

6105.0870 ADMINISTRATION OF MANAGEMENT PLAN.

Subpart 1. **Scope.** The land use controls referenced herein shall apply to the entire area within the land use district boundaries as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions and determined in accordance with part 6105.0070, subpart 2, item B. In accordance with the Minnesota wild and scenic rivers act, Minnesota Statutes 1974, section 104.36 each local government shall, within six months of designation of the scenic and recreational river, adopt or amend its local ordinances and land use district maps to the extent necessary to comply with the statewide standards and criteria and the management plan as follows.

Subp. 2. **Stearns County.** Stearns County shall enact or amend such ordinances and maps as necessary to:

A. establish a scenic river land use district, as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions for Stearns County; and

B. conform to the provisions of parts 6105.0010 to 6105.0250.

Subp. 3. **Sherburne County.** Sherburne County shall enact or amend such ordinances and maps as necessary to:

A. establish scenic and recreational river land use districts, as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions for Sherburne County; and

B. conform to the provisions of parts 6105.0010 to 6105.0250.

Subp. 4. **Wright County.** Wright County shall enact or amend such ordinances and maps as necessary to:

A. establish a recreational river land use district, as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions for Wright County; and

B. conform to the provisions of parts 6105.0010 to 6105.0250.

Subp. 5. **Saint Cloud.** The municipality of Saint Cloud shall enact or amend such ordinances and maps as necessary to:

A. establish a scenic river land use district as identified on the land management maps, plate 1 in part 6105.0950, subpart 1, and the land use district property descriptions;

B. adopt the general development standards for lands within the scenic river land use district in accordance with the provisions of parts 6120.2600 to 6120.3900 and administer these provisions according to parts 6105.0220 to 6105.0250, as applicable; and

C. conform to the provisions and administrative procedures of parts 6105.0010 to 6105.0070; and 6105.0150 to 6105.0250.

Subp. 6. **Clearwater, Monticello, and Elk River.** The municipalities of Clearwater, Monticello, and Elk River shall enact or amend such ordinances and maps as necessary to:

A. establish a recreational river land use district as identified on the land management maps, plates 1 to 9 in part 6105.0950 and the land use district property descriptions;

B. adopt the general development standards for land within the recreational river land use districts in accordance with the provisions of parts 6120.2600 to 6120.3900, as applicable, except that marinas shall not be allowed; and

C. conform to the provisions and administrative procedures of parts 6105.0010 to 6105.0070; and 6105.0150 to 6105.0250.

Subp. 7. **Becker, Dayton, and Ramsey.** The municipalities of Becker, Dayton, and Ramsey shall enact or amend such ordinances and maps as necessary to:

A. establish a recreational river land use district as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions; and

B. conform to the provisions of parts 6105.0010 to 6105.0250, except that the lot size requirements of part 6120.3300, subpart 2, item A, for natural environment waters under the statewide standards and criteria for the management of municipal shoreland areas of Minnesota shall be substituted for the lot size requirements of part 6105.0110, subpart 2, item A, subitem (3).

Subp. 8. **Elk River Township.** Elk River Township, excluding the presently incorporated city of Elk River, shall be subject to parts 6105.0010 to 6105.0250 until such time as it may be consolidated and incorporated. At that time those regulations required for the city of Elk River (see subpart 6) will apply to the newly incorporated area as well. In addition, the minimum setback for any new structure shall be 100 feet rather than 75 feet.

Subp. 9. **Power plants.** The Northern States Power Company Sherco and Monticello power plant sites shall be listed in the Sherburne and Wright county ordinances as permitted uses. Northern States Power Company shall work with the Department of Natural Resources in determining the most appropriate location for the development of any structures or related facilities that may be located within the scenic and recreational land use district boundary. Such development shall be consistent with all other provisions of parts 6105.0080 to 6105.0200.

Subp. 10. **Land in annexation area.** The portion of the land use district which is within the orderly annexation area established by the Minnesota Municipal Board adjacent

to the city of Monticello in 1972 legally described in the land use district as Government Lots 1, 2, 3 and 4 of Section 18 and Government Lots 1, 2 and 3 of Section 8, Township 121 N. Range 24 W. of Wright County, shall be governed by the recreational development standards of parts 6120.2600 to 6120.3900. The zoning authority shall also conform to the provisions of parts 6105.0010 to 6105.0070; and 6105.0150 to 6105.0250.

Subp. 11. **Otsego.** The municipality of Otsego shall enact or amend such ordinances and maps as necessary to:

A. establish a recreational river land use district, as identified on the land management maps, plates 1 to 9 in part 6105.0950, and the land use district property descriptions;

B. for the recreational river land use district within Sections 10, 11, 13, 14, and 15, Township 121 North, Range 24 West and Sections 7 and 18, Township 121 North, Range 23 West, conform to the provisions of parts 6105.0010 to 6105.0250, except that minimum lot size shall be 2-1/2 acres; and

C. for the recreational river land use district west of State Highway 101 within Sections 14, 23, 26 and Government Lot 1 and the East 1/2 of the East 1/2 of the Southeast 1/4 of Section 15, Township 121 North, Range 23 West and for the recreational river land use district west of CSAH 42 in Section 26, Township 121 North, Range 23 West, conform to the provisions and administrative procedures of parts 6105.0010 to 6105.0090; 6105.0100, subparts 1 and 2; Urban river class standards in parts 6120.3100, 6120.3200, and 6120.3300, subpart 2b; 6120.3300, subparts 7 to 12; 6120.3800; and 6105.0110 to 6105.0250 with the following exceptions to the provisions of these parts:

- (1) minimum lot size:
 - (a) for lots without public sewer, 40,000 square feet;
 - (b) for riparian lots with public sewer, 20,000 square feet; or
 - (c) for nonriparian lots with public sewer, 15,000 square feet; and
- (2) minimum lot width at the water line and building line:
 - (a) for lots without public sewer, 150 feet; or
 - (b) for lots with public sewer, 75 feet; and
- (3) minimum structure setback from the ordinary high water level:
 - (a) for lots without public sewer, 100 feet; or
 - (b) for lots with public sewer, 75 feet; and
- (4) minimum structure setback from the bluffline, 30 feet; and

(5) impervious surface coverage requirements in part 6120.3300, subpart 11, item B, may be varied without a variance if all of the following criteria and standards are met:

(a) all structures and impervious surfaces are located on slopes less than 13 percent. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation;

(b) the site development is designed, implemented, and maintained using the most applicable combination of comprehensive practices that prevent flooding, pollution, erosion, and sedimentation problems consistent with "Protecting Water Quality in Urban Areas, Best Management Practices for Minnesota," Minnesota Pollution Control Agency, October 1989, which is incorporated by reference, is available at the State Law Library, and is not subject to frequent change;

(c) a site development, maintenance, and inspection plan incorporating the comprehensive practices in unit (b) is approved by the local government and implemented; and

(d) a permit is granted by the local government which minimally includes these conditions; and

D. for the recreational river land use district within Sections 10, 14, 15, 16, 17, 23, 25, 26, and 36, Township 121 North, Range 23 West that is not listed in item C, conform to the provisions and administrative procedures listed in item C, except minimum lot size shall be 2-1/2 acres and maximum total lot area covered by impervious surface shall be 25 percent and not subject to variability.

Statutory Authority: *MS s 103F.321; 104.35*

History: *18 SR 1751*

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