



Minnesota's Shoreland Rules: Standards for Lake and River Conservation

July 6, 2010

Existing Rules Compared to Proposed Rules

The following table is a summary of existing and proposed rules. For complete regulations and proposed provisions, consult the existing and proposed rules. Page numbers in the first column are referenced for their location in the Revisor's Draft copy. A list of acronyms and the 'Guiding Principles' used in the table are included at the end of the table.

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
Rule Complexity	<p>Two separate chapters with 36 rule parts:</p> <ul style="list-style-type: none"> Chapter 6120 – Shoreland Management Chapter 6105 – Wild, Scenic, and Recreational (WSR) Rivers 	<p>One combined chapter with 18 rule parts:</p> <ul style="list-style-type: none"> Chapter 6120 - Shoreland Conservation 	<p>It is reasonable to simplify rule and eliminate unnecessary or redundant provisions.</p> <p><i>Guiding Principles:</i> Recognize but do not duplicate regulatory controls (#15), Respect for private property rights (#10), Flexibility (#1).</p>
<p>Rules Related to Existing Lake and River Lots and Homes</p> <p>[Shoreland Lots of Record]</p> <p><i>Revisor's Draft:</i> Pages 19-20</p>	<p><i>Conforming lots of record</i> Remain conforming.</p> <p><i>Substandard undeveloped lots of record</i> These lots may be allowed as building sites without variances from lot size requirements provided: (1) the use is permitted in the zoning district, (2) the lot has been in separate ownership from abutting lands at all times since it became substandard, (3) was created compliant with official controls in effect at the time, (4) and sewage treatment and setback requirements of the shoreland controls are met. Necessary variances from setback requirements must be obtained before any use, sewage treatment system, or building permits are issued for the lots. In evaluating all variances, boards of adjustment shall consider sewage treatment and water supply capabilities or constraints of the lots and shall deny the variances if adequate facilities cannot be provided.</p>	<p>Lots of record may be allowed as building sites without a variance if the requirements of state statute are met. Some flexibility for nonconforming lots of record in meeting structure setbacks is provided – setback averaging and mitigation may be used for these nonconforming lots of record provided the proposed building site is not within a shore or bluff impact zone.</p> <p>If a shoreland reclassification occurs, a conforming lot of record may remain conforming for lot size, setbacks, and buildable area.</p>	<p>'Grandfathered' in existing conforming development to minimize burdens to citizens and local governments.</p> <p><i>Guiding Principles:</i> New rules should not create additional nonconformity (#11), Respect for private property rights (#10), Flexibility (#1), Correct existing site problems (#3)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Rules Related to Existing Lake and River Lots and Homes (continued)</p>	<p>If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the lot size requirements, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the lot size requirements as much as possible. Local shoreland controls may set a minimum size for nonconforming lots or impose their restrictions on their development.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p><i>Substandard lots of record</i> are allowed as building sites subject to similar provisions to those listed above, except that zoning dimension provisions must be complied with “to the greatest extent practicable” and no variance considerations are provided.</p>	<p>Same as above, except that setback averaging is not allowed in lieu of a variance on any lot within a WSR river shoreland.</p>	
<p>Nonconformities</p> <p><i>Revisor’s Draft:</i> Pages 19-20, 71</p>	<p>LGUs must require upgrading or replacement of any existing, nonconforming on-site sewage treatment system. All sewage treatment systems must be managed according to applicable state statutes and local government official controls.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p><i>Nonconforming uses</i> (non-permitted uses) are distinguished from <i>substandard uses</i> (permitted uses that do not meet dimensional standards). LGUs may adopt provisions to regulate, control, reduce the number or extent of, or gradually eliminate <i>nonconforming uses</i>, including the gradual elimination of noncompliant sewage treatment systems. <i>Substandard uses</i>, except for substandard signs, are allowed to continue provided that: (1) any structural alteration or addition to a substandard use which will increase the substandard dimensions is not allowed, and (2) LGUs must gradually amortize substandard signs.</p>	<p>All nonconformities must be managed according to applicable state statutes and local government official controls. All sewage treatment systems must meet applicable state and local rules (6120.3400, Water Supply and Sewage Provisions).</p> <p>LGUs must mitigate any increase in nonconformity, including applicable structure setbacks.</p> <p><i>Nonconforming uses</i> and <i>substandard uses</i> are now referred to as <i>nonconformities</i> and are regulated as described above.</p> <p>Amortization of substandard signs is no longer required per current statutes.</p>	<p>Reducing nonconformity is a desired outcome and mitigating the consequences of nonconforming structure setbacks to protect water quality is reasonable.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Correct existing site problems (#3)</p>

