SECTION IV - MINNESOTA RIVER MANAGEMENT DISTRICT (MR)

Subdivision 1.0 District's Boundaries

The Minnesota River Management District includes those lands that are illustrated by Official Ordinance Map #3 and are identified on plates 2 through 7 of the "Management Plan for the Minnesota River" and legally described in MN Rules, Part 6105.1290 which accompanies and is made part of this Ordinance. This Minnesota River Management District is land within Yellow Medicine County that borders the Minnesota River where it is essential to control bluffland and riverland development in order to protect and preserve the outstanding scenic, recreational, natural, historical and scientific values such a river system has for the State of Minnesota. Within the Minnesota River Management District the land is divided into two types of Districts: that portion which is designated Scenic and that portion which is designated Recreational in terms of future development and use. The two Districts are geographically identified below:

1.1 Scenic District
   The land within the Minnesota River Management District from the Lac Qui Parle County line to the U.S. Highway 212 bridge entering the City of Montevideo; and, from the Minnesota Falls Dam located near Granite Falls to the Redwood County line.

1.2 Recreational Districts
   That land within the Minnesota River Management District from the U.S. Highway 212 bridge entering the City of Montevideo to the Minnesota Falls Dam near Granite Falls.

In case of conflict between a Provision of the Minnesota Wild, Scenic, and Recreational Rivers Statewide Standards and Criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.

The following Sections describe the permitted and conditional uses and standards allowed within the Minnesota River Management District. ALL USES NOT LISTED AS PERMITTED OR CONDITIONAL USES SHALL NOT BE ALLOWED WITHIN THE SCENIC OR RECREATIONAL DISTRICT.

Subdivision 2.0 Scenic and Recreational Districts of the Minnesota River Management District

2.1 Permitted and Conditional Uses
   In the following table of uses: P means Permitted Use and C means Conditional Use. Certain of the following uses are subject to the Standards and Sanitary Provisions of Section XII and XIV. All of the following uses are subject to the VEGETATIVE CUTTING PROVISIONS of Section IV, Subdivision 2.0 (2.4).
<table>
<thead>
<tr>
<th>Land Use Districts</th>
<th>Scenic District</th>
<th>Recreational District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental campgrounds, subject to management plan specifications</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private campgrounds, subject to management plan specifications</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Public accesses, road access type with boat launching facilities subject to management plan specifications</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public access, trail access type, subject to management plan specifications</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary docks</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Other governmental open space recreational uses, subject to management plan specifications</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Other private open space recreational uses, subject to management plan specifications</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Agricultural uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single family residential uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Forestry uses</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Essential services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Sewage disposal systems</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private roads and minor public streets</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Signs approved by federal, state, or</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

IV - 2
local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use

Signs not visible from the river  P  P

Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads  P  P

Home occupations  C  C

Underground mining that does not involve surface excavation in the land use district  C  C

Extractive mining of sand, gravel, bentonite, topsoil, and clay  C  C

Utility transmission power lines and pipelines, subject to the provisions of Section IV, Subdivision 2.0(2.6)  C  C

Public roads, subject to the provisions in Section IV, Subdivision 2.0(2.7)  C  C

ALL USES NOT LISTED AS PERMITTED OR CONDITIONAL USES SHALL NOT BE ALLOWED WITHIN THE APPLICABLE LAND USE DISTRICTS.

Standards for Scenic and Recreational Districts

The following chart sets forth the minimum area, setbacks and other requirements of each District.

<table>
<thead>
<tr>
<th></th>
<th>Scenic District</th>
<th>Recreational District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size above ordinary high water level</td>
<td>4 acres</td>
<td>2 acres</td>
</tr>
<tr>
<td>Lot width at building line</td>
<td>250'</td>
<td>200'</td>
</tr>
<tr>
<td>Description</td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>Lot width at ordinary high water level</td>
<td>250'</td>
<td>200'</td>
</tr>
<tr>
<td>Building setback from ordinary high water level</td>
<td>150'</td>
<td>100'</td>
</tr>
<tr>
<td>Building setback from bluffline</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>On site sewage treatment system setback from ordinary high water level</td>
<td>100'</td>
<td>75'</td>
</tr>
<tr>
<td>Maximum structure height (with the exception of non-residential agricultural buildings)</td>
<td>35'</td>
<td>35'</td>
</tr>
<tr>
<td>Controlled vegetative cutting area (see Section VI, Subdivision 2.0(2.4))</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Setback from ordinary high water level</td>
<td>150'</td>
<td>100'</td>
</tr>
<tr>
<td>- Setback from bluffline</td>
<td>30'</td>
<td>20'</td>
</tr>
<tr>
<td>Road setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reference Shoreland Rules</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a. No structure shall be placed on any slope greater than 13% (13 feet vertical rise in 100 feet horizontal distance) unless such structures can be screened and sewage disposal system facilities can be installed so as to comply with the Sanitary Provisions of Section XII, Subdivision 1.0.

b. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with the Flood Plain Management District's Standards and the Statewide Standards and Criteria for Management of Flood Plain Areas of Minnesota (MN Rules, part 6120.5000-6120.6200).

c. The density of dwelling units shall not exceed one dwelling unit per lot.

d. Substandard Uses. All uses in existence prior to the effective date of enactment of amendment of this ordinance which are permitted uses within the Minnesota River land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

(1) Any structural alteration or addition to a substandard use which will increase the
substandard dimensions shall not be allowed.

