

water quality, floodplain and  
**Goodhue County, Minnesota**  
structures or facilities.  
**Wild and Scenic River Ordinance**

Section 1. Policy and Authorization.

An ordinance for the controlling of bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values of the Cannon River in Goodhue County, Minnesota, in a manner consistent with Minnesota Statutes Section 104.31-104.40, Minnesota Regulations NR 78-81, and the Management Plan for the Cannon River hereafter referred to as NR 2900 (6MCAR 1.2900).

Goodhue County, Minnesota does ordain:

Section 2. Title.

Short title. This ordinance shall be known, cited and referred to as the Goodhue County Wild and Scenic River Ordinance; except as referred to herein, where it shall be known as, "This Ordinance".

Section 3. Purpose.

This ordinance is adopted to achieve the policy of Section 1 and to:  
Designate land use districts along the bluffland and shoreline of the Cannon River as required by NR 78-81 and 2900, et seq.

- (2) Regulate the area of a lot, and the length of bluffland and water frontage suitable for building sites.

Regulate the setback of structures and sanitary waste treatment facilities from blufflines and shorelines to protect the existing and/or natural scenic values, vegetation, soils, water quality, floodplain areas, and bedrock from disruption by man-made structures or facilities

Wild and Scenic River Ordinance

Regulate alterations of the natural vegetation and topography.  
Maintain property values and prevent poorly planned development.  
Conserve and protect the natural scenic values and resources of the  
Cannon River and to maintain a high standard of environmental quality  
To comply with Minnesota Regulations NR 78-81 and NR 2900, et. seq.

Section 4. General Provisions.

401. Jurisdiction. This jurisdiction of this ordinance shall include all lands designated within the Cannon River land use district(s) within the jurisdiction of Goodhue County as defined in NR 2900 et. seq.

Compliance. The use of any land within the Cannon River land use district(s); the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. Permits from the zoning authority are required by this ordinance and other applicable ordinances, for the construction of buildings, public or private water supply and sewage treatment systems, the grading and filling of the natural topography and erection of signs within the Cannon River land use district(s).

Rules

403.01 It is not intended by this ordinance to repeal, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail.

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403.02 In their interpretation and application, the provisions of ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota Statutes.

403.03 The provisions of this ordinance shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this ordinance or the application of this ordinance to a particular property, building, or other structure, such judgment shall not affect any other provision of this ordinance or any other property, building or structure not specifically included in said judgment.

404. Definitions

404.01 For the purpose of this ordinance, certain terms and words are hereby defined as follows:

- 1) "Agricultural use" means the use of land for the production of food or fiber, their storage on the area, and/or the raising thereon of domestic pets and domestic farm animals.
- (2) "Bluffline" means a line along the top of a slope connecting the points at which the slope becomes less than 13%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.
- (3) "Building Line" means that line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

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- (4) "Campground" means an area accesible by vehicle and containing campsites or camping spurs for tents and trailer camping.
- "Clear-cutting" means the removal of an entire stand of vegetation.
- (6) "Commissioner" means the Commissioner of Natural Resources.
- (7) "Conditional Use" means a use of land which is permitted only when allowed by the local governing body after a public hearing, if certain conditions are met which eliminate or minimize the incompatibility with other permitted uses of the district.
- "Essential Services" means underground or overhead gas, electrical, steam or water distribution systems: collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
- (9) "Forestry" means the use and management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, and fences.
- (10) "Hardship" means, as used in connection with a variance under this ordinance, the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this ordinance.

"Lot" means a parcel of land designated by metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of these regulations, a lot shall be considered to be an individual building site which shall be occupied by no more than one principal structure equipped with sanitary facilities.

"Mining Operation" means the removal of stone, sand and gravel, coal, salt, iron, copper, nickel, petroleum or other material from the land for commercial, industrial, or governmental purposes.

"Nonconforming Use" means any use of land established before the effective date of this ordinance which does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.

"Open Space Recreation Uses" means recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreational areas.

"Ordinary High Water Mark" means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters and sloughs.

