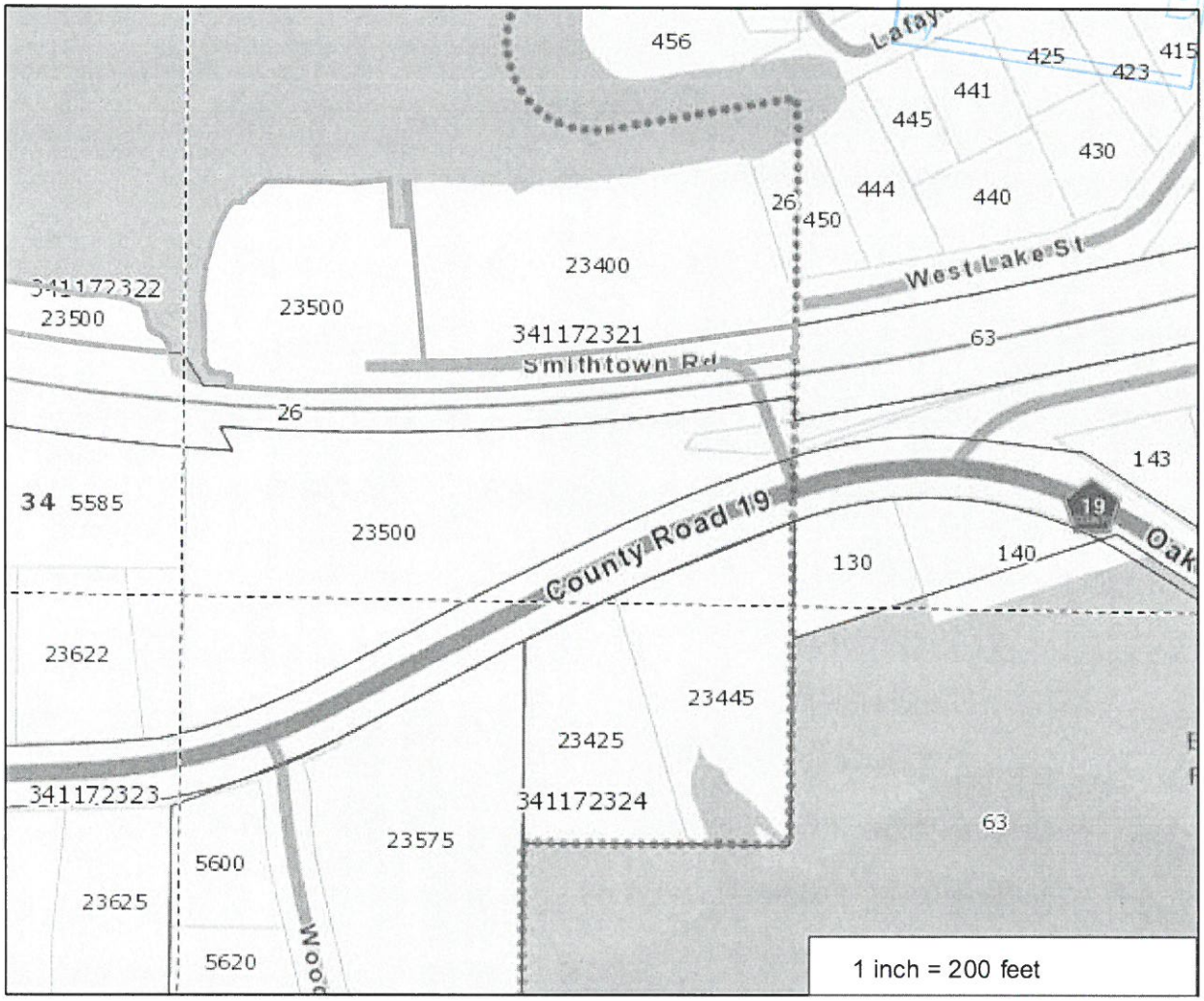
Date: 12/30/2019



PARCEL ID: 3411723210064

OWNER NAME: W Of Shorewood Llc

PARCEL ADDRESS: 23500 Smithtown Rd, Shorewood MN 55331

PARCEL AREA: 1.74 acres, 75,914 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-Homestead
MARKET VALUE: $1,905,000
TAX TOTAL: $35,105.52

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-homestead
MARKET VALUE: $2,722,000

Comments:

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Hennepin County Property Map

