

**6110.3600 ASSESSMENT OF CONDITIONS.**

Subpart 1. **Factors to consider.** The commissioner of any governmental unit formulating, amending, or deleting controls for surface waters shall acquire and consider the following information, noting factors that are not relevant:

A. Physical characteristics:

(1) size: normal surface acreage, if available, or the basin acreage listed in the Division of Waters Bulletin No. 25, An Inventory of Minnesota Lakes;

(2) crowding potential: expressed as a ratio of water surface area to length of shoreline;

(3) bottom topography and water depth;

(4) shore soils and bottom sediments;

(5) aquatic flora and fauna;

(6) water circulation: for lakes, the existence and locations of strong currents, inlets, and large water level fluctuations; for rivers and streams, velocity and water level fluctuations;

(7) natural and artificial obstructions or hazards to navigation, including but not limited to points, bars, rocks, stumps, weed beds, docks, piers, dams, diving platforms, and buoys; and

(8) regional relationship: the locations and the level of recreational use of other water bodies in the area.

B. Existing development:

(1) Private: to include number, location, and occupancy characteristics of permanent homes, seasonal homes, apartments, planned unit developments, resorts, marinas, campgrounds, and other residential, commercial, and industrial uses.

(2) Public: to include type, location, size, facilities, and parking capacity of parks, beaches, and watercraft launching facilities.

C. Ownership of shoreland: to include the location and managing governmental unit of shoreline in federal, state, county, or city ownership as well as private, semipublic, or corporate lands.

D. Public regulations and management: to include federal, state, or local regulations and management plans and activities having direct effects on watercraft use of surface waters.

E. History of accidents which have occurred on the surface waters.

F. Watercraft use: to include information obtained in the morning, afternoon, and evening on at least one weekday and one weekend day, concerning the number and types of watercraft in each of the following categories: kept or used by riparians, rented by or gaining access through resorts or marinas, using each public watercraft launching facility, in use on the waterbody.

G. Conflict perception and control preferences: to include opinions gained by surveys or through public meetings or hearings of riparians, transients, local residents, and the public at large.

Subp. 2. **Written statement.** Any governmental unit formulating, amending, or deleting controls for surface waters shall submit to the commissioner the following:

A. the information requested in subpart 1, portrayed on a map to the extent reasonable;

B. a statement evaluating whether the information reveals significant conflicts and explaining why the particular controls proposed were selected;

C. the proposed ordinance; and

D. a description of public hearings held concerning the proposed controls, including an account of the statement of each person testifying.

Subp. 3. **Commissioner review and approval.** The commissioner shall require the ordinance proposer to provide additional information of the kind described in subpart 1 when needed in order to make an informed decision. The commissioner shall approve the ordinance if it conforms with these rules.

**Statutory Authority:** *MS s 361.25*

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