

To: Planning Commission
From: Susan Swanson, Commissioner/Task Force Chair
Date: 5.18.22
Re: DNR/City Code Compliance Task Force Update

The Task Force has been meeting regularly to address the issues in the letter from Dan Petrik dated 6/10/21(copy attached). Petrik is the DNR Shoreland Program Manager.

All of the land in Minnetonka Beach is within 1000 feet of Lake Minnetonka so is considered Shoreland. Shoreland is subject to the DNR Shoreland Management Rules (adopted in 1989) and other legislative directives that regulate land use and development of real property. The purpose of the state rules and regulations is to protect Lake Minnetonka, which is considered a public asset. The DNR Rules and other legislative mandates are consistent with the City's historical practices to protect the lake. They are also consistent with the goals in the City's Comprehensive Plan. The City is obligated to comply with the state mandates or request a deviation from the requirements.

As background, in 1992 the City made certain representations to the DNR regarding its regulations. In return the City was allowed an upward deviation in hardcover, from the state limitation of 25% to 30%. The City was also allowed to deviate from the standards with regard to building height and where Water-Oriented Accessory Structures could be placed.

To date the Task Force has completed the following:

- Research of the City's historical regulation of land use prior to the adoption of the DNR 1989 Rules,
- Review of the lengthy process undertaken by 11 Lake Minnetonka area cities in negotiating with the DNR for flexibility and deviations from the standards set by the Rules,
- Representations of the City in 1992 to the DNR,
- Evaluation of 1992 City Code originally submitted to the DNR and comparison to the final City Code approved by the DNR in 1996,
- Review of the current DNR Model Shoreland Ordinance,
- Evaluation of the City Code and changes made since 1996,
- Task Force is in the process of determining how various issues and standards were incorporated into the MB City Code after 1996 and whether they are compliant with the Rules and promises made to the DNR,
- In evaluating the current Zoning Code, the Task Force is also identifying areas that need clarification.