

ORDINANCE NO. 95-A

WETLAND CONSERVATION ORDINANCE

Section 1. PURPOSE

This ordinance is adopted to implement the Wetland Conservation Act of 1991. (Minnesota Laws 1991 chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minnesota Rules chapter 8420, as amended).

Section 2. INCORPORATION BY REFERENCE

This Ordinance incorporates by reference the Act and the Rules. Terms used in this Ordinance which are defined in the Act or the Rules have the meaning given therein.

Section 3. SCOPE

This Ordinance regulates the draining and filling of wetlands and parts of wetlands within the City of New York Mills. It is part of the official controls of the City of New York Mills. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

Section 4. PROCEDURES

- 4.1 Exemption and no-loss determinations. Exemption and no-loss determinations under Minnesota Rule parts 8420.0210 and .0220 shall be made by the Zoning Administrator. The administrator should seek the advice of the technical evaluation panel on questions of wetland delineation and type. The administrator's decision is final unless appeal to the Board of Adjustment within thirty (30) days.
- 4.2 Sequencing and replacement plan decision. Sequencing and replacement plan decisions under Minnesota Rule part 8420.0520 - .0550 shall be made following the same procedures as for conditional use permits plus the additional notice and time requirements of part 8420.0230. If the amount of wetland to be drained or filled is less than one-tenth (1/10) of an acre, the sequencing determination under Minnesota Rule part 8420.0520 shall be made by the Zoning Administrator.
- 4.3 Monitoring. The Zoning Administrator shall assure that the replacement plan monitoring the enforcement requirements of Minnesota Rule parts 8420.0600 - .0630 are fulfilled.
- 4.4 Wetland banking. Wetlands may be restored or created within the City of New York Mills for purposes of deposit in the wetland bank in accordance with Minnesota Rule parts 8420.0700 - .0760. The Zoning Administrator is responsible for approving bank plans, certifying deposits, and monitoring of banked wetlands and enforcement under the rules.
- 4.5 Appeals. Decisions made under this Ordinance may be appealed to the Board of Water and Soil Resources under Minnesota Rule part 8420.0250, after administrative appeal rights under the official controls have been exhausted.
- 4.6 Variances. The Board of Adjustment may issue variances from the office controls of the City of New York Mills so long as the variances do not vary requirements of the Act or the Rules.
- 4.7 Technical Evaluation Panel. The New York Mills City Council shall appoint a person to serve on the Technical Evaluation Panel. The person must be a technical professional with expertise in water resources management.

Decisions under this ordinance must not be made until after receiving the determination of the Technical Evaluation Panel

regarding wetland public values, location size and/or type if the decision-maker, the landowner, or a member of the technical panel asks for such determinations. This requirement does not apply to wetlands for which such data is included in an approved comprehensive wetland management plan per part 8420.0240.

The Zoning Commission may seek and shall consider recommendations, if any, made by the Technical Evaluation Panel in making replacement plan decisions.

Section 5. HIGH PRIORITY AREAS

Decisions regarding sequencing, replacement plans, and banking shall particularly favor preservation, restoration, and creation of wetlands in high priority areas as identified in water management plans pursuant to Minnesota Rule part 8420.0350.

Section 6. DELEGATION

The City Council of the City of New York Mills may by joint powers agreement delegate to the Soil and Water Conservation District under Minnesota Statute sections 471.59 and 103C.331, subdivision 19, the authority to administer all or any part of this Ordinance.

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 1993.

ATTEST:

Wayne Mattson
Clerk

Mayor