

6105.1610 LAND USE MANAGEMENT.

Subpart 1. **Adoption of land use district descriptions.** The commissioner of natural resources hereby adopts the scenic and recreational land use districts as identified in the land use district descriptions of parts 6105.1550 to 6105.1700. The land use districts were derived in accordance with part 6105.0070, subpart 2, item B.

Subp. 2. **Scope.** Parts 6105.0010 to 6105.0250 shall apply to all lands within the scenic and recreational land use districts, except as specified in parts 6105.1550 to 6105.1700.

Subp. 3. **Special rules for Cannon Falls, Dundas, and Northfield.** Because some areas along the Cannon River have been considerably developed, 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 (Minnesota Statutes, section 103F.325), the municipalities of Cannon Falls, Dundas, and Northfield shall adopt rules as specified in part 6105.1670.

Subp. 4. **Moratoriums.** When land in the land use district is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all subdivision platting, building permits, 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 these rules that applied to the land before the transfer. This provision does not apply to work for which lawful permits were previously issued.

Subp. 5. **Sand and gravel extraction.** Because the Cannon River valley is a major source of sand and gravel in the area and because this resource can be extracted in a manner that will have minor environmental impact, sand and gravel extraction shall be allowed as a conditional use, subject to the following conditions:

A. Commercial manufacturing of sand and gravel by-products shall be nonpermitted uses in the land use district.

B. The following shall be submitted to the local authority as part of the application for a conditional use permit:

- (1) a detailed site plan;
- (2) a soil erosion and sediment control plan showing that the mining operation will not adversely affect the quality of surface or subsurface waters;
- (3) a dust and noise control plan; and
- (4) a detailed site reclamation plan.

Reclamation shall be initiated immediately after the termination of the mining operation and upon completion the area shall be restored to as near its original state as practicable.

C. Mining operations shall not take place within 300 feet of the river. This distance does not apply to water pumps needed for the mining operation. However, appropriation of water from the river shall require a permit from the DNR, Division of Waters.

D. No sand and gravel operation shall be conducted on parcels of land or a combination of parcels of less than 20 acres.

Subp. 6. **Litter.** To reduce the effects of litter along the river, canoe and inner tube rental establishments shall:

A. provide disposable refuse containers to those renting canoes and inner tubes; and

B. require the return of refuse containers along with all refuse from the river trip.

Subp. 7. **Welch.** Existing development in the unincorporated area of Welch in E 1/2, W 1/2, NE 1/4 of Section 28, T113N-R16W, north of the river, shall be allowed to continue as now identified by the Goodhue County zoning ordinance, as amended in 1976.

Subp. 8. **Agricultural buildings.** Because agricultural uses are permitted in the land use district and because of the preexistence of agricultural buildings along the Cannon River, part 6105.0110, subpart 3, item D, shall be amended to read: structure height shall not exceed 35 feet, except for buildings used primarily for agricultural purposes.

Subp. 9. **Structures.** Part 6105.0110, subpart 3, item C, subitem (1) shall be modified to read:

Structures shall be allowed on slopes of greater than 13 percent or on blufflines if structures can meet the following criteria:

A. Sewage system facilities must be installed so as to comply with the sanitary provisions of part 6105.0120.

B. Structures must be adequately screened.

C. It must be proven that any potential or actual erosion or sedimentation problems do not exist, and that adequate measures shall be taken to prevent them.

D. Where bearing capacity is in doubt soil boring samples must be taken.

E. Consideration must be given to color and architectural design (including roof slope and orientation), subject to approval of the township and county planning commission.

Subp. 10. **Land use districts.**

A. Part 6105.0100, subpart 3 shall be amended to include the following:

	Land use districts	
	Scenic River	Recreational River
T. Sand and gravel extraction, subject to provisions of subpart 5.	C	C
U. Canoe rental establishments, subject to provisions of subpart 6.	C	C
V. Inner tube rental establishments	N	N

B. Parts 6105.0170 and 6105.0180 shall be amended to include:

Accessory facilities to power plants (intake and outflow structures), when located in the land use district shall be screened to the maximum extent possible to minimize the visual intrusion on the landscape.

Statutory Authority: *MS s 104.34; 104.35; 103F.321; 103F.325*

History: *9 SR 296*

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