



Docks & Marinas in Shoreland

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Agenda

- Mooring facilities and docks
 - Aquatic impacts of docks and mooring
 - Public water regulations
 - Mooring spaces and shoreland rules
- Shoreland Program/Policy Feedback
- Program Updates



Ecological Impacts of Docks and Mooring Structures

Ecological Impacts from Dock/Mooring Structures

- Reduces aquatic vegetation (props; shade)
- Affects fish habitat/use
- Reduces wildlife habitat (shore areas disturbed/cleared)



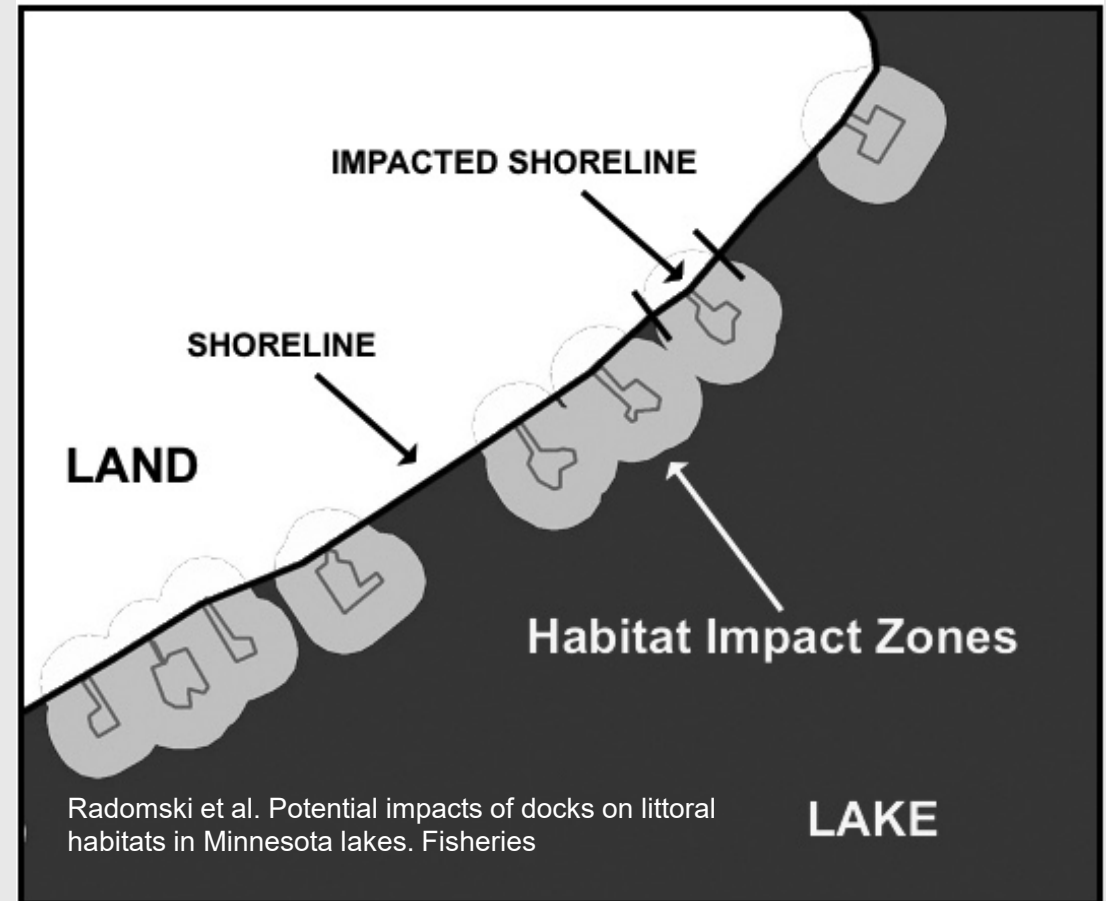
Motorized Watercraft

- Disturb sediment
- Increase turbidity
- Release phosphorus
- Destroy fish habitat



Cumulative Effects from Mooring Structures Associated with Land Development with Land Development

- Larger structures produce larger habitat losses
- Limiting size and centralizing facilities is critical to minimizing impacts





