

- **Planning Case #21-0008** –  
Ordinance Amendment to Section  
1330.03 Subd. 5 E
- **Applicant:** City of Arden Hills
- **Request:** Zoning Code Amendment



# Background

- May 24, 2021 Regular Meeting, the City Council reviewed the Zoning Code Amendment for Planning Case 21-008.
- This amendment is to 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 City Council tabled the amendment to allow for further discussion and review of lake classifications.

# Historical Information

- **1969** - State of Minnesota passed the Shoreland Management Act due to concerns over rapid development, crowding, and declining water quality and recreational value of the State's lakes and rivers.
- **1967 – 1982** - the Minnesota Department of Natural Resources (DNR) noted a shoreland development increase by about 74%.
- **1976** - the DNR adopted Shoreland rules for Cities. These Shoreland rules are MN Rules Chapter 6120, Shoreland and Floodplain Management.
- **1984** - In response to the adoption of State rules, the City studied the differences between our existing zoning controls and the State Shoreland Management Standards.

# Reclassification Process

- MN Rules 6120.3000 Subp. 4 which states *“any local government may at any time submit a resolution and supporting data requesting a change in any shoreland management classification of waters within its jurisdiction to the commissioner for consideration.”*
- **December 1984** - City submitted a preliminary request to the DNR for comment prior to submittal of the formal request.
- **February 1985** – DNR responds of a willingness to accept all of the requested changes.
- **May 13, 1985** - City Council passed Resolution 85-22, Lake Reclassification and Zoning Provision Modifications to request official approval from the DNR.

Due to existing development and present zoning being relatively compatible with the requirements of General Development.



The lot area requirements of Recreational Development classification exceed existing development (95%+ developed) and present zoning.



General Development classification more compatible with development around the lake.

# Resolution 85-22

## Lake Reclassification

- Lake Johanna from Recreational Development to General Development
- Little Lake Johanna from Recreational Development to General Development
- Karth Lake from Recreational Development to General Development

## Lot Area

- Relaxation of General Development requirements to allow 14,000 square foot lot area for riparian lots
- Relaxation of Natural Environment requirement to allow 14,000 square foot lot area for non-riparian lots on Valentine Lake

## Lot Coverage

- 35% Maximum allowed
- 75% for Industrial and Commercial Districts around Round Lake

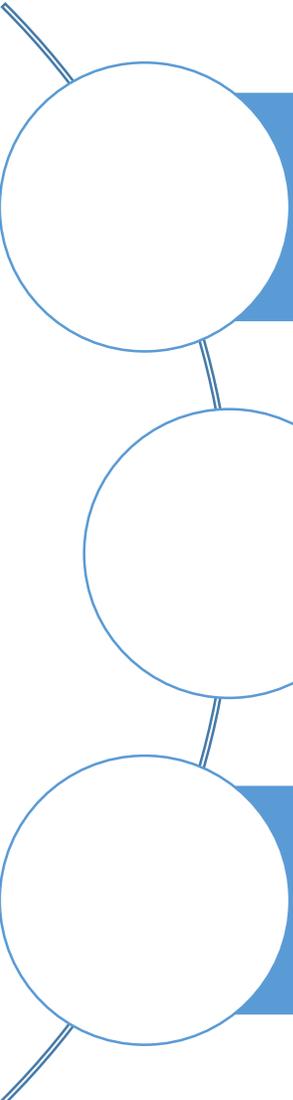
# Comparison of City's shoreland regulations and current Minnesota Rule 6120.3300 Subp. 2a

	City Ord. - Natural Environment Waters	MN Rule 6120 - Natural Environment	City Ord. - Recreational Development Waters	MN Rule 6120 – Recreational Development	City Ord. - General Development Waters	MN Rule 6120 - General Development
<b>Lot Area (riparian)</b>	40,000	40,000	20,000	20,000	14,000	15,000
<b>Lot Area (nonriparian)</b>	14,000	20,000	14,000	15,000	14,000 (R-1) 11,000 (R-2, R-3, and R-4)	10,000
<b>Structure Minimum Setback from OHW</b>	150	150	75	75	50	50
<b>Lot Coverage</b>	35%	25%	35%	25%	35%	25%