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<p>Applicable Public Waters</p> <p><i>Revisor's Draft:</i> Pages 1-2</p>	<p>"Public waters" means any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size in municipalities and 25 acres in size in unincorporated areas must be regulated.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Designated WSR rivers are public waters, and land within the WSR district boundaries is regulated. Legal descriptions for these district boundaries are contained in the individual river rules/management plan.</p>	<p>Shorelands of lakes, ponds, and flowages 10 acres in size or greater within municipalities and within two miles of any municipal boundary, and elsewhere shorelands of lakes, ponds, and flowages 25 acres in size or greater, must be regulated.</p> <p>In situations where the shoreland of public waters overlap due to close proximity of public waters to each other, topographic divides will be used to determine which shoreland standards apply. In those areas where the topographic divide cannot be determined, the more protective rules for the area will prevail.</p> <p>No change to public water status or the applicability of regulations within WSR district boundaries. In situations where WSR river shorelands overlap with the shorelands of other public waters in close proximity, the legal descriptions for WSR district boundaries will be used to determine with shoreland standards apply.</p>	<p>Many LGUs have noted problems with annexations. The proposal eliminates confusion about which standards apply when shorelands of public waters overlap.</p> <p><i>Guiding Principles:</i> Consistency (#7), Protect and Improve water quality (#6), Safeguard sensitive areas (#8)</p>
<p>Adoption Schedule</p> <p><i>Revisor's Draft:</i> Pages 2-3, 24-25, 75</p>	<p>Amend ordinances to be compliant within 2 years of being notified. Cities were grouped and some groups were not addressed for a long time.</p>	<p>LGUs with existing shoreland controls have one year to adopt after notification from the DNR.</p> <p>LGUs without existing shoreland controls must adopt land use controls to bring them into compliance with these standards and criteria upon notification by the DNR, except cities without compliant shoreland controls that annex land that include shorelands shall adopt land use controls to bring them into compliance with these standards and criteria within one year of the annexation and before any development in shorelands.</p> <p>All LGUs must submit their revised shoreland land use controls for DNR review and certification before adoption.</p>	<p>To allow time for revision and adoption of new standards by LGUs.</p> <p><i>Guiding Principles:</i> Consistency (#7), Protect and Improve water quality (#6)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
Adoption Schedule <i>(continued)</i>	<p style="text-align: center;">In WSR River Shorelands:</p> LGUs must adopt or amend ordinances within six months of establishment of the WSR system as required by statute.	<p style="text-align: center;">In WSR River Shorelands:</p> LGUs along designated WSR river shorelands are subject to the same adoption schedule described above; however, the adoption schedule is different for WSR river systems designated after the effective date of the proposed rules consistent with statutory requirements.	
Definitions <i>Revisor's Draft:</i> Pages 3-16	<p>44 terms are defined.</p> <p style="text-align: center;">In WSR River Shorelands:</p> 28 terms are defined.	<p>93 terms are defined. A single set of definitions.</p> <p style="text-align: center;">In WSR River Shorelands:</p> Terms and definitions specific to WSR rivers are retained. Others have been updated, incorporated into other definitions, or eliminated if unneeded.	<p>Added clarity for more consistency in implementation across the state.</p> <p><i>Guiding Principles:</i> Consistency (#7)</p>
Best Management Practices (BMPs) <i>Revisor's Draft:</i> Page 16-17	<p>One specific document is cited for the BMPs to be used to meet the forestry use standards.</p> <p style="text-align: center;">In WSR River Shorelands:</p> None cited.	<p>In addition to forestry BMPs, stormwater, erosion control, and boating and fishing facility design BMPs are cited.</p> <p style="text-align: center;">In WSR River Shorelands:</p> All BMPs above apply.	<p>Added clarity provided for consistency in use of BMPs.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and Improve water quality (#6), Consistency (#7), Address water runoff (#12)</p>
Variances <i>Revisor's Draft:</i> Pages 17-21	<p>Granting must be in accordance with M.S. 394 or 462. No variance may be granted that would allow any use that is prohibited in the zoning district. Conditions may be imposed in the granting of variances.</p> <p style="text-align: center;">In WSR River Shorelands:</p> Same as above.	<p>Added a requirement: a condition of issuance of any variance to the standards in this chapter shall include mitigation. Other conditions may be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.</p> <p style="text-align: center;">In WSR River Shorelands:</p> Same as above.	<p>Clarified variance requirements and provided tools to mitigate water quality impacts.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Correct existing site problems (#3)</p>
Conditional and Interim Use Permits <i>Revisor's Draft:</i> Pages 18-19	<p>LGUs may impose conditions when granting conditional use permits (CUPs).</p> <p>No provisions for interim use permits (IUPs).</p>	<p>Where evaluation and assessment determine the need for additional environmental protections, the issuance of any CUP or IUP shall include conditions for approval and mitigation.</p> <p>LGUs shall not substitute a CUP or IUP process for the variance process in situations where a variance is required.</p> <p>IUPs require meeting lot standards (size, placement and height requirements).</p>	<p>Mitigation, with such practices as good rainwater management that are proportional to the impact of the project, is necessary to protect water quality.</p> <p>Sets a minimum standard for interim use permits to ensure their proper use.</p> <p><i>Guiding Principles:</i> Protect and Improve water quality (#6), Consistency (#7), Safeguard sensitive areas (#8)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Local Government (LGU) Duties [Cities, Towns, and Counties] (continued)</p>	<p style="text-align: center;">In WSR River Shorelands:</p> <p>LGUs must (1) adopt or amend local ordinances to comply with the management plan, (2) submit ordinances to the DNR for review and certification, (3) administer and enforce ordinances upon adoption, (4) notify the DNR of applications for conditional use permits, variances, and inconsistent plats, and (5) send copies of preliminary plans for PCDs/PUDs to the DNR. The timeframe for notification is 30 days prior to hearing or action, and 10 days of final decisions.</p>	<p>Same as above. Main changes for LGUs are that they are no longer required to send copies of preliminary plans for PCDs/PUDs, the notification timeframe for public hearings or action is reduced from 30 days to 10 days, and notifications of plats must include electronic copies of plats.</p>	
<p>Classification</p> <p><i>Revisor's Draft:</i> Pages 29-33, 73-75</p>	<p>3 Lake Classes: General Development (GD) Recreational Dev. (RD) Natural Environment (NE)</p> <p>6 River Classes: Tributary Urban Agricultural Transitional Forested Remote</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>3 River Classes: Recreational River (RR) Scenic River (SR) Wild River (WR)</p> <p>The DNR designates rivers for inclusion in the WSR river system upon completing a management plan, which includes the proposed classification of the river/river segments, proposed land use district boundaries (not to exceed 320 acres/each mile of river on both sides of the river), proposed methods for preserving the river and its adjacent lands, proposed land use controls, proposed water surface regulations, proposed recreational management plan, and proposed plan for</p>	<p>4 Lake Classes: General Development (GD) Recreational Dev. (RD) Natural Environment (NE) NE – Special Shallow Lakes (NE-SS)</p> <p>A lake may be assigned multiple classes.</p> <p>5 River Classes: General Development (GD) Natural Environment (NE) Coldwater (CW) Recreational River (RR) Scenic River (SR) Wild River (WR)</p> <p>CW rivers are designated trout streams; NE are remote, forested, transitional river segments, and tributary river segments that flow into NE lakes; and GD are agricultural, urban and tributary stream segments not included in NE.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>3 River Classes: No change.</p> <p>No change to designation/classification procedures or management plan requirements.</p>	<p><i>Provisions for allowance of multiple lake classes:</i> Different development standards in bays and areas with critical fish and wildlife habitat are warranted given documented and predicted losses to habitat from development. Incorporating WSR river classes as additional shoreland classes substantially reduces the complexity and inconsistency of the regulations.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Protect and Improve water quality (#6) Consistency (#7), Safeguard sensitive areas (#8)</p>

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Classification <i>(continued)</i>	administration. Promulgating the management plan into rules designates the river.		
Reclassification <i>Revisor's Draft: Pages 29-33</i>	Rivers were reclassified with the last revision of the shoreland rules. In WSR River Shorelands: Rivers are classified when designated. Reclassification must follow the initial designation procedures consistent with statutes.	River classifications simplified. Sensitive lakes, not already classified as NE, are reclassified to NE. These lakes include trout lakes and designated wildlife lakes. In WSR River Shorelands: No change.	Many LGUs have one or two standards for river classes even where many different river classes exist in their jurisdiction. Reducing the number of river classes simplifies administration. <i>Guiding Principles: Flexibility (#1), Consistency (#7)</i>
Overlay Districts <i>Revisor's Draft: Pages 33-37</i>	10 land use tables of permitted, conditional use, and prohibited uses. 5 Districts: Special Protection Residential High Density Residential Water-Oriented Commercial General Use In WSR River Shorelands: 3 Land Use Districts: Wild River (WR) Scenic River (SR) Recreational River (RR) A land use table specifies permitted, conditional, and non-permitted uses within each land use district.	All but one land use table eliminated -- WSR river shoreland land use table retained. Number of districts reduced from 8 to 2: a basic Shoreland Overlay District (required); and a Special Protection Shoreland Overlay District (optional) LGUs may create land use districts based on the shoreland classification. LGUs' applicable underlying zoning districts shall regulate uses of land, except the following require CUPs: (1) industrial and extractive uses within coldwater river and natural environment shorelands; (2) controlled access lots; (3) new resorts and expansions of more than 12 dwelling sites for existing resorts; (4) riparian PUDs without riparian dedication or conservation easement meeting a specific standard; and (5) PUDs or residential developments containing 15 or more units/sites for a sensitive shoreland area or elsewhere containing 25 or more units/sites. In WSR River Shorelands: LGUs will continue to have land use districts based on the WR, SR, and RR shoreland classifications. The land use table is retained with the following changes: (1) temporary docks removed, (2) home-based business	Use of shoreland overlay districts allows additional flexibility with regard to the local underlying zoning district. The number of districts was reduced to reflect that many LGUs have developed their own districts, and the proposal is reliant on the use of the overlay district concept. Additional guidance is provided to LGUs on special protection shoreland overlay districts. Sensitive areas especially vulnerable to the consequences of development are listed for local shoreland controls with a special protection shoreland overlay district. Maintain current protections for WSR river shorelands, with minor adjustments as needed for clarity and consistency with current statutory requirements. <i>Guiding Principles: Flexibility (#1), Consistency (#7), Safeguard sensitive areas (#8)</i>