Docks, Mooring Facilities, and Marinas – Public Waters Rules

Docks

- Narrow platform or structure extending waterward from the shoreline for ingress/egress for moored watercraft or to provide access to deeper water for water-oriented recreational activities
- Can be a temporary or permanent structure
- There are no-permit-required dimensional standards:
 - Not more than 8 feet in width, free flow of water beneath, length limited to that necessary for intended use, consistent with local regulations
 - DNR's Dock Platform General Permit allows for larger platform at end of dock if meet criteria
- Info on DNR's website:
 - DNR webpage [Docks and Access in Public Waters](#)
 - DNR [Docks and Access in Public Waters factsheet](#)
 - DNR [General Permit 2008-0401 – Authorization of Dock Platforms](#)



Docks and Access in Public Waters

What you should know about docks and other water access structures

Do I need a permit for my dock?*

No permit is needed to install, construct, or reconstruct your dock on shoreline property you own if you comply with the following:

- A dock is a narrow platform or structure extending toward the water from the shoreline. A dock may provide access to moored watercraft or deeper water for swimming, fishing, and other recreation.
- The structure, other than a watercraft lift or watercraft canopy, is not more than 8 feet wide and is not combined with other similar structures so as to create a larger structure.
- The dock is no longer than needed to achieve its intended use, including reaching navigable water depth.
- The structure is not a hazard to navigation, health, or safety.
- The structure will allow the free flow of water beneath it.
- The dock is not used or intended as a marina.
- The structure is consistent with the guidelines of the local unit of government.
- Docks placed on rock-filled cribs are located only on waters where the bed is predominantly bedrock.

Restrictions on docks and other structures

You may not place a dock or other structure in public waters if the structure:

- obstructs navigation or creates a hazard;
- is detrimental to fish or wildlife habitat or is placed in a posted fish spawning area;
- is intended to be used for human habitation;
- includes walls, a roof, or sewage facilities; or
- is located on property you do not own or have rights to use.

If you have questions concerning the contents of this brochure, contact your DNR Area Hydrologist. See contact information on reverse side.

*Based on Minnesota Rules, Chapter 6115.0215 and 6115.0221.

General Permit 2008-0401

A general permit was issued in 2008 to allow a modest platform at the lake end of a dock under certain conditions. This general permit allows a single, temporary platform up to 120 square feet measured separately from the access dock, or 170 square feet including the area of the adjacent access dock, if the following conditions exist: the access dock must be 5 feet or less in width and the dock must be on a lake with a shoreline classification of General Development or Recreational Development. See typical dock configurations on the next page. Refer to General Permit 2008-0401 at http://www.dnr.state.mn.us/waters/waterregnet_watersp/permissions/docks.html for more details.

Mooring Facilities

- Concentrated area intended solely for the mooring of 7 or more watercraft by docks, mooring buoys
- Permit not required as long as meet no-permit-required standards for docks and facility is not being used as a marina
- Public waters rule change in 2002 placed more reliance on local zoning officials to implement land use controls to address watercraft mooring
 - This ended DNR permits for mooring facilities unless part of structure is more is than 8 feet wide



Marinas

- An inland or offshore commercial mooring facility for the concentrated mooring of 7 or more watercraft, where commercial ancillary services common to marinas are also provided
- DNR permit requirements:
 - Design in a compact fashion, minimize encroachment waterward
 - Size consistent with the demand for mooring in the area and the number of watercraft to be served
 - Area zoned for marina or the local government grants a land use permit



Examples of commercial ancillary services:

- Bait shop
- Boat repair
- Restaurant
- Boat launching
- Gas fueling/sales
- Sewage pumpout
- Boat storage
- Other services



Mooring Spaces for Existing Resorts and Campgrounds

Shoreland Commercial PUDs

- Campgrounds, resorts, and hotels
- A conditional use with performance standards:
 - Formula for density
 - Mooring spaces determined by density
 - Centralized mooring



Expansion Situations

- Campgrounds/resorts existing prior to SL ordinance adoption and the number of existing spaces exceeds what is allowed.
- Campgrounds/resorts approved after SL ordinance adoption with a CUP but with no documentation and/or stated limit on mooring spaces and the number of existing spaces exceeds what is allowed.

What is nonconforming status of these excess mooring spaces???