(2) Substandard signs shall be gradually eliminated over a period of time not to exceed five years from the date of enactment or amendment to this ordinance.

2.2 Substandard Lots

a. Lots of record in the office of the County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites, provided; such use is permitted in the land use district(s); the lot was in separate ownership on the date of enactment of this Ordinance; and all sanitary and dimensional requirements are complied with, as practicable.

b. If in a group of contiguous lots under a single ownership, any individual lot does not meet the lot width minimum requirements of this Ordinance, such individual lot cannot be considered as a separate parcel of land for purpose of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land each meeting the lot width requirements of this Ordinance, or to the greatest extent practicable.

2.3 Sewage Disposal and Water Supply

a. Any premises intended for human occupancy must provide for an adequate method of sewage treatment. Public or municipal collection and treatment facilities must be used where available and feasible. Where public or municipal facilities are not available, all on-site individual sewer treatment systems shall conform to the minimum standards and administrative procedures set forth in other applicable local ordinances, the minimum standards of the Minnesota Pollution Control Agency, the Minnesota Department of Health and Section XII, Subdivision 1.0 of this Ordinance.

b. No person, firm, or corporation shall install, alter, repair, or extend any individual sewage disposal system or private well without first obtaining a permit for such action from the County Planning and Zoning Administrator for the specific installation, alteration, repair, or extension.

c. Any public or private supply of water for domestic purposes must conform to Minnesota Department of Health standards for water quality and the administrative procedures of other applicable local ordinances.

d. All noncompliant sewage treatment systems shall be brought into compliance or discontinued within five years of the date of enactment of this ordinance. For the purposes of this provision, a sewage treatment system shall not be considered noncompliant if the only deficiency is the sewage system's improper setback from the ordinary high water level.
2.4 Vegetative Cutting

a. The vegetative cutting provisions Section IV, Subdivision 2.0(2.4) shall apply to those areas as specified in Section IV, Subdivision 2.0(2.1) of this Ordinance.

b. General Provisions, within designated setback areas:
1. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four inches (to be measured at breast height) shall be permitted provided cutting is spaced in several cutting operations and a continuous tree cover is maintained.
3. The cutting provision of Section IV, Subdivision 2.0(2.4) shall not be deemed to prevent:
   a. The removal of diseased or insect infested trees, or of rotten or damaged trees that present safety hazards.
   b. Pruning understory vegetation, shrubs, plants, bushes, grasses or from harvesting crops, or cutting suppressed trees.

c. Clear Cutting: Clear cutting anywhere in the designated land use district(s) on the Minnesota River is subject to the following standards and criteria.
1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Administrator and the County's Natural Resource and Conservation Service District Conservationist, to be fragile and subject to severe erosion and/or sedimentation.
2. Clear cutting shall be conducted only where clear-cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain.
3. The size of clear cut blocks, patches, or strips shall be kept at the minimum necessary.
4. Where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

2.5 Grading, Filling, Alterations of the Beds of Public Waters

a. Any grading and filling work done within the designated land use district(s) of this Ordinance shall require a permit and shall comply with the following:
1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use district(s).
2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the Zoning Administrator. A grading and filling permit
may be issued only if the conditions of Section IV, Subdivision 2.0 (2.5) are properly satisfied.

3. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.

4. Grading and filling of the natural topography shall also meet the following standards:
   a. The smallest amount of bare ground is exposed for as short a time as feasible.
   b. Temporary ground cover such as mulch is used and permanent ground cover, such as sod is laid.
   c. Methods to prevent erosion and to trap sediment are employed.
   d. Fill is stabilized to accepted engineering standards.

b. Excavation of material from, or filling in a Wild, Scenic or Recreational River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner of DNR pursuant to MN Statutes, Section 103G.245.

c. Drainage or filling in of wetlands is not allowed within the land use district(s) designated by this Ordinance.

2.6 Utility Transmission Lines

All utility transmission crossings of land within the Minnesota River land use district(s) shall require a conditional use permit. The construction of such transmission services shall be subject to the standards and criteria of MN Rules, Part 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Council pursuant to Minnesota Statutes, Section 116 C.61.