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<p>Overlay Districts (continued)</p>		<p>added as allowed with a CUP in all classes (3) campground expansion (private and governmental) added to clarify that expansion must meet the same requirements as new campgrounds, and (4) resorts and expansions added to clarify that neither is allowed in WSR river shorelands.</p>	
<p>Lot Size</p> <p><i>Revisor's Draft: Pages 37-43</i></p>	<p>126 lot size and width standards.</p> <p>Single Residential Development (riparian): Lot Area (ft²) GD, no sewer – 20,000 RD, no sewer – 40,000 NE, no sewer – 80,000</p> <p>Lot Area (ft²) GD, sewer – 15,000 RD, sewer – 20,000 NE, sewer – 40,000</p> <p>Lot Width (ft) GD, no sewer – 100 RD, no sewer – 150 NE, no sewer – 200</p> <p>Lot Width (ft) GD, sewer – 75 RD, sewer – 75 NE, sewer – 125</p> <p>Single residential minimum lot widths for rivers (ft): Remote – 300 Forested – 200 Transitional – 250 Agricultural – 150 Urban sewered – 100 Tributary nonsewered - 75</p> <p>Other rules for non-riparian lots, and lots for duplex, triplex and quad housing.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Lot Area RR – 2 acres (87,120 ft²) SR – 4 acres (174,240 ft²) WR – 6 acres (261,360 ft²) Lot Width (ft) RR – 200 SR – 250 WR – 300</p>	<p>A reduction from 126 lot size and width standards to 23. In areas not served by publicly owned sewer, the buildable area must be at least 8,500 sq ft per lot.</p> <p>New single-family residential lots in a conventional subdivision (riparian and non-riparian): Lot Area (ft²) GD – 30,000 RD – 40,000 NE – 80,000 CW – 90,000 Minimum lot size for NE-SS would exceed the NE standard, with preference for one dwelling unit/40 acres.</p> <p>Lot Width (ft) GD – 100 RD – 150 NE – 200 CW – 300</p> <p>New duplex residential lots in a conventional subdivision or commercial lots: Lot Area (ft²) GD – 40,000 RD – 60,000 NE – 120,000 CW – 135,000</p> <p>Lot Width (ft) GD – 200 RD – 225 NE – 400 CW – 450</p> <p>If the underlying zoning district lot dimensional standards are more restrictive, then they shall apply.</p> <p>No change to lot area or lot width standards.</p>	<p>The buildable area concept recognizes that marginal lands are now being developed, and that standards should be set such that adequate space exists for proposed and future developments. The elimination of the sewered lot standards reflects recent information on non-point source pollution.</p> <p><i>Guiding Principles:</i> Use good science (#5), Consistency (#7), Protect and improve water quality (#6), Safeguard sensitive areas (#8)</p>

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<p>Residential Density</p> <p><i>Revisor's Draft: Page 44</i></p>	<p>Density is determined by lot dimensional standards for conventional subdivisions.</p> <hr/> <p>In WSR River Shorelands:</p> <p>Density is limited to one dwelling unit per lot. No duplexes or multi-family residential uses are allowed. No provisions for calculating density.</p>	<p>The density is, in large part, determined by the lot dimensional standards. All subdivisions are required to meet natural area standards.</p> <p>The density shall be the lesser of: (1) the local government's underlying zoning district density; or (2) the project area divided by the single-family residential lot size for the shoreland class or district.</p> <hr/> <p>No change to the number of dwelling units per lot or restrictions on duplexes or multi-family residential uses. Density is calculated by dividing the project area by the required lot size as described above.</p>	<p>Where LGUs have their own PUD standard, density is still regulated.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Consistency (#7), Think long-term (#4)</p>
<p>Exceptions to Lot Size and Density Standards</p> <p><i>Revisor's Draft: Pages 41-42</i></p>	<p>PUDs that meet specific standards.</p>	<p>Lot sizes may be smaller than those specified for PUDs. Density may be greater for PUDs and resorts. Where land dedication or a land preservation agreement of the riparian area is elected or required, density and the minimum lot width and lot size may follow the underlying zoning district.</p> <p>The lot size and density may be the same as for the underlying zoning district for cities in areas (1) served by sewer; (2) not located within a WSR river shoreland; (3) where the stormwater facilities within the area have adequate maintenance standards and the city has identified the responsible parties for maintenance; and (4) the area is within an existing residential area having at least 3 dwelling units per acre, a downtown area, a brownfield area, or a previous industrial area; and elsewhere, the following is required (a) the land use plan has identified the area for higher density development, such as downtown areas and high density residential areas; (b) Minnesota licensed Professional Engineer, with expertise in stormwater management and appropriate training, and certified personnel in Design of Stormwater Pollution</p>	<p>Additional flexibility is granted to LGUs and property developers when riparian areas are permanently protected. In addition, in high density urban areas, cities are allowed to address lot sizes based on underlying zoning.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Protect and Improve water quality (#6)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Exceptions to Lot Size and Density Standards <i>(continued)</i></p>	<p style="text-align: center;">In WSR River Shorelands:</p> <p>PCD standards allow for smaller lot sizes, but with minimal standards.</p>	<p>Prevention Plans are on staff or contract, and they review development plans and implementation of stormwater management BMPs to meet or exceed performance standards; (c) a stormwater management plan and a stormwater ordinance have been adopted and effectively implemented; and (d) a natural resource priority map for their jurisdiction.</p> <p>No change, except that <i>PCDs</i> are referred to as <i>PUDs</i> and specific standards are provided for determining smaller lot sizes and density as described above.</p>	
<p>Natural Areas (Open Space Standards)</p> <p><i>Revisor's Draft: Page 44</i></p>	<p>For residential and commercial PUDs, at least 50% of the total project area must be preserved as open space.</p> <p style="text-align: center;">In WSR Shorelands:</p> <p>PCDs must conserve open space, with minimal standards.</p>	<p>Natural areas must be integrated into residential and commercial developments and redevelopments. Natural areas must be dedicated to and maintained by the LGU or held as private natural areas to be maintained by the community or landowners.</p> <p>Same as above.</p>	<p>The purpose of these standards is to conserve natural areas, including those areas containing unique and sensitive natural features such as prime agricultural soils, woodlands, steep slopes, waters, floodplains, critical fish and wildlife habitats, and wetlands.</p> <p><i>Guiding Principles: Think long-term (#4)</i></p>
<p>Minimum Structure Setbacks</p> <p><i>Revisor's Draft: Pages 44-51</i></p>	<p><i>From Ordinary High Water Level (OHWL; ft):</i></p> <p>GD, no sewer – 75 RD, no sewer – 100 NE, no sewer – 150</p> <p>GD, sewer – 50 RD, sewer – 75 NE, sewer – 150</p> <p><i>From Top of Bluff (ft):</i> 30</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p><i>From OHWL (ft):</i> RR – 100 SR – 150 WR – 200</p> <p><i>From tributaries:</i> 100 ft <i>From Bluffline (ft):</i> RR – 20 SR – 30 WR – 40</p>	<p>A reduction from 24 structure setback standards to 13.</p> <p><i>From OHWL (ft):</i> GD – 75 RD – 100 NE – 150 CW – 200 NE-SS – >150</p> <p><i>From public waters wetlands having surface water connections to public waters regulated under shoreland controls and located within a shoreland overlay dist.: 75 ft.</i></p> <p><i>From Top of Bluff (ft):</i> 30</p> <p><i>From OHWL (ft):</i> No change.</p> <p><i>From tributaries:</i> No change. <i>From Top of Bluff (ft):</i> 30 (for all river classes)</p>	<p>The elimination of the sewered lot standards reflects recent information on non-point source pollution.</p> <p>Simplify administration with one standard bluff setback. WR segments currently only abut public land, so a 10-ft setback reduction would not affect these river segments. Although the definitions and bluff measurements have changed, most slopes abutting WSR rivers meet the new bluff definition. Restricting the placement of any structure or sewage disposal system on 18% slopes will further protect slopes abutting WSR rivers.</p> <p><i>Guiding Principles: Use good science (#5), Consistency (#7), Protect and improve water quality (#6)</i></p>