DNR Perspective on Legal Status

- Mooring space USE regulated as a land use (even though its in the water)
- Legal nonconforming use status only applies to those spaces existing prior to SL ordinance adoption
- Legal nonconformities are protected – repair, maintain, replace, etc... but not expanded
- Non enforcement of limits on mooring spaces doesn't make spaces that exceed those limits conforming uses – they are only violations that haven't been remedied

Administrative Challenges

- Request to maintain spaces when no CUP documentation
- Verifying spaces over time – pre/post shoreland ordinance
- Blend of conforming & nonconforming resort elements
- Not penalizing new owners for prior owner violations or past inattention to space requirements
- Not creating a competitive disadvantage with nearby nonconforming resorts

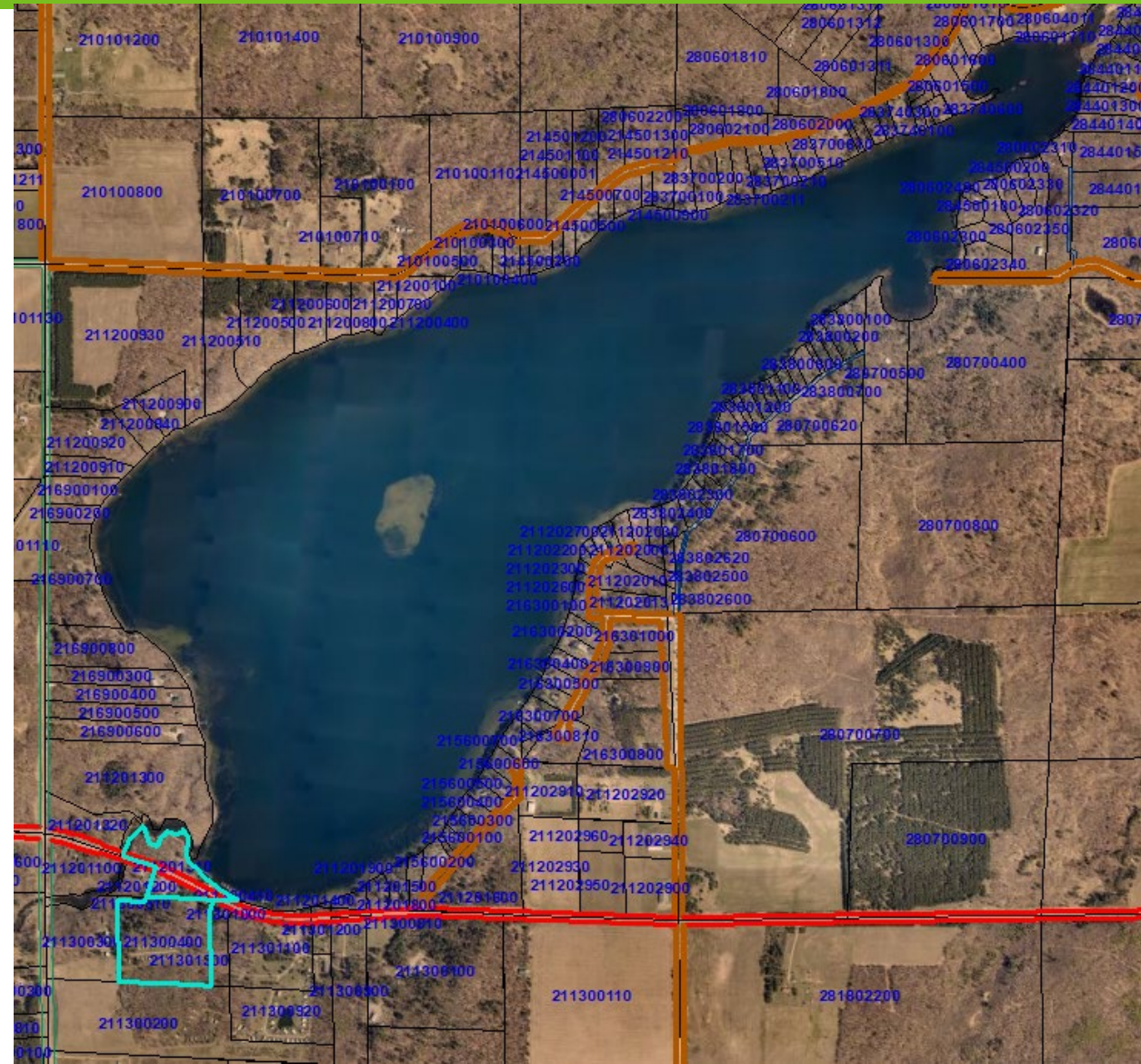
Best Practices – Document Moorings Spaces

