

SUMMARY OF ALTERNATIVE SHORELAND CATEGORIES

By EQB staff, 10-31-06

This document summarizes the proposed mandatory EAW & EIS categories contained in the comments of the MN Association of County Planning & Zoning Administrators (MACPZA), MN Waters, and the MN Center for Environmental Advocacy (MCEA), and also presents the original EQB/DNR proposal.

MACPZA

EAW

- All types of residential and resort development treated the same; thresholds vary depending on if the shoreland is “sensitive” or not and on the overall density of the project; same definition of sensitive shoreland areas as EQB proposal
- Thresholds are 15 units in sensitive and 25 units in non-sensitive shoreland areas **if** the overall project density is no more than 15% greater than would be allowed under the chapter 6120 shoreland management rules for single, unsewered units
- All residential or resort projects of greater density require EAW (new, expansion, conversion)
- No category for shoreland alterations
- No category for controlled access lots
- No categories based on % impervious surfaces
- No differentiation based on whether DNR shoreland standards adopted
- No reference to Alt 6120

EIS

No change from existing residential EIS category (100 units unsewered/400 sewerd if “unattached units”//150 unsewered/600 sewerd if “attached units”

MN Waters

EAW –with DNR shoreland standards adopted

- For all residential projects and new resorts, same thresholds as for MACPZA proposal above, except threshold is 25/50 units for any PUD where at least 50% of the site is in common open space
- For resort expansions, thresholds are 10 units in a sensitive shoreland area or 20 units in a non-sensitive area,
- Any resort conversion where the density will be greater than 15% over density allowed under the SL rules for single, unsewered units
- Any project in a sensitive shoreland area with a controlled access lot
- Land alterations in a sensitive shoreland area of: 800 or more contiguous feet of the shore impact zone or secondary shoreline buffer zone; of more than 50 percent of the shore impact zone if larger than 5,000 square feet; or conversion of 20 or more acres of naturally vegetated land to another type of cover
- Land alterations in non-sensitive shoreland areas of: 1,320 or more contiguous feet of the shore impact zone or secondary shoreline buffer zone; of more than 50 percent of the shore impact zone and is larger than 5,000 square feet; or conversion of 40 or more acres of naturally vegetated land to another type of cover.

- Any project with multiple units on a water listed by the MPCA as “impaired,” due to any pollutant other than mercury.
- No categories based on % impervious surfaces
- No reference to Alt 6120

EAW –without DNR shoreland standards adopted

Thresholds would be ½ their size in the corresponding situations above

EIS–with DNR shoreland standards adopted

- For all residential projects and resorts, thresholds would be twice the EAW thresholds for corresponding situations
- Any project containing controlled access lots that would provide access to ten or more lots or dwelling units
- Conversion of 40 acres in a sensitive shoreland area or 80 acres in a non-sensitive area of naturally vegetated land to another type of cover

EIS –without DNR shoreland standards adopted

Thresholds would be ½ their size in the corresponding situations above

MCEA

The categories proposed by MCEA are the same as proposed by MN Waters, except for the following additions:

- Any project with more than 15% impervious surfaces in a sensitive shoreland area or 25% in a non-sensitive shoreland area requires an EAW
- Add waters listed by MPCA as impaired, except for mercury, to list of sensitive shoreland areas

Original EQB/DNR Proposal

“Sensitive shoreland areas” would include the following:

- Shorelands of natural environment classified lakes and bays pursuant to Minn. Rules, part 6120.3000, Subp. 1a.;
- Shorelands of special protection classified lakes or districts (or equivalent districts) pursuant to Minn. Rules, part 6120.3200, Subp. 3.;
- Shorelands of designated trout lakes and streams pursuant to Minn. Rules, part 6264.0050;
- Shorelands of designated wildlife lakes pursuant to Minn. Statutes, section 97A.001, subd. 2;
- Shorelands of designated migratory waterfowl feeding and resting lakes pursuant to Minn. Statutes, section 97A.095, subd. 2;
- Shorelands of state or federally designated wild and scenic rivers pursuant to Minn. Statutes, sections 103F.305 through 103F.351;
- Shorelands of waterbodies on PCA Special Waters list for stormwater construction permits pursuant to Minn. Rules, part 7001, Appendix A.;
- Shorelands of outstanding resource value waters pursuant to Minn. Rules, part 7050.0180.

