

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to

the Dept of Natural Resources
(Agency or Board)

Chapter 6 Regulation No. NR 82-84

Subject: Standards and Criteria for the Management of Municipal Shorelands of Minnesota

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAR 15 1976

BY Eda Staudenmayer
AUTH. SIGNATURE

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Rev. 9-72

206

Don Kannas
Special Assistant
Attorney General

March 16, 1976

- NR 82-84

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL
NATURAL RESOURCES

Office Memorandum

TO : Mike Miller
Special Assistant Attorney General

DATE: 2/24/76

FROM : Don Kannas DAK
Special Assistant Attorney General

SUBJECT:

Attached please find the required documents and the record for promulgating pursuant to Chapter 15, Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota.

As I had discussed with you some time ago, the court reporter malfunctioned, leaving us with no official transcript of testimony. However, the hearing was very short, testimony was limited, and we have, I believe, adequately re-created the evidence of the day.

If you have any questions, call me at #3304.

DAK/tgh

Rec'd. 2/24/76

STANDARDS AND CRITERIA FOR THE
MANAGEMENT OF MUNICIPAL SHORELAND AREAS OF MINNESOTA
Chapter Six NR 82 - 84

NR 82 General Provisions

(a) STATEMENT OF POLICY

The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In accordance with the authority granted in the Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in Minnesota Statutes 1974, Chapters 105, 115, 116, and 462, the Commissioner of Natural Resources, hereinafter referred to as the Commissioner, does hereby provide the municipalities of the State with minimum standards and criteria for the subdivision, use, and development of the shorelands of public waters located in municipalities in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the State.

(b) SCOPE

(1) To achieve the policies declared in NR 82(a), the Commissioner here sets forth minimum standards and criteria for the wise use and development of shorelands in NR 82 - 84 which include:

(aa) Classification of public waters.

(bb) Regulations providing for the designation of land use zoning districts compatible with shoreland management classification.

(cc) Regulations providing minimum dimensions for the size and length of water frontage of lots suitable for building sites.

(dd) Regulations governing the placement of structures in relation to shorelines and roads.

(ee) Regulations governing the amount of impervious surface allowed on

each lot.

(ff) Regulations governing the type and placement of sanitary and waste disposal facilities.

(gg) Regulations governing the alteration of natural shorelands in municipalities.

(hh) Regulations governing the placement of roads and parking areas in shoreland areas.

(ii) Regulations governing the subdivision of shoreland areas in municipalities.

(jj) Provisions for the enforcement and administration of municipal shoreland management ordinances.

(2) These are minimum standards and criteria for municipal shoreland management ordinances. Each municipality shall be responsible for the administration and enforcement of the shoreland management ordinance adopted in compliance with these standards and criteria. Nothing in these standards and criteria shall be construed as prohibiting or discouraging a municipality from adopting and enforcing ordinances, rules, or regulations which are more restrictive.

(c) JURISDICTION

These minimum standards and criteria apply to those shorelands of public waters of the State which are located in municipalities.

(d) DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

"Boathouse" means a structure used solely for the storage of boats or boating equipment.

"Building Line" means that line measured across the width of the lot at the

point where the main structure is placed in accordance with setback provisions.

"Clear-cutting" means the removal of an entire stand of trees.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the municipality after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Crowding Potential" means the ratio of total acreage of a water body to shore miles.

"Hardship" means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

"Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

"Municipality" means any city.

"Nonconforming Use" means any use of land established before the effective date of a municipal ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Ordinary High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the

natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Planned Unit Development" means a type of development which may incorporate a variety of land uses planned and developed as a unit. The Planned Unit Development is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner.

"Public Waters" means any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of these regulations.

The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin 25, An Inventory of Minnesota Lakes, or in the event that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with municipalities.

"Setback" means the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark or between a structure or sanitary facility and a road, highway, or property line.

"Shoreland" means land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain desig-

nated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

"Structure" means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of sale or lease, or divided successively within a five year period for the purpose of sale or lease, into three or more lots or parcels of less than five acres each, contiguous in area and which are under common ownership or control.

"Substandard Use" means any use of shorelands existing prior to the date of enactment of any municipal ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

"Variance" means any modification or variation of official controls where it is determined that, because of hardships, strict enforcement of the official controls is impractical.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

(f) SHORELAND MANAGEMENT CLASSIFICATION SYSTEM

(1) The Commissioner shall classify all public waters in municipalities in accordance with the provisions of Minn. Reg. Cons. 71 (a)(1), (2) and (3) and the following criteria:

(aa) Those waters whose shores are presently characterized by industrial, commercial or high density residential development shall be classified General Development.

(bb) Those waters whose shores are presently characterized by medium density

residential development with or without limited service-oriented commercial development shall be classified as Recreational Development.

(cc) Those waters whose shores are presently characterized by low density, single-family residential development shall be classified as Natural Environment.

(dd) Those waters whose shores are not yet densely developed, so that the future character of the waters is a matter of choice, shall be classified as either Natural Environment or Recreational Development, depending on:

(i) Existing natural characteristics of the waters and shorelands.

(ii) The ability of the waters and adjacent shorelands, based on size and crowding potential, to accept without degradation, medium density shoreland development.

(iii) State, regional, county, and municipal plans.

(iv) Existing land use restrictions.

(2) Supporting data for the shoreland management classification is supplied by the records and files of the Department of Natural Resources, Bulletin No. 25 of the Division of Waters, Soils and Minerals (1968); other supporting data is provided in Minnesota's Lakeshore, Part 2, Statistical Summary, Department of Geography, University of Minnesota; and additional supporting data may be supplied, as needed, by the Commissioner.

(3) Classification Procedures

Public waters shall be classified by the Commissioner. The Commissioner shall document each classification with appropriate supporting data. He shall submit a preliminary list of classified public waters to each affected municipality. Each affected municipality shall be given an opportunity to request a change in the proposed classification. If a municipality feels such a change is needed, a written request with supporting data may be submitted to the Commissioner for consideration. If a municipality requests a change in a proposed shoreland management classification and the public water is located partially within the jurisdication of another

governmental unit, the Commissioner shall review the recommendations of the other governmental unit(s) prior to making a final decision on the proposed change.

(4) Reclassification

The Commissioner may, as the need arises, reclassify any public water. Also, any municipality may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the Commissioner for consideration.

(5) Classification System - Modification and Expansion:

The Commissioner may, as the need arises, modify or expand the shoreland classification system to provide specialized shoreland management regulations based upon unique characteristics and capabilities of any public water(s).

NR 83 Land Use Control Provisions

(a) LAND USE DESIGNATION

The development of shorelands of public waters shall be controlled by means of land use zoning districts which are designated to be compatible with the classes of public waters set forth in NR 82 (f). Land use zoning districts shall be established to provide for:

(1) The management of areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety or welfare of the residents of the community.

(2) The reservation of areas suitable for residential development from encroachment by commerical and industrial uses.

(3) The centralization of service facilities for residential areas and enhancement of economic growth for those areas suitable for limited commercial development.

(4) The management of areas where use may be directed toward commercial or industrial uses, rather than strictly residential uses, which by their nature require location in shoreland areas.

(b) CRITERIA FOR LAND USE ZONING DISTRICT DESIGNATION

The land use zoning districts established by municipalities shall be based on considerations of: preservation of natural areas; present ownership and development of shoreland areas; shoreland soil types and their engineering capabilities; topographic characteristics; vegetative cover; municipal socio-economic development needs and plans as they involve water and related land resources; the land requirements of industry which, by its nature, requires location in shoreland areas; and the necessity to preserve and restore certain areas having significant historical or ecological value.

(c) ZONING PROVISIONS

In order to reduce the effects of over-crowding, to prevent pollution of waters of the State, to provide ample space on lots for sanitary facilities, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas; municipal shoreland ordinances shall control lot sizes, placement of structures on lots and alterations of shoreland areas.

(1) Lot Size - All lots intended as residential building sites platted or created by metes and bounds description after the date of enactment of the municipal shoreland ordinance shall conform to the following dimensions:

(aa) For Natural Environment Waters: Lots not served by public sewer shall be at least 80,000 square feet (approximately 2 acres) in area and at least 200 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by public sewer and which abut a public water shall be at least 40,000 square feet (approximately one (1) acre) in area and at least 125 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 20,000 square feet (approximately ½ acre) in area and at least 125 feet in width at the building line.

(bb) For Recreational Development Waters: Lots not served by public sewer shall be at least 40,000 square feet (approximately one (1) acre) in area and at

least 150 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by public sewer and which abut a public water shall be at least 20,000 square feet (approximately ½ acre) in area and at least 75 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 15,000 square feet in area and at least 75 feet in width at the building line.

(cc) For General Development Waters: Lots not served by a public sewer shall be at least 20,000 square feet (approximately ½ acre) in area and at least 100 feet in width at the building line and at the ordinary high water mark (for lots abutting a public water). Lots served by a public sewer and which abut a public water, shall be at least 15,000 square feet in area and at least 75 feet in width at the building line and at the ordinary high water mark. All other lots served by a public sewer shall be at least 10,000 square feet in area and at least 75 feet in width at the building line.

(dd) Substandard lots: lots of record in the office of the County Register of Deeds on the date of enactment of the Municipal Shoreland Ordinance which do not meet the requirements of NR 83 (c) (1) (aa) through (dd) may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of the shoreland ordinance are complied with insofar as practicable. Each municipal ordinance may, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot(s) are served by public sewer and water.

(ee) Exceptions - Exceptions to the provision of NR 83 (c) (1) (aa) through (ee) may be permitted for Planned Unit Developments pursuant to NR 83 (E) (4).

(2) Placement of Structures on Lots - The placement of structures on lots shall

be controlled by the municipal shoreland ordinance in accordance with the class of public waters, high water elevation, and location of roads and highways.

(aa) The following minimum setbacks for each class of public waters shall apply to all structures except those specified as exceptions in NR 83 (c) (2) (ff):

(i) For Natural Environment Waters: at least 200 feet from the ordinary high water mark for lots not served by public sewer and at least 150 feet from the ordinary high water mark for lots served by public sewer.

(ii) For Recreational Development Waters: at least 100 feet from the ordinary high water mark for lots not served by public sewer and at least 75 feet from the ordinary high water mark for lots served by public sewer.

(iii) For General Development Waters: at least 75 feet from the ordinary high water mark for lots not served by public sewer and at least 50 feet from the ordinary high water mark for lots served by public sewer.

(iv) Furthermore, no structure shall be erected in the floodway of a river or stream as defined in Minnesota Statutes 1974, Section 104.02.

(bb) High Water Elevations - In addition to the setback requirements of NR 83 (c) (2), municipal shoreland ordinances shall control placement of structures in relation to high water elevation. Structures shall be placed at an elevation consistent with any applicable local flood plain management ordinances. When fill is required to meet this elevation, the fill shall be allowed to stabilize to accepted engineering standards before construction is begun. When no ordinances exist, the elevation to which the lowest floor, including basement, shall be placed shall be determined as follows:

(i) For lakes, ponds, and flowages by (a) an evaluation of avail-

able flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota or (b) placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

(ii) For rivers and streams, by an evaluation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain AReas of Minnesota.

(cc) Proximity to Roads and Highways - No structure shall be placed nearer than 50 feet from the right-of-way line of any federal, state, or county trunk highway; or 20 feet from the right-of-way line of any town road, public street, or others not classified.

(dd) All structures, except non-residential agricultural structures, shall not exceed 35 feet in height, unless such structures are approved as part of a Planned Unit Development pursuant to the procedures set forth in NR 83 (e) (4).

(ee) The total area of all impervious surfaces on a lot shall not exceed 30 percent of the total lot area.

(ff) Exceptions:

(i) Boathouses may be located landward of the ordinary high water mark as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.

(ii) Location of piers and docks shall be controlled by applicable state and local regulations.

(iii) Where development exists on both sides of a proposed building site, structural setbacks may be altered to take setbacks of existing structures into account.

(iv) Commercial, industrial, or permitted open space uses requiring

location on public waters may be allowed as conditional uses closer to such waters than the setbacks specified in NR 83 (c) (2).

(3) Shoreland Alterations:

(aa) Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the municipal shoreland ordinance in accordance with the following criteria.

(i) Clearcutting shall be prohibited, except as necessary for placing public roads, utilities, structures, and parking areas.

(ii) Natural vegetation shall be restored insofar as feasible after any construction project.

(iii) Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.

(bb) Grading and filling in shoreland areas or any other substantial alteration of the natural topography shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(i) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(ii) Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.

(iii) Methods to prevent erosion and trap sediment shall be employed.

(iv) Fill shall be stabilized to accepted engineering standards.

(cc) Alterations of Beds of Public Waters:

(i) Any work which will change or diminish the course, current, or cross section of a public water shall be approved by the Commissioner before the work is begun. This includes construction of

channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of Minnesota Statutes 1974, Section 105.42 and other related statutes.

