

6105.1440 LAND USE MANAGEMENT.

Subpart 1. **Adoption of land use districts.** The commissioner of the Department of Natural Resources hereby adopts the wild, scenic, and recreational land use districts as identified in the land use district descriptions in part 6105.1480. The land use districts were derived in accordance with part 6105.0070, subpart 2, item B.

A. Parts 6105.0010 to 6105.0250 shall apply to all lands in the wild, scenic, and recreational land use districts, except as specified in subpart 4, item G.

B. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until the newly responsible unit of government adopts zoning for that land. The zoning shall meet the provisions of this management plan which applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

Subp. 2. **Tributaries.** Parts 6105.0110, subpart 3, item B, subitem (3); 6105.0120; and 6105.0150, subpart 1 specify regulations concerning designated tributaries. Designated tributaries along the Rum River shall be:

- A. Bradbury Brook;
- B. Tibbetts Brook;
- C. Vandell Brook;
- D. Bogus Brook;
- E. West Branch of Rum River;
- F. Spencer Brook;
- G. Green Lake Brook;
- H. Stanchfield Creek;
- I. Lower Stanchfield Brook;
- J. Isanti Brook;
- K. Seelye Brook;
- L. Cedar Creek; and
- M. Trott Brook.

Subp. 3. **Grading and filling.** The grading and filling provision, part 6105.0160, shall be enforced by local ordinance which shall require a grading and filling permit.

Subp. 4. **Modifications of other rules.** Certain provisions of parts 6105.0010 to 6105.0250 are modified for purposes of the management plan, as follows:

A. Because of the erosive nature of soils along much of the Rum River, part 6105.0110, subpart 3, item C is modified to read: Structures shall not be located on slopes greater than 12 percent, unless such structures are screened from the river view with natural vegetation where practicable, the sanitary provisions of this plan are complied with, and the building permit applicant can prove to the local zoning authority that any potential erosion or sedimentation problems related to locating a structure either do not exist or that adequate measures will be taken to prevent any of these problems through special construction methods.

B. Because of land forms and high groundwater levels encountered on lands adjacent to much of the Rum River and to help further the enforcement of Minnesota Department of Health and Minnesota Pollution Control Agency (PCA) standards relating to on-site sewage disposal systems, parts 6105.0120 and 6120.3400 are modified by adding a new subdivision reading: Local units of government shall require that both percolation-rate tests and soils boring tests be done on any proposed sites prior to approval of an on-site sewage disposal system installation permit. When new on-site sewage disposal system standards are officially adopted by the PCA, those standards shall take precedence over those of this program.

C. Because of land forms and high groundwater levels found along the Rum River and to further the enforcement of the sanitary provisions and the subdivision regulations, parts 6105.0140 and 6120.3500 to 6120.3800 are modified by adding the following sentence to these regulations: No plat or subdivision within the land use district shall be approved by a local unit of government until the applicant for the plat or subdivision has proven to the local zoning authority, through the methods described in item B as modified in this plan that every newly platted lot found within the land use district has adequate area and a suitable location for the installation of a conforming septic tank and soil absorption system.

D. Because of the large number of existing plats along some sections of the Rum River, part 6105.0110, subpart 1, is clarified by replacing the final phrase, "or to the greatest extent practicable," with this clause: "except that such lots which meet or exceed 60 percent or more of the lot width standards of these regulations may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage disposal systems can be installed so as to comply with these regulations." This provision shall also apply in urban areas.

E. Because parts 6105.0080 to 6105.0200 provides neither the necessary flexibility nor the control over the great recreational development potential of the Rum River, the table of land use district uses in part 6105.0100, subpart 3 is modified so that the uses specified in part 6105.0100, subpart 3, items A, B, C, D, F, and G are amended by

adding to their descriptions the following phrase: "and approval by the commissioner of natural resources." This provision shall also apply in urban areas but shall not apply to the areas and facilities noted in part 6105.1460, subpart 4.

F. Because agricultural uses are permitted in the land use district area and because of the preexistence of agricultural buildings along most of the Rum River's adjacent lands, the maximum building height restriction contained in part 6105.0110, subpart 3, item D shall not apply to buildings used primarily for agriculture purposes.

G. Because some areas along the Rum River have been considerably developed, have or soon will have public sewer and water available, and because the Wild and Scenic Rivers Act states that management plans shall be prepared "with no unreasonable restrictions upon compatible, preexisting, economic uses of particular tracts of land ...", the following areas are exempted from the provisions of part 6105.1440, subpart 1, item A. Within the boundaries of the municipalities, at the time of designation, of Onamia, Milaca, Princeton, Cambridge, Isanti, Anoka, Saint Francis (that portion located in the S 1/2 of Section 29, T34N-R24W, west of river only; Section 32, T34N-R24W; and the N 1/2 of Section 5, T33N-R24W) and Ramsey (that portion located in the S 1/2 Section 19, T32N-R24W; and Sections 25, 36, plus the S 1/2 of Section 24, T32N-R23W). These areas shall be considered urban areas and the following regulations shall apply within the wild, scenic, or recreational land use districts of these areas, regardless of the classification of the river, as follows: parts 6105.0010 to 6105.0070; 6105.0100, subpart 3, items A, B, C, D, F, and G; and 6105.0150 (within the building setback areas required in urban areas); parts 6105.0160, subparts 1, 2, and 4; 6105.0190; 6105.0200; part 6105.0210; parts 6105.0220 to 6105.0250; part 6120.2500 (where certain terms are not defined in parts 6105.0010 to 6105.0070); parts 6120.3100 and 6120.3200; part 6120.3300, subparts 2 and 3 (For recreational development waters); part 6120.3300, subpart 4, item C; part 6120.3300, subpart 5; part 6120.3400 (For recreational development waters); parts 6120.3500 and 6120.3800; and 6120.3900, subparts 2 and 4.

Subp. 5. **Bridges.** The proposed bridges across the Rum River located at about Section 25, T 32 N-R 25 W and at about Sections 13 and 24, T 32 N-R 25 W (also referred to as the Anoka County Road No. 20 and No. 57 bridge proposals) and the three proposed bridge crossings for U.S. Highway No. 169 in Mille Lacs County shall be considered preexisting uses of riverside lands, because they have been included in existing long-range thoroughfare plans for the area or environmental impact statements have been finalized. However, any development of these bridges shall comply with the construction and permit requirements of parts 6105.0190 and 6105.0200. In addition, reconstruction, replacement, or upgrading of existing bridge crossings shall be considered in compliance with the policy of the management plan when the procedures of parts 6105.0190 to 6105.0200 are followed.

Subp. 6. **Substandard structures.** Replacement of substandard structures may be allowed, limited, or prohibited by the local ordinance.

Statutory Authority: *MS s 104.35*

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