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<p>Minimum Structure Setbacks (continued)</p>	<p>Note: Setbacks measured from "bluffline", which is defined as the line across slopes $\geq 13\%$.</p> <p>Structures shall not be placed on slopes greater than 13% unless the structure can be screened and sewage disposal systems installed.</p>	<p>Note: Setbacks measured from "top of bluff". A bluff is defined as a topographic feature with a rise of at least 25 ft from the OHWL or toe of the bluff and an average slope of $\geq 30\%$.</p> <p>Structures shall not be placed on slopes greater than 18%.</p>	
<p>Height of Structures</p> <p><i>Revisor's Draft: Page 48</i></p>	<p>All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 ft in height.</p>	<p>Outside of a city, structures, except churches, telecommunication towers and antenna, power generating towers, and nonresidential agricultural structures, must be less than 35 ft in height.</p> <p>For cities, the maximum height of building shall follow the requirements of the underlying zoning district.</p>	<p>Additional flexibility for cities.</p> <p><i>Guiding Principles: Flexibility (#1)</i></p>
In WSR River Shorelands:			
<p>Accessory Structures (& Water-Oriented Accessory Structures)</p> <p><i>Revisor's Draft: Pages 48-51</i></p>	<p>All accessory structures and facilities, except those that are water-oriented, must meet or exceed structure setback standards.</p> <p>If allowed by local controls, each residential lot may have one water-oriented accessory structure or facility located closer to public waters than the structure setback if the structures is: (1) less than 10 ft in height, (2) less than 250 sq ft, (3) 10 ft setback from OHWL, (4) screened from view, (5) not for human habitation, (6) on GD and RD lakes boat storage facilities 400 sq ft and less are allowed.</p>	<p>Reduction in water-oriented accessory structure size to 120 sq ft.</p> <p>No new boathouses or boat storage structures allowed.</p> <p>Decks must meet the structure setback standards, unless it is the one water-oriented accessory structure.</p>	<p>Reduce impervious surface coverage near lakes and rivers.</p> <p><i>Guiding Principles: Protect and improve water quality (#6), Consistency (#7), Think long-term (#4)</i></p>
In WSR River Shorelands:			
	<p>Water-oriented accessory structures are not listed in the land use table and are therefore prohibited.</p>	<p>Same as above, except that water-oriented accessory structures will continue to be prohibited.</p>	