(ii) Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by the municipal shoreland ordinance. Permission for such excavations may be given only after the Commissioner has approved the proposed connection to public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

(4) Placement of Roads and Parking Areas - The placement of roads and parking areas shall be controlled in order to retard the runoff of surface waters and excess nutrients. The placement of roads and parking areas shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(aa) No impervious surface shall be placed within 50 feet of the ordinary high water mark.

(bb) Where feasible and practical, all roads and parking areas shall meet the setback requirements established for structures in NR 83 (c) (2).

(cc) Natural vegetation or other natural materials shall be used in order to screen parking areas when viewed from the water.

(5) Municipalities may, under special circumstances and with the Commissioner's approval, adopt shoreland management ordinances whigh are not in strict conformity with NR 83 (c) "Zoning Provisions" provided that the proposed ordinance is based upon individual public water capabilities and that the purposes of Minnesota Statutes 1974,

Section 105.484 are satisfied.

(d) SANITARY PROVISIONS

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, municipal shoreland ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use, and maintenance; and shall control commerical, agricultural, industrial and municipal waste disposal, and solid waste disposal sites.

(1) Water Supply

(aa) Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality.

(bb) Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with accepted engineering standards.

(2) Sewage and Waste Disposal

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

(aa) Public or municipal collection and treatment facilities shall be used where available or feasible.

(bb) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules, and regulations of the Minnesota Department of Health and the Pollution Control Agency and any applicable local goverment regulations in terms of size, construction, use and maintenance.

(cc) Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the quality of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot,

slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.

(dd) Septic tank and soil absorption systems shall be set back from the ordinary high water mark in accordance with the class of public waters;

(i) On Natural Environment Waters, at least 150 feet;

(ii) On Recreational Development Waters, at least 75 feet; and

(iii) On General Development Waters, at least 50 feet.

(ee) Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage:

(i) Low, swampy areas or areas subject to recurrent flooding;

(ii) Areas where the highest known ground water table, bedrock or impervious soil conditions are within four feet of the bottom of the system; and

(iii) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.

(ff) Municipal shoreland ordinances may require or allow alternative methods of sewage disposal, such as holding tanks, privies, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, provided such facilities meet the standards, criteria, rules, and regulations of Minnesota Pollution Control Agency and the Minnesota Department of Health.

(gg) Public sewage disposal and commercial, agricultural, solid waste, and industrial waste disposal, shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.

(e) SUBDIVISION PROVISIONS

(1) Land Suitability

No land shall be subdivided which is held unsuitable by the municipality for the proposed use because of flooding, inadequate drainage, soil and rock formations with

severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) Inconsistent Plats Reviewed by Commissioner

All plats which are inconsistent with the municipal shoreland ordinance shall be reviewed by the Commissioner before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least ten (10) days before a hearing is called by the municipality for consideration of approval of a final plat.

(3) Copies of Plats Supplied to Commissioner

Copies of all plats within shoreland areas shall be submitted to the Commissioner within ten (10) days of final approval by the municipality.

(4) Planned Unit Development

Altered zoning standards may be allowed as exceptions to the municipal shoreland ordinance for planned unit developments provided:

(aa) Preliminary plans shall be approved by the Commissioner prior to their approval by the municipality.

(bb) Central sewage facilities shall be installed which at least meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health and the Pollution Control Agency or the Planned Unit Development is connected to a municipal sanitary sewer.

(cc) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, or other methods.

(dd) That the following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:

(i) Suitability of the site for the proposed use;

(ii) Physical and aesthetic impact of increased density;

(iii) Level of current development;

(iv) Amount and ownership of undeveloped shoreland;

(v) Levels and types of water surface use and public access; and

(vi) Possible effects on over-all public use.

(ee) Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to all applicable federal and state regulations including, but not limited to the following:

(i) Licensing provisions or procedures;

(ii) Waste disposal regulations;

(iii) Water supply regulations;

(iv) Building codes;

(v) Safety regulations;

(vi) Regulations concerning the appropriation and use of Public Waters as defined in Minnesota Statutes 1974, Chapter 105; and

(vii) Applicable regulations of the Minnesota Environmental Quality Council.

(ff) The final plan for a planned unit development shall not be modified, amended, repealed, or otherwise altered unless approved in writing by the developer, the municipality, and the Commissioner.

(gg) There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

NR 84 General Administration

(a) ADMINISTRATION AND ENFORCEMENT

Municipalities shall provide for the administration and enforcement of the Municipal Shoreland Ordinance adopted pursuant to Minnesota Statutes 1974, Section 462.362.

(1) Permit System: In order to facilitate orderly and efficient administration and enforcement of municipal shoreland ordinances, municipalities shall establish

permit procedures for building construction, installation of sewer and water facilities, and grading and filling in shoreland areas.

(2) Variances: Variances shall only be granted when there are particular hardships which make strict enforcement of official control impractical. They shall not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

(3) Nonconforming Uses: Under authority of Minnesota Statutes 1974, Section 462, municipalities may adopt provisions to regulate, control and reduce the number or extent of and gradually eliminate nonconforming and substandard uses. Municipalities shall provide for the elimination of sanitary facilities inconsistent with NR 83 (d) (2) (bb), (2) (cc), and (2) (ee) over a period of time not to exceed five (5) years from the date of enactment of the municipal ordinance.

(b) JOINT EXERCISE OF POWERS

In order to facilitate more logical, consistent, and efficient administration of municipal shoreland management ordinances, municipalities are encouraged, wherever feasible and practicable, to enter into joint powers agreements with adjacent or otherwise similarly situated local units of government for the purpose of jointly administering and enforcing shoreland management ordinances pursuant to the procedures and authority of Minnesota Statutes 1974, Section 394.32 and 471.59.

(c) NOTIFICATION PROCEDURES

(1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner at least ten (10) days prior to such hearings.

(2) A copy of amendments and final decisions granting variances or conditional

uses under the municipal shoreland management ordinance shall be received by the Commissioner within ten (10) days of final action or amendment.

APPROVED AS TO FORM AND LEGALITY

MAR 15 1976 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 15 1976 - 4:15 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAR 15 1976

BY Eda Staudenmaier
AUTH. SIGNATURE 4:30 PM

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST, COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES, STATE OF MINNESOTA,

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In the Matter of the Proposed Adoption of Rules of the Commissioner of Natural Resources Governing Municipal Shoreland Zoning Ordinances

ORDER FOR HEARING

To effectively implement Laws of Minnesota 1973, Chapter 379, the Commissioner of Natural Resources deems it necessary to consider the proposed rules captioned above, pursuant to the authority vested in him by that law.

NOW, THEREFORE, IT IS ORDERED this 9th day of June, 1975, that a public hearing be held on the proposed rules in Saint Paul, Minnesota on July 16, 1975, in the auditorium of the Saint Paul Technical Vocational Institute, 235 Marshall Avenue. The hearing will begin at 12:30 p.m. and continue until all persons and representatives of groups and associations have had an opportunity to be heard.

IT IS FURTHER ORDERED that notice of the hearing be given to all those on the Secretary of State's mailing list for rules hearings, to all members of the Legislature, and to all affected municipalities.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
ROBERT L. HERBST, COMMISSIONER

By C B Buckman
C. B. BUCKMAN, Deputy Commissioner
Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

ORDER APPOINTING

HEARING OFFICER

ARCHIE CHELSETH, Assistant Commissioner and Chief Hearing Officer, Department of Natural Resources, is hereby appointed hearing officer for the public hearing on the above entitled matter.

Dated at Saint Paul, Minnesota, this 30 day of June, 1975.

ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
MINNESOTA

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to Minnesota Statutes Section 15.0412, subdivision 4, in the above entitled matter, in Saint Paul, Minnesota, on July 16, 1975, in the auditorium of the Saint Paul Technical Vocational Institute, 235 Marshall Avenue. The hearing will begin at 12:30 p.m. and continue until all persons present have had an opportunity to present oral, or written data, statements, or arguments concerning adoption of the proposed rules. Written statements or briefs may be submitted without appearing at the hearing, by mailing them to DNR, Municipal Shorelands Hearing Officer, 3rd Floor, Centennial Building, Saint Paul, Minnesota, 55155. The record will be kept open for such statements through Tuesday, August 5, 1975.

The proposed rules, a copy of which is attached are authorized and required by Laws of Minnesota 1973, Chapter 379.

Please note that under Minnesota Statutes, Section 10A-01, Subdivision 11 (1974), any individual representing persons or associations attempting to influence administrative actions, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within 5 days of the commencement of the activity by the individual. The State Ethics Commission is located at 410 State Office Building, Saint Paul, Minnesota, 55155.

Dated this 9th day of June, 1975.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
ROBERT L. HERBST, COMMISSIONER

By C B Buckman
C. B. BUCKMAN, Deputy Commissioner
Department of Natural Resources

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

AFFIDAVIT OF MAILING

Steven J. Prestin, being first duly sworn, deposes and says:

That on the 13th day of June, 1975, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and Proposed Rules by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped and with postage prepaid, to all of the members of the Minnesota Legislature and all of the affected municipalities.

Steven J. Prestin

Subscribed and sworn to before
me this 15th day of July, 1975.

Anne P. Burkman
Notary Public

ANNE P. BURKMAN
Notary Public, Ramsey Co. Mn.
My Commission Expires
May 28, 1981

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

AFFIDAVIT OF MAILING

Steven J Preston, being first duly sworn, deposes and says:

That on the 13th day of June, 1975, at the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing and Proposed Rules by depositing in the United States mail at said City of Saint Paul, a true and correct copy thereof, properly enveloped, and with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Steven J. Preston

Subscribed and sworn to before
me this 13th day of June, 1975.

Helen A. Hanauer
NOTARY PUBLIC

HELEN A. HANAUER
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
Sept. 12, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
MINNESOTA

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

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Dated this 9th day of June, 1975.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
ROBERT L. HERBST, COMMISSIONER

By C B Buckman
C. B. BUCKMAN, Deputy Commissioner
Department of Natural Resources

PROPOSED STANDARDS AND CRITERIA FOR THE
MANAGEMENT OF MUNICIPAL SHORELAND AREAS OF MINNESOTA
Chapter Six NR 82 - 84

Draft for Public Hearing

NR 82 General Provisions

(a) STATEMENT OF POLICY

The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In accordance with the authority granted in the Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in Minnesota Statutes 1974, Chapters 105, 115, 116, and 462, the Commissioner of Natural Resources, hereinafter referred to as the Commissioner, does hereby provide the municipalities of the State with minimum standards and criteria for the subdivision, use, and development of the shorelands of public waters located in municipalities in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the State.

(b) SCOPE

(1) To achieve the policies declared in NR 82(a), the Commissioner here sets forth minimum standards and criteria for the wise use and development of shorelands in NR 82 - 84 which include:

(aa) Classification of public waters.

(bb) Regulations designating types of land uses compatible with shoreland management classification.

(cc) Regulations providing minimum dimensions for the size and length of water frontage of lots suitable for building sites.

(dd) Regulations governing the placement of structures in relation to shorelines and roads.

(ee) Regulations governing the amount of impervious surface allowed on each lot.

(ff) Regulations governing the type and placement of sanitary and waste disposal facilities.

(gg) Regulations governing the alteration of natural shorelands in municipalities.

(hh) Regulations governing the subdivision of shoreland areas in municipalities.

(ii) Provisions for the enforcement and administration of municipal shoreland management ordinances.

(2) These are minimum standards and criteria for municipal shoreland management ordinances. Each municipality shall be responsible for the administration and enforcement of the shoreland management ordinance adopted in compliance with these standards and criteria. Nothing in these standards and criteria shall be construed as prohibiting or discouraging a municipality for adopting and enforcing ordinances, rules, or regulations which are more restrictive.

(c) JURISDICTION

These minimum standards and criteria apply to those shorelands of public waters of the State which are located in municipalities.

(d) DEFINITIONS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

"Boathouse" means a structure used solely for the storage of boats or boating equipment.

"Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

"Clear-cutting" means the removal of an entire stand of trees.

"Conditional Use" means a use of shorelands which is permitted within a zoning district only when allowed by the municipality after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.

"Crowding Potential" means the ratio of total acreage of a water body to shore miles.

"Hardship" means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

"Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

"Municipality" means any city.

"Nonconforming Use" means any use of land established before the effective date of a municipal ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Ordinary High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

"Planned Unit Development" means a type of development which may incorporate a variety of land uses planned and developed as a unit. The Planned Unit Development is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the municipality and the Commissioner.

"Public Waters" means any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles need be regulated by the municipality for the purposes of these regulations. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the Commissioner. The official size of lakes, ponds, or flowages shall be the areas listed in the Division of Waters, Soils and Minerals Bulletin 25, An Inventory of Minnesota Lakes, or in the event that lakes, ponds or flowages are not listed therein, official determination of size and physical limits shall be made by the Commissioner in cooperation with municipalities.