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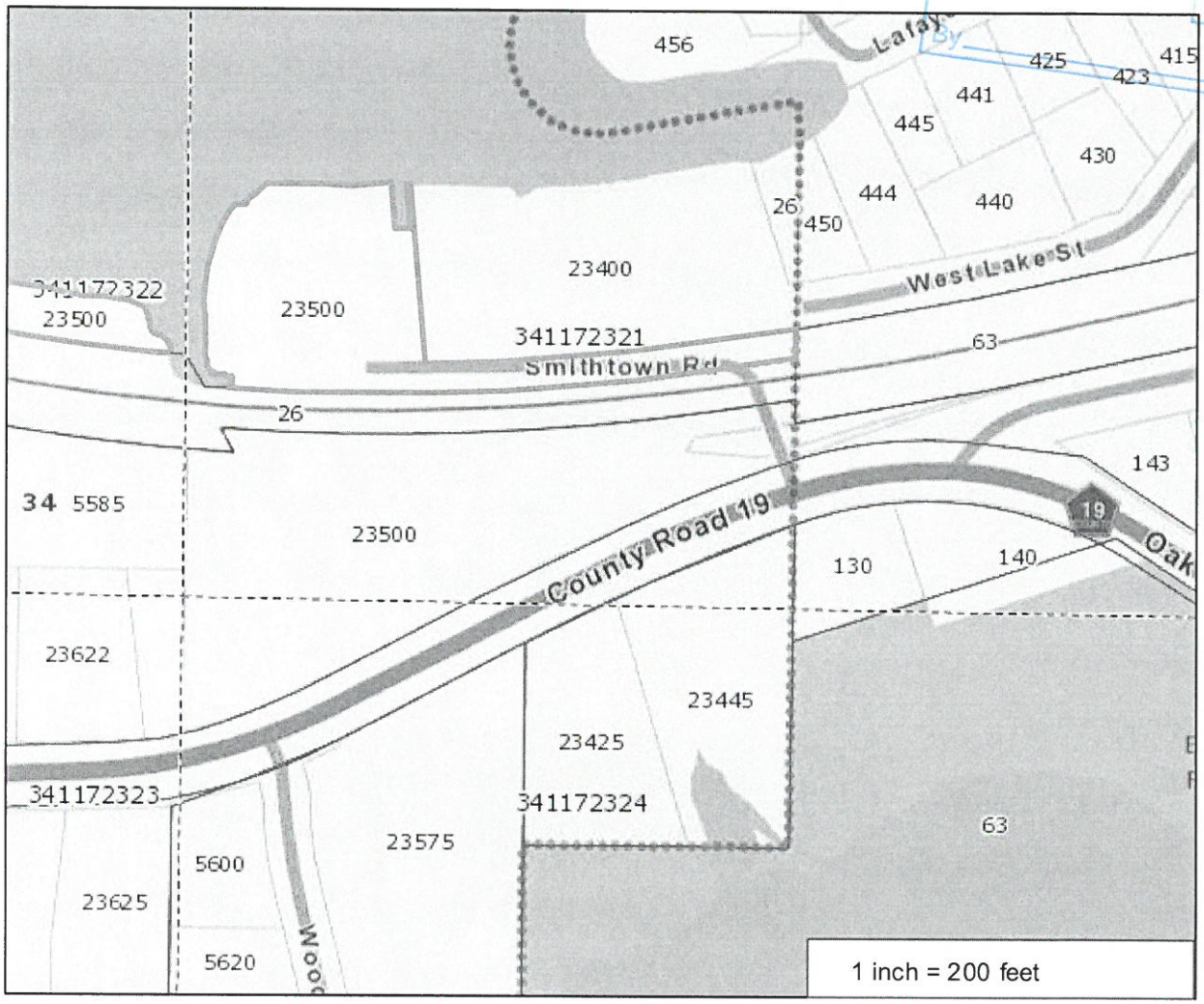
Date: 12/30/2019



PARCEL ID: 3411723210064

OWNER NAME: W Of Shorewood Llc

PARCEL ADDRESS: 23500 Smithtown Rd, Shorewood MN 55331

PARCEL AREA: 1.74 acres, 75,914 sq ft

A-T-B: Torrens

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-Homestead
MARKET VALUE: $1,905,000
TAX TOTAL: $35,105.52

ASSESSED 2019, PAYABLE 2020
PROPERTY TYPE: Residential Lake Shore
HOMESTEAD: Non-homestead
MARKET VALUE: $2,722,000

Comments:

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 notsuitable 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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LAKE MINNETONKA CONSERVATION DISTRICT

RE: APPLICATION OF SHOREWOOD YACHT CLUB

FINDINGS

On March 9, 2011, pursuant to due notice, a public hearing was held by the Lake Minnetonka Conservation District Board of Directors ("Board") at the Wayzata City Hall in the City of Wayzata, Minnesota. The hearing was held to consider the application by Shorewood Yacht Club ("Applicant") for an amendment to the variance for its facility at 600 West Lake Street in the City of Shorewood, Minnesota.

The proposal relates to the Applicant's Shorewood Yacht Club Site 1. That site is currently approved for 82 boat storage units ("BSUs") on 480 feet of shoreline. The Applicant is not proposing to make any changes to the docks at the site, the number of BSUs, or the sizes of BSUs. Rather, the Applicant seeks an amendment to the variance previously issued by the Board for the facility by Order dated February 28, 1979 (the "1979 Order").

The variance granted by the 1979 Order included the condition that the facility be used only for the storage of sailboats. The applicant requests the deletion of that condition. The condition was based on evidence received at the hearing in 1979 to the general effect that sailboats have less impact on the Lake than motor boats. However, the Applicant's adjacent facility at Site 2 of the Shorewood Yacht Club has operated motor boats for a number of years, and there have not been any problems resulting from such use. The City of Shorewood, which authorizes the facility by a conditional use permit, has specifically authorized that 52 power boats may be kept at two piers at the Applicant's facilities, one of which is at Site 1, and one of which is at Site 2.

The Board finds that the public interest does not require the condition that the facilities at Site 1 be used only for the storage of sailboats.

ORDER

ON THE BASIS OF THE FOREGOING, IT IS ORDERED that the variance order of February 28, 1979, which imposed conditions on variances granted at that time, is amended by deleting the following condition:

> "2. The proposed facility shall be used for the storage of sailboats only."

All other conditions to the variance remain in full force and effect.

The variance granted herein 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 March, 2011.

Douglas Babcock, Chair

ATTEST:

Andrew McDermott III, Secretary

LAKE MINNETONKA CONSERVATION DISTRICT
IN RE: APPLICATION OF SHOREWOOD YACHT CLUB

FINDINGS

On February 14, 1979, pursuant to due notice, a public hearing was held by the Lake Minnetonka Conservation District at Tonka Bay Village Hall in the City of Tonka Bay, Minnesota. The hearing was held to consider the application by Mr. John Cross, the owner of the property located at 600 West Lake Street on Gideon's Bay, Lake Minnetonka, in Area No. 37 for a variance and on the application of Charles Homeyer, Commodore of the Shorewood Yacht Club, lessees of the above-described property, for a new dock license.

The application of Mr. Cross was for a variance from the length and setback requirements of the LMCD Code of Ordinances Section 3.02. The application sought a variance in the setback requirements of the Code on the east side of the subject property and a variance of the length limitation of the Code from 100 feet to 200 feet.

Appearances for the applicant included John Cross, owner; Chuck Homeyer, Shorewood Yacht Club Commodore; Bruce Thompson, attorney for the applicant; and other Shorewood Yacht Club members.