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Shoreline Facilities</p> <p><i>Revisor's Draft: Pages 51-52</i></p>	<p>No limit specified. Docks must comply with 6115.0210 rules: (1) Placement of structures can't obstruct navigation, create hazard, be detrimental to significant fish and wildlife habitat, in posted fish spawning areas, or take threatened or endangered species; (2) Structures can't be intended for human habitation; and (3) No permit needed if it is safe, allows free flow of water beneath, not a marina, consistent with local land use controls, the length is limited to that which is needed to reach navigable water, or does not exceed 8 ft in width.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Shoreline facilities are not addressed, except that temporary docks are permitted in all WSR land use districts.</p>	<p>Shoreline facilities must comply with rules in chapter 6115.</p> <p>Same as above.</p>	<p>Similar rules for all developments.</p> <p><i>Guiding Principles: Consistency (#7), Think long-term (#4), Safeguard sensitive areas (#8)</i></p>
<p>Roads and Parking Lots</p> <p><i>Revisor's Draft: Pages 52-54</i></p>	<p>General standards on placement and design of roads, driveways, and parking lots.</p> <p>Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.</p>	<p>General standards similar to existing with additional provisions.</p> <p>Private roads, driveways, and parking areas: Low-volume private road or privately maintained roads must have pavement widths 22 ft or less.</p> <p>Parking areas with 10 or more spaces or in excess of 3000 sq ft must be designed to permanently treat 1" of runoff from the impervious surfaces created. This can be accomplished through use of soil amendments, infiltration, bioretention, pervious pavement, rain gardens, enhanced swales, disconnected impervious surfaces or other locally approved volume reduction techniques. If the runoff reduction standard is not physically possible to meet due to the size of the site or high impervious surface coverage, mitigation would be required.</p> <p>For public roads, rail lines, trails and watercraft access facilities, BMPs must be designed, installed and maintained to reduce runoff.</p>	<p>The need is to reduce the possibility of runoff from the parking surfaces reaching public waters. Runoff carries pollutants, such as oil, dissolved metals, suspended solids, and nutrients. However, if the water infiltrates into the ground, the soil and plants can purify the rainwater and runoff.</p> <p>Streets should not be wider than is necessary to meet projected traffic demands and to provide emergency vehicle access. Wider streets not only create more impervious surface cover, which increases runoff and reduces water quality, but because traffic tends to move faster they can also be less safe for both motorists and pedestrians.</p> <p><i>Guiding Principles: Use good science (#5), Protect and improve water quality (#6)</i></p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Roads and Parking Lots (continued)</p>	<p style="text-align: center;">In WSR River Shorelands:</p> <p>No standards for parking lots or driveways.</p> <p>Private roads and minor public streets are permitted in all WSR land use districts.</p> <p>Public roads are allowed with a CUP in all districts, except minor public streets intended to serve primarily as an access to abutting properties, which are permitted. All roads are subject to standards and criteria for route design to avoid steep slopes, sensitive areas, and scenic intrusion. River crossings require a permit from the commissioner.</p> <p>Roads do not currently have to meet structure setbacks, but are encouraged to avoid areas within 200 ft of rivers and 100 ft of tributaries.</p>	<p>Standards for parking lots and driveways as described above.</p> <p>Private roads continue to be permitted in all WSR river shorelands.</p> <p>All public roads (including minor public streets) require a CUP. In addition to current standards, all roads must also meet BMPs and structure setbacks and must not be placed within bluff and shore impact zones as described above.</p>	
<p>Agricultural Use Standards</p> <p><i>Revisor's Draft: Pages 54-55</i></p>	<p>A 50-ft shore impact zone for a shoreline buffer, and use of BMPs.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Agricultural uses are permitted in all WSR land use districts, but no standards are provided.</p>	<p>No change in the requirement for a 50-ft agricultural impact zone and use of BMPs. Shoreland conservation plans approved by local government must provide for adequate buffers. Greater clarity on allowable agricultural practices.</p> <p>LGUs with 30% or greater land cover in cultivation must identify agricultural areas where shoreline buffers are being maintained and where they are deficient, provide public information and education on BMPs, runoff controls and vegetative buffers, establish a monitoring program to ensure compliance, and provide enforcement options.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Agricultural uses still permitted subject to standards above.</p>	<p>Riparian buffers are critical in protecting lakes and rivers. The feedlot and manure storage area change in this subpart was needed for consistency with M.R. 7020, which does not allow new feedlots or manure storage areas in shoreland defined in M.S. 103F.205, and restricts any expansion.</p> <p><i>Guiding Principles:</i> Use good science (#5), Consistency (#7), Protect and improve water quality (#6), Safeguard sensitive areas (#8)</p>
<p>Forestry Use Standards</p> <p><i>Revisor's Draft: Page 55</i></p>	<p>Use of BMPs.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Within the required structure setbacks, clear cutting is prohibited and selective cutting is permitted subject to specified standards. Clear cutting anywhere else is allowed with restrictions.</p>	<p>Use of BMPs.</p> <p>No change, except that BMPs also apply. Where WSR standards differ, the more restrictive prevail.</p>	<p>The forest industry has science-based standards and an infrastructure to promote water quality and riparian habitat protection.</p> <p><i>Guiding Principles:</i> Flexibility (#1)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Bluff and Steep Slope Buffers</p> <p><i>Revisor's Draft: Pages 58-60</i></p>	<p>Intensive vegetation clearing is not allowed within the bluff impact zone and on steep slopes.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Within the required structure setbacks from the bluffline, clear cutting is prohibited and selective cutting is permitted subject to restrictions.</p>	<p>A buffer consisting of trees, shrubs, and ground cover of plants and understory in a natural state, is required in bluff impact zones and on very steep slopes ($\geq 25\%$).</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>No change, except that intensive vegetation clearing is also prohibited within the required structure setback, and additional buffer standards apply as described above. Where WSR standards differ, the more restrictive prevail.</p>	<p>Address current problems with vegetation loss on bluffs and steep slopes, which results in erosion, sedimentation, slope instability, and reduced screening of structures.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and improve water quality (#6), Safeguard sensitive areas (#8)</p>
<p>Shoreline Buffers (land located between the OHWL and a line parallel to it at a specified distance)</p> <p><i>Revisor's Draft: Pages 60-63, 75-76</i></p>	<p>Intensive cutting is not allowed within the shore impact zone.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Within the required structure setbacks from the OHWL, clear cutting is prohibited and selective cutting is permitted subject to restrictions.</p>	<p><u>For an existing lot with a home, no changes in shoreline buffer standards (i.e., intensive cutting not allowed within the shore impact zone).</u></p> <p>LGUs must implement incentive, marketing or educational programs to encourage existing riparian property owners to protect or restore shoreline buffers. Specific standards provided.</p> <p><u>For new development on previously undeveloped parcels,</u> a 50 ft shoreline buffer consisting of trees, shrubs, and ground cover of plants and understory in a natural state, is required. Removal of trees and shrubs necessary to accommodate stairways, landings, chairlifts, access paths, recreational use areas, and permitted water-oriented accessory structure can occur. Except for the access path and recreational use area, a natural ground cover must be preserved or established in the 50 ft area near shore. Openings and lawns in the shoreline buffer that are not allowed must be replanted or left unmowed.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>No change, except that additional buffer standards apply as described above. Where WSR standards differ, the more restrictive prevail.</p>	<p>Address current problems with the conversion of forest shoreline to 'lawn-to-water' shoreline. Such conversion of shoreline results in 7 to 9 times more phosphorus entering the lake. Vegetation condition is critical for reducing pollutant runoffs and to provide wildlife habitat.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and improve water quality (#6), Safeguard sensitive areas (#8), Flexibility (#1)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Land Disturbing Provisions</p> <p><i>Revisor's Draft: Pages 63-67</i></p>	<p>Before grading or filling on steep slopes or within shore or bluff impact zones involving the movement of more than 10 yd³ of material or anywhere else in a shoreland area involving movement of more than 50 yd³ of material, it must be established by local official permit issuance that a set of conditions will be met. The conditions must also be considered during subdivision, variance, building permit, and other conditional use permit reviews.</p> <p>Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.</p>	<p>Erosion and sediment control technologies shall be required for any land disturbing activity that disturbs a total land surface area of 3,000 sq ft or more. All technologies deployed shall be consistent with the latest Protecting Water Quality in Urban Areas Manual. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes.</p> <p>Grading and filling of more than 10 yd³ of material or an area exceeding 250 sq ft within the shore impact zone shall only be permitted provided that a plan for erosion control, stormwater management, and shoreline buffer restoration is approved by the LGU and effectively implemented.</p> <p>Fill, excavations, grading, and other land disturbing activities shall be prohibited in bluff impact zones. Construction and land disturbing activities shall avoid wetlands.</p> <p>Per existing state rule, construction activities that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre shall require a stormwater permit from the Pollution Control Agency.</p> <p>Rock riprap and retaining walls shall only be used for the correction of an established erosion problem that cannot be controlled through the use of vegetation, slope stabilization using mulch, biomat, or similar bioengineered means. A permit shall be required for rock riprap that addresses a verified erosion problem that cannot be controlled through the use of other means.</p>	<p>Land disturbing activities, like grading or filling of even small amounts of material, generally have a serious potential for causing negative impacts to shoreland area natural resources and water quality. Some of these impacts are: sedimentation to receiving water bodies; soil deposition on adjacent properties or into wetlands; and significant erosion or soil slumping problems on steeper slopes or on highly erosive soils.</p> <p>Sediment delivery from construction site erosion can be a major source of pollution. Small construction sites are potential sources of large amounts of sediment erosion. The shoreline buffer is not usually adequate to prevent serious sediment delivery to lakes and rivers. However, sediment delivery from construction sites can be controlled through proper erosion and sediment control practices.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and improve water quality (#6)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Land Disturbing Provisions (continued)</p>	<p style="text-align: center;">In WSR River Shorelands:</p> <p>Grading and filling in of the natural topography that is not accessory to a permitted or conditional use is not allowed, nor is draining and filling in of wetlands. No provisions for rock rip rap, erosion and sediment control, or retaining walls.</p>	<p>Placement of sand, riprap, and retaining walls associated with the OHWL shall comply with DNR regulations.</p> <p>No change, except that more specific standards for land disturbing activities in bluff impact zones, erosion and sediment control, rock rip rap, and retaining walls also apply as described above.</p>	
<p>Stormwater Provisions</p> <p><i>Revisor's Draft Pages 67-70</i></p>	<p>LGUs must consider proper stormwater management in all reviews, approvals, and permits. General standards are provided; however, no performance standards are given.</p> <p>ISC cannot exceed 25% of lots. Constructed stormwater facilities for stormwater management must use BMPs for management practices.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>No provisions.</p>	<p>Revised general standards. Two options exist for specific standards. The first option relies on the use of impervious surface coverage caps.</p> <p>The second option allows LGUs with technical expertise to manage stormwater based on performance standards and on the impervious surfaces located on the project site as follows: (1) permanent treatment of 1" of runoff from the impervious surfaces created by development or redevelopment is required; (2) preference is given to volume reduction techniques that include infiltration basins, rain gardens, enhanced infiltration swales, filter strips, disconnected impervious areas, and other conservation designs (3) for those areas of a project where there is no feasible way to meet the treatment requirements, other treatment, such as grassed swales, grit chambers, vegetated filter strips, bioretention areas, off-line retention areas, and natural depressions for infiltration, is required prior to the runoff leaving the project site or entering surface waters.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Same as above.</p>	<p>The single greatest threat to Minnesota lakes and rivers is unmanaged or poorly managed rainwater runoff. It is important to manage rainwater to reduce pollutants and excessive nutrients entering our lakes. Rainwater that does not infiltrate into the ground or evaporate runs into our lakes and inlets and carries pollutants such as oil, dissolved metals, pesticides, suspended solids, pet waste, and nutrients. If the water infiltrates into the ground, the soil and plants can purify the rainwater and runoff.</p> <p>The new way of managing rainwater is to get the water into the ground near where it falls. This approach, often called low-impact development (LID), uses infiltration basins, rain gardens, grass overflow parking areas, grass swales, porous or pervious pavers, parking lot infiltration islands, and reduced hard surfaces. The key principle is to infiltrate most of the rainwater where it falls. This approach reduces pollutants and nutrients entering lakes, thus protecting lake water quality, and mitigating the consequences of increased imperviousness in a watershed.</p> <p><i>Guiding Principles: Use good science (#5), Protect and improve water quality (#6)</i></p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Impervious Surface Coverage (ISC) Limits</p> <p><i>Revisor's Draft: Pages 67-70</i></p>	<p>ISC limited to 25%.</p>	<p><i>For LGUs with technical expertise to manage stormwater with performance standards:</i> Residential lots – 25%, except for cities within areas meeting specific requirements, the ISC limit for non-riparian residential lots may be the same as for the underlying zoning district (see 'Exceptions to Lot Size and Density Standards').</p> <p><i>For LGUs that use the ISC caps:</i> New residential lots – 15% (20% with stormwater management plan) PUDs – 25% Residential lots of record – 25%</p> <p>Commercial – 25% Resort – 25% (for total project area and any tier; 30% with approved stormwater management plan)</p> <p><i>For LGUs that use the ISC caps, local shoreland controls may count half the area covered by porous pavers or other porous material as pervious surface if the porous system is designed and certified by a licensed engineer and BMPs were followed in design, installation, and maintenance as found in the latest Minnesota Stormwater Manual. In addition, local shoreland controls must include specific standards for use of this credit.</i></p> <p style="text-align: center;">In WSR River Shorelands:</p>	<p>Scientific research on the amount of impervious surface coverage has found that it is a key indicator of the quality of water flowing into our lakes. Research consistently shows that as the amount of impervious surface increases in the watershed, water quality decreases. More than 12% imperviousness has been shown to consistently result in a degradation of water quality.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and improve water quality (#6), Safeguard sensitive areas (#8)</p>