"Setback" means the minimum horizontal distance between a structure or sanitary facility and the ordinary high water mark or between a structure or sanitary facility and a road, highway, or property line.

"Shoreland" means land located within the following distances from public water: (i) 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; and (ii) 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

"Structure" means any building or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.

"Subdivision" means improved or unimproved land or lands which are divided for the purpose of ready sale or lease.

"Substandard Use" means any use of shorelands existing prior to the date of enactment of any municipal ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

"Variance" means any modification or variation of official controls where it is determined that, because of exceptional hardships, strict enforcement of the official controls is impractical.

(e) SEVERABILITY

The provisions of these regulations shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision, or any other part.

(f) SHORELAND MANAGEMENT CLASSIFICATION SYSTEM

(1) The Commissioner shall classify all public waters in municipalities in accordance with the provisions of Minn. Reg. Cons. 71 (a) (1), (2) and (3) and the following criteria:

(aa) Those waters whose shores are presently characterized by industrial, commercial or high density residential development shall be classified General Development.

(bb) Those waters whose shores are presently characterized by medium density residential development with or without limited service-oriented commercial development shall be classified as Recreational Development.

(cc) Those waters whose shores are presently characterized by low density, single-family residential development shall be classified as Natural Environment.

(dd) Those waters whose shores are not yet densely developed, so that the future character of the waters is a matter of choice, shall be classified as either Natural Environment or Recreational Development, depending on:

(i) Existing natural characteristics of the waters and shorelands.

(ii) The ability of the waters and adjacent shorelands, based on size and crowding potential, to accept without degradation, medium density shoreland development.

(iii) State, regional, county, and municipal plans.

(iv) Existing land use restrictions.

(2) Supporting data for the shoreland management classification is supplied by the records and files of the Department of Natural Resources, Bulletin No. 25 of the Division of Waters, Soils and Minerals (1968); other supporting data is provided in Minnesota's Lakeshore, Part 2, Statistical Summary, Department of Geography, University of Minnesota; and additional supporting data may be supplied, as needed, by the Commissioner.

(3) Classification Procedures

Public waters shall be classified by the Commissioner. The Commissioner shall document each classification with appropriate supporting data. He shall submit a preliminary list of classified public waters to each affected municipality. Each affected municipality shall be given an opportunity to request a change in the proposed classification. If a municipality feels such a change is needed, a written request with supporting data may be submitted to the Commissioner for consideration. If a municipality requests a change in a proposed shoreland management classification and the public water is located partially within the jurisdiction of another governmental unit, the Commissioner shall review the recommendations of the other governmental unit(s) prior to making a final decision on the proposed change.

(4) Reclassification

The Commissioner may, as the need arises, reclassify any public water. Also, any municipality may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the Commissioner for consideration.

(5) Classification System - Modification and Expansion: The Commissioner may, as the need arises, modify or expand the shoreland classification system to provide specialized shoreland management regulations based upon unique characteristics and capabilities of any public water(s).

NR 83 Land Use Control Provisions

(a) LAND USE DESIGNATION

Municipalities shall provide for the designation of the following land use districts, or districts providing substantially the same land use restrictions, in accordance with shoreland management class and the designation and district criteria set forth in NR 83 (b).

(1) On Natural Environment Waters

(aa) Conservancy Districts

(bb) Low Density Residential Districts

(cc) Other compatible land use districts, as approved by the Commissioner of Natural Resources.

(2) On Recreational Development Waters

(aa) Conservancy Districts

(bb) Low Density Residential Districts

(cc) Residential Districts

(dd) Other compatible land use districts, as approved by the Commissioner of Natural Resources.

(3) On General Development Waters

(aa) Conservancy Districts

(bb) Low Density Residential Districts

(cc) Residential Districts

(dd) Residential-Commercial Districts

(ee) General Use Districts

(b) DESIGNATION OF DISTRICTS, DISTRICT CRITERIA

In order to achieve land uses compatible with the natural characteristics and existing land uses in shoreland areas and to guide the wise development and utilization of shorelands for the preservation of water quality, natural characteristics, economic values, and the general health, safety, and welfare, the following land use district standards and criteria are hereby established. To the greatest extent possible, areas of unique natural, biological, or historical significance should be preserved in each district.

(1) Conservancy Districts

Municipalities may designate areas unsuitable for development due to wet soils, steep slopes, flooding, inadequate drainage, severe erosion potential, or any other feature likely to be harmful to the health, safety or welfare of the future residents of the community as Conservancy Districts. Only open space uses and accessory structures which provide negligible encroachment on the shoreland environment shall be permitted in Conservancy Districts.

(2) Low Density Residential Districts

Municipalities may designate areas suitable for low density residential development as Low Density Residential Districts. Such districts may be designated in areas where low density residential uses are deemed appropriate to insure protection of the natural characteristics of remaining undeveloped shoreland, in areas which are not served by public sewer and water facilities, and in areas of exceptional natural, biological, or historical significance. Only open space, single-family residential uses, and Planned Unit Developments shall be permitted in Low Density Residential Districts.

(3) Residential Districts

Municipalities may designate areas suitable for residential uses as Residential Districts. Such districts may be designated in

areas which are presently developed as residential areas, or in other areas deemed appropriate for residential uses. Only open space, single-family residential, multiple-family residential, limited service-oriented commercial uses, and Planned Unit Developments shall be permitted in Residential Districts. To the greatest extent possible, such districts shall provide for the centralization of service facilities and the separation of incompatible land uses.

(4) Residential - Commerical district

Municipalities may designate areas suitable for residential and commercial uses as Residential - Commercial Districts. Such districts may be designated in areas which are presently developed as residential or commercial areas, or in other areas deemed appropriate for residential or commercial uses after consideration of existing use patterns and intensities, engineering capabilities of land and water for development, economic growth considerations, municipal planning considerations, the need for such uses in the area, and potential enviornmental effects. Only open space, single-family residential, multiple-family residential, commercial uses, and Planned Unit Developments shall be permitted in Residential-Commercial Districts. To the greatest extent possible, such districts shall provide for the centralization of service facilities and the separation of incompatible land uses.

(5) General Use Districts

Municipalities may designate areas suitable for uses directed toward urban activities or industrial uses which require locations within shorelands as General Use Districts. Such districts may be designated in areas presently developed as residential, commercial, or industrial areas, or in other areas deemed appropriate for such uses after consideration of existing use patterns and inten-

sities, engineering capabilities of land and water for development, economic growth considerations, municipal planning considerations, and the need for such uses in shoreland areas. Such districts shall provide, to the greatest extent possible, centralization of service facilities, and separation of incompatible uses.

(c) ZONING PROVISIONS

In order to reduce the effects of over-crowding, to prevent pollution of waters of the State, to provide ample space on lots for sanitary facilities, to minimize flood damages, to maintain property values, and to maintain natural characteristics of shorelands and adjacent water areas, municipal shoreland ordinances shall control lot sizes, placement of structures on lots, and alterations of shoreland areas in accordance with the following land use district provisions.

(1) Lot Size Provisions-All lots created after the date of enactment of the municipal shoreland ordinance shall conform to the following minimum lot dimension provisions:

(aa) Low Density Residential Districts: All lots shall be at least 80,000 square feet (approximately two acres) in area and 200 feet in width at the building line and at the ordinary high water mark (on lots abutting public waters).

(bb) Residential Districts: Lots not served by public sewer shall be at least 40,000 square feet in area (approximately one acre) and 150 feet in width at the building line and at the ordinary high water mark (on lots abutting public waters). Lots served by public sewer and which abut public waters, shall be at least 20,000 square feet in area (approximately one-half acre) and 75 feet in width at the building line and at the ordinary high water mark.

All other lots served by public sewer shall be at least 15,000 square feet in area and 75 feet in width at the building line.

(cc) Residential-Commercial Districts: Lots not served by public sewer shall be at least 20,000 square feet in area and 100 feet in width at the building line and at the ordinary high water mark (on lots abutting public waters). Lots served by public sewer, and which abut public waters, shall be at least 15,000 square feet in area and 75 feet in width at the building line and at the ordinary high water mark. All other lots served by public sewer shall be at least 10,000 square feet in area and 75 feet in width at the building line.

(dd) General Use Districts: lots in General Use Districts shall conform to the dimensional standards set forth for Residential-Commercial districts.

(ee) Substandard lots: lots of record in the office of the County Register of Deeds on the date of enactment of the Municipal Shoreland Ordinance which do not meet the requirements of NR 83 (c) (1) (aa) through (dd) may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands on the date of enactment of the shoreland ordinance, and sanitary and dimensional requirements of the shoreland ordinance are complied with insofar as practicable. Each municipal ordinance may, consistent with these standards and criteria, set a minimum size for substandard lots or impose other restrictions on the development of substandard lots, including the prohibition of development until the substandard lot (s) are served by public sewer and water.

(ff) Exceptions - Exceptions to the provision of NR 83 (c) (1) (aa) through (ee) may be permitted for Plannted Unit Developments pursuant to NR 83 (E) (4).

(2) Placement of Structures on Lots.

(aa) The following minimum setbacks from ordinary high water marks for each district set forth in NR 83 (a) and (b) shall apply to all structures except those specified as exceptions herein:

(i) Conservancy Districts: 200 feet.

(ii) Low Density Residential Districts: 200 feet.

(iii) Residential Districts: 100 feet.

(iv) Residential-Commercial Districts: 75 feet.

(v) General Use Districts: 75 feet.

(vi) Furthermore, no structure shall be erected in the floodway of a river or stream as defined in Minnesota Statutes 1974, Section 104.02.

(bb) High Water Elevation - In addition to the setback requirements of NR 83 (c) (2), municipal shoreland ordinances shall control placement of structures in relation to high water elevation. Structures shall be placed at an elevation consistent with any applicable local flood plain management ordinances. When fill is required to meet this elevation, the fill shall be allowed to stabilize to accepted engineering standards before construction is begun. When no ordinances exist, the elevation to which the lowest floor, including basement, shall be placed shall be determined as follows:

(i) For lakes, ponds, and flowages by (a) an elevation of available flood information and consistant with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota or (b) placing the lowest floor at a level at least three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

(ii) For [redacted]vers and streams, by an e[redacted]luation of available flood information and consistent with Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota.

(cc) Proximity to Roads and Highways - No structure shall be placed nearer than 50 feet from the right-of-way line of any federal, state, or county trunk highway; or 20 feet from the right-of-way line of any town road, public street, or others not classified.

(dd) All structures, except those in General Use Districts and all non-residential agricultural structures, shall not exceed 35 feet in height, unless such structures are approved as part of a Planned Unit Development pursuant to the procedures set forth in NR 83 (E) (4).

(ee) The total area of all impervious surfaces on a lot shall be controlled by the municipal shoreland ordinance in order to retard excessive surface runoff, maintain natural vegetation in shoreland areas and prevent pollution of surface waters.

(ff) Exceptions:

(i) Boathouses may be located landward of the ordinary high water mark as a conditional use provided they are not used for habitation and they do not contain sanitary facilities.

(ii) Location of piers and docks shall be controlled by applicable state and local regulations.

(iii) Where development exists on both sides of a proposed building site, structural setbacks may be altered to take setbacks of existing structures into account.

(iv) Commercial, industrial, or permitted open space uses requiring location on public waters may be allowed as conditional uses closer to such waters than the setbacks specified in NR 83 (c) (2).

(3) Shoreland Alterations:

(aa) Natural vegetation in shoreland areas shall be preserved insofar as practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(i) Clearcutting shall be prohibited, except as necessary for placing public roads, utilities, structures, and parking areas.

(ii) Natural vegetation shall be restored insofar as feasible after any construction project.

(iii) Selective cutting of trees and underbrush shall be allowed as long as sufficient cover is left to screen motor vehicles and structures when viewed from the water.

(bb) Grading and filling or any other substantial alteration of the natural topography areas shall be controlled by the municipal shoreland ordinance in accordance with the following criteria:

(i) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(ii) Temporary ground cover, such as mulch, shall be used and permanent vegetative cover, such as sod, shall be provided.

(iii) Methods to prevent erosion and trap sediment shall be employed.

(iv) Fill shall be stabilized to accepted engineering standards.

(cc) Alterations of Beds of Public Waters:

Any work which will change or diminish the course current, or cross section of a public water shall be approved by the Commissioner before the work

is be[illegible]n. This includes construc[illegible]on of channels and ditches, lagooning, dredging of lakes or stream bottom for removal of muck, silt or weeds, and filling in the lake or stream bed. Approval shall be construed to mean the issuance by the Commissioner of a permit under the procedures of Minnesota Statutes 1974, Section 105.42 and other related statutes.

(ii) Excavations on shorelands where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall be controlled by the municipal shoreland ordinance. Permission for such excavations may be given only after the Commissioner has approved the proposed connection to public waters. Approval shall be given only if the proposed work is consistent with applicable state regulations for work in beds of public waters.