The applicant and its representative advised the panel that the proposal is for a cruising sailboat yacht club on Gideon's Bay. The location of the club was chosen because it is protected from the weather throughout the year. R-1 zoning allows a yacht club as a special use in this area. The Minnesota Environmental Quality Council approved the plans for the yacht club in 1975. The City of Shorewood had denied the

application for a conditional use permit; however, the issuance of such a permit was ordered by the court in 1978. The Shorewood Yacht Club will provide pump-out facilities for its members, and limited dock lighting. The owner has purchased land to the south of the railroad tracks for parking and access. Traffic resulting from the operation of the facility should be less than would occur under current multiple dwelling zoning. The depth of the water is from 8 to 10 feet in the vicinity of the facility and out through the channel into the Lake. The Shorewood Yacht Club will operate as a sailing club with open membership for boaters. One-half of the present members are from the Lake area, and one-half are from other areas. None of the present members are from the City of Shorewood. The Shorewood Yacht Club will operate as a nonprofit corporation.

It was the position of the applicant that economic hardship resulted from an increase in construction costs during the period from the time the applicant first applied for the necessary permits for the facility and the present time. The applicant stated that they felt a hardship has resulted from the need to attend many hearings at various levels of government and because the LMCD Code was changed during the time the necessary governmental permits were sought.

The yacht club has no plans to establish a racing schedule; those interested in racing would join the Wayzata Yacht Club for racing.

The applicant stated that the barges currently using the channel in the vicinity of the proposed facility cause more problems than would sailboats. The use of sailboats is a use which takes up less of the Lake than motor boats. The proposed docks would extend to within 160 feet of

the western-most point of Excelsior.

Appearances in opposition to the application included Peter Wattson, attorney for the Gideon's Bay Homeowners Association; Alan Manning; Vern Haug; Doug Ewing; and others. The opponents stated that it was their position that the proposal does not meet the variance criteria established in the Code. They stated that there is no problem with water depth in the vicinity of the facility and that a variance from 100 feet to 200 feet would not be appropriate. Opponents stated that 125 slips on Gideon's Bay would have an undue adverse impact on the Lake, that the natural beauty of the area would be adversely affected, that noise, fumes, slapping halyards, lighting, noise at night, and other such matters would adversely affect the surrounding neighborhood. Some of the opponents stated that other than the impacts noted above, the use of sailboats would not have a significant ecological impact; however, others stated that the use of motors on the sailboats and the fact that they were keelboats would raise the muck from the bottom of the lake and that the boats would have problems with weeds in the bay. Opponents stated that the Board should recognize the LMCD density criteria and that the boats from the facility would be used on the most densely used part of the Lake (southwest Lower Lake). It was further stated that the yacht club would dominate the small sub-bay and that the LMCD should consider the impact of such a facility in such a small area.

Further evidence submitted at the regular LMCD meeting on February 28, 1979, demonstrated that the construction of the proposed facility would completely cut off access to the Lake of the adjacent property to the west of the yacht club and that it would cut off access through the channel

to the west of the facility. Furthermore, the application provided for a facility which would conflict with uses of the Lake to the north and east of the proposed facility and would cause a hazard to navigation in those areas.

The Board of Directors of the Lake Minnetonka Conservation District finds that the facility proposed by the application would have an undue impact on the Lake and on adjacent dock use area and Lake uses. The Board further finds that the applicant should not be allowed to use the western-most part of his authorized dock use area because of the effect on the channel, the depth of the water, and the impact on the Lake access of the adjacent property. Therefore, because the authorized dock use area of the applicant is to be restricted by the Board, there exists a hardship in that the applicant will not be able to make full use of what otherwise would be its authorized dock use area. The Board further finds that it would be inappropriate to increase the density of use in the vicinity of the proposed facility by more than 80 sailboats.

Most of the activity which will result from the construction of the proposed facility will occur on the Lower Lake, especially in Area 41, Lower Lake South, and in the channel leading out of Gideon's Bay.

ORDER

By reason of the foregoing, it is ordered that the multiple dock license and variance applied for be granted in part and denied in part as follows:

1. The facility shall be used for the storage of no more than 80 watercraft.

~~2. The proposed facility shall be used for the storage of sailboats only.~~ AMENDED PER 3-23-11 VARIANCE ORDER

3. The application for variance from the side yard setbacks specified in the Code is denied.

4. The most westerly tier of docks applied for may not be constructed.

5. Eight slips shall be removed from the end of the most easterly tier of docks, thereby limiting the length of that dock to 150 feet.

6. Based on the hardship stated above, the length variance is granted on the middle two tiers of docks, permitting an extension of up to a maximum of 200 feet.

7. The facility shall be constructed in conformance with the plans and drawings attached hereto.

The variance herein permitted 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 28th day of February, 1979.

Frank Mixa
Executive Director
Lake Minnetonka Conservation District

LAKE MINNETONKA CONSERVATION DISTRICT

IN RE: APPLICATION OF SHOREWOOD YACHT CLUB

FINDINGS

On Wednesday, December 8, 2004, at 7:00 p.m., pursuant to due notice, a public hearing was held at the Tonka Bay City Hall in the City of Tonka Bay, Minnesota, to consider the application of Shorewood Yacht Club ("Applicant") for a new multiple dock license, variance and amendment to public amenities for the Applicant's special density license.

The Applicant owns two properties, Site 1 and Site 2, both on Gideon Bay in the City of Shorewood.

Site 1 is a non-conforming grandfathered commercial marina. Site 2 is also a commercial marina, operating under a special density license from the District.

Site 1 and Site 2 are separated by riparian property at elevation 929.4 NGVD. The owner of that property, which is believed to be the Hennepin County Regional Rail Authority, did not appear during the proceedings. It may be feasible to launch a canoe or small boat from the shoreline of this intervening parcel to reach Lake Minnetonka, and boats and watercraft from Lake Minnetonka can gain access to the same property from the Lake at this location. However, no evidence was presented that the shoreline has been so used in the past.

The Applicant seeks a new dock license and variances to construct a lift bridge between Sites 1 and 2. Such a bridge could interfere with access to the shoreline property between Sites 1 and 2.