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- (16) "Planned Cluster Development" means a pattern of subdivision development which places dwelling units into compact groupings while providing a commonly owned or dedicated open space
- "Primitive Campsites" means an area that consists of individual remote campsites accessible only by foot or water.
- (18) "Screened" means when a structure is built or placed on a lot or vegetation is planted such that when the structure is built it is visually inconspicuous as viewed from the river during the summer months. Visually inconspicuous means difficult to see or not readily noticeable in summer months as viewed from the river.
- "Selective Cutting" means the removal of single scattered trees, provided a continuous tree cover is maintained within the structure setback areas.
- "Setback" means the minimum horizontal distance between a structure and the ordinary high water mark, bluffline, or highway
- (21) "Sewage Treatment System" means any system for the collection, treatment and dispersion of sewage including but not limited to septic tanks, soil absorption systems and drain fields.
- (22) "Structure" means any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances, and fences used to control livestock or delineate boundaries.
- (23) "Substandard Use" means any use within the land use district existing prior to the date of enactment of this ordinance which is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of the ordinance.

"Variance" means any modification or variation of official controls where it is determined that by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

"Watershed Management or Flood Control Structure" means a dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term "watershed management or flood control structure" does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of Natural Resources.

"Wetland" means land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

Section 5. Land Use District Provisions.

501. Designation of Districts

501.01 In order to preserve and protect the Cannon River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; The Cannon River in Goodhue County has been given the Scenic and/or Recreational River classification(s) and the uses and classification of this river and its adjacent lands are hereby designated by land use zoning districts, the boundaries of which are based on the Cannon River Management Plan, NR 2900, et. seq.

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501.02 The boundaries of the Cannon River Scenic and/or Recreational land use districts are shown on the map designated, which map is made a part of this ordinance and is on file with the zoning authority. In case of conflict between the map and the property descriptions in NR 2900 et. seq. the latter shall prevail.

502. Minimum District Dimensional Requirements

502.01 The following chart sets forth the minimum area, setbacks, and other requirements of each district:

	Land Use District Classification(s)	
	<u>Scenic</u>	<u>Recreational</u>
(1) Minimum lot size above ordinary high water mark	4 Acres	2 Acres
(2) Lot width at building line	250'	200'
(3) Lot width at ordinary high water mark	250'	200'
(4) Building setback from ordinary high water mark	150'	100'
(5) Building setback from bluffline	30'	20'
(6) On site sewage treatment system setback from ordinary high water mark	100'	75'
(7) Maximum structure height	35'	35'
(8) Controlled vegetative cutting area (see section 801)		
setback from ordinary high water mark	150'	100'
setback from bluffline	30'	20'

502.01(1) Such requirements do not apply to agricultural buildings.

... 501.02 The boundaries of the Cannon River Scenic and/or Recreational land use districts are shown on the map designated, which map is made a part of this ordinance and is on file with the zoning authority. In case of conflict between the map and the property descriptions in NR 2900 et. seq.



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502.02 On Belle Creek and Pine Creek as designated in NR 2900, et. seq.  
the following setbacks also apply within the land use district(s):

- Building setbacks from ordinary high water mark - 100'
- On site sewage treatment system setback from ordinary high water mark - 75'

(3) Controlled vegetative cutting area setback from ordinary high watermark - 100' (see section 801)

502.03 No structure shall be placed on any slope greater than 13% (13 feet vertical rise in 100 feet horizontal distance) unless such structures can be screened; sewage disposal system facilities can be installed so as to comply with the Sanitary Provisions of Section 7; any potential or actual erosion or sedimentation problems do not exist or adequate preventive measures are taken; and consideration to color and design is given subject to county planning commission conditions.

502.04 No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with the Goodhue County and/or statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota. (Minnesota Regulations NR 85-93)

503. Substandard Lots

503.01 Lots of record in the office of the County Recorder on the effective day of enactment of this ordinance which do not meet the dimensional requirements of this ordinance shall be allowed as building sites, provided: such use is permitted in the land use district(s); the lot was in separate ownership on the date of enactment of this ordinance; and all sanitary and dimensional requirements are complied with, as practicable.

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 setbacks from ordinary high  
 water mark - 100'  
 On site sewage treatment system setback from ordinary high water mark - 75'

503.02 If in a group of contiguous lots under a single ownership, any individual lot does not meet the lot width minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this ordinance, or to the greatest extent practicable.

Section 6. Uses Within the Land Use Districts.

601 Purpose. The purpose of establishing standards and criteria for uses in the Cannon River land use district shall be to protect and preserve existing natural, scenic, historical, scientific, and recreational values, to maintain proper relationships between various land use types, and to prohibit new residential, commercial, or industrial uses that are inconsistent with the statewide standards and criteria for Wild and Scenic Rivers, NR 78-81, and NR 2900, et. seq.