- Historical
 - Aerial photos
 - Site photos
- Ordinance history regarding spaces
- Determine if violations – review previous CUP requirements
- Resort documentation
- Testimony by credible sources



Best Practices – Aquatic Assessment

- Evaluate existing development on lake
- Evaluation aquatic zone for least impact



Best Practices – Compromise & Mitigate

- Centralization of slips & docks
- Placed to minimize aquatic impacts
- Reduce approved number of sites in return for more slips
- Limit the increase in number of slips (from that requested)



Best Practices – Going Forward!

- Require/develop good documentation during application, review, and approval process
- Establish Baseline - tiering analysis to determine allowable units in first tier
- Monitor mooring spaces and enforce
- Cite policies to reduce nonconformities when enforcing limits on mooring spaces





Shoreland Program Policy Feedback

slido

Please download and install the Slido app on all computers you use



**How is your shoreland
administration going?**

① Start presenting to display the poll results on this slide.

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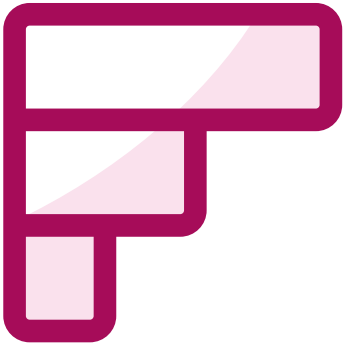


What DNR resources are you aware of? Check all that apply.

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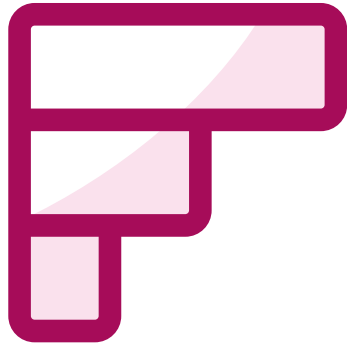


What are your top shoreland resource concerns? Select top 3 .

① Start presenting to display the poll results on this slide.

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What are your top shoreland administrative challenges-Select top 3

① Start presenting to display the poll results on this slide.

Program Updates

- Public Waters Inventory (PWI) Update
- In-Kind Culvert Replacement Legislative Proposal
- Annual Shoreland Activities Survey
- Natural Shorelines Partnership

Natural Shoreline Partnership



Purpose: The Minnesota Natural Shoreline Partnership is reshaping perceptions of lakeshore development, inspiring the dedication needed to protect and restore natural shoreline for the benefit of people, property, wildlife, and heritage.

Shoreline Protection Subcommittee

Work collaboratively to identify short, medium, and long-term approaches to improve how the DNR and local units of government (counties, cities, SWCDs, and watersheds) regulate and provide technical services for shoreline / shoreland parcels.



P&Z Representation WANTED!
For more information, contact
Jeff Forester, 952-854-1317 or
Jeff@mnlakesandrivers.org.