Although a variance was sought for the bridge structure, a survey submitted by the Applicant shows that the bridge would be constructed within the dock use area of Site 2. However, LMCD Code Section 2.12, Subdivision 10, provides that no dock or other structure shall be so located as to obstruct a navigable channel or to obstruct reasonable access to any other dock, mooring area or similar structure authorized under the Code. The Applicant has indicated that it understands that construction of the bridge structure is at its own risk and that the Board may require modification or removal of the structure in the future should the owner of the intervening property wish to gain access to the Lake at that location.

The facilities of the Applicant were the subject of an Order of the Board dated January 24, 2001. Under that Order a new dock license, special density license, and variances were granted.

The Order of January 24, 2001, approved and required certain public amenities in connection with the application for a special density license. The Applicant is now applying for permission to reduce the number of amenities or substitute amenities as hereinafter set forth. The Board finds that the amenities proposed meet the requirements of the LMCD Code.

ORDER

ON THE BASIS OF THE FOREGOING, IT IS ORDERED, that a new dock license and special density license are granted for the proposed facility on the following conditions:

1. The dock facilities shall be constructed and maintained in conformance with the dock plan attached hereto as Attachment One and hereby made a part hereof.

2. The licensee shall provide and maintain the following public amenities for the special density license at Site 2:

   a) public rental of five or more sailboats with outboard motors;
   b) holding pond for run-off water quality improvement;
   c) vegetative screening and cover; and
   d) shoreline protection.

3. The Applicant will provide annually a copy of the Hennepin County Sheriff's Water Patrol Rental Boat Inspection Report.

4. The construction of the bridge is permitted provided that it is constructed as a lift bridge and further provided that the Applicant understands that the bridge is constructed at its own risk and that Board may require modification or elimination of the bridge in the future if the owner of the property between Sites 1 and 2 desires access to the Lake from that shoreline.

5. To the extent of any inconsistency between this Order and the Order of the Board dated January 24, 2001, that Order is amended. The preceding variance order for Site two, dated April 27, 1983 is rescinded.

The granting of these licenses 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 12th day of January, 2005.

TB Skramstad

Tom Skramstad, Chair

ATTEST:

J Valdesuso

Jose Valdesuso, Secretary

LAKE MINNETONKA CONSERVATION DISTRICT

IN RE: APPLICATION OF
SHOREWOOD YACHT CLUB

FINDINGS

At 7:00 o'clock p.m. on May 24, 2000, pursuant to due notice, a public hearing was held at the Tonka Bay City Hall in the City of Tonka Bay, Minnesota, to consider the application of Shorewood Yacht Club for a new multiple dock license, special density license and length, setback and dock use area variances for a new proposed facility on Gideon Bay in the City of Shorewood. The hearing was continued to later meetings on June 14 and June 28, 2000. During the continuation of these hearings the dock plan proposed by the applicant was amended several times.

The applicant owns and operates the Shorewood Yacht Club on Gideon Bay as a non-conforming grandfathered commercial marina at a site referred to herein as Site One. The proposed facility is located on property to the west of Site One on property formerly owned by Michael Arvidson. The site of the proposed facility is referred to herein as Site Two.

Sites One and Two have been the subject of previous variance orders issued while Sites One and Two were under separate ownership. Those previous orders were based on what now appears to have been erroneous information about the legal descriptions of Sites One and Two and a property interest between the two sites.

Between Sites One and Two a channel for drainage purposes has been excavated. As a result of that excavation property not owned by the applicant is touched by the Lake at elevation 929.4 NGVD. The owner of that property, which is believed to be a governmental authority operating the site as a public trail, was not identified during the proceedings. It may be feasible to launch a canoe or small boat from the shoreline of this intervening parcel and navigate down the excavated channel to Gideons Bay. However there is no evidence that this shoreline has been so used and any watercraft that could navigate the channel could maneuver around the facilities licensed herein to reach open water.

The Board makes no finding or determination that this intervening parcel is riparian to Lake Minnetonka so as to confer rights to launch boats or to construct dockage. However, even if such rights were successfully asserted, the permits granted herein would not substantially interfere with such access.

Site Two has 350 feet of continuous shoreline. The proposed facility would have 35 boat storage units (BSUs) at a density of one watercraft per ten feet of shoreline. Under LMCD Code Section 2.05 a special density license is required for such a facility for which the applicant is required to provide at least twenty amenity points. The Board finds that the amenities listed below, which are proposed by the applicant, are sufficient to justify issuance of a special density license under LMCD Code Section 2.05. The applicant has represented that none of the dockage at the proposed facility is available only to persons having an interest in specified riparian or non-riparian real property.

The Board further finds that the proposed facility meets the requirements of LMCD Code Section 2.03 for a multiple dock license subject to the conditions and limitations hereinafter specified.

The proposed facility requires variances for dock length, side setback and dock use area. The Board finds that a hardship exists within the meaning of LMCD Code Section 1.07 by reason of shallow water conditions for the requested length variance and that the granting of the length variance is warranted.

Side setback and dock use area variances are required between Sites One and Two because the applicant proposes to gain access to the dock use area of Site Two by constructing a dock connection to the facilities at Site One. Parking and access for Site Two would be through Site One.

The applicant asserts as a hardship or practical difficulty that there is not reasonable access for cars, parking and pedestrians from Site Two. The applicant further asserts that Site Two is currently in a relatively natural state, which would be destroyed if Site Two were fully developed with adequate parking, access and required amenities. However, there is adequate parking on Site One for both sites, and amenities may be provided from Site One that would allow the maintenance of Site Two in a natural state.

The Board finds that a hardship or practical difficulty within the meaning of LMCD Code Section 1.07 exists which justifies the side setback and dock use area variances provided for herein subject to the conditions and restrictions hereinafter set forth.