602. Permitted and Conditional Uses

602.01 In the following table of uses:

P means Permitted Use

C means Conditional Use

N means Nonpermitted Use

Certain of the following uses are subject to the ZONING DIMENSION PROVISIONS and SANITARY PROVISIONS of Sec. 5 and Sec. 7. All of the following uses are subject to the VEGETATIVE CUTTING PROVISIONS of Sec. 8.

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LAND USE DISTRICTS

	<u>Scenic River</u>	<u>Recreational River</u>
Governmental campgrounds, subject to management plan specifications.	P	P
(2) Private campgrounds, subject to management plan specifications.	C	C
Public accesses, road access type with boat launching facilities subject to management plan specifications.	P	P
(4) Public accesses, trail access type, subject to management plan specifications.	P	P
(5) Temporary docks.	C	P
(6) Other governmental open space recreational uses, subject to management plan specifications.	P	P
(7) Other private open space recreational uses, subject to management plan specifications.	C	C
(8) Agricultural uses.	P	P
(9) Single family residential uses.	P	P
(10) Forestry uses.	P	P
(11) Essential services.	P	P
(12) Sewage disposal systems.	P	P
(13) Private roads and minor public streets.	P	P
(14) Signs approved by federal, state, or local government which are necessary for public health and safety and signs indication areas that are available or not available for public use.	P	P
(15) Signs not visible from the river that are not specified in (14).	P	P

LAND USE DIST

Scenic River

Recreational River

- (16) Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.                      P                      P
- Underground mining that does not involve surface excavation in the land use district.                      C                      C
- Sand and gravel extraction, subject to the provisions of NR 2920A.6.                      C                      C
- Utility transmission power lines and pipelines, subject to the provisions of Sec. 8.                      C                      C
- (20) Public roads, subject to the provisions in Sec. 8.                      C                      C
- (21) Canoe rental establishments, subject to provisions of NR 2920A.6 3 B(1-2)                      C                      C
- (22) Inner tube rental establishments.                      N                      N

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

602.02 Existing development in the village of Welch in the East One-Half (E½) West One-Half (W½), Northeast One-Quarter (NE¼), Township 113N, Range 16 West, north of the recreational river shall be allowed to continue as now identified by the Goodhue County Zoning Ordinance, amended in 1976.

Section 7. Sanitary Provisions.

701. Sewage Disposal and Water Supply

701.01 Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems

Scenic                      Recreational

Sanitary Treatment Systems

P15

shall conform to the minimum standards and administrative procedures set forth in other applicable local ordinances, the minimum standards of the Minnesota Pollution Control Agency, the Minnesota Department of Health and Sections 502.01(6) and 502.02(2) of this Ordinance.

701.02 No person, firm, or corporation shall install, alter, repair, or extend any individual sewer disposal system without first obtaining a permit for such action from the Zoning Authority for the specific installation, alteration, repair, or extension.

701.03 Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality and the administrative procedures of other applicable local ordinances.

### Section 8. Landscape Alterations.

#### 801. Vegetative Cutting

801.01 The vegetative cutting provisions (Section 801.02) shall apply to those areas as specified in sections 502.01(8) and 502.02(3) of this Ordinance.

801.02 General Provisions, within designated setback areas:

- (1) Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
- (2) Selective cutting of trees in excess of four inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.

(3) The cutting provisions of Section 801.02(1), (2), shall not be deemed

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The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards Pruning understory vegetation, shrubs, plants, brushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four inches in diameter at breast height.

801.03 Clear Cutting: Clear cutting anywhere in the designated land use district(s) on the Cannon River is subject to the following standards and criteria:

Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the zoning authority to be fragile and subject to severe erosion and/or sedimentation.

Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain

The size of clear cut blocks, patches or strips shall be kept at the minimum necessary.

Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

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802 Grading, Filling, Alterations of the Beds of Public Waters

802.01 Any grading and filling work done within the designated land use district(s) of this Ordinance shall require a permit and shall comply with the following:

Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district(s).

Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the zoning authority. A grading and filling permit may be issued only if the conditions of Section 8,802.01, (3), (4) are properly satisfied.

- (3) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities
- (4) Grading and filling in of the natural topography shall also meet the following standards:
  - (a) The smallest amount of bare ground is exposed for as short a time as feasible.
  - (b) Temporary ground cover such as mulch is used and permanent ground cover, such as sod is planted.
  - (c) Methods to prevent erosion and to trap sediment are employed.
  - (d) Fill is stabilized to accepted engineering standards.

