

I hereby certify that the within instrument was filed in this office on the 19 day of Jan 19 94 at 2:30 P.M. and was duly registered in Book _____ of register of Titles page _____

ORDINANCE NO. 21

CARLTON COUNTY

WETLAND CONSERVATION ORDINANCE

I hereby certify that the within instrument was filed in this office for record January 19 19 94 at 2:00 P.M. and was duly recorded

Karen Stark
County Recorder

By Robert H. Schep
Deputy

By _____ Deputy
1. PURPOSE

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

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 meanings given there.

3. SCOPE

This ordinance regulates the draining and filling of wetlands and parts of wetlands within the unincorporated areas of Carlton County. It is part of the official controls of the County of Carlton. Conflicts with other official controls must be resolved in favor of providing the most wetland protection.

4. PROCEDURES

4.1 Exemption and no-loss determinations. Exemption and no-loss determinations under Minn. 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 appealed to the Board of Adjustment within 30 days.

4.2 Sequencing and replacement plan decisions. Sequencing and replacement plan decisions under Minn. Rule part 8420.0520-.0550 shall be made following the notice and time requirements of part 8420.0230. For wetland loss of less than one-tenth acre of wetland; and all those which will fill less than one-quarter acre of wetland, and a result from a private road fill or the construction or expansion of a single-family dwelling unit or farm building, an annual notice shall be published in the EQB Monitor.

4.3 Monitoring. The zoning administrator shall assure that the replacement plan monitoring and enforcement requirements of Minn. Rule parts 8420.0600-.0630 are fulfilled.

4.4 Wetland banking. Wetlands may be restored or created within the County of Carlton for purposes of deposit in the wetland bank in accordance with Minn. Rules 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 Minn. Rule part 8420.0250, after administrative appeal rights under the Board of Adjustment have been exhausted.

4.6 Variances. The Board of Adjustment may issue variances from the official controls of the County of Carlton so long as the variances do not vary requirements of the Act or the Rules.

4.7 Technical evaluation panel. The Carlton County Board of Commissioners 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.

4.8 Wetland delineation. When it is deemed a wetland boundary delineation is necessary, the property owner/developer will be responsible for the delineation.

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 Minn. Rule part 8420.0350.

6. DELEGATION

The Carlton County Board of Commissioners may by joint powers agreement delegate to the soil and water conservation district under Minn. Stat. sections 471.59 and 103C.331, subdivision 19, the authority to administer all or any part of this ordinance.

7. VIOLATIONS, PENALTIES AND ENFORCEMENT

7.1 Violations and Penalties. Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred (\$700) dollars and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense.

7.2 Enforcement.

A. This ordinance shall be administered and enforced by the planning and zoning administrator, who is hereby designated the enforcing officer.

B. In the event of a violation or a threatened violation of this ordinance, the planning and zoning administrator, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

8. FEES

The following fee schedule shall be used when issuing wetlands mitigation permits. The fees shall be submitted to the Carlton County Treasurer by the planning and zoning administrator on a daily basis.

Wetlands Mitigation Permit	\$75.00
Exemption	\$10.00

If a wetlands mitigation permit cannot be issued or the mitigation does not commence within one year of the date of issuance, the fee shall be forfeited to the County.

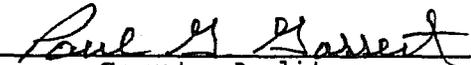
9. DATE OF EFFECT

This ordinance shall be in full force and effect on January 1, 1994 after it's passage and publication.

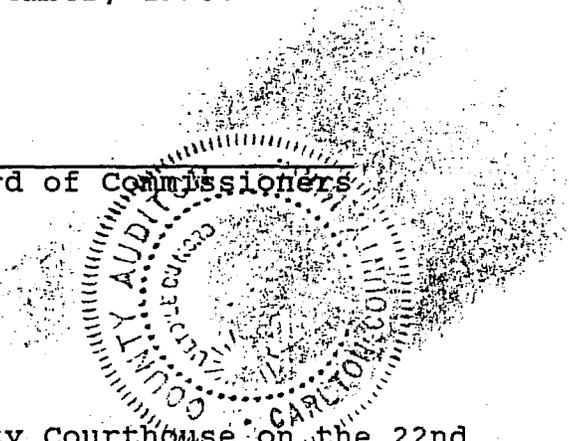
Passed and approved this 22nd day of November, 1993.



 Chairman, County Board of Commissioners

Attest: 

 County Auditor



Public Hearing held at the Carlton County Courthouse on the 22nd day of November, 1993 at 4:00 p.m.

Legal Notice published in the Star Gazette on November 11, 1993 and in the Pine Knot on November 10, 1993.

Ordinance published in Star Gazette December 23, , 1993 .