As noted above the dock use areas for Sites One and Two established by previous order of the Board were based on erroneous information about ownership and boundary lines of riparian properties. Because Site One and Site Two are now under common ownership, it is not necessary at this time to specify dock use areas as between Sites One and Two based on corrected land title information. However the variances and licenses granted hereby are conditioned on Sites One and Two continuing to be under common ownership or control. In the future if the two sites cease to be under common ownership or control, it will be necessary to reevaluate multiple dock licenses and variances for both sites and the special density license for Site Two.

ORDER

On the basis of the foregoing, IT IS ORDERED that a new dock license, special density license and length, setback and dock use area variances are granted for the proposed facility on the following conditions:

1. The dock facility shall be constructed and maintained in conformance with the dock plan attached hereto as Attachment One and hereby made a part hereof.

2. The facility shall provide and maintain the following public amenities at Site One for the special density license for Site Two:

REVISED BY 1-12-05 SDL ORDER GH

   a. Public rental of five or more boats with outboard motors.

   b. Provide free charter boat excursions or fishing trips for at least 100 handicapped or underprivileged persons per year.

c. On site distribution of boating safety and environmental literature.

d. Sanitary pump out facilities available to the public at a reasonable charge.

e. Meeting rooms available to the general public.

f. Slip and boat use for emergencies and governmental agency use.

g. Holding pond for runoff water quality improvement.

REVISED BY 1-12-05 SDL ORDER

h. Vegetative screening and cover.

i. Shoreline protection.

j. Eurasian watermilfoil off-load site.

k. Sailing school and camp.

l. Safety and lake use educational program.

m. Marine towing service.

n. Marine emergency repair service

o. Ramp use for emergencies.

3. Following the end of each license year, the licensee shall report on amenities provided during such year, giving such information as is required by the Executive Director.

4. Except for structures directly associated with slips having access from Site Two, all equipment, goods, debris and structures will be removed from Site Two before the end of 2001 and Site Two shall be left in an essentially natural, unimproved state.

5. No dockage at the facility shall be limited or restricted to use by persons having an interest in specified riparian or non-riparian real property.

6. The licenses granted hereby shall automatically terminate without any action by the LMCD at any time Site One and Site Two cease to be under common ownership or control.

7. Neither Site One nor Site Two may be used for the off lake storage of watercraft in violation of LMCD Code, Section 2.045.

The license granted herein 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 Lake Minnetonka Conservation District Board of Directors this 24th day of January, 2001.

Bert Foster, Chair

ATTEST:

Lili McMillan, Secretary

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

DATE: March 19, 2020

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

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Hearing Notice (03/26/2020 Edition)

LAKE MINNETONKA CONSERVATION DISTRICT
PUBLIC HEARING NOTICE
7:00 PM, April 8, 2020

Shorewood Yacht Club Sites 1 & 2
23500 Smithtown Road, Shorewood
Gideon Bay, Lake Minnetonka

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for a multiple dock facility and variances for adjustment of the dock use area and setbacks, and to consider a Discretionary Environmental Worksheet (EAW). The site is located at 23500 Smithtown Road in Shorewood, MN 55331. The PID for 23500 Smithtown Road is 34-117-23-21-0064. The applicant proposes to combine Sites 1 and 2 into a single site. Site 1 is currently licensed for 82 boat storage units (BSUs), and Site 2 is currently licensed for 35 BSUs. The applicant proposes to expand and reconfigure the docks and maintain 117 boat storage units on the site (no increase in BSUs). All interested persons will be given an opportunity to comment.

Pursuant to a statement issued by the presiding officer under Minnesota Statutes, section 13D.021, the meeting and hearing will be conducted remotely using electronic means. The LMCD's usual meeting room will not be open to the public or the Directors. The LMCD is working to establish a platform it can use to conduct the hearing remotely. Information on how to connect to the hearing will be posted on the LMCD's website. Those desiring to participate in the hearing may also email the Executive Director at vschleuning@lmcd.org for information on how to connect once it is available.

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

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

DATE: March 24, 2020

TO: Property Owner

FROM: Vickie Schleuning, Executive Director

SUBJECT: Public Notice of Multiple Dock License and Variance Requests

You are receiving this notice because Hennepin County property records indicate you own or reside at property within 350 feet of a property being considered for the following approvals: multiple dock license and variance. The applicant is Mr. Gabriel Jabbour of the Shorewood Yacht Club (SYC) Sites 1 and 2.

The Lake Minnetonka Conservation District (LMCD) will hold a public hearing to consider applications for a multiple dock license and variances for adjustment of the dock use area and setbacks, and to consider a Discretionary Environmental Assessment Worksheet (EAW). The site is located at 23500 Smithtown Road in Shorewood, MN 55331. The PID for 23500 Smithtown Road is 34-117-23-21-0064. The applicant proposes to combine Sites 1 and 2 into a single site as a qualified commercial marina. Site 1 is currently licensed for 82 boat storage units (BSUs), and Site 2 is currently licensed for 35 BSUs. The applicant proposes to expand and reconfigure the docks and maintain 117 boat storage units on the site (no increase in BSUs).