(4) Municipalities may, under special circumstances and with the Commissioner's approval, adopt shoreland management ordinances which are not in strict conformity with NR 83 (c) "Zoning Provisions" provided that the proposed ordinance is based upon individual public water capabilities and that the purposes of Minnesota Statues 1974, Section 105.485 are satisfied.

(d) SANITARY PROVISIONS

In order to insure safe and healthful conditions, to prevent pollution and contamination of surface and ground waters, and to guide development compatible with the natural characteristics of shorelands and related water resources, municipal shoreland ordinances shall control individual water supply and waste disposal systems in respect to location, construction, repair, use, and maintenance; and

shall control commercial, agricultural, industrial solid waste, and municipal waste disposal.

(1) Water Supply

(aa) Any public or private supply of water for domestic purposes shall conform to Minnesota Department of Health Standards for water quality.

(bb) Private wells shall be placed in areas not subject to flooding and upslope from any source of contamination. Wells already existing in areas subject to flooding shall be flood proofed in accordance with accepted engineering standards.

(2) Sewage and Waste Disposal

Any premises used for human occupancy shall be provided with an adequate method of sewage disposal to be maintained in accordance with acceptable practices.

(aa) Public or municipal collection and treatment facilities shall be used where available or feasible.

(bb) All private sewage and other sanitary waste disposal systems shall conform to applicable standards, criteria, rules, and regulations of the Minnesota Department of Health and the Pollution Control Agency and any applicable local government regulations in terms of size, construction, use and maintenance.

(cc) Location and installation of a septic tank and soil absorption system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, endanger the quality of any domestic water supply, nor pollute or contaminate any waters of the state. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, high ground water elevation, geology, proximity to existing or future water

supplies, accessibili● for maintenance, and pos●ble expansion of the system.

(dd) Septic tank and soil absorption systems shall be setback the following minimum distances from the ordinary high water mark in accordance with land use district designation.

(i) Conservancy Districts: 150 feet.

(ii) Low Density Residential Districts: 150 feet.

(iii) Residential Districts: 75 feet.

(iv) Residential- Commercial Districts: 50 feet.

(v) General Use Districts: 50 feet.

(ee) Soil absorption systems shall not be allowed in the following areas for disposal of domestic sewage:

(i) Low, Swampy areas or areas subject to recurrent flooding.

(ii) Areas where the highest know ground water table, bedrock or impervious soil conditions are within four feet of the bottom of the system.

(iii) Areas of ground slope which create a danger of seepage of the effluent onto the surface of the ground.

(ff) Municipal shoreland ordinances may require or allow alternative methods of sewage disposal, such as holding tanks, privies, electric or gas incinerators, biological and/or tertiary waste treatment plants or land disposal systems, provided such facilities meet the standards, criteria , rules, and regulations of Minnesota Pollution Control Agency and the Minnesota Department of Health.

(gg) Public sewage disposal and commercial, agricultural, solid waste, and industrial waste disposal, shall be subject to the standards, criteria, rules, and regulations of the Minnesota Pollution Control Agency.

(e) SUBDIVISION PROVISIONS

(1) Land Suitability

No land shall be subdivided which is held unsuitable by the municipality for the proposed use because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

(2) Inconsistent Plats Reviewed by Commissioner

All plats which are inconsistent with the municipal shoreland ordinance shall be reviewed by the Commissioner before approval by the municipality may be granted. Such review shall require that the proposed plats be received by the Commissioner at least ten (10) days before a hearing is called by the municipality for consideration of approval of a final plat.

(3) Copies of Plats Supplied to Commissioner

Copies of all plats within shoreland areas shall be submitted to the Commissioner within ten (10) days of final approval by the municipality.

(4) Planned Unit Development

Altered zoning standards may be allowed as exceptions to the municipal shoreland ordinance for planned unit developments provided.

(aa) Preliminary plans shall be approved by the Commissioner prior to their approval by the municipality.

(bb) Central sewage facilities shall be installed which at least meet the applicable standards, criteria, rules, or regulations of the Minnesota Department of Health and the Pollution Control Agency or the Planned Unit Development is connected to a municipal sanitary sewer.

(cc) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, or other methods.

(dd) That the following factors are carefully evaluated to ensure that the increased density of development is consistent with the resource limitations of the public water:

(i) Suitability of the site for the proposed use.

(ii) Physical and aesthetic impact of increased density.

(iii) Level of current development.

(iv) Amount and ownership of undeveloped shoreland.

(v) Levels and types of water surface use and public access.

(vi) Possible effects on over-all public use.

(ee) Any commercial, recreational, community, or religious facility allowed as part of the planned unit development shall conform to all applicable federal and state regulations including, but not limited to the following:

(i) Licensing provisions or procedures.

(ii) Waste disposal regulations.

(iii) Water supply regulations.

(iv) Building codes.

(v) Safety regulations.

(vi) Regulations concerning the appropriation and use of Public Waters as defined in Minnesota Statutes, 1974 Chapter 105.

(vii) Applicable regulations of the Minnesota Environmental Quality Council.

(ff) The final plan for a planned unit development shall not be modified, amended, repealed, or otherwise altered unless approved in

writing by the developer, the municipality, and the Commissioner.

(gg) There are centralized shoreline recreation facilities such as beaches, docks and boat launching facilities.

NR 84 General Administration

(a) ADMINISTRATION AND ENFORCEMENT

Municipalities shall provide for the administration and enforcement of the Municipal Shoreland Ordinance adopted pursuant to Minnesota Statutes 1974, Section 462.362.

(1) Permit System: In order to facilitate orderly and efficient administration and enforcement of municipal shoreland ordinances, municipalities shall establish permit procedures for building construction, installation of sewer and water facilities, and grading and filling in shoreland areas.

(2) Variances: Variances shall only be granted when there are particular hardships which make strict enforcement of official control impractical. They shall not circumvent the general purposes and intent of the official controls. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

(3) Nonconforming Uses: Under authority of Minnesota Statutes 1974, Section 462, municipalities may adopt provisions to regulate, control and reduce the number or extent of and gradually eliminate nonconforming and substandard uses. Municipalities shall provide for the elimination of sanitary facilities inconsistent with NR 83 (d) (2) (bb), (2) (cc), and (2) (ee) over a period of time not to exceed five (5) years from the date of enactment of the municipal ordinance.

(b) JOINT EXERCISE OF POWERS

In order to facilitate more logical, consistent, and efficient administration of municipal shoreland management ordinances, municipalities are encouraged, wherever feasible and practicable, to enter into joint powers agreements with adjacent or otherwise similarly situated local units of government for the purpose of jointly administering and enforcing shoreland management ordinances pursuant to the procedures and authority of Minnesota Statutes 1974, Section 394.32 and 471.59.

(c) NOTIFICATION PROCEDURES

(1) Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner at least ten (10) days prior to such hearings.

(2) A copy of amendments and final decisions granting variances or conditional uses under the municipal shoreland management ordinance shall be received by the Commissioner within ten (10) days of final action or amendment.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

In the Matter of the Proposed
Adoption of Regulations of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

CERTIFICATE

I hereby certify that the attached 424 labels and one sheet constitute the complete list of persons, associations, and other interested groups who as of 11:15 o'clock a.m., this 10th day of June, 1975, have requested pursuant to Minnesota Statutes 1974, Section 15.0412, Subd. 4, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearings on proposed rules on the subjects captioned above.

Joan Anderson Growe
SECRETARY OF STATE
ARLEN I. ERDAHL

By: Gail Dixon

ALTMAN MILTON H
707 DEGREE OF HONOR BLD
ST PAUL MN
55101

AM CAMPING ASSN MRS LEACO
1235 BRIGHTON SQ
NEW BRIGHTON MN
55112

ANDERSON GRAHAM
951 E HENN
MPLS MN
55414

ANDERSON HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON STANFORD P
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WOSM RADIO
230 E SUPR ST
DULUTH MN
55102

ARVER JOHN A
2467 COHANCY
ST PAUL MN
55113

ASMUSSEN,DENNIS,MPIRG
3036 UNIV AVE SE
MPLS MN
55414

ASSN OF MINN COUNTIES
55 SHERBURNE AVE #203
ST PAUL MN
55103

ASSN RESIDENCES FOR RETAR
459 RICE SUITE 301
ST PAUL MN
55103

BABCOCK LOCHER NELSON ET AL
118 E MAIN ST
ANOKA MN
55303

BADALICH JOHN P
2025 THOMPSON AVE
SO ST PAUL MN
55075

BARTHOLOW HAROLD E FIRE CHF
2600 109 AVE N W
COON RAPIDS MN
55433

BECKLIN ROBERT C
447 N W 4TH
CAMBRIDGE MN
55008

BENSONI PETER USW OF AM.
609 PROVIDENCE BLDG.
DULUTH MN

BERGERUD ALF
300 ROANOKE BLDG
MPLS MN
55402

BLOMQUIST BARRY L

NORTH BRANCH MN
55056

BLOOMINGTON CITY CLERK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

BRIGHAM E M III
RR4
RED WING MN
55066

BROEKER JOHN
2850METRO DR. SUITE 504
BLOOMINGTON MN
55420

ALBERT,AA CALDER CORP
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ST PAUL MN
55101

AM INST PROF GEOLOGISTS
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ST PAUL MN
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55165

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MANKATO MN
56001

ANDERSON JAMES
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MPLS MN
55435

ARNOLD ROBERT MESPA
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ST PAUL MN
55103

ARROWHEAD REGIONAL DEV COMM
900 ALWORTH BLDG
DULUTH MN
55802

ASSOCIATED GEN CONTROF MN
48 E 8TH STREET
ST PAUL MN
55101

ASSOCIATED INDUST OF MPLS
NATIONAL BLDG
MPLS MN
55402

AUTOMOBILE MFRS ASSN INC
55 SHERBURNE AVE
ST PAUL MN
55103

BARRETT FRED
ST LOUIS CO COURT HOUSE
DULUTH MN

BARKER KENT
8100 34TH AVE SO
MPLS MN
55420

BEECHER EVERETT
10 10 1ST ST SO
HOPKINS MN

BEMIDJI STATE COLLEGE
PLACEMENT BUR.J.C.BRADY
BEMIDJI MN
56601

BEST FLANAGAN ET AL
1ST NATL BANK BLDG
MPLS MN
55402

BEUTEL ROBERT
2200 SILVER LAKE RD
NEW BRIGHTON MN
55112

BREHL JAMES W
332 HAMM BLDG
ST PAUL MN
55102

BRIGGS & MORGAN - B F FRIEL
2200 W 1ST NATL BK BLDG
ST PAUL MN
55101

BRUBACHER RICHARD COMM ADM
208 ADM BLDG
ST PAUL MN
55101

BRUNING C.R.DEPT.CLINIC.E
BURTON HALL
MPLS. MN
55455

BUR.ENGR.IND.DIV. MR.KIBIGER
219 N. 2ND ST.
MPLS. MN

BUR NATL AFFAIRS INC
1231 25TH ST NW
WASHINGTON DC
20037

CAIN RUTH
730 E 38TH ST
MPLS MN
55407

CAIRNS JOHN A
1460 NW BK BLDG
MPLS MN
55402

CARRISON DALE K
MANKATO STATE COLLEGE
MANKATO MN
56001

CENTRAL BUSINESS DATA
BENSON RADIO ARCADE BLD
BENSON MN
56215

CHAMBERLAIN JOHN L
PO BOX 241
MPLS MN
55440

CHERCHES CHRIS CITY MGR
5005 MTKA BLVD
ST LOUIS PARK MN
55416

CITY CLERK
386 CITY HALL
ST PAUL MN
55102

CITIZENS LEAGUE
530 SYNDICATE BLDG
MPLS MN
55402

COLEMAN NICHOLAS D
700 LINWOOD AVE
ST PAUL MN
55105

COLLIN LAURENCE
RT 2
ISANTI MN
55040

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

COUNTY ATTYS COUNCIL
95 SHERBURNE AVE S203
ST PAUL MN
55103

CROW WING CO PLANNING & ADV
COURT HOUSE
BRAINERD MN
56401

CUSHMAN J S DAYTON HUDSON
700 NICOLLET MALL
MPLS MN
55402

DANFORTH & ALLEN
731 NW BANK BLDG
MPLS MN
55402

DANKERS,KENNETH
1200 WEST FOURTH STREET
RED WING MN
55066

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MARSHALL MN
56258

DIEHL JOHN
26 KENWOOD PKWY
ST PAUL MN
55105

DOUGLASS BELL
525 OSBORN BLDG
ST PAUL MN
55102

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

BROOKS WILLIAM F JR
854 MIDLAND BK BLDG
MPLS MN
55401

BROWN D M GOODRIDGE PUB SCH
IND DIST #561
GOODRIDGE MN
56725

BUCHHOLTZ CHARLES
5044 BRENT AVE E
INV GRV HTS MN
55075

BURGER ALBERT
600 DEGREE OF HONOR BLD
ST PAUL MN
55101

BUSCH NOEL
3131 FERNBROOK LANE N
MPLS MN
55441

CARLSON CARL L
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COTTAGE GROVE MN
55016

