

**Lake Minnetonka Conservation District (LMCD)
Environmental Committee Talking Points
February, 2010**

The LMCD Environmental Committee is evaluating changes to existing dock ordinances to determine their ability to protect wetlands and shallow littoral zones (4' or water or less) on Lake Minnetonka from any irreparable damage. To assist in this process, the Environmental Committee has formed a technical advisory committee (TAC) to ensure that any ordinance changes to be considered take into consideration scientific literature.

The TAC has reviewed a variety of scientific literature and made five recommendations to the LMCD Environmental Committee. These include:

1. Review LMCD ordinances to facilitate minimization of surface area of docks and other structures;
2. Increase the use of no wake zones in sensitive littoral areas;
3. Avoid high density traffic in shallow areas;
4. Attempt to protect sensitive areas while allowing unlimited use in others; and
5. Educate the public to understand the damage caused by shading and motorboat traffic in littoral zones.

Recommendation 1- Review LMCD ordinances to facilitate minimization of surface area of docks and other structures

AREA AVAILABLE TO PLACE DOCKS & BOAT STORAGE

Each site is allocated an area of the Lake referred to as a Dock Use Area (DUA). All docking, watercraft storage, swim rafts, and the like must be docked or moored within this DUA. The DUA has: 1) length limitations, which are measured from the shoreline, and 2) side setback limitations, which are measured from the side property lines as extended into the Lake.

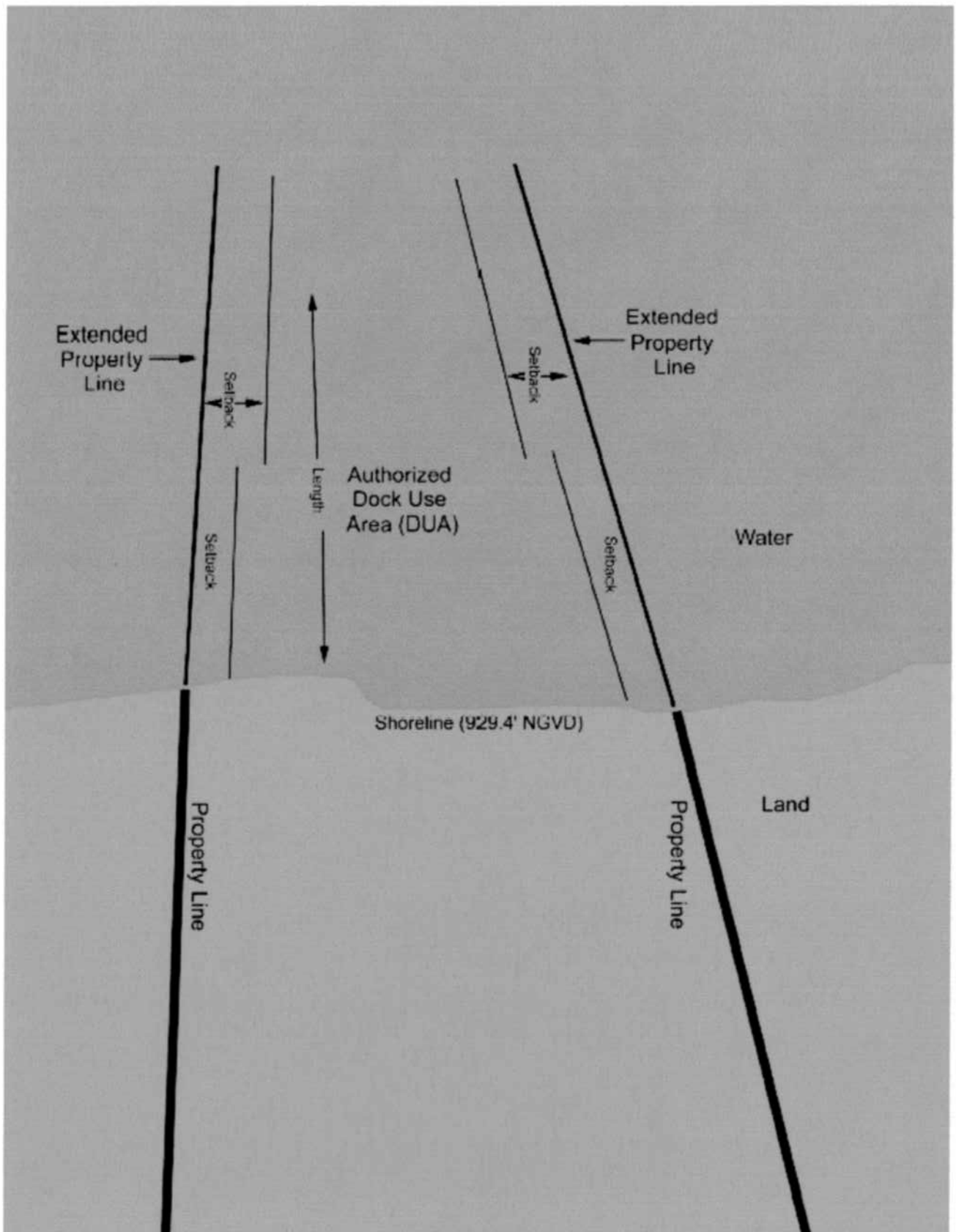
DUA Length

- The length of the DUA is generally the same as the width of the lakeshore frontage (maximum 100').
- Sites with lakeshore frontage between 40' and 60' that were existence on 2/5/70 may extend the dock to 60'.
- Sites with lakeshore frontage of less than 40' may extend to 4' of water depth or 60', whichever is less.