<p>Sewage System Standards (setbacks from OHWL)</p> <p><i>Revisor's Draft: Pages 71-72</i></p>	<p>Sewage system setbacks (ft): GD – 50 RD – 75 NE – 150</p> <p>Local governments must develop and implement programs to identify and upgrade sewage treatment systems that are inconsistent with the sewage treatment system design criteria.</p>	<p>Subsurface sewage treatment system (SSTS) setbacks:</p> <p><i>Absorption Area, Unsealed Privy (ft)</i> GD – 75* RD – 100 NE, CW, NE-SS – 150 * for residential lots of record, this distance may be reduced but must be greater than 50 ft.</p> <p><i>Sewage Tank, Holding Tank, Sealed Privy – 50 ft</i></p>	<p>Nitrate plumes from septic systems can be a problem, and phosphorus migrations can be a serious concern, especially in calcareous sandy soils. Research has found phosphorus plumes extending 66 to 98 ft, thus there is data to suggest that 100 ft may minimize the risk of phosphorus loading.</p> <p><i>Guiding Principles:</i> Use good science (#5), Protect and improve water quality (#6)</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Sewage System Standards (setbacks from OHWL) (continued)</p>	<p style="text-align: center;">In WSR River Shorelands:</p> <p>Sewage system setbacks (ft): RR – 75 SR – 100 WR – 150 Tributaries – 75</p> <p>Current WSR rules refer to shoreland design and maintenance standards.</p>	<p>SSTS must be set back 50 ft from small streams. All SSTS must meet or exceed M.R. 7080 to 7083, and any applicable local standards.</p> <p>LGUs shall require obtaining a valid certificate of compliance for the SSTS with conveyance of the lot or issuance of a permit or variance. Vacation home rental properties must meet or exceed applicable standards or rules of the Minnesota Department of Health and the MPCA.</p> <p>No change to setbacks. All standards above apply.</p>	
<p>Additional Wild, Scenic, and Recreational River Provisions</p> <p><i>Revisor's Draft: Pages 73-82</i></p>	<p>Chapter 6105 currently contains statewide provisions that are specific to WSR river shorelands and do not apply to all shorelands, including:</p> <ul style="list-style-type: none"> • Policy • Purpose • Scope • Designation procedures • Implementation of management plans • Watershed management & flood control structures • PCDs/PUDs • Utility transmission crossings & public roads • Public use of waters & lands • Changes in jurisdiction <p>Rules specific to each designated river – including the Kettle, Mississippi, North Fork of the Crow, Minnesota, Rum, and Cannon - are provided in individual river rules/management plans.</p>	<p>Provisions in existing WSR statewide standards and criteria that could not easily be incorporated into other parts of the shoreland standards or that apply specifically to WSR river shorelands have been relocated to this part. In most cases, these standards have not changed, except as follows: (1) standards for watershed management and flood control structures are eliminated because permit requirements are redundant with statutes; (2) clarification is provided that the only type of PUD allowed in WSR river shorelands is shoreland conservation subdivision; (3) vegetation alteration standards are updated to address tree and shrub removal activities such as girdling and poisoning, and to address intensive vegetation clearing for purposes other than forest management, (4) the prohibition on wetland draining and filling has been revised to require construction and land alteration activities to avoid wetlands unless authorized under the Wetland Conservation Act, (5) the standards for utility transmission crossings and public roads are combined and simplified to reduce</p>	<p>The proposed changes were necessary to ensure consistency with current statutes, and to provide clarity on the applicability of new shoreland provisions within WSR river shorelands.</p> <p><i>Guiding Principles: Consistency (#7)</i></p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Additional Wild, Scenic, and Recreational River Provisions (continued)</p>		<p>redundant and ambiguous language; (6) all public roads and streets require a CUP (the exemption for minor public streets is eliminated); (7) the restrictions on public use of lands and waters have been updated to eliminate misdemeanor penalties when not authorized by statute and to clarify where the restrictions apply; (8) added clarity on moratorium requirements and procedures when WSR river shorelands are annexed or transferred to another jurisdiction consistent with provisions in individual river management plans. A moratorium is required on development until the city adopts zoning controls for the annexed shoreland, and the zoning meets the provisions that applied to the shoreland prior to the transfer. Individual river management plans have not been included in the proposal. Rulemaking will occur for these parts of rule at a later date.</p>	
<p>Subdivision Options</p> <p><i>Revisor's Draft: Pages 82-87</i></p>	<p>Conventional lot and block subdivisions, residential planned unit developments, and commercial planned unit developments.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Conventional lot and block subdivisions and PCDs are the only subdivision options allowed on WSR land use districts.</p>	<p>Conventional lot and block subdivisions, PUD, shoreland conservation subdivisions (a type of PUD), and resorts.</p> <p>In addition, a public values-driven collaborative development track is provided within the PUD options to give LGUs flexibility in development standards. Provisions on the process and the review requirements exist. Flexibility in development standards may be allowed when the development will provide additional public benefits and advanced environmental and natural resource protections.</p> <p>No change, except that the PCD option is replaced with the PUD/shoreland conservation subdivision option. The public values-driven collaborative development track is not an option.</p>	<p>Allowance of an alternative track for collaboration in the design of communities may provide a simple means to get subdivisions that protect sensitive areas and provide additional public benefits.</p> <p><i>Guiding Principles: Flexibility (#1)</i></p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Conventional Lot and Block Subdivisions</p> <p><i>Revisor's Draft: Page 88-89</i></p>	<p>Permitted or conditional use depending on district.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Permitted provided lot size and land suitability requirements are met.</p>	<p>Where allowed by the LGU, the common open space requirements must be met or exceeded. The open space requirements for conventional subdivisions can be met by one or a combination of methods as described above.</p> <p>Lot size requirements must be met or exceeded. Stormwater management must meet or exceed specific standards.</p> <p>No change, except that common open space requirements must also be met as described above.</p>	<p>Incentives and disincentives are used to promote the use of shoreland conservation subdivisions and PUDs, which are expected to better meet the intent of shoreland standards than conventional subdivisions.</p> <p><i>Guiding Principles:</i> Incentives (#2), Protect and improve water quality (#6), Think long-term (#4), Safeguard sensitive areas, imperiled species, and critical habitats (#8)</p>
<p>Controlled Access Lots (CALs) and Alternative Access Lots (AALs)</p> <p><i>Revisor's Draft: Pages 93-95</i></p>	<p>CALs and AALs may be used by LGUs to provide access to public waters to nonriparian lot owners. Specific standards for CALs are provided.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>In WSR Rules: CALs are prohibited. AALs are not addressed.</p>	<p>CALs are only allowed on big lakes and associated major rivers.</p> <p>AALs must be used as a tool for providing access to riparian lot owners where direct access is not feasible due to the presence of protected vegetation, wetlands, or other critical fish or wildlife habitat. Easements to non-riparian lot owners to allow access are prohibited.</p> <p>Both CALs and AALs must comply with the dimensional standards for the lake or river class. Where more than six lots are to be served, the width of a CAL must increase by 25% for each lot in excess of 6</p> <p>CALs continue to be prohibited in WSR river shorelands. AALs are allowed subject to the above standards.</p>	<p>Given full-build out of lakes, many lakes are predicted to exceed safe boating density standards. Allowing these lots for non-riparian lot owners will likely create excessive crowding issues and result in the loss of economic and environmental value.</p> <p><i>Guiding Principles:</i> Think long-term (#4)</p>
<p>Planned Unit Development (PUD)</p> <p><i>Revisor's Draft: Pages 86-89</i></p>	<p>Residential and commercial PUD standards. Without the use of the variance process, no flexibility for PUDs that did not meet the state's standard.</p>	<p>Developments consistent with the PUD definition, including recreational vehicle parks, travel trailer parks, manufactured home parks, park trailer parks, and similar developments would be considered a form of PUD and must be developed or redeveloped consistent with the applicable PUD standards.</p> <p>Where a riparian land dedication or a land preservation agreement of the riparian area is elected or required, the LGU may use the</p>	<p>Maximum densities increases were large, which reduced the intent of the rules to create or maintain open space, protect water quality, and fish and wildlife habitat. Specific open space standards are given, which are designed to protect economic and natural resource values. Beyond these simple requirements, local governments set their own design criteria for these developments.</p> <p>These provisions are needed to address the shortcomings of</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Planned Unit Development (continued)</p>	<p>PCDs are the only alternative to conventional lot and block subdivisions allowed.</p> <p>No specific standards for density/lot size, site design, or open space, just that PCDs may have smaller lot sizes, must have compliant central sewage facilities, and must preserve open space.</p>	<p>PUD provisions of the underlying zoning district, with the following conditions: (1) standards for the placement and height of structures and facilities must be met; and (2) if shoreland recreational facilities are allowed, the project must meet the mooring standards.</p> <p>For cities within areas meeting specific standards (see 'Exceptions to Lot Size and Density Standards'), the PUD standards may be the same as for the underlying zoning district, with the following conditions: (1) standards for the placement and height of structures and facilities must be met or exceeded; (2) the shore and bluff impact zones, based on required structure setbacks, would be included as common open space and buffers in these zones must meet shoreland buffer standards; and (3) if shoreland recreational facilities are allowed, the project must meet or exceed the mooring standards.</p> <p>A shoreland conservation subdivision is a specific PUD standard. In the shoreland, LGUs are free to use their own PUD standards with clear conditions and requirements.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>No change, except in terminology (shoreland conservation subdivision replaces PCD and is the only type of PUD allowed). In cities, PUD standards cannot be the same as the underlying zoning in WSR river shorelands.</p>	<p>conventional subdivisions and to promote developments that are less expensive to developers, more desired by potential buyers, and that offer greater protection and conservation of natural resources in shorelands by preserving natural areas for recreational use, wildlife, and riparian buffers to protect water quality.</p> <p>LGUs may use their own PUD standards with conditions, and this provision recognizes the need for some flexibility in meeting local needs.</p> <p><i>Guiding Principles:</i> Flexibility (#1)</p>
<p>Shoreland Conservation Subdivisions</p> <p><i>Revisor's Draft:</i> Pages 95-102</p>	<p>Residential and commercial PUD standards. Resorts are commercial PUDs and must follow commercial PUD design criteria. At least 50% of total project area must be preserved as open space. Open space not defined.</p> <p>The base residential PUD density is calculated by determining the suitable area within each tier</p>	<p>Resorts are separated from PUDs, and have their own specific standards. A shoreland conservation subdivision is a specific State Shoreland PUD standard.</p> <p>Shoreland conservation subdivision provisions include:</p> <ul style="list-style-type: none"> - Use of 2 tiers; - Density incentives are provided, which the developer 	<p>These provisions are needed to address the shortcomings of conventional subdivisions and to promote developments that are less expensive to developers, more desired by potential buyers, and that offer greater protection and conservation of natural resources in the shorelands.</p>