CARLSON VERNE E
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WILLMAR MN
56201

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SAUK RAPIDS MN
56379

CHAMBER OF COMMERCE
30 SO 1ST AVE EAST
ELY MN
55731

CHRISTIAN SCI CCMM ON PUB
1821 UNIV AVE SUITE 271
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55104

CHRISTIANSEN FREDRIK
RM 505 CAPITOL SQ BLDG
ST PAUL MN
55155

CLARKSON J.B.
2350 I.D.S. CENTER
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55402

CLAUSEN PHILLIP [redacted] 2307 Standish St.
ST PAUL MN
55108

COMMUNITY DESIGN CENTER
118 E 26TH ST
MPLS MN
55404

CONCORDIA COLLEGE
DEAN
MOORHEAD MN
56560

COX AND KING
600 BUILDERS EXCH
MPLS MN
55402

CRAVEN NORMAN
10637 THOMAS AVE S
BLOOMINGTON MN
55431

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DANIELSON RODNEY L
418 AUDITORIUM
ST PAUL MN
55102

DAYTON CHAS SIERRA CLUB
800 MIDLAND BANK BLDG
MPLS MN
55401

DISPATCH PIONEER PRESS
PRESS RM STATE CAPITOL
ST PAUL MN
55101

DORSEY MARQUART
2400 1ST NATL BANK BLDG
MPLS MN
55402

DOYTON MAURICE, MET SEWER BD
350 METRO SQ BLDG
ST PAUL MN
55101

DUDLEY E H
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EXCELSIOR MN
55331

EBELING EDWARD H.
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PERHAM MN
56573

ELDRED R W ARMOUR & CO
UNION STOCK YARDS
SO ST PAUL MN
55075

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MPLS MN
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55402

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2333 UNIV AVE SE
MPLS MN
55414

FAEGRE & BENSON ATTN LIBR
NW BANK BLDG 1300
MPLS MN
55402

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FINLEY JAMES F
920 MINN BLDG
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55101

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MPLS MN
55415

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811 FIRST NATL BK BLDG
DULUTH MN
55802

FURLONG DR JOHN
RT 1
BOVEY MN
55709

F W WOOLWORTH CO
3316 W 66TH ST
EDINA MN
55424

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
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55401

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GEORGE K GRANSE CO
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55104

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

DUNN OLIVER PLUMBERS LOC 15
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MPLS MN
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DZUGAN KEN ST PAUL PLANNI
421 WABASHA ST
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55102

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55431

EMERICK RICHARD A
1908 IDS CENTER
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ENV SERV-GEN RESOURCE COR
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HOPKINS MN
55343

ESSE KENNETH
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EDINA MN
55424

EVANS CHAS.L. PRENTICE-H
ENGELWOOD CLIFFS
NEW JERSEY

EWING MRS WM
42 ASTAR RD
BABBITT MN
55706

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FELHABER R S
W 1ST NATL BANK BLDG
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FLADLAND CLINTON MN L&P BUR
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55114

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55409

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55440

HENTHORN GARY WOODSTOCK
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HARTFELDT WILL
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55102

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HOULE MELVIN
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55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULTMAN WARREN R
C/O BARBAROSSA R3
OSSEO MN
55369

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HYLAND DEAN
1501 W 50TH ST
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55419

INS FED OF MINN
902 SOO LINE BLDG
MPLS MN
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BLOOMINGTON MN
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ST PAUL MN
55101

HULSTRAND ANDERSON & LARS
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56201

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11470 GALTIER DR
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55378

HUTCHISON R.M. ANOKA CO.C
COURT HOUSE
ANOKA MN
55303

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MPLS MN
55414

INGVALSON VERN MN.FARM BU
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OST PAUL MN
55165

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE MN DI
106 TIMES BLDG 57 S 4TH
MPLS MN
55401

JACKMAN DONALD G
4023 E LAKE ST
MPLS MN
55406

JENSEN CARL A
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SLEEPY EYE MN
56085

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LANCE J
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ST PAUL MN
55107

KEENAN RICHARD J
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MPLS MN
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MPLS MN
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55437

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COTTAGE GROVE MN
55016

LANSING & OAKES
400 SIBLEY ST
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55101

LARSON HANS P DIV HOSP SERV
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MPLS MN
55440

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LINDALL & JONATHAN DEVELOP.
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CHASKA MN
55318

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ST PAUL MN
55102

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCLELLAN LARKIN
215 ADM BLDG ST CAPITOL
ST PAUL MN
55101

JAIN NIRMAL ENIV PROCESS
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MPLS MN
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JENOS INC
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DULUTH MN
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JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
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BETHEL MN
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ST CLOUD MN
56301

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55407

KLOSTER MARION PEAVEY CO
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55402

KNUTSON DR KEITH, BIOLOGY DPT
ST CLOUD STATE
ST CLOUD MN
56301

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F J SCHULT BLDG
ST ST PAUL MN
55075

KOPP MRS VERNON
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INVER GR HGHT MN
55075

KRAMER ERNEST W
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55440

LAKE SUPERIOR INDUSTRIAL BUR
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DULUTH MN
55802

LANAHAN E F - SIBLEY CO
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55101

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LARSON C L
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MPLS MN
55406

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LIBBEY LEONARD
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MPLS MN
55417

LOOS CALVIN J
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55423

LOWE DOUG
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ROSEVILLE MN
55113

MCDONALD PHILIP M
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ST PAUL MN
55104

MCFADDEN G H DISPATCH-PR
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ST PAUL MN
55101

MALONE E I COMM LABOR & I
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MAYO FOUNDATION G CRWOLL
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ROCHESTER MN
55901

MERRITT GRANT POLLUTION CONT
1935 W CO RD 32
ROSEVILLE MN
55113

MET TFR MEN ASSN A ROSENTHAL
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ST PAUL MN
55104

MILLER RICHARD A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TOM
2311 PILLSBURY AVE S
MPLS MN
55404

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MN. ASN.C&IND H.D.PETERSON
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ST PAUL MN
55103

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4501 W 77TH ST
MPLS MN
55435

MINN AUTOMOBILE DEALERS ASSN
GRIGGS MIDWAY BLDG
ST PAUL MN
55104

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINN DENTAL HYGIENISTS
5041 YVONNE TERRACE
MPLS MN
55436

MINN FARMERS UNION PRES OFF
1275 UNIV AVE
ST PAUL MN
55104

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN HOUSING INST N T CARTER
7801 METRO PKWY
MPLS MN
55420

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINNE MINE CREDIT UNION
3000 HUDSON PK S 100
ST PAUL MN
55119

MINN.MTR.TRANSP. J.N.DENN
1821 UNIV.
ST.PAUL MN
55104

MANTHEY T J PICKANDS MATHER
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CLEVELAND OH
44114

MECCA
867 GRAND AVE
ST PAUL MN
55105

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MPLS CHAMBER COMM TRANSP DPT
15 S 5TH ST
MPLS MN
55402

MIDLAND GLASS-HD SPURLING
PO BOX 69
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55379

MINN AFL-CIO, L O LA SHOMB
414 AUDITORIUM ST
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN ELECTRICAL ASSN INC
525 SO 7TH
MPLS MN
55415

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MASTOR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MEIEROTTO, JOAN
1794 SO LEXINGTON
ST PAUL MN
55118

MIDLAND GLASS- HD SPURLIN
PO BOX 69
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55379

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MILLER PAUL J PHARMACY SE
ST MARYS HOSP
ROCHESTER MN
55901

MINN ASPHALT PAVEMENT ASS
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN WATERSHED DIST

ADA MN
56510

MINN COUNCIL STATE EMP NO
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ST PAUL MN
55103

MINN ENV LAW INST INC
PO BOX 15076 COMM STA
MPLS MN
55415

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN POULTRY & HATCHERY A
BOX 158
MADELIA MN
56062

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN SCH BUS OPERATORS ASSN

FARIBAULT MN
55021

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MOFFITT R.C. DIR.ENV.CONTROL
MPLS.CITY HALL RM 301M
MPLS MN
55415

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN 55
104

MINN SOCIETY ARCHITECTS AIA
NW NATL BK BLDG
ST PAUL MN
55101

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MUELLER SHIRLEY A
787 W COTTAGE AVE
ST PAUL MN
55117

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NELSON DONALD E NSP CO
414 NICOLLET AVE
MPLS MN
55401

NIELSEN STOCK & BLACKBURN
415 730 BLDG
MPLS MN

NURSING HOME ADMRS BD EXAMRS
277 W UNIV AVE
ST PAUL MN
55103

O'BRIEN J.DENNIS
1100 1ST NATL. BANK BLDG
MINNEAPOLIS MN
55402

MINN RETAIL FEDERATION
7600 PARKLAWN STE 457
MPLS MN
55435

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN SOC CERTIFIED PUB ACCTS
1102 WESLEY TEMPLE BLDG
MPLS MN
55403

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE CAPITOL EMP UNION
PO BOX 3215
ST PAUL MN
55165

MINN STATE MED ASSN
375 JACKSON ST
ST PAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN. TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MOONEY, MICHAEL A.
BOX 903, ST.JOHN'S UNIV
COLLEGEVILLE MN
56321

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

NASS GEO V HENN CO GEN HO
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NAT'L SOLID WASTES-R. GRA
1730 RHODE ISLAND AV.NW
WASHINGTON DC
20036

NEDELL HAROLD - MEINEKE
6300 W LOOP S SUITE 200
BELLAIRE TX
77401

NESBITT JOHN
7851 METRO PKWY S 118
MPLS MN
55420

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NUTTER JULIA
743 W MONTANA
ST PAUL MN
55117

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

OCONNOR GREEN THOMAS ET AL
845 NW BANK BLDG
MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLD COLONY GAS & OIL COMPANY
17TH AVE N AT 2ND ST
MPLS MN
55411

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PETERSON JOHN W
510 NW BK BLDG
ST PAUL MN
55101

PETERSON GARY
854 MIDLAND BK BLDG
MPLS MN
55401

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PULSCHER RBT SPRINGSTED INC
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RANALLO CLARENCE
800 CENTRAL AVE N E
MPLS MN
55413

REID DAVID H
5633 WASHBURN AVE S
MPLS MN
55410

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

RUDY FLOYD
118 AVE C
CLOQUET MN
55720

SANFORD SID
7000 PORTLAND AVE
RICHFIELD MN
55423

SATHRE, HARVEY
375 MARION STREET
ST PAUL MN
55103

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS ASSN
1220 ARCADE
ST PAUL MN
55106

OSTRUM DONALD E
10213 PIERCE ST NE
BLAINE MN
55434

PAYNE COL ALVIN

DEGRAFF MN
56233

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PORTER LYLE O

TRACY MN
56175

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

QUIRIN E W
408 HWY BLDG
ST PAUL MN
55155

RAUENHORST CORP-C ANDERSON
7900 XERXES S. S-2200
MPLS MN
55431

RAMSEY CO MEDICAL SOCIETY
1500 LOWRY MEDICAL BLDG
ST PAUL MN
55102

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PHAR MFGRS ASSN WM D PATT
1155 15TH ST NW
WASHINGTON DC DC
20005

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

PROCTOR&GAMBLE L THEOHAR
IVORYDALE TECH CENTER
CINCINNATI OH
45217

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SAN SIMEON DEVELOP CORP
OLD 1ST STATE BK BLDG
PAYNESVILLE MN

ST PAUL ASSN PLBG HTG MEC
614 AM NATL BK
ST PAUL MN

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT D R MN ASSN REALTORS
6101 WAYZATA BLVD
MPLS MN
55416

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SHELL OIL CO. W.A. ROQUET
ONE SHELL PLAZA BX 2463
HOUSTON TX
77001

SITE ENGINEERS INC
900 REDWELL LANE
APPLE VALLEY MN
55124

SMERIKA WM.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SMITH MICHAEL
1423 NEWTON AVE N
MPLS MN.
55411

SODERMAN ANTHONY
152 S PLAZA BLDG
MPLS MN
55416

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SWANSON BURT E
W-2162 1ST NATL BK BLDG
ST PAUL MN
55101

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOUCHE ROSS & CO K H STOCKE
780 NORTHSTAR CNTR
MPLS MN
55402

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT. P.
1400 SOO LINE BLDG.
MPLS. MN
55402

SENATE COUN OFF
STATE CAPITOL – Rm 24
ST PAUL MN
55101

SENATE FINANCE COMMITTEE
113 STATE CAPITOL
ST PAUL MN
55101

SHARP BOB
4125 HIGHWOOD RD
ST LOUIS PK MN
55416

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SKELLY OIL CO R R WELLINGTON
PO BOX 436
KANSAS CITY MO

SLOCUM CHARLES A
1203 IDS TOWER
MPLS MN
55402

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER ROBERT W
248 CO B U OF M
ST PAUL MN
55101

