

**Comments on Dock-Related Issues in Minnesota**

August 30, 2007

Wayzata, MN

22 people signed in; 4 comment forms received; 2 letters received

**1) What do you value about spending time on lakes and rivers? How do docks enhance or detract from these values?**

- View, space, tranquility
- Sitting in the sun, watching kids/grandkids; relaxation; swim and ski, getting to our boat; boat access. Dock is essential as our property lacks beach.
- Time away from city – Boating – occasional fishing. Have a lake lot on Big Sandy- dock gives me access to lake with boat, canoe, kayak. Detract – neighbor encroaches on my property – frustration, etc.

**2) If you own or use a dock, what do you use it for?**

- Access and storage for my boat, swimming
- Sitting in the sun, watching kids/grandkids; relaxation; swim and ski, getting to our boat; boat access. Dock is essential as our property lacks beach.
- Assess to lake, boat lift, fishing, etc.
- Swimming, sunning, viewing

**3) In your opinion, how large of a dock is needed for reasonable access to public waters? In what circumstances are large dock platforms reasonable for riparian access?**

- 10' is reasonable
- 8' for dock width is fine but think 200' area for plat form is more realistic, given the dimensions docks are sold in – esp.. 4'x10' and 5'x10' typically.
- 4' wide @ 30- 40 feet – depends on depth of water. I don't see necessity for any “platform” wider than 4 feet.

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neutral</b>	<b>Agree</b>	<b>Strongly Agree</b>
<b>4) Docks contribute to shoreline crowding in your area.</b>		1	1		2
<b>5) The privatization of public waters concerns you.</b>	1			1	2

6) Docks that exceed 8' wide should require a license and fee.			2		2
7) The amount of shoreline frontage covered by a dock should be limited.			1		3
8) Dock numbers should be limited to 1 per lot.			1		3
9) Your community has adequate enforcement of local dock regulations.	3		1		

**10) Other thoughts or comments regarding docks in Minnesota.**

- See attached letter. Also, attending the meeting in Wayzata on 8/30/07; I am very concerned about the amount of dock industry giving input. I believe that there is a huge conflict of interest there. I do not think there should be great weight in their opinions however; I do respect their opinions.
- Think you need to be more realistic about platform size, especially for sites that lack beach or flat access to lake. Am not in favor of huge platforms and do recognize there should be limits. Would be in favor of a fee for oversized docks. Think grandfathering existing docks should be considered (within reason).
- Turn in a suggested ordinance with respect to how close to projected lot line “in-water structures” can be. Suggested 6’ setback. I have a problem about dock and boatlift placement with my neighbor. Setback speaks to “occupation of public waters”.

**We anticipate holding one or two meetings in St. Cloud this fall. The Meetings will be comprised of small-groups of stakeholders. The intent is to develop recommendations that address issues and concerns related to docks. Who would you recommend participate in these smaller group discussions, and why? How we contact them?**

- M.K. Lakefront Owner (Prior Lake, MN)
- Concerned landowners should be included. I would be willing to participate – depends on time (W.N., Rogers, MN). Dock sales/manufacture folks, DNR, wildlife biologists, folks who have local/county regulations.

Way 2007  
August 30, 2007

Due to issues I have with my neighbor at Big Sandy, and from other similar stories I have heard, I suggest a lakeshore ordinance as follows:

“No lakeshore owner in Minnesota shall place any structure (dock, boatlift, etc.) in the water that is within 6 feet of the lot line, extended into the water.”

My neighbor regularly installs his boat lift partially in front of my property, and thus I have to move my boatlift further on to my property, thus losing the use of approximately 12 feet of waterfront. I understand that what he is doing is legal, but I don't think it is fair, and an ordinance similar to what I have suggested would solve what I suspect is a problem for many landowners in Minnesota.

Respectfully,  
Warren M. Nordstrom

[REDACTED]  
Rogers, Mn 55374  
[REDACTED]

**Maria D. Keeney**

**Prior Lake, MN 55372**

Dear DNR:

The DNR's focus with regard to docks should be less about dock width and more about dock placement and amount of equipment. The guidelines are overly broad with regard to width, but say almost nothing about dock placement and amount of equipment.