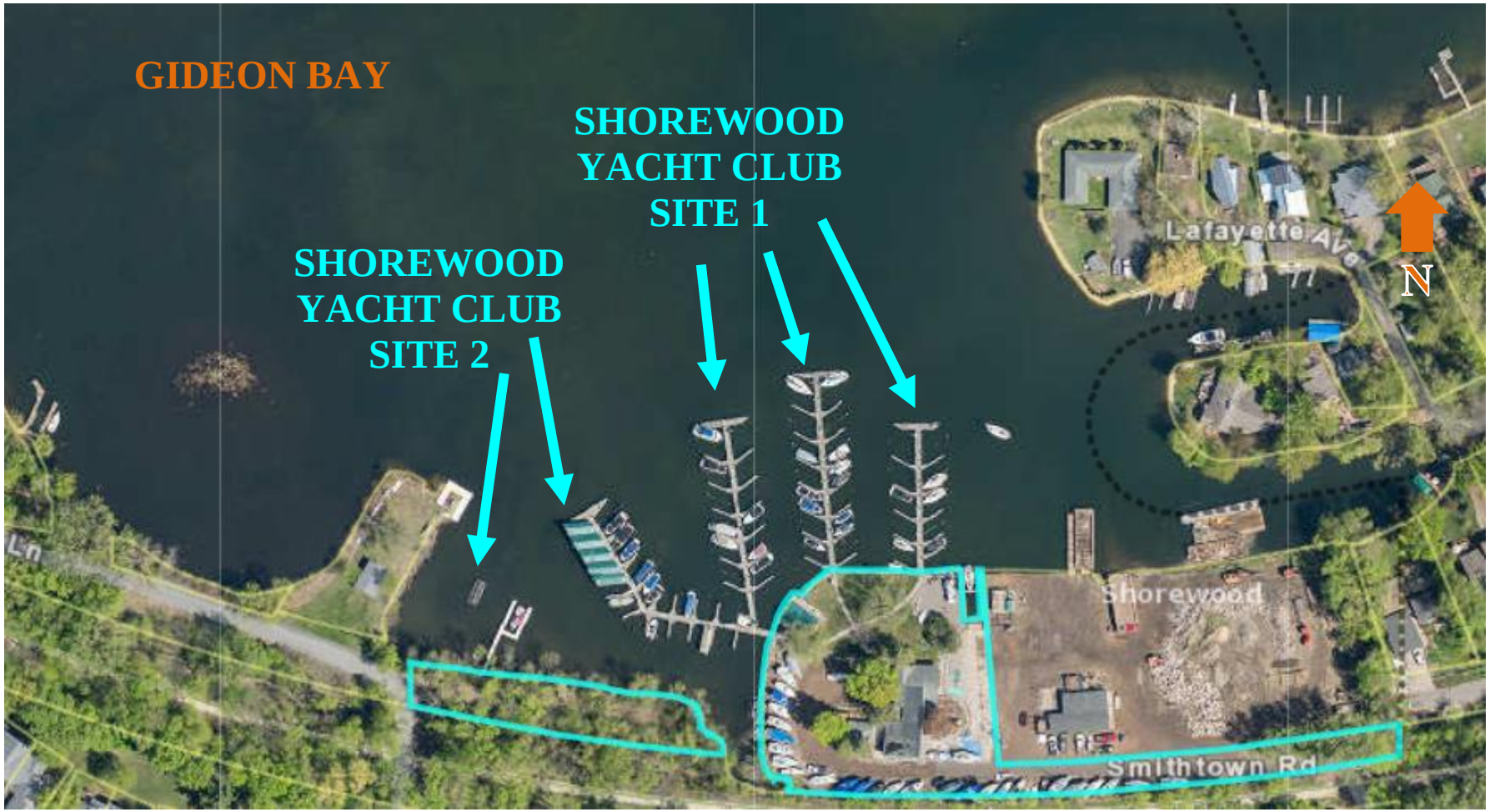
Public Hearing Information:
A public hearing will be held at 7:00 PM, April 8, 2020. The items detailed above will be reviewed and considered for approval. All interested persons will be given an opportunity to comment. Alternatively, please submit comments in writing to the LMCD (address below) or by using the "Contact Us" form at lmcd.org.

Pursuant to a statement issued by the presiding officer (Board Chair) under Minnesota Statutes, section 13D.021, the meeting will be conducted remotely using electronic means. The LMCD's usual meeting room will not be open to the public or the Directors. The LMCD is working to establish a platform it can use to conduct the meeting remotely. Information on how to connect to the meeting will be posted on the LMCD's website. Those desiring to participate in the meeting may also email the Executive Director at vschleuning@lmcd.org for information on how to connect once it is available.

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.

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

Shorewood Yacht Club Sites 1 and 2
Multiple Dock License and Variance Requests
For illustrative purposes only. Created using Hennepin County Property Interactive Map 03/24/2020. Images taken in 2018.



ADVANCE SURVEYING & ENGINEERING CO.
5300 S. Hwy. No. 101 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502

Existing Site Plan 2019

SURVEY FOR: **GABRIEL JABBOUR**

SURVEYED: January, 2011 DRAFTED: January 12, 2011

LEGAL DESCRIPTION:

Parcel 3: That part of Lot 25, Auditor's Subdivision No. 313, Hennepin County, Minnesota, lying Westerly of the following describe line: Commencing at the Southeasterly corner of Lot 24; thence South along the East line of said Lot 25, a distance of 24.30 feet; thence deflecting right 79 degrees 25 minutes 40 seconds, a distance of 406.48 feet; thence deflecting right 94 degrees 49 minutes 20 seconds, to a point on the Southerly line of said Lot 25 which is the true point of beginning of the line being described; thence continuing along last described line to the shore line of Lake Minnetonka and there ending. Auditor's Subdivision No. 313, Hennepin County, Minnesota.