STATE BD. BARBER EXAMINERS
555 WABASHA
ST PAUL MN
55102

STATE BD VETERINARY EXAMI
C/O DR A C SPANNAUS DVM
WACONIA MN

STENSLAND M.E. PRES. MVMA
203 NW 22ND ST.
AUSTIN MN
55912

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO. ATTN: TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

SWANSON GERALD H
212 CITY HALL
ROCHESTER MN
55901

SWEITZER R L HONEYWELL IN
2701 4TH AVE S
MPLS MN
55408

THOMPSON CONRAD
1107 23RD ST NW
ROCHESTER MN
55901

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

TWIN CITY RETAIL DRUGGIST AS
2388 UNIV AVE
ST PAUL MN
55104

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VOSS REV GORDON C
11120 NE 7TH ST
BLAINE MN
55434

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WALIGORA ROBERT
3228 SO 17TH AVE
MPLS MN
55407

WALTERS THOS H
4510 W 77TH ST STE 235
MPLS MN
55435

WESTIN CHAS W
220 MEDICAL ARTS BLDG
DULUTH MN
55802

WHITING RALPH
555 WABASHA SUITE 204
ST PAUL MN
55102

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WILSON R GARY PPG INDUSTR
1 GATEWAY CENTER
PITTSBURGH PA
15222

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WYANT CLINTON W ATTY

ATKIN MN
56431

VAN CLEVE JOHN H
2101 HENN AVE
MPLS MN
55405

VAN DRAKE STEPHEN R
BOX 353
PELICAN RAPID MN
56572

VILLAGE OF WOODBURY-F.STRONG
561 TOWER DRIVE
NEWPORT MN
55055

VOLDNESS PERRY
IDS 8TH & MARQUETTE
MPLS MN
55402

WALD JEAN
5746 SANDER DR
MPLS MN
55417

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LI
2100 SUMMIT AVE.
ST.PAUL MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

A-Line Company the, 740 Winnetka Ave. N., Golden Valley 55427

Belisle, Jon, 2594 Brookview Dr., St.Paul 55119

Chapman, John P., c/o Loon Falls Portage, Crane Lake 55725

Chu, Lori, 1098 13th Ave.S.E., Mpls. 55414

Duluth Area Chamber Comm.-Carlson-Peterson, 30 W. Supr St.,Duluth 55802

Fargo-Moorhead Ecological Coordinating Comm.,513 So. St.,Moorhead 56560

Green, Prof.John C., U of M.,Div.Science & Math,Dept.Geology, Duluth 55812

Halvorson Equipment Inc.,325 Lake Ave.So., Duluth 55802, c/o John Clay

Hubachek, Frank B., Sr., 3220 Prudential Plaza, Chicago 60601

Johnson, G. Robert, 2300 Central Av. N.E, Mpls. 55418

Lindahl, John R., 1202 W. 53rd St., Mpls. 55419

Nachbar,R.H., PO Box 911, Intl.Falls,Mn. 56649

Rahr, Frederick, 8301 W. 108th St., Bloomington, 55438

Rider, Bennett et al, 1910 1st Natl Bk Bldg., Mpls. 55402

Ripley, Robert, Mankato Free Press, Mankato, Mn. 56001

Rovers Outting Club, % Conservation Chrman, U OF M, Coffman Union, Mpls. 55455

U.S.Dept. of Interior, Field Solicitor, 686 Fed.Bldg.,Ft.Snelling,Mpls. 55450

Village of Maple Grove, 14310 - 93rd Ave. North, Maple Grove,Mn. 55369

PLEASE NOTE:

If you intend to supplement this list with other lists when mailing a hearing notice, please compare lists and eliminate duplicate notices.

Thank you.

ALSO
NOTIFY ALL INTERESTED STATE DEPARTMENTS, BOARDS AND COMMISSIONS
AND
PLEASE SORT OUT INTEROFFICE MAIL FROM LABELS

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

ORDER APPOINTING

HEARING OFFICER

ARCHIE CHELSETH, Assistant Commissioner and Chief Hearing Officer, Department of Natural Resources, is hereby appointed hearing officer for the public hearing on the above entitled matter.

Dated at Saint Paul, Minnesota, this 30 day of June, 1975.

Robert L. Herbst

ROBERT L. HERBST, Commissioner
Department of Natural Resources

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of Rules of the Commissioner of Natural Resources Governing Municipal Shoreland Zoning Ordinances.

FINDINGS OF FACT AND RECOMMENDATIONS OF HEARING OFFICER

The above entitled matter came on for hearing before Archie D. Chelseth, appointed as hearing officer for these proceedings by order of Robert L. Herbst, Commissioner of Natural Resources, State of Minnesota, dated June 30, 1975. The hearing was conducted at the St. Paul Technical Vocational Institute, 235 Marshall Avenue, St. Paul, Minnesota on July 16, 1975, pursuant to notice. Testimony from all present who asked to be heard was taken at the hearing, and a record made thereof. In addition to exhibits received at the hearing, written statements received through October 15, 1975, have been included in the record. Approximately 9 oral statements and 27 written statements were received.

The record of the hearing having been reviewed and considered, the hearing officer now makes the following:

FINDINGS OF FACT

1. The proposed rules are authorized and required by Laws of Minnesota 1973, Chapter 379.

2. Notice of the hearing on this matter was given in accordance with Minnesota Statutes 1974, Section 15.0412, Subdivision 4. (Commissioner's exhibits 1 through 3).

3. In addition to the 424 persons on the Secretary of States' mailing list, notice was sent to 615 municipalities, 85 counties, 13 regional development commissions, all state legislators and approximately 150 other persons and associations.

4. Prior to the hearing, the Department of Natural Resources held 16 informational meetings throughout the state with local officials and the general public. Comments received at these meetings were incorporated into the proposed regulations.

5. The present shoreland management standards of the Department of Natural Resources (Minnesota Regulations Cons 70 through 77) do not apply to shoreland development within municipalities.

6. There are at least 615 municipalities within the State of Minnesota which border on or contain shoreland areas.

7. There are approximately 750 lakes over 10 acres in size lying within or bordering on municipalities within the State of Minnesota.

8. There is a significant amount of data available regarding the physical and cultural characteristics of lakes within municipalities. This data has been collected by the University of Minnesota, Center for Urban and Regional Affairs, and the Minnesota Department of Natural Resources.

9. Statistical analyses of the physical and cultural characteristics of Minnesota's lakes indicates that there are three (3) general classes of lakes within the following data limits:

(A) those lakes with less than 3 dwellings per mile of shoreline and less than 60 acres of water per mile of shoreline, (B) those lakes with between 3 and 25 dwellings per mile of shoreline and between 60 and 225 acres of water per mile of shoreline, and (C) those lakes with more than 25 dwellings per mile of shoreline and more than 225 acres of water per mile of shoreline.

10. Minnesota Regulations, Cons 70 through 77 have been in effect for five years.

11. Such regulations and guidelines have been used by every county in the state in developing and enforcing county shoreland ordinances.

12. Such regulations and guidelines have been shown to be reasonable, practical, and enforceable through such statewide use.

13. Areas within the corporate limits of municipalities which are without public sewer facilities have the same physical limitations as do the areas covered by Minnesota Regulations, Cons 70 through 77.

14. With the exceptions of those limitations caused by the need for an on-site sewage system, areas within the corporate limits of municipalities which do have public sewer facilities available, have the same physical limitations as do non-sewered areas.

15. The proposed regulations are substantially identical to the previously adopted Minnesota Regulations, Cons 70 through 77 except for the size of bodies of water, lot sizes and structure setbacks when public sewers are available, limitations on the height and proximity of structures to roads and streets, and limitations on impervious surfaces.

16. Improperly treated effluent from individual sewage disposal systems and untreated surface water run-off from impervious surfaces contributes to the eutrophication of surface waters and the contamination of groundwaters.

17. Technical studies by the University of Minnesota, University of California and the United States Public Health Service have demonstrated that effluent from septic tanks can be properly treated if the effluent is dispersed through a soil absorption system located under the following conditions:

(A) at least 4 feet above the groundwater table or bedrock,

(B) Set back at least 50 feet from any water body in order to remove pathogenic organisms and phosphorous compounds, and

(C) set back at least 150 feet from any water body in order to remove nitrogen compounds.

18. A percolation rate of 60 minutes per inch is the minimum rate at which an on-site sewage disposal system would be effective.

19. At a percolation rate of 60 minutes per inch, at least 20,000 square feet (approximately 1/2 acre) of land is needed to provide adequate area for an individual, on-site sewage treatment system and a standard size (3 bedroom) residential structure.

20. When lot widths are uniformly the same as their frontages, parallel side lot lines are encouraged thereby aiding in controlling the maximum density of development and ensuring adequate spacing for individual, on-site sewage treatment systems.

21. Residential structures and wells are best located up-slope from on-site sewage treatment systems in order to prevent contamination of foundations and water supplies.

22. In areas served by public sewer systems, lot widths and frontages in excess of 125 feet are economically restrictive because of increased property assessments and tax levies.

23. In areas served by public sewer systems, the need for sufficient area for an on-site sewer system and the need to place a structure far enough back to be upslope from an on-site sewage system do not exist.

24. In the State of Minnesota, the average area and width for existing municipal lots served by public sewer systems is 8,000 to 15,000 square feet in area, and 70 to 80 feet in width.

25. Small lot sizes allow increased density of development thereby degrading the natural shoreline environment.

26. Natural vegetation and topography reduce the pollution of surface waters by trapping and assimilating excess nutrients and reducing erosion and sedimentation.

27. Impervious surfaces and altered topography near bodies of water generally increase the pollution, sedimentation and erosion of the body of water and surrounding area.

28. Buildings and other structures with a high visual impact reduce the desirable natural condition of the lake.

29. The subdivision of lands which are unsuitable for development because of local topographic and/or geologic conditions can be harmful to the health, safety and welfare of future residents of the development and the local community.

30. Minnesota Statutes 1974, Chapter 462 authorizes municipalities to undertake planning and zoning, including the development of comprehensive land use plans and the designation of suitable land use districts.

31. Landowners generally should and do have the right to develop their lands to a reasonable extent.

32. That there is a need to manage lakes of similar physical and cultural characteristics under similar policies, goals and objectives.

33. Road setbacks are largely a safety matter designed to keep structures away from traffic flows and to maintain adequate visual clearance at intersections. They can also be used to protect investment in properties by avoiding the need to relocate structures once road rights-of-way are widened.

CONCLUSIONS

I. That there is a need to regulate the use of shoreland areas in order to insure that such uses are compatible with the unique physical and cultural characteristics of the area and the body of water, and to prevent the pollution of public waters.

II. That it is in the interest of the State of Minnesota to allow the development of lake shore areas to the maximum extent possible consistent with the desire to protect the bodies of water and the rights and enjoyment of the general public.

III. That the promulgation of regulations relating to the use and management of shoreland areas within municipalities would be in the public interest.

IV. That such regulations should allow for:

a. Classification of public waters.

b. Regulations providing for the designation of land use zoning districts compatible with shoreland management classification.

c. Regulations providing minimum dimensions for the size and length of water frontage of lots suitable for building sites.

d. Regulations govering the placement of structures in relation to shorelines and roads.

e. Regulations governing the amount of impervious surface allowed on each lot.

f. Regulations governing the type and placement of sanitary and waste disposal facilities.

g. Regulations governing the alteration of natural shorelands in municipalities.

h. Regulations governing the placement of roads and parking areas in shoreland areas.

i. Regulations governing the subdivision of shoreland areas in municipalities.

j. Provisions for the enforcement and administration of municipal shoreland management ordinances.

V. That with the exception of those concerning the establishment of specific land use districts for which there is no need, the proposed standards and criteria will adequately serve the public needs as outlined above and are in the public interest.

VI. That the rule-making procedures required by Minn. Stats. Chap. 15 were properly followed.

Dated this 13th day of February, 1976.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

Archie D. Chelseth

ARCHIE D. CHELSETH
Hearing Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
MINNESOTA

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of the Department of Natural Resources on the 16th day of July, 1975, at 12:30 p.m. in the Auditorium of the St. Paul Technical Vocational Institute, 235 Marshall Avenue, St. Paul, Minnesota, after proper notice required by Minn. Stat. 1974, § 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the recommendations of the hearing officer, and the applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as "Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota", are adopted this 18 day of February, 1976, pursuant to authority vested in me by Minn. Stats. 1974 Sec. 105.485 and Minn. Stats. 1974 Chapter 15.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES



ROBERT L. HERBST, Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES, STATE OF
MINNESOTA

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

STATEMENT OF NEED

The rules captioned above are required by Minnesota Statutes 1974 § 105.485, Subd. 3.

It is further in the interest of the public health, safety, and welfare to provide guidance for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, preserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the state.

These rules are necessary to provide such guidance for municipalities to regulate the shorelands within their boundaries.