Thank You

2024-10-04-MACPZA Conf.pptx

03 - 09 Oct 2024

Poll results

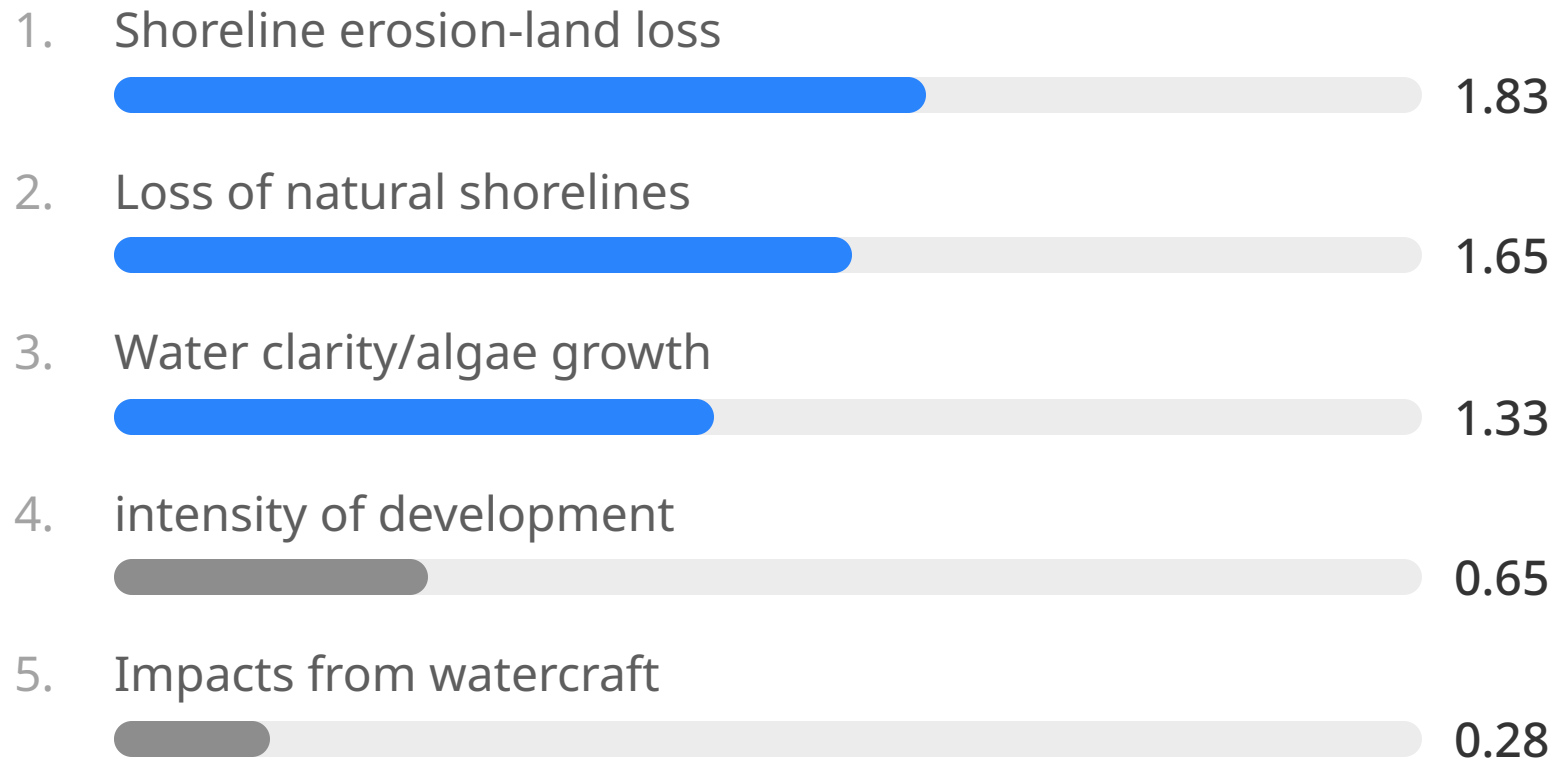
Table of contents

- What are your top shoreland resource concerns? Select top 3 .
- What are your top shoreland administrative challenges-Select top 3
- How is your shoreland administration going?
- What DNR resources are you aware of? Check all that apply.

What are your top shoreland resource concerns? Select top 3 .

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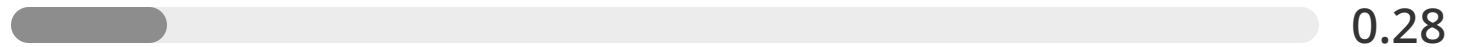
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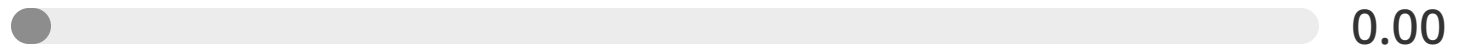
**What are your top shoreland resource concerns?
Select top 3 .**