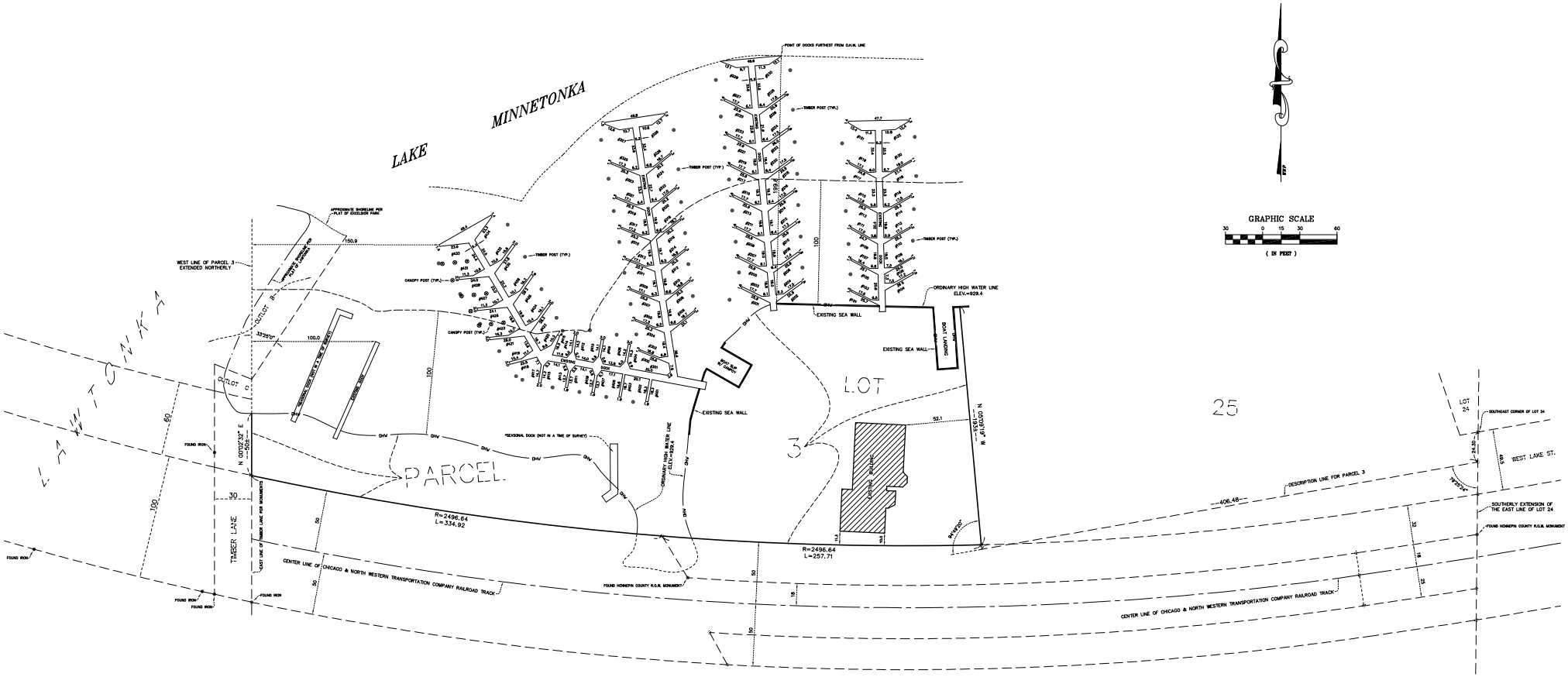
SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the above legal description. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct, and that any matters of record, such as easements, that you wish shown on the survey, have been shown.
2. Showing the location of existing improvements we deemed important.
3. Setting new monuments or verifying old monuments to mark the corners of the property.
4. It should be noted, that this survey was completed under "snow conditions" and we cannot be certain that all items were found due to the snow cover. If you are aware of any items that we may have missed, we could come back, if requested, and locate them after you have expose them or wait until the snow and ice has melted.
5. While we are showing the boundary lines of Parcel 3, this survey is not intending to show all easements, rights, and/or exceptions that affect the property. Also, while the entire property consists of additional parcels, we are only intending to show Parcel 3 for the purposes of this survey.

STANDARD SYMBOLS & CONVENTIONS:
"⊙" Denotes 1/2" ID pipe with plastic plug bearing State License Number 9235, set, unless otherwise noted.

CERTIFICATION:
I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker

James H. Parker P.E. & P.S. No. 9235



* = SEASONAL DOCK NOT IN AT TIME OF SURVEY. DOCK LOCATION TAKEN OFF OF PREVIOUS SURVEY/SITE PLAN.

DWG. NO. 110001

ADVANCE SURVEYING & ENGINEERING CO.
17917 Highway No. 7 Minnetonka, MN 55345 Phone (952) 474 7964 Fax (952) 225 0502

SURVEY FOR: **GABRIEL JABBOUR**

PROPOSED 2020
Not Approved At This Time

LEGAL DESCRIPTION:

Parcel 3: That part of Lot 25, Auditor's Subdivision No. 313, Hennepin County, Minnesota, lying Westerly of the following describe line: Commencing at the Southeasterly corner of Lot 24; thence South along the East line of said Lot 25, a distance of 24.30 feet; thence deflecting right 79 degrees 25 minutes 40 seconds, a distance of 406.48 feet; thence deflecting right 94 degrees 49 minutes 20 seconds, to a point on the Southerly line of said Lot 25 which is the true point of beginning of the line being described; thence continuing along last described line to the shore line of Lake Minnetonka and there ending, Auditor's Subdivision No. 313, Hennepin County, Minnesota.

BSU	Slip Size Catergories	WSU
0	BSU @ 1 WSU (up to & incl. 10' wide x 20' long) =	0
62	BSU @ 1.5 WSU (up to & incl. 11' wide x 24' long) =	93
3	BSU @ 2 WSU (up to & incl. 12' wide x 32' long) =	6
38	BSU @ 2.5 WSU (up to & incl. 14' wide x 40' long) =	95
8	BSU @ 3.0 WSU (up to & incl. 16' wide x 48' long) =	24
4	BSU @ 4 WSU (over 16' wide x 48' long) =	16
115	BSU Total WSU for which you are licensed	234

NOTE: SOME BOAT SLIP SIZES WERE REDUCED TO ACCOUNT FOR PILINGS.