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802.02 Excavation of material from, or filling in a Scenic or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the commissioner of DNR pursuant to Minnesota Statutes Section 105.42.

802.03 Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this ordinance.

#### Utility Transmission Lines

803.01 All utility transmission crossings of land within the Cannon River land use district(s) shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of Minnesota Regulations NR 79 (i) (2). No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Council pursuant to Minnesota Statutes, Section 116 C. 61

#### Public Roads

804.01 In addition to such permits as may be required by Minnesota Statutes Section 105.42, a conditional use permit shall be required for any construction or reconstruction of new public roads within the Cannon River land use district(s). Such construction or reconstruction shall be subject to the standards and criteria of Minnesota Regulations NR 79 (j) (2). A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas



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## Land Suitability

901.01 No land shall be subdivided which is determined by the governing body, to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

901.02 The provisions otherwise set forth in this ordinance and in other applicable local ordinances shall apply to all plats, except Planned Cluster Developments.

## Planned Cluster Developments

902.01 A planned cluster development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Ordinance for planned cluster developments provided:

- (1) Preliminary plans are approved by the Commissioner prior to their enactment by the governing body.
- (2) Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Pollution Control Agency.
- (3) Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other methods.

- (4) There is not more than one centralized boat launching facility for each cluster.

Section 10. Administration.

1001. Organization Provisions

1001.01 The provisions of this ordinance shall be administered by the Goodhue County Zoning Authority.

1001.02 The Goodhue County Board of Commissioners shall act upon all questions as they arise in the administration of this ordinance; to hear and decide appeals; and to review any order, requirements, decisions or determination made by the Zoning Authority, who is charged with enforcing this ordinance as provided by Minnesota Statutes

1001.03 Permit Fees and inspection fees as may be established by resolution of Goodhue County shall be collected by the Zoning Authority for deposit with Goodhue County and credited to the appropriate general fund

1002. Nonconforming Uses, Substandard Uses.

1002.01 Nonconforming Uses. Uses which are prohibited by this Ordinance but which are in existence prior to the effective date of this ordinance shall be non-conforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in most current permit issued prior to the adoption of this ordinance.

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Section 10. Administration.

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1002.02 Nonconforming Sanitary Systems. All sanitary facilities inconsistent with the performance standards of other applicable local ordinances and the minimum standards of the Minnesota Pollution Control Agency and the Minnesota Department of Health shall be brought conformity or discontinued within five (5) years of the date of enactment of this or other applicable ordinances

1002.03 Substandard Uses. All uses in existence prior to the effective date of enactment or amendment of this ordinance which are permitted uses within the newly established land use district, but do not meet minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

- (1) Any structural alteration or addition to a substandard use which will increase the substandard dimensions shall not be allowed.
- (2) Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment of this ordinance
- (3) Where a setback pattern from the ordinary high watermark has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. (this provision shall apply to lots which do not meet the minimum lot width requirements (Section 502.02(3)) of this ordinance.)

1003. Variance

1003.01 The grant of a variance requires the presence of the following conditions:

Nonconforming Sanitary Systems: All sanitary facilities inconsistent with the performance standards of other applicable local standards of the Minnesota Pollution Control Agency and the Minnesota Department of Health shall be brought into conformity or discontinued within five (5) years of the date of enactment of this or other applicable ordinances

- (1) The strict enforcement of the land use controls will result in unnecessary hardship.
- (2) Granting of the variance is not contrary to the purpose and intent of the zoning provisions herein established by these standards and criteria, and is consistent with NR 2900, et. seq.
- (3) There are exceptional circumstances unique to the subject property which were not created by the landowners
- (4) Granting of the variance will not allow any use which is neither a Permitted or Conditional use in the land use district in which the subject property is located.
- (5) Granting of the variance will not alter the essential character of the locality as established by the management plan, NR 2900, et. seq

1003.02 All variances to the requirements of this ordinance must be certified in accordance with Section 1007 of this ordinance.

#### 1004. Plats

1004.01 Copies of all plats within the boundaries of the Cannon River Land Use District(s) shall be forwarded to the commissioner within ten (10) days of approval by Goodhue County.

#### 1005. Amendments

1005.01 This ordinance may be amended whenever the public necessity and the general welfare require such amendments by the procedure specified in this section. Amendments to this ordinance must be certified by the commissioner as specified in Section 1007 of this ordinance

1005.02 Requests for amendments of this ordinance shall be initiated by a petition of the owner or owners of the actual property; or by action of Goodhue County.