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5. Loss of character

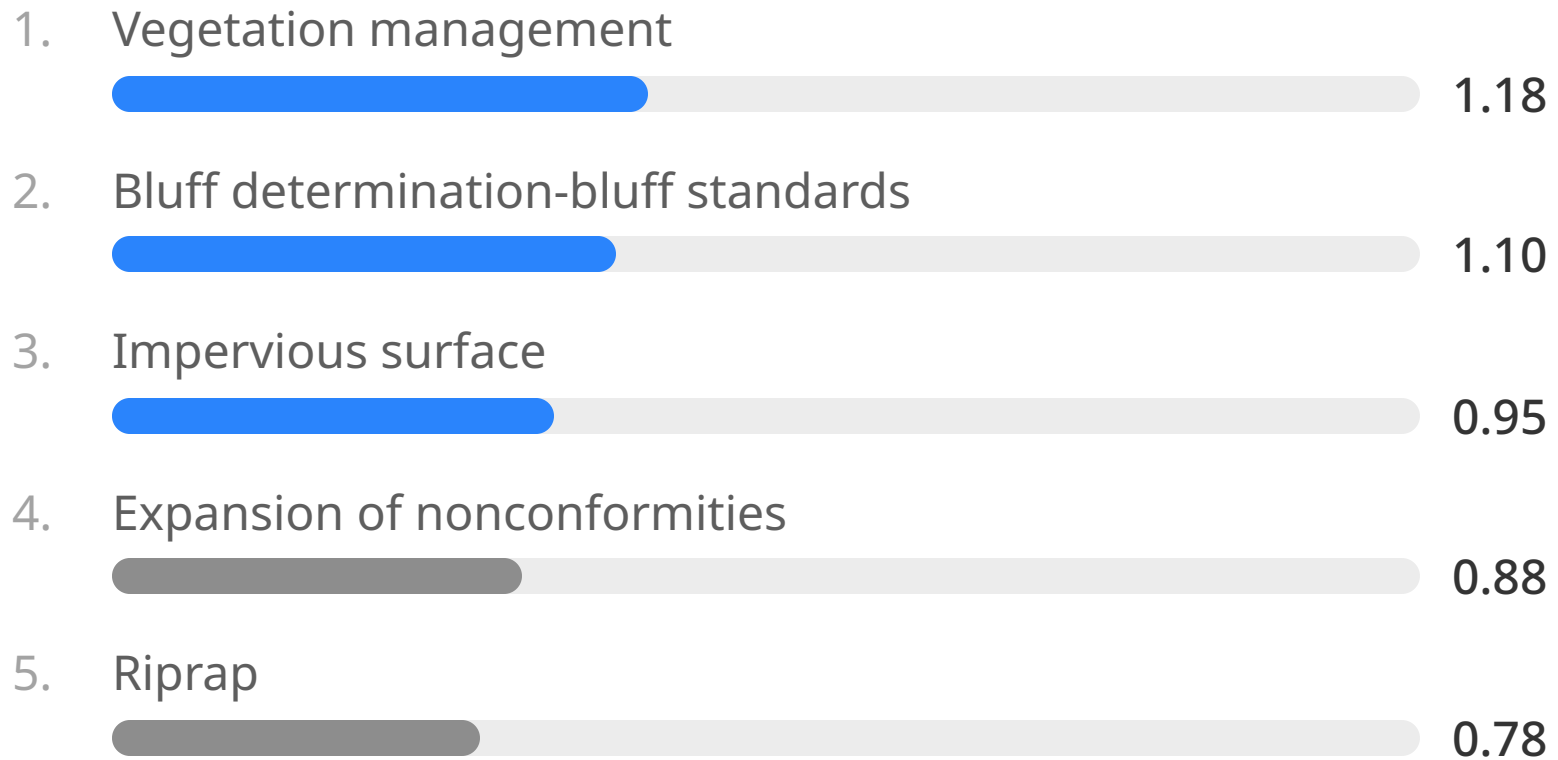


7. Number & size of docks



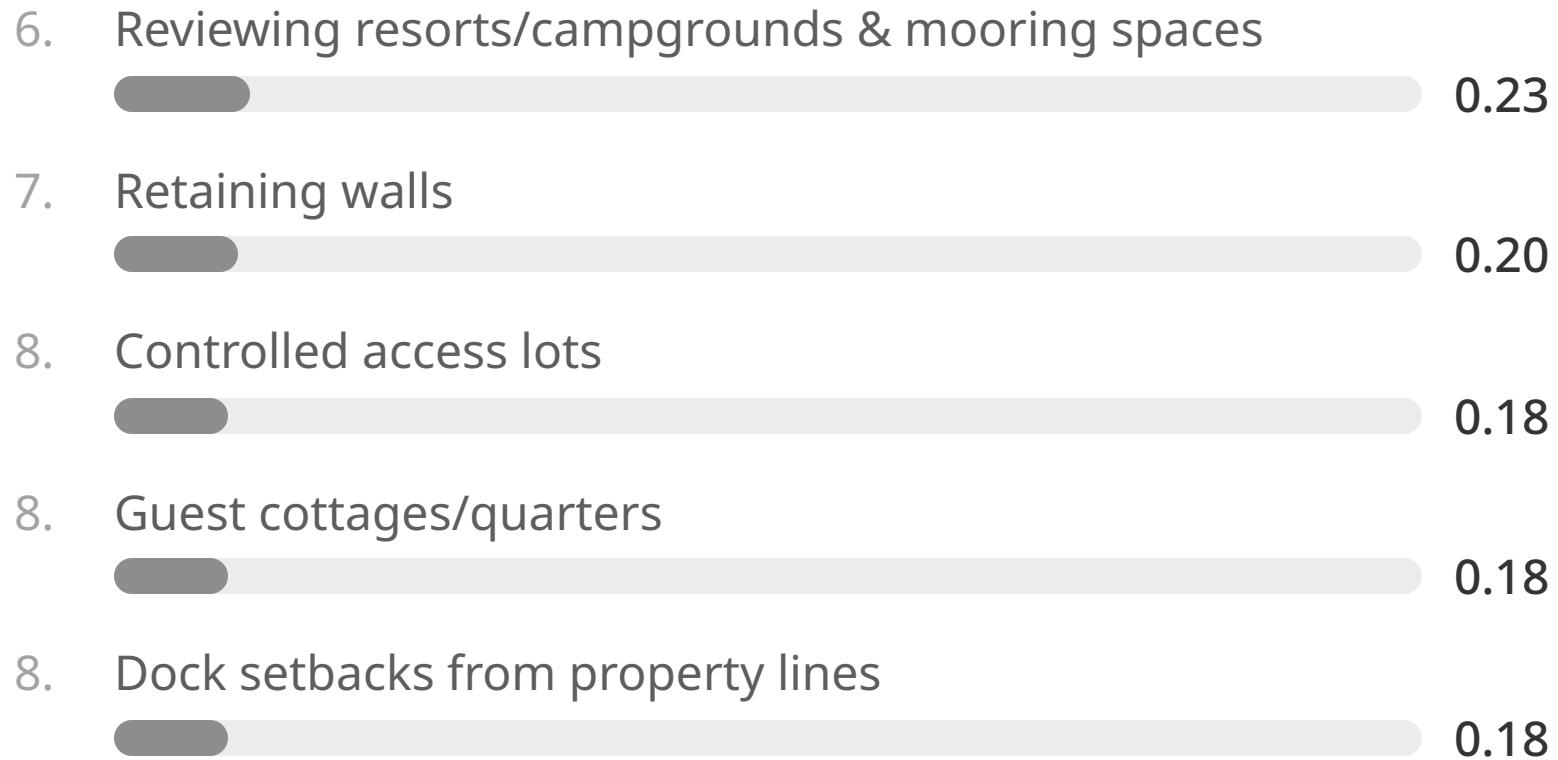
What are your top shoreland administrative challenges-Select top 3 (1/3)

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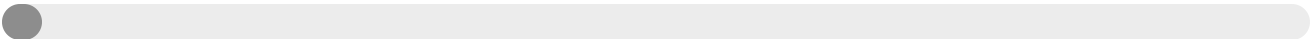
What are your top shoreland administrative challenges-Select top 3 (2/3)