Slip No.	Slip Size	BSU
1	11x25	1.5
2	11x25	1.5
3	11x25	1.5
4	11x25	1.5
5	11x25	1.5
6	11x25	1.5
7	11x25	1.5
8	11x25	1.5
9	11x25	1.5
10	11x25	1.5
11	11x25	1.5
12	11x25	1.5
13	11x25	1.5
14	11x25	1.5
15	11x25	1.5
16	11x25	1.5
17	11x25	1.5
18	11x25	1.5
19	11x25	1.5
20	11x25	1.5
21	11x25	1.5
22	11x25	1.5
23	11x25	1.5
24	11x25	1.5
25	Oversize	4
26	Oversize	4
27	14x32	2.5
28	14x32	2.5
29	14x32	2.5
30	14x32	2.5
31	14x32	2.5
32	14x32	2.5
33	14x32	2.5
34	14x32	2.5
35	14x32	2.5
36	14x32	2.5
37	14x32	2.5
38	14x32	2.5
39	14x32	2.5
40	14x32	2.5
41	Oversize	4
42	14x32	2.5
43	14x32	2.5
44	14x32	2.5
45	14x32	2.5
46	14x32	2.5
47	14x32	2.5
48	14x32	2.5
49	14x32	2.5
50	14x32	2.5
51	14x32	2.5
52	14x32	2.5
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55	14x32	2.5
56	14x32	2.5
57	14x32	2.5
58	14.5x32	3
59	14.5x32	3
60	11.5x25	2
61	11x25	1.5
62	11x25	1.5
63	11x25	1.5
64	11x25	1.5
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66	11x25	1.5
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68	11x25	1.5
69	11x25	1.5
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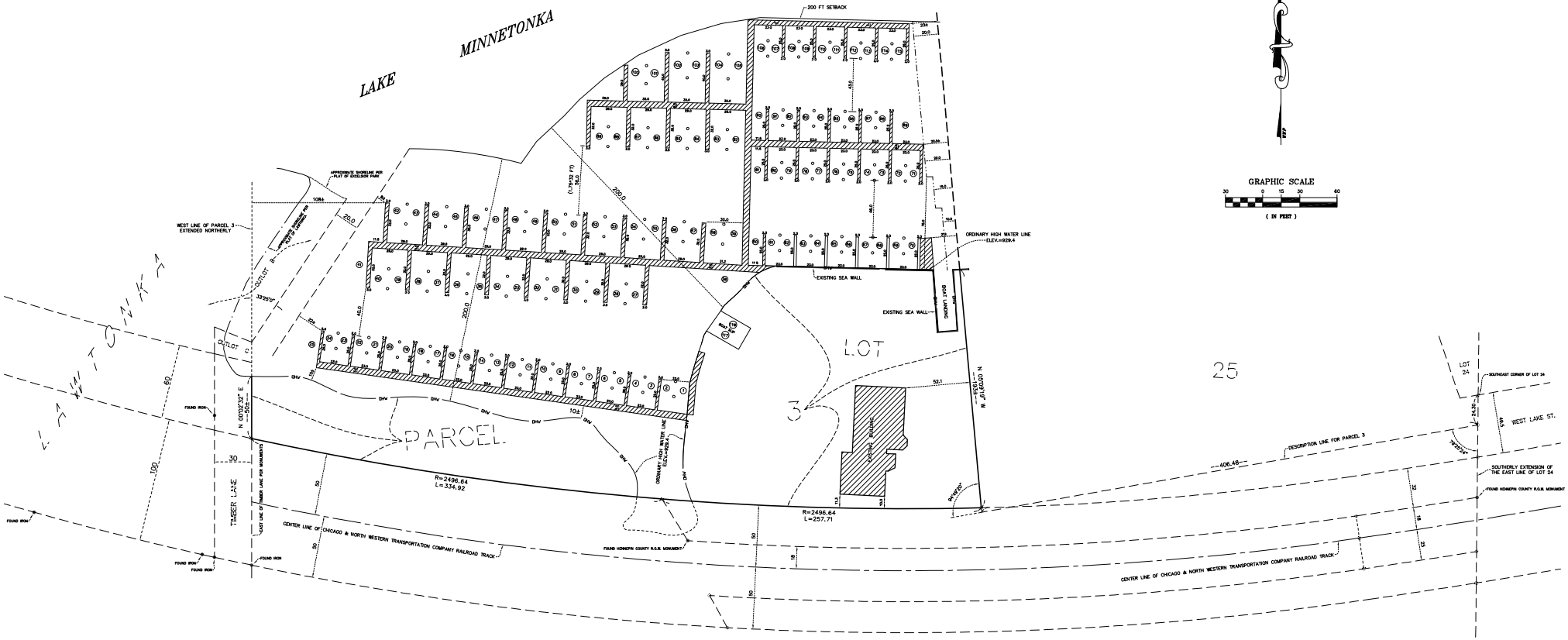
72	11x25	1.5
73	11x25	1.5
74	11x25	1.5
75	11x25	1.5
76	11x25	1.5
77	11x25	1.5
78	11x25	1.5
79	11x25	1.5
80	11x25	1.5
81	11.5x25	2
82	14x32	2.5
83	14x32	2.5
84	14x32	2.5
85	14x32	2.5
86	14x32	2.5
87	14x32	2.5
88	14x32	2.5
89	14x32	2.5
90	11.5x25	2
91	11x25	1.5
92	11x25	1.5
93	11x25	1.5
94	11x25	1.5
95	11x25	1.5
96	11x25	1.5
97	11x25	1.5
98	11x25	1.5
99	23x25	4
100	14x32	3
101	14.5x40	3
102	14.5x40	3
103	14.5x40	3
104	14.5x40	3
105	14.5x40	3
106	11x25	1.5
107	11x25	1.5
108	11x25	1.5
109	11x25	1.5
110	11x25	1.5
111	11x25	1.5
112	11x25	1.5
113	11x25	1.5
114	11x25	1.5
115	11x25	1.5
	WSU	234



DWG. NO. 191199 BH REV 12-23-2019

ITEM 12A

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

DATE: April 8, 2020

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: 2019 Financial Audit Report

ACTION
Board review and acceptance of the 2019 Financial Audit Report, provided by Abdo, Eick & Meyers, LLP.

The following motions are offered depending on whether the Board wishes to accept or deny the report.

> Acceptance:
> I make a motion to accept the 2019 Financial Audit Report as presented <with the following comments added…>.
>
> Denial:
> I make a motion to reject the 2019 Financial Audit Report, due to…

BACKGROUND
Abdo, Eick, & Meyers, LLP has provided a report detailing the process and results of the LMCD's 2019 financial audit. The audit will be presented and electronic copies will be provided when available.

CONSIDERATIONS
- Does the LMCD meet generally accepted accounting principles?
- Does the LMCD Board feel comfortable with the findings of the 2019 Audit?

ATTACHMENTS
- None