There are three problems with regard to docks.

1. **Local Government Not Enforcing Dock Placement/Overcrowding.** Some cities have chosen not to regulate placement of docks and I'm afraid when they finally realize they have a problem with overcrowding and the resulting encroachments, it will be much harder to get people to scale back at that time. My city, Prior Lake, has chosen to adopt the DNR Guidelines instead of adopting an ordinance.
2. **The trend for more lakeshore related equipment.** The problem, in my opinion, is not dock width, it is with owners having two docks and two boat lifts, two boats and two jet skis with lifts.
3. **Dock Placement.** Because the trend has been for more lakeshore related toys, encroachment on other's riparian rights has become a very significant issue.

The DNR needs to realize that they have a responsibility to rewrite the DNR Guidelines to address "dock placement" and "restrictions on amount of equipment" to help control the proliferation of docks because many cities are not regulating docks at all.

It is clear that many people misread the DNR guidelines as they are currently written, much less understand the primary message as it relates to "Dock Placement and Equipment". The following excerpt from the current DNR Guidelines is often misunderstood and taken out of context to justify an "exclusive right" to use the water to the very edge of the extension of the property sideline.

"Design and locate your dock and boat lift to avoid interfering with your neighbor's use of the water. Docks and boat lifts should be placed so mooring and maneuvering of watercraft can normally be confined within the property lines if they were extended into the water."

This language works for straight lined lots, but it does not address bays. In fact, if you live in a bay, this language causes great conflict amongst lakeshore owners. Also, when read more accurately, it does not grant an exclusionary right to use the lake bed to the property line extension. It merely admonishes that if you are across the line, you are

likely infringing on your neighbors rights. That essential difference is very important. The guidelines do not grant unconditional, exclusive right to a specific area.

Therefore, staying within the property side-line extensions is not sufficient to ensure that one is not encroaching on their neighbor's rights. There are many situations where placement all the way to the side-line extension results in obvious encroachment and other arbitrary and absurd results.

The real problems with dock disputes start when one owner thinks they have an exclusive right to part of the lakebed via sideline extensions methods or any other method. The approach should be that everyone should always try to minimize their impact on their neighbor, not try to get every inch of what they think is *their* land.

Although there *appears* to be multiple problems with regard to dock placement, there really only is ONE problem: *Neighbors who take more than their fair share*. It looks like multiple problems because they do it in multiple ways: by angling their equipment too far to one side without a setback; having more equipment than they have space; thinking they have more space than they actually have; angling their equipment somewhere unacceptable because they are forced to by unfair adjacent use; thinking they have exclusive rights to areas in the water, simply trying to get more space than they have by taking from their neighbor, etc. When one person does any of these things it creates a domino effect and several more people feel they are justified to do it. This is particularly evident in bays.

The new guidelines should not be about taking away anyone's right to have water space or equipment. It should be about minimizing the impact on your neighbor. It should not matter if you live in a bay, acquire land by accretion or reliction, have Torrens property, etc. When water goes down there is just less water for everyone to share, when it goes up, there is more water to share.

I propose that the following language be added to the new DNR Guidelines to address my concerns:

- Lake equipment should be placed in a fashion that will have the least amount of impact on neighbors.
- Be aware of how much footage is available at the shoreline every Spring because of the fluctuating water levels.
- Lots located in bays with concaved shorelines in virtually every case will have significantly less room in the water rather than at the shoreline. In these areas it is very important to maintain the proper balance between you and all of the neighbors in the bay. That also means keeping in mind the amount of space available for the amount of equipment you have as well as the direction your equipment is facing.
- Water space must be shared in a fair and proportionate manner and no one has exclusive rights to the water.

- Place your lake equipment at right angles (or perpendicular) to the shore.
- Observe a 5' setback on each side to prevent any impact on your neighbor.
- The amount of equipment you have should not exceed your fair and proportionate share of available space in the water.

Sincerely,

Maria D. Keeney