DUA Width

- 0' to 50' from shore (10' side setback)
- Over 50' to 100' (15' side setback)
- Sites in existence on 2/2/70 that have 50' or less in frontage (5' side setback)
- Side opening slips (depth of slip, minimum of 20' side setback)
- Subject to some restrictions, consenting neighbors may combine their DUA for a common dock or to adjust their DUAs for setbacks between these two sites.

EXAMPLE OF DOCK USE AREA (DUA)



LIMITATIONS ON NUMBER OF WATERCRAFT

The LMCD limits the number of watercraft that may be moored or docked at a site. Those watercraft are defined as “Restricted” and “Unrestricted”. “Unrestricted Watercraft” are generally small watercraft that are non-motorized or have motors of 10 horsepower or less. The number of “Unrestricted Watercraft” moored or docks are not limited. However, the storage of “Restricted Watercraft” are limited, which would include personal watercraft due to the horsepower.

Storage rules for “Restricted Watercraft” are as follows:

- The General Rule is one restricted watercraft for each 50' (1:50') of continuous shoreline (without reference to the owners of the watercraft being residents of the site); or
- Unless a greater number is allowed by the 1:50' General Rule, up to two restricted watercraft may be moored or docked on a site in existence on 8/30/78 (without regards to the owners of the watercraft being residents of the site); or
- Up to four restricted watercraft may be moored or docked at a site, provided a number of conditions are met. Some of these conditions include: 1) the site maintains a single family residence, 2) the dockage rights at the site are owned exclusively by owners of the site, and 3) all watercraft are owned and registered to persons who live on the site.
- Any site that legally stores five or more restricted watercraft **must** have a multiple dock license from the LMCD, which is renewed annually.

DOCK CONSTRUCTION STANDARDS

- LMCD Code allows dock dimensions to exceed eight feet in length or width, but not both dimensions.
- This applies to all docks on Lake Minnetonka, including decks and platforms.
- Docking and boat storage is also subject to city regulations.

Possible actions include:

1. Consider additional restrictions to DUAs on Lake Minnetonka.
2. Consider additional restrictions to limitations on number of watercraft to be stored within a DUA.
3. Consider additional restrictions to dock constructions standards on Lake Minnetonka.

Recommendation 2- Increase the use of no wake zones in sensitive littoral areas

The LMCD currently has two means of establishing no wake zones on Lake Minnetonka. First, the LMCD has established a five miles per hour maximum speed limit within 150' of a number of activities on Lake Minnetonka. These activities include: 1) that area within 150' of the shoreline, 2) an authorized bathing area or swimmer, 3) an authorized scuba diver's warning flag, 4) an anchored raft or watercraft, and 5) a dock or pier. Second, the LMCD has established a number of Quiet Water Areas on Lake Minnetonka, in accordance with an adopted policy. These Quiet Water Areas have historically been deemed necessary for public safety purposes and prohibit watercraft speed in excess of five miles per hour, or at a speed that results in more than a minimum wake.

Possible actions include:

1. Inventory all bays of the Lake to determine sensitive shallow water areas
2. Consider additional minimum wake restrictions, including establishing Quiet Water Areas, for environmentally sensitive shallow water bays.

Recommendation 3- Avoid high density traffic in shallow areas

The LMCD currently restricts docking and boat storage in shallow areas by utilizing the objective criteria outlined in "Recommendation 1". Additionally, there are a number of subjective criteria that can be taken into consideration, which includes environmental concerns. A process has been established that allows for variance from LMCD Code for DUAs when practical difficulties or particular hardships exist. In these applications, it is common for additional restrictions on the number of restricted watercraft allowed, including their size, and the amount of dock structure allowed.

Possible actions include:

1. Consider allowing multiple dock facilities in these areas, in particular commercial marinas and yacht clubs, to extend further out than what current LMCD Code provides for.
2. Consider additional restrictions on watercraft storage beyond the 1:50' General Rule or the two-boat and four-boat rules for residential sites.
3. Create buoyed navigation channels through shallow sensitive areas (possibly maintaining these channels through dredging and mechanical harvesting)

Recommendation 4- Attempt to protect sensitive areas while allowing unlimited use in others

Current LMCD Code generally has not protected sensitive areas while allowing unlimited use in others. One possible action is to audit the Lake and designate shallow areas and bays as environmentally sensitive areas and limit boat storage and use in these areas (example canoe and kayak areas only).

Before the LMCD takes into consideration the TAC recommendations, the Environmental Committee is seeking public input. You are encouraged to participate in a public meeting scheduled for Wednesday, February 17, 2010. This meeting will be held at the Shorewood City Hall, 5755 Country Club Road, from 7:00 p.m. to 9:30 p.m. All interested parties that attend this public meeting will be given an opportunity to be heard. **For those that can (and cannot attend) this public meeting, you are encouraged to fill out the attached survey and return it to the LMCD office by February 23, 2010.** The mailing address for the LMCD is: 23505 Smithtown Road (Suite 120), Shorewood, MN 55331.