

Joseph Kelly

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Friday, October 7, 2022 1:27 PM
To: Joseph Kelly
Cc: Collins, Melissa (DNR); Gleason, John (DNR); Petrik, Daniel (DNR); TOM SIMONSON; Niki Hill
Subject: RE: City of Shoreview Bluffs EAW

Hello Joseph,

In 1993, the DNR did not require inclusion of the shoreland planned unit development provisions in [Minn. Rules, part 6120.3800](#) in the City's Shoreland Management Code for the following reasons:

1. The City provided multiple assurances that high density residential development would NOT occur in shoreland districts:
 - In PDF page 2 of the Letter to MN DNR July 13, 1992, the city provided an assurance that shoreland districts would be limited to low density residential developments by revising the existing definition of planned unit developments (PUDs) as used in the City's existing general zoning code PUD procedures (Section 208, Planned Unit Development Procedures):
 - *"The definition of Planned Unit Development (PUD) has been revised to require compliance with the density requirements set forth in the Comprehensive Plan. (i.e., Low Density Residential limits housing to 4 or less units per acre.) To obtain approval for more than 4 units per acre a plan amendment to medium or high density residential development is required. Such approval requires at least four votes in favor from the City Council and approval is rarely granted for small sites."*
 - In PDF page 7 of the Letter to MN DNR July 13, 1992, the City indicated the ordinance did not include separate lot area and width standards for duplexes, triplexes, and quads for the following reason:
 - *"No new developable non single dwelling land remains in shoreland areas. Refer to map on page 7 of staff report."*
 - In PDF page 2 of the Letter from MN DNR September 29, 1992, the DNR provided the following comment: "We would like to see language forbidding variances to be granted for new lots in approved plats." In response, the City provided the following assurance in PDF page 1 of the Letter to MN DNR October 27, 1992:
 - *"Language forbidding a variance is redundant and would not preclude application for a variance. (e.g. the applicant would simply request a variance from the rule that states no variance is permitted as well as from the dimensional requirement that is at issue.) The real issue is whether the application would be approved. In this regard, the City's policy is not to approve subdivisions that generate the need for further variances. Further, please keep in mind that Shoreview only has two shoreland properties that are eligible to be subdivided (Christiansen and Union Gospel Mission); both on Snail Lake. The remainder of the City's shoreland is developed. Second, this community has a long history of requiring compliance with the State law requirements for obtaining approval of a variance (hardship, no reasonable use, not self created, etc.). I know of no instances where a variance has been granted to accept lots than would require a variance to be improved. Finally, the City of Shoreview is very environmentally*

conscience and its decision makers take compliance with the environmental related codes, such as the Shoreland Code, very seriously.”

2. As a critical backstop, the DNR required the inclusion of City Code Section 205.080(K), part 5, which states: *“All Concept Planned Unit Development shall be forwarded to and approved by the Commissioner of the DNR prior to approval by the City Council.”* Please refer to PDF page 6 of the Letter to MN DNR October 27, 1992.

Accordingly, we firmly stand by the position stated in Item #1 in our letter dated September 21, 2022.

Best Regards,

Dan Scollan

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