



Minnesota's Shoreland Rules:

Standards for Lake and River Conservation

April 20, 2009

Executive Summary

The Minnesota Legislature directed the DNR to commence rulemaking to update the statewide minimum shoreland conservation standards (Chapter 6120). Local governments are responsible for the implementation, administration, and enforcement of shoreland zoning ordinances that meet or exceed the state's standards. These local ordinances affect shoreland property owners and the use and development of shoreland areas.



Since January 2008, the Shoreland Rule Update Project worked with citizens to assess shoreland conservation standards by reviewing the science related to shoreland conservation, development, and management. The DNR conducted an open process with a high degree of public input and oversight. Five advisory committees were convened to provide advice to the DNR. These advisory committees met regularly and discussed the merits of numerous policy and regulatory options. Twelve open houses were conducted to gain public comment on development standards for lake and river protection, and the DNR talked to over 500 citizens. The DNR convened a series of ten work group meetings across the state to gain feedback from stakeholders on resort-specific items, and over 250 attendees participated in the resort meetings, including resort owners, resort association representatives, and elected and appointed officials from state and local government. Three agricultural forums were held to review and discuss agricultural use standards with over 200 participants including farmers, producers, and local and state government officials.

As part of this project, the DNR also decided to assess the feasibility of integrating the rules governing Minnesota's state-designated Wild and Scenic Rivers (chapter 6105) with the proposed shoreland conservation standards. While there was no advisory committee specific to the Wild and Scenic River rules, the DNR received considerable comments and feedback on the potential to merge the statewide standards and criteria of the Wild and Scenic River rules with the shoreland conservation standards. The primary purpose for integrating the two sets of standard was to simplify administration by eliminating inconsistencies and reducing duplication. In addition, several material changes to the wild, scenic, and recreational river rules are proposed, which include using the shoreland framework for DNR review of local land use decisions, inclusion of

stormwater standards, and guidance for conservation subdivisions. The end result of the proposed rules is a unified set of standards that simplifies management while enhancing resource protection.

The DNR concluded that revisions to the existing shoreland conservation standards are warranted; in fact, they are necessary to address important economic and environmental issues. The state is growing fast, and the rate of development in shorelands is predicted to increase. Many people are concerned about the consequences of poor development on water quality and fish and wildlife habitat. Better development practices can protect water quality, while increasing property values. In addition, the existing shoreland standards needed to be modernized to provide flexibility in use of various tools to address water quality declines and habitat losses and to reflect the diversity in local resource conditions and needs. The Shoreland Rule Update Project was guided by the mission statement from Minnesota Statute 103F.201 which calls for the development of standards that: (1) provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters; (2) preserve the economic and natural environmental values of shorelands; and (3) provide for the wise use of water and related land resources of the state.

The proposed standards include, but are not limited to:

- ◆ *Better water quality protection standards achieved by improved rainwater runoff management, increased drainfield setbacks, and higher shoreline buffer standards for undeveloped lots;*
- ◆ *Greater protections for vulnerable areas (e.g., sensitive lakeshore, trout streams, bluffs);*
- ◆ *Improved planned unit development standards;*
- ◆ *Specific resort standards that allow for expansion and improvements while addressing water quality and habitat concerns;*
- ◆ *Higher standards for new developments and new lots (e.g., impervious surface, natural areas, shoreline buffers);*
- ◆ *Advanced subdivision controls, including promotion of conservation subdivisions and other creative developments over conventional (lot & block) subdivisions;*
- ◆ *Revisions that allow easier local government implementation, while protecting natural resources and the interests of the general public.*

These proposed state standards incorporate the latest reliable knowledge. It is believed these standards are pragmatic tools for use by local governments to adapt to specific needs and contexts.

For more information, visit: <http://mndnr.gov/waters/shoreland.html>.