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1005.03 An application for an amendment shall be filed with the zoning authority.

1005.04 Upon receipt in proper form of the application and other required materials, the Planning Agency or Commission shall conduct a public hearing in the manner prescribed by Minnesota Statutes.

1005.05 Following the public hearing, the Planning Agency shall make a report of its recommendations on the proposed amendment and shall file a copy with Goodhue County within sixty (60) days after the hearing. Certification from the commissioner must be obtained as specified in Section 1007 before the proposed amendment becomes effective.

1005.06 To defray the administrative costs of processing requests for an amendment to this ordinance, a fee not exceeding administrative costs shall be paid by the petitioners, such fee shall be determined by the Goodhue County Board of Commissioners.

1006. Conditional Use Permit Review.

1006.01 A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the commissioner at least Fifteen (15) days prior to such hearings or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the commissioner within ten (10) days of such action.

1007. Certification

1007.01 Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the commissioner (Section 1007.02):

Upon receipt in proper form of the application and other required materials, the Planning Agency or Commission shall conduct a public hearing

- (1) Adopting or amending an ordinance regulating the use of land including rezoning of particular tracts of land.  
Granting a variance from a provision of this ordinance which relates to the zoning dimension provisions of Section 5 of this ordinance and any other zoning dimension provisions established in NR 2900, et. seq.

1007.02. Certification Procedure

- (1) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments or variances, under local ordinance shall be sent so as to be received by the commissioner at least Fifteen (15) days prior to such hearings or meetings to consider such actions. The notice of application shall include a copy of the proposed ordinances or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance. Goodhue County shall notify the commissioner of its final decision on the proposed action within ten (10) days of the decision.
- (3) The action becomes effective when and only when either:
  - (a) The final decision taken by Goodhue County has previously received certification of approval from the commissioner, or
  - (b) Goodhue County receives certification of approval after its final decision; or
  - (c) Thirty (30) days have elapsed from the day the commissioner received notice of the final decision, and that Goodhue County has received from the commissioner neither certification of approval nor notice of non-approval; or
  - (d) The commissioner certifies his approval within thirty (30) days after conducting a public hearing.

(4) In case the commissioner gives notice of non-approval of an ordinance, variance or inconsistent plat, either the applicant or the chief executive officer of Goodhue County may within thirty (30) days of said notice, file with the commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of non-approval becomes final.

(a) The hearing will be held in an appropriate local community within sixty (60) days of the demand and after at least two (2) weeks published notice.

(b) The hearing will be conducted in accordance with Minnesota Statutes 105.44, subdivision 5 and 6 (1971) as amended

(c) The commissioner shall either certify his approval or disapproval of the proposed action within thirty (30) days of the hearing.

1008. Permits

1008.01 The following table summarizes the permit and certification process within the land use districts designated by this ordinance.

Scenic and Recreational

Land Use District Permits

Action Necessary

Land Use District Permits	Action Necessary
Building Permits	LP
Sign Construction Permits	LP
Septic Permits	LP
Water Supply Permits	LP
Grading, Filing Permits	LP
Conditional Use Permits	PH-FD and/or the chief
Amendments to Ordinance	PH-CC thirty (30) days of
Amendments to District Boundary	PH-CC hearing. If the
Planned Cluster Developments	PH-NA the notice of nt

trick Court to compel specific performance by the officials of any duty required by this ordinance PH-CC

Variations

Plats

PH  
(notification not required)FD

LP - Permit issued by the local authority in accordance with this ordinance and all other local ordinances.

CC - Certification by the Commissioner of Natural Resources prior to final local approval.

PH - Public hearing necessary by the local authority giving 15 days notice of the hearing to the Commissioner of Natural Resources.

FD - Local Authority forwards any decisions to the Commissioners of Natural Resources within 10 days after taking final action.

WA - The Commissioner of Natural Resources shall submit, after notice of public hearing and before the local authority gives preliminary approval, a written review and approval of the project.

1009. Enforcement

1009.01 It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

1009.02 In the event of a violation or a threatened violation of this ordinance, Goodhue County or the Commissioner of Natural Resources, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

1009.03 Any taxpayer or taxpayers of Goodhue County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this ordinance.

PH  
(notification not required)FD



1010. Effectuation

1010.01. This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Public Hearing Held \_\_\_\_\_, 19

CE ar

30