



UPDATING MINNESOTA'S SHORELAND STANDARDS

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Improving Lake & River Conservation

Changing Landscape

- State-wide focus on healthy watersheds
- State & local government budgets
- Opportunity for different state/local partnerships:
 - Shoreland
 - Watershed health



Local Government Survey-Purpose

- Better understand local government challenges
- Guide development of education and training materials
- Insight for updating shoreland rules



Survey

- 10 question survey (SurveyMonkey)
- City & County in July 2012
- 201 responses (30% response rate)
 - ▣ 46 county
 - ▣ 154 city
 - ▣ 1 Town
- Completed by:
 - ▣ P & Z Staff (especially for counties)
 - ▣ Administrators and Clerks

Top 5 Shoreland Challenges

- Permitting/approving vegetation alterations
- Permitting/approving grading & filling
- Determining bluff lines and setbacks
- Explaining purpose to citizens (and elected officials)
- Updating/amending ordinances

Vegetation

“Hard to document violations.”

“ I find vegetative alterations to be the most difficult because the rules seem to be more open to interpretation than most of the other regulations. It is hard to visualize what exactly is going to be done on the site based on drawings.”

Grading & Filling

“ It is difficult for the applicant to show & explain the project. They don't understand cut/fill & topography. When we work with applicant on perimeter control, they agree to do it but often do not. It's staffing issue to monitor & enforce”

Determining Bluff Lines & Setbacks

“Topography issues are never as simple as stated in the rules.”

“Needs to be done by surveyor but we have to argue with them about this.”

“Is a challenge because of the meandering nature of some bluffs.”

Explaining Purpose to Citizens

A woman with long dark hair, wearing a white shirt, is pointing her right hand towards a computer monitor. The monitor displays a map with various colored regions. In the foreground, the back of another person's head and shoulders is visible, suggesting they are looking at the monitor together. The background shows an office environment with shelves of papers and other office equipment.

“ Often, they do not want to understand the purpose or why it should apply to them.

“The ability of the average citizen to comprehend the rules can be overwhelming.”

Amending Ordinances

A man with dark, curly hair and a beard, wearing a white dress shirt and a red tie, is seated at a desk. He is looking towards a computer monitor on the left side of the frame. His right hand is resting on the desk, and his left hand is near the monitor. The background is a plain, light-colored wall.

“The most extreme opinions and not the middle ground are represented”

“ Trying to balance private property rights and water quality protection”

“Amendments are always a challenge & fitting the provisions into our ordinance takes considerable time”

Amending Ordinances-Ideas

“ Higher standards with streamlined language.”

“Focus on regs that are cost-effective to administer and have a measurable protection impact.”

“Simple enforcement process to catch things quickly.”



Updating Shoreland Standards

Recent History

- 2007** Legislature directs DNR to update Shoreland Standards
- 2007 – 2010** Public process to update standards
- 2010** Governor Pawlenty returns Draft Shoreland Standards.
- 2011** Commissioner Landwehr directs staff to identify opportunities to refine draft standards :
- 2011 – 2012** Staff review for refinement opportunities
- 2012** DNR to seek authority to REFINE standards (update rules)

Seeking Authority from 2013 Legislature

- Water quality and habitat continue to decline in the face of shoreland development
- The 1989 shoreland standards are complex, dated, and difficult to administer, and don't adequately protect key resources
- The public supports shoreland protection
- Reduced state & local budgets & administrative capacity



Guiding Principles

- 1. Better protection for riparian areas and water quality**
 - ▣ Clear, concise minimum standards tied to key resource protection
 - ▣ Flexibility on some minimum standards through the subdivision process in return for greater resource protection
- 2. Improve administrative ease for LGUs and DNR**
 - ▣ Streamline for simplicity
 - ▣ Emphasis on performance standards over lengthy prescriptive standards
 - ▣ Consider long-term implementation and enforceability

Guiding Principles

- 3. Respect issues & process from 2010 draft standards**
 - ▣ Use knowledge base
 - ▣ stakeholder concerns
- 4. Commitment to stakeholder involvement**
 - ▣ Funding availability

Three-Step Process

Phase I: Obtain Rulemaking Authority

- Check in with key stakeholders to get feedback on possible opportunities for improvement and seek support for moving forward
- Seek approval of Governor and Legislature to move forward and obtain funding

Phase II: Develop Refined Standards through Rulemaking

- This will include a stakeholder involvement process to get more feedback to further refine the draft standards before they go to hearing
- Develop a notification process for local adoption

Phase III: Implement Refined Standards

- Develop model ordinance modules
- Work with partners to seek funding for LGUs to implement
- Work with LGUs to develop a notification schedule for local adoption

Questions?



Vegetation - Ideas



“Need language clarity on what is allowed and not.”

“Visuals to show how to communicate proposals”

Grading & Filling-Ideas

“ Allow stabilization projects engineered by SWCD or NRCS to be exempt from a variance or grading permit.”

Determining Bluff Lines & Setbacks- Ideas

“ Use LiDAR and soil data to define bluffs and map for landowners.”

Explaining Purpose to Citizens-Ideas

“General outreach, advertising, media, realtors, education.”

Agenda

- Changing administrative landscape
- Local Government Survey Results
- Shoreland Standards Update

