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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4347

03/11/2020 Authored by Franson and Anderson
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; modifying provisions for watershed districts; amending
1.3 Minnesota Statutes 2018, section 103D.335, subdivision 19; repealing Minnesota
1.4 Statutes 2018, section 103D.345, subdivisions 1, 2, 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 103D.335, subdivision 19, is amended to
1.7 read:

1.8 Subd. 19. Open space and greenbelts. The managers may prepare an open space and
1.9 greenbelt map of the lands of the watershed district that should be preserved and included
1.10 in the open space and greenbelt land areas of the watershed district. The map must be made
1.11 available to the counties and local municipalities for inclusion in floodplain and shoreland
1.12 ordinances. The managers may control the use and development of land in the floodplain
1.13 and the greenbelt and open space areas of the watershed district. The managers may adopt,
1.14 amend, or repeal rules to control encroachments, the changing of land contours, the placement
1.15 of fill and structures, and the placement of encumbrances or obstructions, and may require
1.16 a landowner to remove fill, structures, encumbrances, or other obstructions and restore the
1.17 previously existing land contours and vegetation. The managers may by rule provide a
1.18 procedure for the watershed district to do the work required and assess its cost against the
1.19 affected property as a special assessment. The rules apply only in the absence of county or
1.20 municipal ordinances regulating the items set forth in this subdivision. The rules must be
1.21 adopted in accordance with section 103D.341. Except as provided in section 103D.345,
1.22 subdivision 3, Rules adopted under this subdivision apply to the state.

2.1 Sec. 2. **REPEALER.**

2.2 Minnesota Statutes 2018, section 103D.345, subdivisions 1, 2, and 3, are repealed.

103D.345 PERMITS.

Subdivision 1. **Application fee.** A person applying for a permit required by the managers under a rule controlling the use and development of land in the floodplain, greenbelt, and open space areas of the watershed district must accompany the application with a permit application fee to defray the cost of recording and processing the application. The managers may set the fee not to exceed \$10.

Subd. 2. **Field inspection fee.** The managers may charge, in addition, a field inspection fee of at least \$35. The inspection fee must be used to cover actual costs related to a field inspection. Inspection costs include investigation of the area affected by the proposed activity, analysis of the proposed activity, services of a consultant, and any required subsequent monitoring of the proposed activity. Costs of monitoring an activity authorized by permit may be charged and collected as necessary after issuance of the permit.

Subd. 3. **Government agencies exempt.** The fees in subdivisions 1 and 2 may not be charged to the federal government, the state, or a political subdivision.