2.7 Public Roads

In addition to such permits as may be required by MN Statutes Section 103G.245, a conditional use permit shall be required for any construction or reconstruction of new public roads within the Minnesota River land use district(s). Such construction or reconstruction shall be subject to the standards and criteria of MN Rules, Part 6105.0200. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include township, county, and municipal roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

2.8 Land Suitability

a. No land shall be subdivided which is determined by the local government, or the
Commissioner, to be unsuitable because of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

b. The provisions otherwise set forth in this ordinance and in the subdivision ordinance shall apply to all plats except planned cluster developments.

2.9 Planned Cluster Development. A planned cluster development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Smaller lot sizes may be allowed as exceptions to this ordinance for planned cluster developments provided:
   a. Preliminary plans are approved by the Commissioner prior to their enactment by the county.
   b. Central sewage facilities are installed which meet the standards, criteria, rules or regulations of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
   c. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements, or other equally effective and permanent methods.
   d. There is not more than one centralized boat launching facility for each cluster.
   e. All provisions of Section XII, Subdivision 3.0 of this Ordinance which are more restrictive shall be complied with.

**Subdivision 3.0 General Regulations**

1. Additional requirements for signs, parking, and other regulations in the Minnesota River Management District are set forth in Section XII, General Regulations.

**Subdivision 4.0 Review and Certification Requirements.**

4.1 Certification

   a. Certain land use decisions which directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the Commissioner as described in Section IV, Subdivision 4.2:

   1. Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.
   2. Granting a variance from a provision of this ordinance.
3. Approving a plat which is inconsistent with this ordinance.

b. No such action shall be effective until the Commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan.

4.2 Certification Procedures.

a. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider zoning amendments, variances, or inconsistent plats under this ordinance shall be sent so as to be received by the Commissioner at least 30 days prior to such hearings or meetings to consider such actions. The notice or application shall include a copy of the proposed ordinance or amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance and accompanying information.

b. The Commissioner shall be notified of the final decision on the proposed action within ten days of the decision.

c. The Commissioner shall, no later than 30 days from the time notice is received of the final decision, communicate either certification of approval, with or without conditions, or notice of nonapproval.

1) The action becomes effective when and only when either:
   a. The final decision has previously received certification of approval from the Commissioner; or
   b. The County receives certification of approval after its final decision; or
   c. Thirty days have elapsed from the day the Commissioner received notice of the final decision, and the County has received from the Commissioner neither certification of approval nor notice of nonapproval; or
   d. The Commissioner certifies his approval after conducting a public hearing.

d. In case the Commissioner gives notice of nonapproval of an ordinance, amendment, variance or inconsistent plat, either the applicant or the County may within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within 30 days, the notice of nonapproval becomes final.

1) The hearing will be held in an appropriate local community within 60 days of the demand and after at least two weeks published notice.

2) The hearing will be conducted in accordance with Minnesota Statutes, Section 103G.311, Subdivisions 2, 6, and 7.

3) The Commissioner shall either certify his approval or deny the proposed
action within 30 days of the recommendation of the Administrative Law Judge.

4.3 Amendments.

a. Upon receipt in proper form of the application and other requested materials, a public hearing shall be conducted in the manner prescribed by Minnesota Statutes. Following the public hearing, the county may adopt the amendment in the manner prescribed by Minnesota Statutes.

b. Certification from the Commissioner must be obtained as specified in Section IV, Subdivision 4.2 before the proposed amendment becomes effective.

4.4 Variances.

a. The granting of a variance requires the presence of all of the following conditions:
   1. The strict enforcement of the land use controls will result in unnecessary hardship.
   2. Granting of the variance is not contrary to the purpose and intent of this ordinance and is consistent with MN Rules, parts 6105.1200-6105.1370.
   3. There are exceptional circumstances unique to the subject property which were not created by the landowner.
   4. Granting of the variance will not allow any use which is neither a permitted or conditional use in the land use district in which the subject property is located.
   5. Granting of the variance will not alter the essential character of the locality.
   6. Exception: Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots which do not meet the minimum lot width requirements of this ordinance.

b. All granted variances to the requirements of this ordinance must be certified in accordance with Section IV, Subdivision 4.2 of this ordinance before they become effective.

4.5 Plats

a. Copies of all plats within the Minnesota River Management District shall be forwarded to the Commissioner within ten days of approval by the County.

b. All inconsistent plats approved by the County must be certified in accordance with Section IV, Subdivision 4.2 of this ordinance.

c. Approval of a plat which is inconsistent with this ordinance is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
OFFICIAL ORDINANCE MAP #3

Minnesota River Management District

On Display at Yellow Medicine County Planning Office