ATTRIBUTE	EXISTING RULES	PROPOSAL	RATIONALE
<p>Shoreland Conservation Subdivisions (continued)</p>	<p>divided by the single residential lot size standard for the lake class.</p> <p>Residential PUD Density bonuses: 50% – 1st tier 100% – 2nd tier 200% – 3rd tier 200% – 4th tier 200% – 5th tier Maximum density increases may only be allowed if structure setbacks are increased to at least 50% greater than the minimum (or 25% with impacts reduced with other means acceptable).</p> <p>Commercial PUD used a floor area ratio to determined allowable density.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>No standards for determining lot size or development density calculations.</p>	<p>chooses, based on elected structure setbacks (from 0 to 33% bonus increase);</p> <ul style="list-style-type: none"> - Clear natural area standards (i.e., common open space standards); and - Flexibility in lot size is allowed. <p>Lots in first tier must not extend into the shore impact zone, and for each tier the average lot size cannot exceed 20,000 sq ft.</p> <p>Specific standards are provided to evaluate land suitability; determine lot sizes; calculate density; and identify and preserve open space as described above.</p>	<p>Conservation subdivisions are an important tool used elsewhere to provide better lots for homeowners while protecting water quality, promoting economic development, and creating areas for recreational use, wildlife, and riparian buffers to protect water quality.</p> <p><i>Guiding Principles:</i> Incentives (#2), Protect and improve water quality (#6), Think long-term (#4), Safeguard sensitive areas, imperiled species, and critical habitats (#8)</p>
<p>Resorts</p> <p><i>Revisor's Draft: Pages 102-113</i></p>	<p>Resorts are commercial PUDs and must follow commercial PUD design criteria.</p> <p style="text-align: center;">In WSR River Shorelands:</p> <p>Resorts are not listed in the WSR use table and are therefore prohibited.</p>	<p>Resorts are separated from PUDs; however, new resorts must follow many of the shoreland conservation subdivision design criteria.</p> <p>Resorts may replace structures provided that stormwater management and/or shoreline buffers are addressed. Resort expansion allowances with erosion control, stormwater management, and shoreline buffer to address water quality issues.</p> <p>Specific shoreline recreational facility requirements for resorts.</p> <p>Resort conversion to a PUD or a residential development must follow the required development standards like any other development or redevelopment.</p> <p>New resorts and resort expansions continue to be prohibited in WSR shorelands.</p>	<p>Resorts are given flexibility in rule due to their unique economic and cultural value within the State.</p> <p><i>Guiding Principles:</i> Flexibility (#1), Correct existing site problems (#3)</p>

