

RESOLUTION

Commissioner Koep offered the following resolution and moved its adoption:

WHEREAS, pursuant to Notice, a Public Hearing was held at 3:30 p.m. on January 25, 1994, to consider adoption of an ordinance to implement the Wetland Conservation Act of 1991 and the accompanying rules of the Minnesota Board of Water and Soil Resources.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, hereby adopts a Wetland Conservation Ordinance.

BE IT FURTHER RESOLVED the County Auditor shall publish the Ordinance in its entirety and the Ordinance shall become effective upon publication.

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 - INCORPORATED 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 meanings given there.

SECTION 3 - SCOPE

This Ordinance regulates the draining and filling of wetlands and parts of wetlands within Crow Wing County. It is part of the official controls of Crow Wing County. 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. Exemptions and no-loss determinations under Minnesota Rules, Parts 8420.0210 and 8420.0220, shall be made by the Planning and 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 appealed to the Board of Adjustment within 30 days.

4.2 Sequencing and replacement plan decisions. Sequencing and replacement plan decisions under Minnesota Rules, Parts 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 of an acre, the sequencing determination under Minnesota Rules, Part 8420.0520, shall be made by the Planning and Zoning Administrator.

4.3 Monitoring. The Planning and Zoning Administrator shall assure that the replacement plan monitoring and enforcement requirements of Minnesota Rules, Parts 8420.0600-.0630, are fulfilled.

4.4 Wetland banking. Wetlands may be restored or created within Crow Wing County for purposes of deposit in the wetland bank, in accordance with Minnesota Rules, Parts 8420.0700-.0760. The Planning and 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 Rules, 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 official controls of Crow Wing County so long as the variances do not vary requirements of the Act or the Rules.

4.7 Technical evaluation panel. The Board of Commissioners of Crow Wing County, Minnesota, 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 Minnesota Rules, Part 8420.0240.

The Planning 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 Rules, Part 3420.0350.


SECTION 6 - DELEGATION

The Board of Commissioners of Crow Wing County, Minnesota, may, by Joint Powers Agreement, delegate to the Soil and Water Conservation District under Minnesota Statutes, Sections 471.59 and 103C.331, Subdivision 19, the authority to administer all or any part of this Ordinance, excluding those jurisdictions opting to administer their own.

Which resolution being seconded by Commissioner Ferrari was duly adopted, all members voted "AYE".

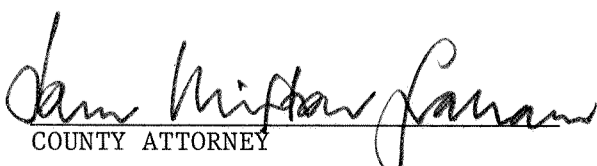

BARBARA UPPGAARD, CHAIR
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:


ROY A. LUUKKONEN, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 25th day of January, 1994.

Approved as to form and legality:


COUNTY ATTORNEY

Dated this 9 day of February, 1994.