

Good afternoon Peter:

The Minnesota DNR offers the following comments regarding the proposed Marina CUP for Breezy Point International in the City of Breezy Point:

Public Waters-related Background:

- It appears that the original “Breezy Channel” was approved via public water works permit #1963-0949 and then constructed between 1963 and 1965 with the approval of both plats of “Breezy Point Club” (1963) and “21st Addition to Breezy Point Estates” (1964).
- The harbor where the proposed marina (connected to “Breezy Channel”) was originally authorized to be excavated in 1985 via public water work permit #1985-3143 and constructed shortly thereafter. The permit approval for that harbor included a plan for up to 30 mooring spaces for use by Breezy Point Resort only, and not for rental / use by the general public. Until 2024, no extensive mooring was ever developed after that time within the harbor.
- The harbor was again authorized for maintenance excavation in 2021 via the same 1985-3143 permit. It was re-excavated in/around 2022. As part of that approval, the arrangement of docking and mooring slips was revised, but the total number of mooring slips remained at 30.
- In 2024, it appears that construction of the permanent piling dock and mooring spaces started in the harbor per permit #1985-3143.
- In fall, 2024, the applicant, Breezy Point International, requested use of the harbor mooring facility by the general public for rentals/leasing. Pursuant to Minnesota DNR public water rules, this constitutes a marina. The development of marinas that meet the definition found in MN Rule 6115.0170 subp. 20 requires a public water works permit.
- The applicant has applied for a public water works permit by requesting “amendment” of the same permit #1985-3143 and that application is currently in “review” status pending successful approval by the LGU as a Marina under City of Breezy Point Shoreland Ordinance standards.

DNR Comments:

- Pursuant to City of Breezy Point Land Usage, Section 153.071 (D), “...parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from public waters.” And in (D)(1) “...parking areas shall meet structure setbacks and shall be not placed within...shore impact zones...if no alternatives exist, they may be placed within thee areas and shall be designed to minimize adverse impacts.”
 1. It appears that the proposed site plan dated 1/7/2025 shows all but the western corner parking area meets shore impact zone avoidance measures.
 2. The plan also shows a proposal to establish native grasses and tree plantings between the parking and marina/harbor. And, that a stormwater management plan is to be developed to capture stormwater runoff from the parking areas and direct to one or more basins to the northeast.
- A site visit was performed by MN DNR on 1/8/2025 to observe current conditions of the harbor (see attached).
 1. The site visit revealed that the north and west edges of the harbor had nearly vertical slopes with exposed soils that are susceptible to transporting soil into public waters during spring rain events. And, that a flat area adjacent to the harbor had exposed soils with likely unpredictable drainage patterns and little to know vegetation or visual screening to any proposed parking areas.

- **Given the above information and in keeping with the intent and purpose of both Shoreland Rules and City Land Usage codes, the DNR recommends the following conditions be added to the CUP if approved by the City:**
 1. The mooring space arrangement as shown on the site plan dated 1/7/2025 shall be constructed, not to exceed 30 mooring spaces. Any revisions to the mooring space plan may not be made without an amendment to the CUP and with approval from MN DNR as part of a marina public water works permit.
 2. The “natural grass area” and “no mow zone” must be developed for all upland areas located between the harbor and the proposed parking areas as per the site plan dated 1/7/2025. The natural area must not be intensively mowed, must include primarily native plant mixes, must incorporate a minimum of 14 trees at least 4’ tall at the time of planting that are effective at providing screening to parking areas, and must be implemented prior to any public use as a mooring facility / harbor. All plantings and trees must be maintained in perpetuity.
 3. Parking areas may not exceed the 30 spaces and be at least the distances away from the harbor per the site plan identified in the site plan dated 1/7/2025. Additional parking spaces may be added only with an approved CUP amendment.
 4. Access via walkways must be constructed as per the site plan dated 1/7/2025 and must not exceed the total number and width of 4’.
 5. A stormwater management plan for the parking area/spaces, sufficient to handle a 1.1” rain event and prevent stormwater runoff from entering the harbor area, must be developed and implemented prior to any public use of the marina.

Thank you for your time in this regard. Please send the CUP motion results, findings, and any conditions within 10 days of decision.

Sincerely,

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