



May 5, 2021

Corrin Bemis
Planning Consultant
1245 West Highway 96
Arden Hills, MN 55112

Re: Conditional Approval of Arden Hills Shoreland Ordinance Amendment

Dear Ms. Bemis:

Thank you for sending your proposed shoreland ordinance amendment to the DNR for conditional approval review. I am pleased to inform you that the proposed amendment is substantially compliant with the statewide rules and hereby approved, provided all of the conditions of approval in this letter are met.

Ordinance Evaluation

We have reviewed the sections that you propose to amend in your ordinance, received on April 28, 2021, for compliance with state shoreland rules (MR 6120.2500 – 6120.3900). We specifically reviewed the proposed amendment to City Code Section 1330.03, subd. 5, E. Our conditional approval only applies to the proposed amendment to this specific section.

Most provisions in the proposed amendment regulating accessory storage sheds improve upon the existing ordinance. Item 6 and Item 7, in particular, add important provisions ensuring architectural compatibility and ensuring screening of the structure as viewed from the lake, respectively.

However, Item 5 is problematic. This item states the structure is setback at least 10 feet from the ordinary high water level. This item is problematic because it contradicts Item 1, which states that the structure is not located within the shore impact zone. The minimum size of the shore impact zone is 25 feet from the ordinary high water level. I suggest you eliminate Item 1 if you intend to allow water-oriented accessory structures near the water, or Item 5 if you do not intend to allow such structures near water.

Conditions of Approval

The following conditions must be met before the DNR will issue final approval:

1. Resolve the contradiction between Item 1 and Item 5. While a minimum setback for accessory storage sheds of 10 feet is acceptable to DNR, we recommend that the City consider excluding accessory storage sheds within the shore impact zone.
2. Return the attached "Ordinance Processing Checklist" and documents identified on the checklist.

Next Steps

Following are the steps for completing and receiving final DNR approval for your amendment:

1. Revise the amendment based on the conditions listed above under conditional approval.
2. The city council adopts the amendment revised according to the listed conditions.
3. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to:
 - a. Dan Scollan, East Metro Area Hydrologist (daniel.scollan@state.mn.us)
 - b. Ordinance.review.dnr@state.mn.us
4. We will review the amendment adopted by the city council for consistency with the above conditions.
5. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. Dan Scollan is available to assist with ordinance technical guidance and to consult with you on other land and water-related projects.

Sincerely,



Tim Crocker

District Manager, Ecological & Water Resources Division

Attachments:

Proposed Ordinance
Ordinance Processing Checklist

c: Dan Scollan, DNR East Metro Area Hydrologist
Jack Gleason, DNR Hydrologist Supervisor
Ordinance.review.dnr@state.mn.us



April 28, 2021

Minnesota DNR Metro East Area Hydrologist
Attn: Daniel Scollan
1200 Warner Road
St Paul, MN 55106

RE: DNR Response to Shoreland Regulations Amendment

APPLICANT: City of Arden Hills

CASE NO.: PC 21-008 Shoreland Ordinance Amendment

The City of Arden Hills is proposing a text amendment to the Arden Hills City Code. The proposed amendment will permit accessory storage sheds within the required structure setback from the ordinary high water level of up to 100 square feet in size and 8 feet in height. The proposed language below will be located in Section 1330.03, Subd. 5, E.

*“Section 1330.03 – Shoreland Regulations: General Provisions
Subdivision 5. Exceptions to Structure Setback Requirements. No structure shall be placed within the structure setback requirements of the shoreland management district. The following are not classified as structures for the purposes of this section:*

Lakeshore lots may be permitted one (1) accessory storage shed within the required structure setback from the ordinary high water level, provided that it complies with the following provisions:

- 1. The structure or facility is not located within the Shore Impact Zone.*
- 2. The structure or facility does not exceed 100 square feet in size and eight (8) feet in height, measured to the highest point of the structure.*
- 3. The maximum width of the structure, as view from the water, does not exceed ten (10) feet.*
- 4. The structure or facility is not designed or used for human habitation and does not contain a water supply or sewage treatment facilities.*
- 5. The structure or facility is setback a minimum of ten (10) feet from the ordinary high water level.*
- 6. The structure or facility shall be constructed of material architecturally similar in design, texture, and color to the principal structure on the lot; the design shall be reviewed by the City Planner prior to issuance of building permits.*
- 7. The structure shall be screened a minimum of 50 percent by opaque vegetation or topography on the three walls seen from the lake with ecologically suited landscaping landward of the ordinary high water level from the lake.*
- 8. The roof shall not be used as a deck or used as a storage area.*
- 9. The structure or facility is not a boathouse or boat storage structure as defined under Minnesota Statutes, Section 103G.245.”*

In order to facilitate the review by Arden Hills Planning Commission and City Council, we respectfully request that you provide us written feedback as soon as possible.



(Check Applicable Box)

- The amendment aligns with the goals and requirements of the Minnesota DNR. No comments on the proposed amendment will be forthcoming.
- The Minnesota DNR will submit written comments on the proposed application.
- Other: (may attach separate sheet) _____

Dan Scollan

Name (print)

Dan Scollan

Name (signature)

East Metro Area Hydrologist

Title

2021-05-04

Date

ORDINANCE PROCESSING CHECKLIST

Please complete, sign and return this checklist and all required documents by email to the DNR:

Ordinance.review.dnr@state.mn.us, and
your Area Hydrologist

1. _____ Date(s) of published public hearing notice(s). Email the notice with this checklist.

2. _____ Date(s) of public hearing(s).

3. _____ Date of ordinance adoption. Email the adopted ordinance/ amendment with the signature of the chief elected official in PDF format with this checklist.
4. _____ Date of newspaper publication of adopted ordinance/ amendment or ordinance amendment summary.
5. Email a zoning map showing the “district” corresponding to the adopted ordinance at the time of adoption, if one exists, and the underlying zoning districts if the adopted ordinance refers to them.

Signature of Clerk/Auditor

Name of Community