**Guiding principles developed through the Statewide External Advisory Committee.
See Issue Identification Report for more information.**

#	Principle or Group of Principles
1	<p>Flexibility.</p> <p>Provide flexibility (beyond density issues) via recognizing the geopolitical, geographical/regional or ecological differences found in the state.</p> <p>Allow densities in shoreland areas that are in context to the area's infrastructure.</p> <p>Provide flexibility for different regions and type of water body (lakes vs. rivers). Standards should be flexible and reflect the natural baseline condition of lakes and rivers, either individually or by region.</p> <p>To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce surface area of roads.</p>
2	<p>Incentives.</p> <p>Create incentives for development and redevelopment that provide a reasonable economic return, protect natural areas, and create livable communities.</p> <p>Need to incorporate incentives that allow, by ordinance not variance, deviation from standards (i.e., Rain Gardens, Combining lots, Buffer Restorations, Oversized drain fields, etc.).</p> <p>Find opportunities (i.e., incentives) to promote appropriate land stewardship among all shoreland owners.</p> <p>Use incentive-based, voluntary adoption of BMPs when possible.</p>
3	<p>Correct existing site problems, like septic and stormwater.</p> <p>Place more emphasis on existing development and pollutant factors from them. "Other than public out cry ("not in my back yard" NIMBY) for no more development because of lake degradation and environmental – the biggest factor is septic systems that have not been updated since the original shoreland regulations of 1970."</p> <p>For existing development, focus on septic, stormwater controls and other performance-based standards.</p> <p>For redevelopment, look for opportunities to improve water quality or fish and wildlife habitat conditions (i.e., fix the sins of the past).</p> <p>Mandatory septic inspections for private lake homes and cabins.</p>
4	<p>Think long-term.</p> <p>Preserve both the short-term and long-term natural environment values of shoreland at the landscape level.</p> <p>Preserve both the short-term and long-term economic and natural environmental values of shoreland.</p> <p>Strive to protect and maintain the ecological values (form and function) of undeveloped shoreland and the adjoining lake.</p>
5	<p>Use good science.</p> <p>Best management practices.</p> <p>Use best available science.</p>

#	Principle or Group of Principles
6	<p>Protect and improve water quality of lakes, streams, and other water resources.</p> <p>Protect and improve water quality of lakes, streams, and other water resources by including all substantially connected waterways in shoreland ordinances. This must include lakes, rivers, streams, tributaries, and ditches.</p> <p>Protect and improve water quality. [Our recommendations for shoreland zoning should be proportionate and reasonable!] Ensure that the construction, reconstruction, structural alteration, expansion or replacement of a structure in the shoreland zone is designed to limit environmental impacts and prevent water pollution.</p> <p>"It is in the best interest of the people to protect for the future Minnesota's natural legacy of clean lakes and rivers for their economic, cultural, and ecological benefits."</p>
7	<p>Consistency. [Shoreland zoning has to be consistent throughout the state. The playing field must be fair. Enforcement must be equal.]</p> <p>Strive for consistency of rule (e.g., definitions, applications, etc.).</p> <p>Strive for consistent application of rules.</p> <p>Create rules, regulations and definitions that are consistent between public and private entities (i.e., stormwater design criteria, wetland mitigation, usable land).</p> <p>Standards should be the same for all waters, and priorities for restoration and/or preservation should be developed through the TMDL process.</p>
8	<p>Safeguard sensitive areas, imperiled species, and critical habitats.</p> <p>Protect or maintain the integrity of sensitive habitat areas and the values of undeveloped shorelines.</p> <p>Protect or maintain the integrity of sensitive habitat areas and the values, including aesthetic values of undeveloped shorelines.</p> <p>Protect undeveloped shoreland.</p>
9	<p>Education.</p> <p>Promote shoreline restoration through education as a means of improving water quality and habitat in developed shoreland areas.</p>
10	<p>Respect for private property rights.</p> <p>Need to balance shoreland restrictions with private property owner's development interests. Respect the rights of private lakeshore owners. Rules need to be based upon sound reasoning. Education, understanding, and incentives will create desired results far easier than mandates and penalties. Desired outcomes need to take precedence over the rules themselves.</p> <p>Right of property owners to have access to the lake</p>
11	<p>New rules should not create additional nonconformity.</p> <p>New rules should not create additional non-conforming parcels or structures.</p>
12	<p>Address Water Run-Off.</p> <p>(Ensure construction, reconstruction, structural alteration, expansion or replacement of a structure in the shoreland zone is designed to limit environmental impacts and prevent water pollution. Incorporation of Low Impact Development (LID) infiltrative practices and native vegetative buffers into all new shoreline development and redevelopment to fully mitigate all runoff to the water body resulting from construction of new impervious surfaces within shoreland areas.</p> <p>Reduce erosion, sedimentation, and soil compaction through the retention of existing vegetation, minimize development on steep slopes and erodable soils.</p>
13	<p>Substantive rule changes are needed in many areas to help sustain quality shoreland habitats, aquatic habitats, and water quality.</p>
14	<p>Use the Alternative Shoreland Standards process.</p> <p>Use the alternative shoreland standards as a cornerstone.</p>
15	<p>Recognize but do not duplicate regulatory controls administered by other agencies.</p> <p>Collaborate with other state and federal agencies to share common goals and objectives.</p>