

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2272

(SENATE AUTHORS: SIEBEN, Pappas and Marty)

DATE	D-PG	OFFICIAL STATUS
03/04/2014	5957	Introduction and first reading Referred to Environment and Energy
03/13/2014	6180	Comm report: To pass and re-referred to State and Local Government
03/24/2014	6781a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act
 1.2 relating to natural resources; establishing certification process for ordinances
 1.3 adopted under Lower St. Croix Wild and Scenic River Act; providing for variance
 1.4 advice; amending Minnesota Statutes 2012, section 103F.351, subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 103F.351, subdivision 4, is amended to read:

1.7 Subd. 4. **Rules.** (a) The commissioner of natural resources shall adopt rules that
 1.8 establish guidelines and specify standards for local zoning ordinances applicable to the
 1.9 area within the boundaries covered by the comprehensive master plan.

1.10 (b) The guidelines and standards must be consistent with this section, the federal
 1.11 Wild and Scenic Rivers Act, and the federal Lower St. Croix River Act of 1972. The
 1.12 standards specified in the guidelines must include:

1.13 (1) the prohibition of new residential, commercial, or industrial uses other than those
 1.14 that are consistent with the above mentioned acts; and

1.15 (2) the protection of riverway lands by means of acreage, frontage, and setback
 1.16 requirements on development.

1.17 (c) Cities, counties, and towns lying within the areas affected by the guidelines shall
 1.18 adopt zoning ordinances complying with the guidelines and standards within the time
 1.19 schedule prescribed by the commissioner. No adoption of or amendment to a Lower
 1.20 St. Croix zoning ordinance becomes effective unless and until the commissioner of
 1.21 natural resources has certified that it complies with the guidelines and standards adopted
 1.22 by rule under this subdivision. Within 30 days of being submitted to the department,
 1.23 the commissioner shall certify the ordinance or amendment, or specify the aspects of
 1.24 the ordinance or amendment that fail to meet those criteria. If the commissioner does

2.1 not respond within 30 days of receiving the ordinance or amendment, the ordinance or
2.2 amendment shall be considered certified by the commissioner. The commissioner of natural
2.3 resources shall provide a liaison to affected cities, counties, and towns to provide outreach
2.4 and education on ordinance implementation, and advice during the review of applications
2.5 for variances from local Lower St. Croix River ordinances to evaluate whether:

2.6 (1) the variances are consistent with the intent of the National Wild and Scenic
2.7 River Act, the federal Lower St. Croix River Act of 1972, and the master plan adopted
2.8 under subdivision 2; and

2.9 (2) the reasons for the requested variance cannot be alleviated by any alternative
2.10 feasible method other than a variance.

2.11 (d) In rural districts, as defined in rules adopted pursuant to this section, commercial,
2.12 nature-oriented, and educational uses may be allowed as conditional uses on properties
2.13 that were in similar use on May 1, 1974, and on January 1, 2010, if the conditional use:

2.14 (1) complies with all dimensional standards in the rules, including variance
2.15 requirements for any changes to the properties made after January 1, 2010; and

2.16 (2) is similar in scope to the use that existed on May 1, 1974.