

1.1 A bill for an act

1.2 relating to waters; requiring approval of local government exceptions to lower
1.3 St. Croix River standards; amending Minnesota Statutes 2008, section 103F.351,
1.4 by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 103F.351, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 4a. Local government exceptions to guidelines and standards. (a) To
1.9 ensure that the zoning ordinances adopted according to subdivision 4 are not nullified by
1.10 unjustified exceptions in particular cases and to promote uniformity in the treatment of
1.11 applications for such exceptions, a review and certification procedure is established for
1.12 any decision that directly affects the use of land along the lower St. Croix River and that:

1.13 (1) adopts or amends an ordinance regulating the use of land, including rezoning of
1.14 particular tracts of land; or

1.15 (2) grants a variance from an ordinance that relates to the dimensional standards
1.16 and criteria of applicable department rules.

1.17 (b) No action specified under paragraph (a) becomes effective until the commissioner
1.18 certifies that the action complies with the intent of the National Wild and Scenic Rivers
1.19 Act, the federal Lower St. Croix River Act, and this section and the master plan and
1.20 rules adopted thereunder. In determining the acceptability of the proposed action, the
1.21 commissioner shall also consider the items in Minnesota Rules, part 6105.0530, subpart 4.

1.22 (c) A copy of a notice of a public hearing to consider adoption or amendment of a St.
1.23 Croix River ordinance or variance application must be received by the commissioner at

2.1 least 20 days before the hearing. The notice must include a copy of the proposed St. Croix
2.2 River ordinance or amendments or a description of the requested variance.

2.3 (d) The local authority shall notify the commissioner of its final decision on the
2.4 proposed action within ten days of the decision.

2.5 (e) The commissioner shall, no later than 30 days after receiving notice of the final
2.6 decision, communicate to the local authority either certification of approval, with or
2.7 without conditions, or notice of nonapproval.

2.8 (f) The action becomes effective when:

2.9 (1) the final decision taken by the local authority has previously received certification
2.10 of approval from the commissioner;

2.11 (2) the local authority receives certification of approval after its final decision;

2.12 (3) 30 days have elapsed from the day the commissioner receives notice of the final
2.13 decision, and the local authority has previously received from the commissioner neither
2.14 certification of approval nor notice of nonapproval; or

2.15 (4) the commissioner certifies approval after conducting a public hearing.

2.16 (g) In the case of notice of nonapproval of a St. Croix River ordinance, amendment,
2.17 or variance, the local authority or the applicant may, within 30 days of the notice, file with
2.18 the commissioner a request for hearing. If the request for hearing is not made within
2.19 30 days, the notice of nonapproval becomes final. If a public hearing is requested, the
2.20 hearing shall be held in the appropriate local community within 60 days of the request
2.21 for it, but not before two weeks' published notice. Notice, conduct, and allocation of
2.22 costs of the hearing shall be accomplished in the same manner as provided in section
2.23 103G.311, subdivisions 2, 6, and 7. Within 30 days after the hearing, the commissioner
2.24 shall either certify approval of the proposed action or deny approval. The decision shall
2.25 be based upon findings of fact made on substantial evidence found in the hearing record.
2.26 The commissioner shall certify approval only upon concluding that the proposed action
2.27 satisfies the criteria of paragraph (b).