

Agenda (in black) and Post Meeting Summary (in red)
MN Shoreland Rules and City Code Review
Task Force Meeting with the DNR 2.15.23, (8:00 am Central, via Zoom)

1. Introductions, **by TF Chair, Susan Swanson**

(Chair, SS--current planning commissioner; SE-former elected and appointed official-City Council member and planning commissioner; NM-former elected and appointed official-CC, PC and Park Commission, Long Range Planning for last 3 Comprehensive Plans) DNR, Wes--background; City Administrator, Heidi Honey—background; Jennifer Halverson, new CC member taking the place of Tracey Breazeale-- Council Member and DNR Liaison, who is unavailable.

NOTE: ***THIS MEETING WILL BE RECORDED***

2. Goals for this Zoom meeting

Wes commented on the process memo and indicated the TF had set out a clear, good process which he appreciates and is supportive of. The DNR understands the complex nature of this project in light of the fact that the most recent Code rewrite (unapproved 2017 Code) completely reconfigured the DNR-approved 1996 Code and does not track the DNR Model Shoreland Ordinance for organization or format. He was appreciative of the work of the Task Force and the thoroughness of information provided so far. Wes expects that at the end of the project a RL update to the DNR-approved 1996 code will be submitted to the DNR for conditional review.

As long as the City is making progress, the DNR will be patient. The redline code for total compliance need not be complete by 12-31-2023.

- Questions on WOAS-**led by SS**

The City may add a lawn irrigation pump house as an option for the one allowed WOAS as long as the previously promised WOAS size is maintained. This addition will not require flexibility negotiations. Wes views this as an administrative correction. The 1996 language, plus lawn irrigation systems, will be the proposed amendment.

- Questions on Building Height- **led by SE**

Clarifying language for measurement acceptable. Appurtenance language acceptable. Appurtenances are not included in 40' height limitation. 2017 clarifying language will be the proposed amendment.

- Project Approach-**led by SS**

3. Report out from 2.13.23 Council meeting

- Potential Change in Process- **led by SS, with City Administrator**
- Mayor has suggested the 2017 Code be submitted to the DNR so the DNR can tell the City where it is out of compliance.

DNR expects the City to submit a Zoning code that is compliant with the shoreland regulations. The DNR does not wish to review a non-redlined 2017 code. The DNR is willing to review and permit amendments to the 2017 code to key promises made in 1996 so that the amended provisions will apply to ongoing projects in the city as long as the City continues to move forward on making the entire City zoning code compliant.

4. Project approach questions-**led by SS,**

DNR expects that at some point MB will submit a complete zoning code that is compliant with the shoreland rules as well as the greater restrictions promised by the City.

- Does the DNR expect/require that the City shoreland regulations will follow the format of the DNR Model Ordinance?

Same formatting not required.

- If the City makes amendments to correct specific previously unapproved 2017 Code sections, will that be satisfactory to the DNR w/o a DNR review of the balance of the unapproved 2017 Zoning Code?

If the City feels there are areas of the current code that should immediately be addressed, the DNR will accept limited amendments now with the understanding that a complete code that is compliant will be submitted at a later date. Such a limited amendment (eg: removal of credits for pervious surface) would not require the DNR to approve the 2017 Code, but only the specific area of amendment. However, at the end of the project the DNR expects a complete compliant Zoning Code will be adopted by the City after the required DNR Code amendment process is undertaken.

The DNR views all areas of shoreland compliance as equally important so will not prioritize the City's issues. The DNR will only approve corrections once so would not expect that additional changes to approved areas would be presented in the final complete code presented to it.

- If not, will the DNR undertake a review of the entire 2017 Code to identify areas where the City is noncompliant with the shoreland rules?

No

Or is this an obligation of the City? The City is to submit a Code that is compliant with all of the shoreland rules along with the City promises of greater restrictions. Areas of greater restrictions are to be pointed out to the DNR.

Wes indicated that the process does not need to be so formalized. The TF explained that given the City's lack of records showing the progression of the Code from 1996 to the current version, and to maintain communications with PC and CC, changes and discussions with the TF need to be memorialized for City records. The TF requested that Wes respond to the questions in the memos in

writing. Future communications to the DNR do not need to be as formal as memos submitted to date. Wes's response does not need to be in memo format, an email is sufficient.

Attachments (previously submitted):

Process Memo

WOAS Memo

Building Height Memo