Dated this 18 day of February, 1976.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

ROBERT L. HERBST, Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ROBERT L. HERBST
COMMISSIONER OF THE
DEPARTMENT OF NATURAL
RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

STATEMENT OF COMPLIANCE

I, Special Assistant Attorney General Donald A. Kannas, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Donald A. Kannas

DONALD A. KANNAS
Special Assistant Attorney General

DATED:

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed Adoption of Rules of the Commissioner of Natural Resources Governing Municipal Shoreland Zoning Ordinances.

AFFIDIAVIT OF THE HEARING OFFICER

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

MR. ARCHIE D. CHELSETH, being first duly sworn, deposes and says that:

1. He is the hearing officer in the above-entitled matter;
2. He sat as the hearing officer through the entire session of the public hearing on such matters held at the St. Paul Vocational Technical Institute, 235 Marshall Avenue, St. Paul, at 12:30 o'clock p.m. July 16, 1975;
3. There is no verbatim record of said hearing due to an error in recording;
4. Some witnesses merely read into the record a written statement which was then submitted in written form and is now a part of the record of the proceedings;
5. Other witnesses submitted written summaries of their statements which are now a part of such record;
6. There was little cross examination of any witness;
7. A substantial portion of the record on such matters was received in evidence and statements submitted by mail either before or after the hearing;
8. All persons who attended the hearing were mailed a copy of the attached letter to inform them

of the situation so they could resubmit their comments;

9. Your affiant and other Department of Natural Resources employees who attended the entire proceeding have utilized notes taken and personal recollection to reconstruct the remainder of the hearing testimony;

10. The following "summary of testimony" and the attached affidavit of David B. Milles fairly depicts, to the best of my knowledge, a summary of the oral statements made by all witnesses who testified.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Archie D. Chelseth

ARCHIE D. CHELSETH
Assistant Commissioner
Department of Natural Resources

Subscribed and sworn to before me
this 13th day of February, 1976.

Helen A. Hanauer

NOTARY PUBLIC

HELEN A. HANAUER
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
Sept. 12, 1980

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
CENTENNIAL OFFICE BUILDING • ST. PAUL, MINNESOTA • 55155

Dear

On August 16, 1975, our records show that you attended the Public Hearing on the Proposed Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota. You will recall that this hearing was held in the auditorium of the St. Paul Technical Vocational Institute, 235 Marshall Avenue, St. Paul, MN.

Due to an error, the court reporter was unable to furnish us with a complete transcript of the hearing proceedings. If you wish to make any written comments concerning testimony you made at the hearing or if you have any additional remarks you wish to make in reference to the proposed regulations, you may submit them to the Department of Natural Resources, Municipal Shorelands Hearing Officer, Third Floor, Centennial Building, Saint Paul, MN 55155. The record will be kept open for such statements through October 15, 1975.

Sincerely,

Archie D. Chelseth

Archie D. Chelseth, Assitant Commissioner
Municipal Shorelands Hearing Officer

ADC:dma

AN EQUAL OPPORTUNITY EMPLOYER

July 16, 1975 Public Hearing Regarding the Adoption of Municipal Shoreland Management Standards

-Summary of Testimony-

1) Mr. Michael J. Hansel, representative of the Minnesota Pollution Control Agency.

Mr. Hansel presented a statement on behalf of the Minnesota Pollution Control Agency favoring the adoption of the proposed regulations. His statement did not propose any changes or additions to the proposed regulations.

2) Mr. Robert J. Banks, Superintendent of Public Works for the City of St. James.

Mr. Banks presented a statement critizing the definition of residential-commercial districts. He was particularly concerned with the criteria used in setting forth and establishing such districts and with the application of these districts to the existing zoning within their municipality. He also testified concerning the lot sizes allowed in these districts and commented that he thought that they were too narrow and too long to be adequate for building. He recommended that we go to a wider lot size in the magnitude of 100 feet by 12,000 square feet. He also requested to know the qualifications and background of those who had drafted the proposed regulations. This request was responded to by the representative for the department.

3) Mr. Robert L. Searles, Mayor of the City of Orono and representative of the Lake Minnetonka Conservation District.

Mr. Searles presented a statement on behalf of the City of Orono and the Lake Minnetonka Conservation District which in general favored the adoption of these regulations. His testimony reflected on the existing proposed general development classification for Lake Minnetonka and he commented that this classification would allow for a general use district on this lake and that he felt that this type of a land use district would allow industrial uses that would not be compatible with the recreational character of Lake Minnetonka. He also commented on the impervious surface restrictions within the proposed regulations and suggested that a 30 percent figure be inserted in this section. He also made a recommendation that the final version of the regulations include provisions for roads and parking lots in shoreland areas particularly establishing setbacks and screening requirements for these types of development. He also commented that the regulations should allow for a greater soil absorption system setback in the general use district since these areas have already been developed to a substantially higher density than other areas.

4) Mr. Frederick S. Richards, attorney representing the Metropolitan Area Watershed Districts and the Hennepin County Park Reserve.

Mr. Richards presented a written statement on behalf of the Metropolitan Area Watershed Districts. This statement briefly asked that these regulations recognize the authority of watershed districts and that municipalities be required to cooperate with watershed districts in adopting shoreland regulations. He specifically referred to NR 84 and suggested that this section be modified to require municipalities to cooperate with watershed districts in terms of land use and other special projects. He also suggested that the municipalities be required to report to the watershed districts on the projects and land use decisions so that this could be coordinated with there permit and project authority. Mr. Richards also presented a statement on behalf of the Hennepin

County Park Reserve and mentioned that the park reserve shared the same authorities and responsibilities as a municipality under state statutes. He requested that in view of this fact that the proposed standards include a reference to the Hennepin County Park Reserve reflecting these special powers and that the Hennepin County Park Reserve be given review authority on those developments that would affect competeing uses on lakes.

5) Mr. Mentor "Duke" Addicks, representative of the League of Minnesota Municipalities.

Mr. Addicks appearing on behalf of the League of Minnesota Municipalities presented comments regarding several definitions and specific wording of the regulations. His comments suggested changing the definition of subdivision, in particular dropping the word "ready" and also in changing the definition of a variance so that it would be consistent with the definitions set forth in Minnesota Statutes Chapter 462. He also suggested that we delete the second line of NR 82 (F) (1) (dd). He also suggested that we adopt a classification system that would allow for more than one classification on the same body of water. Such a system would allow the DNR to classify different stretches of the Lake Superior shoreline or Lake Minnetonka shoreline into different classes based upon differences in prevailing land use. He also commented on the imprevious surface restrictions proposed in the regulations and recommended that we go to a 30 percent restriction on imprevious surfaces. On page 19 of the proposed regulations he recommended that we add to our land suitability definition a reference to the loss of recharge areas for aquifers and areas for the retention of storm water runoff. He also recommended changing Section (A) (1) on page 21 regarding the excavation and removal of natural vegetation. He finished his comments by mentioning that the League would be willing to work with the DNR on preparing new model ordinances and he also mentioned that the League of Minnesota Municipalities does endorse the idea of having road and parking areas setback and regulation requirements.

6) Mr. Jerry Boardman, representative of the City of Fridley.

Mr. Boardman introduced as evidence a resolution passed by the Fridley City Council opposing the general content of the proposed regulations. Specifically, the City Council objects to the Commissioner of Natural Resources classification of public waters and the City feels that such classification should be done by the local unit of government. He also expressed concern that these regulations would make many of the existing uses in the City of Fridley nonconforming and that any destruction of these existing uses would not be able to be rebuilt. He also commented that he felt our lot sizes were too large and that these regulations would make many of the existing lots within the City of Fridley substandard or nonconforming.

7) Mr. Richard Harris, member of the City of Fridley Planning Commission and a concerned property owner.

Mr. Harris reiterated many of the comments presented by Mr. Boardman and did not interject any new comments or objections.

8) Mrs. Jane Chelsey, representing a citizens group from the Detroit Lakes area.

Mrs. Chelsey testified that her group wishes to see these standards made retroactive in terms of the overall density of land uses established on shorelands. She also requested that the regulations provide that lakes which have reached a certain level of development must be sewered and that septic tanks must be checked or inspected at regular intervals by the local unit of government.

9) Mr. Charles King, member of the City of Mahtomedi Planning Commission and a concerned property owner.

Mr. King basically objected to the 1,000 foot jurisdiction of these regulations. He felt that this limit would take in much more than just actual shoreland and would substantially effect the overall land uses within the City of Mahtomedi. He also felt that there should be more restrictive provisions on the use of on site sewage disposal systems within the commercial-residential district. Basically he felt that these lot sizes were too small and the densities were too great for adequate on site treatment. He also questioned the five year clause referring to elimination of nonconforming sewage disposal systems. Also he was concerned about the need to rebuild roads along shorelines and how these regulations would effect them. He also commented that he felt that the reporting requirements of these regulations would create undue amounts of paperwork for the local unit of government.

THIS ENDED THE ORAL TESTIMONY PRESENTED AT THE HEARING.

STATE OF MINNESOTA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Proposed
Adoption of Rules of the
Commissioner of Natural Resources
Governing Municipal Shoreland
Zoning Ordinances

A F F I D A V I T

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

DAVID B. MILLES, being first duly sworn, deposes and says:

That he was the only witness for the Department of Natural Resources at the public hearing on the above described matter; and

That the attached six pages fairly and accurately represent his testimony at said hearing.

David B. Milles

Subscribed and sworn to before me
this 9th day of October, 1975.

Anne P. Burkman
Notary Public

ANNE P. BURKMAN
Notary Public, Ramsey Co. Mn.
My Commission Expires
May 28, 1981

TESTIMONY OF DAVID B. MILLES AT THE JULY 16th, 1975 HEARING PURSUANT TO PROPOSED REGULATIONS OF THE COMMISSIONER OF NATURAL RESOURCES FOR THE MANAGEMENT OF MUNICIPAL SHORELAND AREAS.

DAVID MILLES-I am Supervisor of the Shoreland Management Unit for the Division of Waters of the Minnesota Department of Natural Resources.

I would first like to begin by submitting for the record a copy of the Shoreland Management Act adopted for municipalities. The citation for this act is "Laws of Minnesota, 1973, Chapter 379." This act, among other things, instructed that the Commissioner of Natural Resources promulgate the rules and regulations which this hearing is being held for today. Secondly, I would like to submit a copy of the regulations which are being considered at this hearing. These are entitled "Proposed Standards and Criteria for the Management of Municipal Shoreland Areas of Minnesota," Chapter 6, NR 82-84. I would also like to submit seven statements or pieces of correspondence which were received by the Department and which were requested to be introduced as part of the hearing record. These include: 1) a letter from Robert K. Pillsbury, Chairman of the Lake Minnetonka Conservation District, 2) a letter from Mahlon L. Dahl, the Mille Lacs County Zoning Administrator, 3) a letter on behalf of the City of North Branch from Berry L. Blomquist, the Attorney for the City of North Branch, 4) a letter from Paul Schneider, the Benton County Zoning Administrator, 5) a statement from Mr. M.L. Anderson, who is a representative of NSP, 6) a letter from Robert L. Searles, Mayor of the City of Orono, and 7) a letter from Arthur A. Drenckhahn, who is an attorney representing the City of Warren. Also, I would like to submit for the record two reports prepared by the Division of Waters, of the Minnesota Department of Natural Resources which in part offer information and documentation for some of the proposed regulations. The first report is entitled "A Classification Scheme for Public Waters" Shoreland Supplementary Report No. 1, published in April 1971. The second report is entitled, "Elements and Explanation of the Shoreland Rules and Regulations" Shoreland Supplementary Report No. 2, published also in August 1971.

At this time I woule briefly like to review the proposed regulations, go over the pertinent sections and offer testimony explaining why these regulations contain the provisions they do, how we arrived at them and what some of the rationale is behind them.

The first section, NR 82, of the proposed regulations is entitled, "General Provisions." I would like to read a statement of policy as set forth in these regulations. NR 82A statement of policy reads as follows:

> *"The uncontrolled use of shorelands adversely affects the public health, safety, and general welfare by contributing to pollution of public waters and by impairing the local tax base. In accordance with the authority granted in the Laws of Minnesota 1973, Chapter 379, and in furtherance of the policies declared in Minnesota Statutes 1974, Chapters 105, 115, 116, and 462, the Commissioner of Natural Resources, hereinafter referred to as the Commissioner, does hereby provide the municipalities of the State with minimum standards and criteria for the subdivision, use, and development of the shorelands of public waters located in municipalities in order to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the State."*

NR 82B spells out the scope of these proposed regulations. NR 82B reads as follows:

> *"(1) To achieve the policies declared in NR 82 (a), the Commissioner here sets forth minimum standards and criteria for the wise use and development of shore-*

lands in NR 82 - 84 which include:

(aa) Classification of public waters.

(bb) Regulations designating types of land uses compatible with shoreland management classification.

(cc) Regulations providing minimum dimensions for the size and length of water frontage of lots suitable for building sites.