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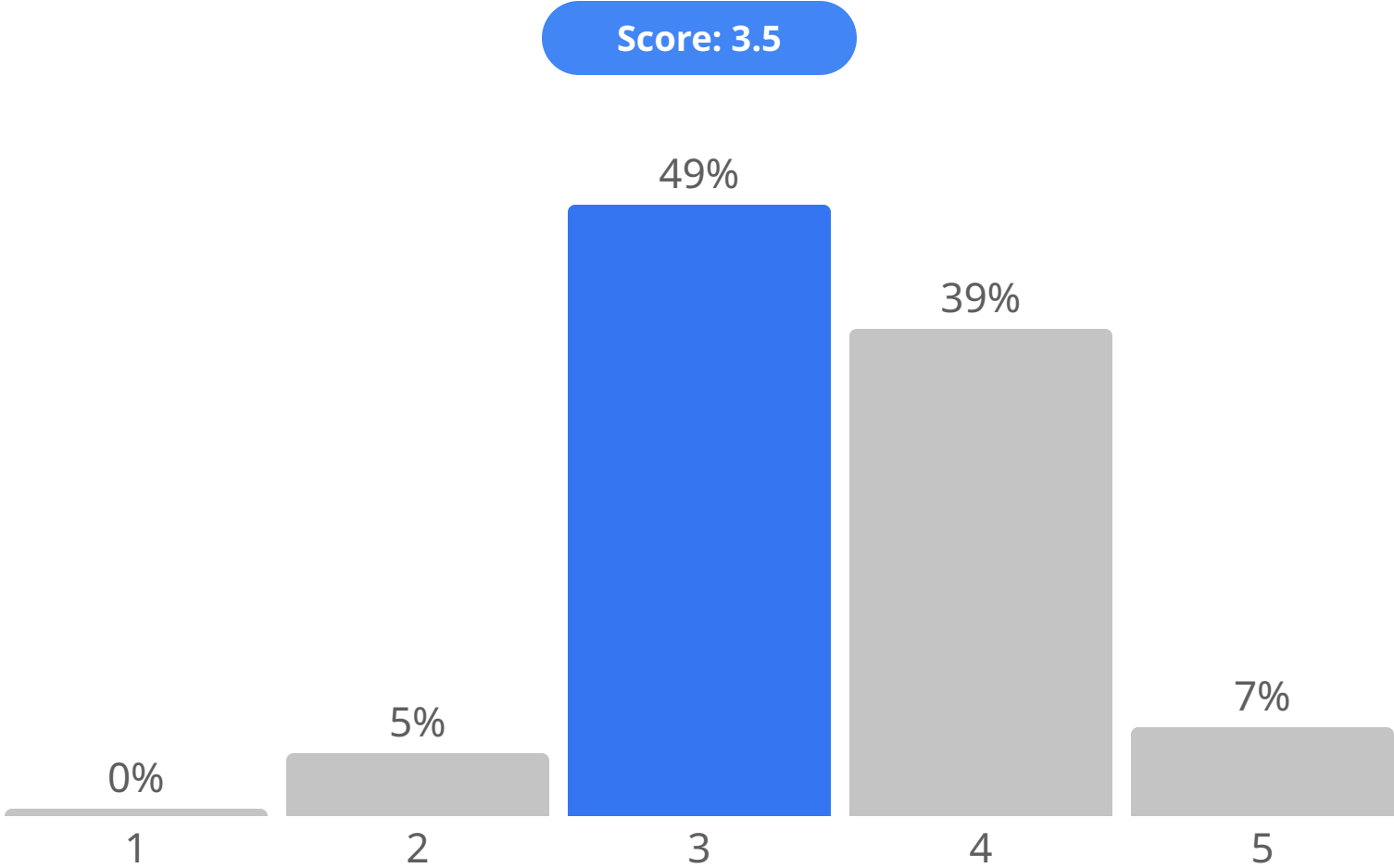
What are your top shoreland administrative challenges-Select top 3 (3/3)

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- 11. Townships taking on shoreland zoning
 0.10
- 12. Reviewing residential PUDs
 0.08
- 13. Access easements/private mooring/dock rental
 0.00

How is your shoreland administration going?

0 4 1



What DNR resources are you aware of? Check all that apply.

0 4 5

(1/2)

Virtual on-demand training videos



Virtual custom training



Monthly LGU forums



Higher standards webpage



Model ordinance



What DNR resources are you aware of? Check all that apply.

(2/2)

0 4 5

DNR review and approval procedures



Bluff guidance



Bluff profile excel tool



Variance guidance webpage

