



MAYOR AND COUNCIL COMMUNICATION

DATE: 6/14/16

REGULAR

ITEM #:

MOTION

AGENDA ITEM: Shoreland Ordinance
SUBMITTED BY: Stephen Wensman, Planning Director
REVIEWED BY: Emily Becker, City Planner
Kristina Handt, City Administrator

BACKGROUND:

The regulation of shorelands in MN are governed by Minnesota Rules Part 6120.2800. This State Statute defines the scope of the DNR shoreland regulations, which in no uncertain terms states that the DNR's minimum standards and criteria apply to those shoreland of public waters of the state which are subject to local government land use controls. In 2015, the City of Lake Elmo updated its Shoreland Ordinance, but had not received MNDNR approval as required. Typically, the process is track the changes to the ordinance and to follow a MN/DNR checklist to be sure the amended ordinance is compliant with minimum requirements. The 2015 ordinance amendment was rather comprehensive to address the City's zoning code update and no tracking of individual changes was made. The Planning Department has been working with the MNDNR to get Shoreland Ordinance approved by the MNDNR and has had several meetings with Jenifer Sorenson at the MNDNR to discuss the approval process and to go through the checklist item by item.

ISSUE BEFORE COUNCIL:

Emily Becker, City Planner, has completed the checklist and has drafted an ordinance update that Staff feels will comply with the minimum requirements of the MNDNR's for shorelands and is requesting permission by the City Council to send the ordinance and checklist to the MNDNR for their approval of the ordinance. The draft ordinance amendment has added language to in an attempt to meet the MNDNR's minimum requirements. Once comments are received back by the MNDNR, Staff will address any identified issues and will then begin the process of adopting those changes with a public hearing at the Planning Commission and adoption by the City Council.

PROPOSAL DETAILS/ANALYSIS:

Although Staff is not seeking the Council's review of the Shoreland Ordinance at this time, the draft amendment to be sent to the MNDNR addresses areas that our current ordinance appears to be noncompliant with the MNDNR's model ordinance. The draft ordinance amendment will update the 2015 Shoreland Ordinance as follows:

- Subd. A– adding a reference to MN State Statutes

- Table 17-3 - Change setback from a Natural Environment lake, increasing the minimum lot size for two family/duplexes, and adding minimum lot width for unsewered single family and duplex development.
 - Adding g. Lots intended as controlled access to public waters...
- Design Criteria for Structures -Adding Roads, Driveway and Parking Area requirements
- Planned Unit Developments – Approval by the MNDNR required – avoids adding a long and confusing PUD section to the Code.
- Nonconformities – updated to meet MNDNR minimum requirements.

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends the City Council direct Planning Staff to send the Draft Ordinance Amendment and checklist to the MNDNR for formal approval with the following motion:

“Move to direct Planning Staff to send the MNDNR the City of Lake Elmo’s draft Shoreland Ordinance Amendment and checklist to begin the formal approval process as required by Minnesota Statutes Section 103F.221”