(dd) Regulations governing the placement of structures in relation to shorelines and roads.

(ee) Regulations governing the amount of impervious surface allowed on each lot.

(ff) Regulations governing the type and placement of sanitary and waste disposal facilities.

(gg) Regulations governing the alteration of natural shorelands in municipalities.

(hh) Regulations governing the subdivision of shoreland areas in municipalities.

(ii) Provisions for the enforcement and administration of municipal shoreland management ordinances.

I should point out that the regulations do include a proposed provision for all of these objectives. I would also like to point out that these standards are minimum standards which must be met by each municipality; however, municipalities are able and are encouraged to adopt more stringent regulations than these.

NR 82C refers to the jurisdiction of these regulations. As I mentioned, these regulations would have jurisdiction over any shorelands of public waters which are located in municipalities. Shoreland, as defined in NR 82D definitions, is defined as any land located within the following distance from a public water: 1) 1000 feet from the ordinary high water mark of a lake, pond or flowage, and 2) 300 feet from a river or a stream, or the landward extend of any floodplain designated by ordinance on such a river or a stream, whichever is greater. NR 82D also defines "public waters" as any waters of the state which serve a beneficial public purpose as defined in Minnesota Statutes 1974, Section 105.37, Subdivision 6. However, for the purpose of these regulations any lake, pond or flowage of less than 10 acres in size and any river or stream having a drainage area less than two square miles need not be regulated by the municipality. The DNR has inventoried all lake basins down to 10 acres in size and therefore has sufficient resource management data on basins down to this size.

NR 82F sets forth the public waters classification system to be used as part of these regulations. Basically, this is about the same pattern set forth in our county shoreland management standards and the first report I introduced as evidence, Supplementary Report No. 1 Classification Scheme For Public Waters, goes into some of the rationale and criteria used in setting up the system. Basically, all rivers, streams and lakes within municipalities will be classed into one of three categories. These include: natural environment lakes and streams, recreational development lakes and streams, and general development lakes and streams. Basically, natural environment lakes and streams are those characterized by low density development and by possessing what we call a high crowding potential, which basically means that there is much more land area in relationship to water area than there is on larger lakes. Recreational development lakes are medium development lakes as far as density and crowding potential are concerned, and general development lakes are high density lakes in terms of development and crowding potential. The cut-offs that will be used in this classification (which are also the definitions or criteria we are using to define low, medium and high density) are what we call "development density," which is a ratio of the number of dwellings on a lake for a mile of shoreland on that lake and "crowding potential," which is the number of acres of water in that lake compared

to the number of miles of shoreland. For natural environment lake, the cut-off values that are used in this classification system are as follows: the development density is less than 3 dwellings per square mile and the crowding potential is less than 60 acres per mile of shoreline. Recreational development lakes have a development density between 3 and 25 dwelling units per mile of shoreline and crowding potential between 60 and 225 acres of water per mile of shoreline. General development waters are characterized by development density of greater than 25 dwelling units per mile of shoreline and crowding potential of greater than 225 acres of water per mile of shoreline.

I would also like to explain thi procedures set forth in the regulations for classification and re-classification of public waters. Basically, our department will prepare a preliminary classification for each municipality. This preliminary list will be submitted to the municipal government and they will have an opportunity to review the classifications and to request any changes based on additional data or information which we have not considered. We'll finalize the classifications and this will be the public waters classification which would be included in the municipal ordinance which is required to be adopted under the shoreline management act. There is also a procedure for re-classifying bodies of water in the event that there was some erroneous information used in the initial classification or that some new evidence or information has come to light that would require re-classification. Basically, the procedures set forth in the regulations state that the local unit of government would be able to request the Commissioner to reclassify a body of water and the Commissioner of Natural Resources has the authority either on his own or at the request of a local unit of government to reclassify any body of water.

Going on to the next section NR 83 Land Use Controls. NR 83A sets forth a land use designation system. Basically, under the proposed regulations, municipalities would be required to adopt land use districts (" zoning districts") which are compatible with the classification scheme set up for public waters. As set forth in the regulations, on natural environment lakes or streams two districts would be appropriate. One would be a conservancy district and the other would be a low density residential district. The criteria for these districts are defined in the proposed regulations. On recreational development, lakes or streams, three districts would be appropriate for use by the municipalities--conservancy district, low density residential district, and a residential district. On general development lakes and streams, 5 districts would be applicable--the conservancy district, low density residential district, the residential district, residential-commercial district, and the general use district. Again the definitions and criteria for all these districts are set forth in the regulations and you may wish to comment on them later. I would like to point out these land use districts are not mandatory in terms of using the same wordking set forth in the regulations, but the regulations do state that a community would have to provide for land use districts similar or compatible with these land use districts. NR 83B sets forth the district criteria and defines the types of areas and types of information that should be reviewed by the community in setting forth these land use districts. It also spells out the types of land uses which may be permitted in the districts set forth in NR 83A. NR 83C Zoning Provisions contains the minimum lot sized and setbacks that would be attached to these land use districts. I should mention here that these land use districts are directly related to the public waters classifications which I mentioned earlier and these zoning provisions are directly related to the land use districts. So, in effect, the zoning provisions in terms of lot size and setbacks are tied directly back into the classification scheme through the use of these land use districts--so there isn't that much change from the existing county program except that the land use districts are being interjected. The zoning provisions as proposed are as follows: for unsewered areas, on a low density residential district, the minimum lot size is 80,000 square feet, the water frontage and width of the building line is 200 feet,

the building setback from the ordinary high water mark is 200 feet, and the setback for soil absorption system from the ordinary high water mark is 150 feet. For residential land use districts, the minimum lot size would be 40,000 square feet, the minimum water frontage and width at the building line would be 150 feet, the building setback from the ordinary high water mark is 100 feet and the setback from the ordinary high water mark for sewage disposal systems is 75 feet. On residential-commercial districts the minimum lot size is 20,000 square feet, the width at the water line and at the building line is 100 feet, the setback for the ordinary high water mark is 75 feet, the setback for structures from the ordinary high water mark is 75 feet, the setback for the sewage disposal system from the ordinary high water mark is 50 feet. For general use districts, the requirements would be the same as those for residential-commercial districts. Basically, the zoning requirements for unsewered land use districts are identical to those which we set forth in our county shoreland management program and the rationale and explanation for those regulations is set forth in supplementary report no. 2, which I submitted earlier as evidence. However, for municipal areas. we are also concerned with sewered areas and there are regulations in this proposal governing zoning provisions in sewered areas. Basically, these regulations call for smaller lots and narrower lots for several reasons. First of all, in sewered areas we've eliminated the need to provide a large enough land area for on-site treatment of sewage - this is removed from the site and sent to the municipal sewage treatment facility, thus there is no longer a need for an extensive land area for soil absorption or other on-site treatment. Secondly, by creating narrower lots we were satisfying a need to keep roads further back from the shoreline because, generally, on shoreland lots the structure is toward the center or the front of the lot and the access road is at the back. We have seen a number of studies which indicate that after you have removed the sewage disposal problem, the next largest pollution problem on a body of water is the run-off from impervious surfaces such as roads. Brush, leaves and other organic matter concentrate on such surfaces and this material is very high in phosphates and there is relatively little treatment for it. We felt that by going to a narrow lot frontage, we are increasing the length of the lot thereby keeping roads further back from the shoreline. Secondly, we have looked at a number of studies done by state planning and other agencies which indicate that in the State of Minnesota the average lot size and width in municipal subdivisions varies from 8,000 to 15,000 square feet in area and 70 to 80 feet in frontage. Please note that the regulations we are proposing are right in the middle of this range. Also, we felt that there was an economic incentive for going to narrower lots - which we do feel is a valid planning consideration. In urbanized areas, those areas that are served by public sewer are taxed upon the number of front feet that are sewered. We have seen several studies that indicate 125 feet of frontage is generally the cut-off as far as economic feasibility for sewering an area, so we felt by staying with 75 feet of frontage on sewered areas we were at a level that would encourage the sewering of these areas. Also the sales and taxation of shoreland lots is generally based on frontage feet and by going with a fairly reasonable lot width we also keep the sales values and the taxation values within reasonable limits. There fore, for sewered areas in municipal shorelands, these are the proposed zoning requirements: for residential land use districts - those lots abutting the water, (riparian lots) must be 20,000 square feet in area, the back lots must be 15,000 square feet in area, the width at the water line and the building line will be 75 feet, setback for structures from the high water mark is 100 feet, and the setback from roads would vary from 20 to 50 feet for residential-commercial districts - and general use districts - the lot size for lots abutting the water (riparian lots) is 15,000 square feet and lot size for back lots would be 10,000 square feet, the width at the water line and at the building line is 75 feet, the building setback from the high water mark would be 75 feet, and

the building setback from roads and highways would vary from 20 to 50 feet.

The sanitary provisions I have already gone over - these are set forth in NR 83D and I went over those when I talked about the unsewered land use districts. I would also like to discuss a number of other points in NR 83. These refer to substandard lots, which are on page 12 under headings (ee). Basically, the regulations state that substandard lots (in terms of size) which were created before the date of the adoption of the municipal shoreland ordinance would be grandfathered in and that these lots would not have to meet the size and width requirements. However, any structures or development on these lots would have to conform, as far as practical, with the setbacks and other zoning requirements set forth in these standards. Also, municipalities do have the authority to set minimum sizes for substandard lots.

Also, on page 13 under heading (BB) there is reference to the high water elevation and this provision states that for any structure, the lowest floor (including the basement) must be elevated at least three feet able the highest known water table or at the regional flood protection elevation. On page 14 (DD) there is also a provision that the height of structures in the shoreland area must not exceed 35 feet - this would mean 35 feet above grade. Also on page 14 under heading (EE) there is a reference to impervious surfaces. Now in our first draft, we did originally have a percentage figure in here and we did get a number of comments at our informational meetings which were in conflict with that percentage figure. However, since preparing this final hearing draft, we have gotten a number of comments and also reviewed a number of pieces of information which indicates that it is viable and rational to restrict impervious surfaces on lots to about 30 percent of the lot area - again the rationale for doing this is to keep the organic material, such as leaves, which collect on impervious surfaces from being washed into the lake, which is the second major source of pollution on a body of water. Therefore, we are considering putting in a restriction on impervious surfaces so they will cover no more than 30 percent of a lots area. We would also solicit testimony on this point from the people at this hearing. Also on page 15 under heading (AA) are restrictions for the removal of natural vegetation. On page 15 under heading (BB) are regulations for filling and grading shoreland areas and on page 15 under (CC) are regulations for the alteration of public waters. Basically these are similar regulations to those already in effect and adopted under our county shoreland regulations. NR 83 (E) provides for subdivision provisions and basically this is divided into 4 areas. The first area pertains to land suitability determination. This section would give the city council the ability to look at a parcel of land and judge whether or not it is suitable for a proposed use (i.e. residential use). Secondly, there is a provision for inconsistent plats to be reviewed by the Commissioner and this would provide that any plat or subdivision of land which would create lot sizes or frontage smaller than those required by these regulations and the municipal ordinance would be submitted to the Commissioner for his review prior to the time that it would be approved by the local unit of government. Thirdly, is a requirement that copies of all plats that are approved by the municipality must be submitted to the Commissioner ten days after they are approved. Also there is a section pertaining to planned unit developments and the standards they must meet - this is a type of development such as cluster housing-condominiums or town houses which allows a higher density than would normally be allowed. Under these regulations such developments would be permitted provided they are approved by the Commissioner before they are approved by the municipality. Central sewer and water systems must be provided, open spaces preserved and common shoreline recreation facilities such as docks, swimming beaches and marinas must be provided.

Finally, NR 84 provides for the administration and enforcement of these regulations. It sets up the office of the zoning administrator, spells out his duties and obligations and also spells out the permit system that is to be used in terms of permits for building, installing sewage disposal systems, conditional use permits and this sort of thing. It also spells out the variance procedure and that variances may be granted in the case of proved hardships. This section also provides that non-conforming uses may be controlled and eliminated by the municipality and that sewage disposal systems which are inconsistent with the sanitary provisions of these regulations must bereduced and removed over a period of time not to exceed 5 years from the date of adoption of the municipal ordinance. All these regulations and provisions are essentially identical to those already in effect through our county shoreland management program. The proposed regulations also contain a provision for the joint exercise of powers between municipalities and counties. Basically, this simply says that a municipality may enter into a joint powers agreement with other cities or counties in order to enforce shoreland management regulations. Also, there is a provision that the Commissioner be notified of certain procedures. This requires that the Commissioner receive a notice of any hearing to consider a conditional use permit, variance or amendment to an ordinance at least ten days prior to such hearing and that he receive a copy of any decisions on such matters at least ten days after final action. Briefly, this represents the content of the rules and regulations and at this time I will be open for any questions pertaining to these regulations.

At this time there were no questions received from the audience and the record was opened for statements from the representatives in the audience.