# Ordinance Revisions

- **1985** - City adoption for shoreland requirements - Ordinance No. 237 referred to as “Arden Hills Shoreland Management Ordinance”
  - *This ordinance incorporated the language and reclassifications as recommended in the May 1985 resolution.*
- **2001** - Codification of city ordinances in which the Shoreland Management Ordinance was renumbered to Section 334
  - *Minor updates to address some of the technical requirements set by the DNR.*
- **2006** - Recodification of shoreland ordinance was renumbered to Section 1330, Shoreland Regulation
- **2010** - Ordinance 2010-004 to address a number of holes that still remained unaddressed
  - *Review of development regulations including exceptions to OHW setbacks, wetland setbacks, accessory structure allowances, additional definitions, removal of vegetation and grading and filling standards in order to gain a greater consistency with the DNR guidelines.*
  - *This research did not involve review of lake classifications.*
  - *Incorporated into this ordinance amendment Little Lake Johanna was shifted to a Recreational Development Lake.*

# Lake Classification – MN Rule 3120.3000 Subp. 1a



*Natural environment lakes are generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils. These lakes, particularly in rural areas, usually do not have much existing development or recreational use.*

*Recreational development lakes are generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lands around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreationally-oriented commercial uses. Many of these lakes have capacities for accommodating additional development and use.*

*General development lakes are generally large, deep lakes or lakes of varying sizes and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common. The larger examples in this class can accommodate additional development and use.*



### **NE Lakes**

- Little development
- Shallow – small
- Most sensitive to development



### **RD Lakes**

- Moderately developed
- Deeper - bigger
- Less sensitive to development



### **GD Lakes**

- Most developed
- Deepest - biggest
- Least sensitive to development

# 1970 Shoreland Classification Criteria

Criteria	NE	RD	GD
<b>Existing</b> Development Density or Intensity (units/mile of shoreline)	Less than 3 units/mile	Between 3 & 25 units/mile	Over 25 units/mile
Crowding Potential (acres of water surface/mile of shoreline)	Less than 60 acres of water/mile	Between 60 and 225 acres of water/mile	Over 225 acres of water/mile
Ecological Classification (winterkill of fish)	Yes	No	No
Lake Depth	Less than 15 feet	Over 15 feet	Over 15 feet
Soil	Clay, wet soils	Sand or loam	Sand or loam
Slope	Flat	Moderate to steep	Moderate to steep
Vegetation	Shrubs, few trees	Trees and shrubs	Trees and shrubs

# Lake Classifications

	City Lake Classification	DNR Lake Classification	Resolution 85-22	Lake Size	Lake Depth	Shore Length
Lake Johanna	General Development	Recreational Development	General Development	211.91 acres (DNR) 205.99 acres (MPCA)	17 feet to 43 feet (DNR)	3.02 miles (DNR)
Little Lake Johanna	Recreational Development	Recreational Development	General Development	17.17 acres (DNR) 17.01 acres (MPCA)	28 feet (DNR) 38 feet (MPCA)	0.7 miles (DNR)
Karth Lake	General Development	General Development	General Development	18.45 acres (MPCA)	Unknown	0.9 miles (DNR)

# Current Impacts

- **October 2019** - DNR acknowledges receipt of a 1984 preliminary request and reaffirms still concurs with the 1984 reasoning supporting the requested reclassifications.
- **Current** - DNR has reviewed the 1984/85 documentation and would proceed with approval of Resolution 85-22 as submitted. Due to lake classification factors having not appreciably changed since 1985, looking at all of the classification criteria holistically, and still agreeing with the City's reasoning presented in 1985 and concurring that the area development is still consistent with the 1985 Council request as outlined.
  - *The DNR would also process a different variation of lake reclassification from 85-22, but would need submittal of a new resolution.*
  - *A change on the City's part in lake classification other than what is noted under current ordinance may result in existing development/structures around that particular lake becoming legal nonconforming due to newly applicable lot dimensional standards (i.e. lot area, lot width, and setbacks).*

# Next Steps

Processes for Council consideration include the following –

- Council directive for submittal of Resolution 85-22 to the DNR as approved on May 13, 1985.
  - This action would require an ordinance amendment to Section 1330.02 Subd. 1, Classification of Lakes to classify Little Johanna as General Development.
- Council directive to request a modified version of lake reclassification (i.e. one or two of the three previously named lakes) along with the development control standards as prepared in 1985.
  - This action would require a new resolution for the DNR stating lake reclassifications requested and reiteration of development control standards as prepared in 1985., and/or
  - An ordinance amendment to Section 1330.02 Subd. 1, Classification of Lakes in accordance with lake classifications as determined.
- Council directive to adopt the current lake classifications as categorized by the DNR.
  - This action would require a new resolution for the DNR for approval of the development controls standards as prepared in 1985., and
  - An ordinance amendment to Section 1330.02 Subd. 1, Classification of Lakes to classify Lake Johanna as Recreational Development.