[Note: Mn Waters comments ask that shorelands of waters classified as “impaired” by the MPCA 303(b) process, except those listed as impaired solely due to mercury contamination be added to the list.]

Sensitive Area		EAW Threshold Category	Non-Sensitive Area	
Without shoreland ordinance	With shoreland ordinance		Without shoreland ordinance	With shoreland ordinance
1. Subdivision				
≥8	≥10	Riparian lots in a conventional subdivision	≥16	≥20
≥16	≥20	Total shoreland lots in a conventional subdivision	≥32	≥40
≥20	≥25	Lots for a conservation subdivision where common open space < 50% of parcel or where density exceeds M.R. 6120 single, unsewered, residential density by more than 15%	≥40	≥50
≥32	≥40	Lots for a conservation subdivision where the local ordinance is consistent with ALT6120 standards or where common open space ≥ 50% of parcel and where density does not exceed M.R. 6120 single, unsewered, residential density by more than 15%	≥64	≥80
Yes	Yes	Any new lake access lot for nonriparians	Yes	No
2. New Planned unit development (PUD)				
Any size	Any size	Units/sites for a proposed PUD where the density exceeds M.R. 6120 single, unsewered, residential density by more than 15% or impervious surface coverage exceeds 15%	≥16	≥20
≥16	≥20	Units/sites for a proposed PUD where the density does not exceed M.R. 6120 single, unsewered, residential density by more than 15% and impervious coverage ≤ 15%	≥64	≥80
≥40	≥50	Units/sites for a PUD where local ordinance is consistent with ALT6120	≥80	≥100
3. Resort				
Yes	Yes	Construction of any new resort where local ordinance is not consistent with ALT6120	Yes	Yes
Yes	Yes	Construction of a new resort where local ordinance is consistent with ALT6120	No	No
≥8	≥10	Units added in a resort expansion	≥16	≥20
≥16	≥20	Sites added in a resort expansion	≥24	≥30
Yes	Yes	Conversion to planned unit or residential development where local ordinance is not consistent with ALT6120	Yes	Yes
4. Shoreland alteration (other projects)				
≥800 feet	≥800 feet	Contiguous length of shore impact zone or secondary shoreline buffer zone that any other project alters	≥1320 feet	≥1320 feet
Yes	Yes	Any other land alteration project that alters >50% of the shore impact zone and is larger than 5000 square feet	Yes	Yes
Yes	Yes	Any other project that exceeds 15% impervious surface coverage	No	No
Yes	Yes	Any other project that exceeds 25% impervious surface coverage	Yes	Yes
≥20 acres	≥20 acres	Area of naturally vegetated land that any project permanently converts	≥40 acres	≥40 acres

EIS Threshold Category	Sensitive Area	Non-Sensitive Area
1. Subdivision		
Riparian lots in a conventional subdivision	≥20	≥40
Total shoreland lots in a conventional subdivision	≥40	≥80
Lots for a conservation subdivision where common open space < 50% of parcel or where density exceeds M.R. 6120 single, unsewered, residential density by more than 15%	≥50	≥100
Lots for a conservation subdivision where the local ordinance is consistent with ALT6120 standards or where common open space ≥ 50% of parcel and density does not exceed M.R. 6120 single, unsewered, residential density by more than 15%	≥80	≥160
Any new lake access that serves 10 or more boats or nonriparian lots	Yes	No
2. Planned unit development (PUD)		
Units/sites for a proposed PUD where density exceeds density exceeds M.R. 6120 single, unsewered, residential density by more than 15% or impervious surface coverage exceeds 15%	≥20	≥40
Units/sites for a proposed PUD where density does not exceed M.R. 6120 single, unsewered, residential density by more than 15% and impervious coverage ≤ 15%	≥40	≥160
Units/sites where local ordinance is consistent with ALT6120	≥100	≥200
3. Resort		
Units/sites in a new resort to be constructed	≥20	≥40
Units added in a resort expansion	≥20	≥40
Sites added in a resort expansion	≥30	≥50
Units/sites converted to planned unit or residential development where local ordinance is not consistent with ALT6120	≥20	≥40
4. Shoreland Alteration		
Area of naturally vegetated land that any project permanently converts	≥40 acres	≥80 acres