

EXECUTIVE ORDER NO. 86

designating the Lower St. Croix
National Scenic Riverway as a
Critical Area

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Critical Areas Act of 1973, Minnesota Statutes, Section 116g.01, et seq. (Supp. 1973), hereby issue this Executive Order:

WHEREAS, the Lower St. Croix National Scenic Riverway has the following characteristics:

- a. Historical resources of statewide significance as American Indian tribal lands and one of the first white settlements in the state;
- b. Scientific resources of statewide significance in the Dalles of the St. Croix;
- c. Cultural resources of regional significance as one of the major recreational areas in the region; and
- d. Three major outdoor recreation facilities, which are major governmental developments that serve substantial numbers of persons beyond the communities in which they are located and tend to generate substantial development, thereby having a significant effect on the area;
 - i. William O'Brien State Park with 1,330 acres and over 169,000 annual visitors;
 - ii. Minnesota Interstate State Park with 167 acres and over 400,000 annual visitors; and
 - iii. Recently designated Afton State Park with over 1,660 acres; and

WHEREAS, the Lower St. Croix National Scenic Riverway meets all of the criteria for the selection of a critical area:

- a. The area was recognized to be of significant statewide public interest by the Minnesota Legislature in the Lower St. Croix Wild and Scenic Rivers Act, Minnesota Statutes, Sect. 104.25 (Supp. 1973);

- b. This legislative intent to preserve the Lower St. Croix National Scenic Riverway as a wild and scenic River is thwarted because implementation of the Lower St. Croix Wild and Scenic Rivers Act has been delayed at the Federal level and no other powers are available, at this time, to effectively insure adequate and coordinated local, regional and state planning and regulation to protect the public interest;
- c. The area is one of a limited number of areas in the state in that the Legislature in the Lower St. Croix Wild and Scenic Rivers Act found it to be a unique scenic and recreational asset; and
- d. The recommended area has been specifically identified by legal description; and

WHEREAS, unregulated development or development contrary to a wild and scenic river threatens the public interest in the Lower St. Croix National Scenic Riverway; and the Minnesota-Wisconsin Boundary Area Commission has identified a number of pending development projects that may affect this area;

WHEREAS, the advantages of the coordinated development of the area would be the preservation of this unique scenic and recreational asset for the benefit of the health and welfare of the citizens of Minnesota; and

WHEREAS, the Minnesota Environmental Quality Council, after a public hearing, has recommended that the Lower St. Croix National Scenic Riverway be designated as a Critical Area;

NOW, THEREFORE, I order the Lower St. Croix National Scenic Riverway is hereby designated a Critical Area.

1. The boundaries of the Lower St. Croix National Scenic Riverway Critical Area are delineated in the legal description which is attached and incorporated hereby into this Order.
2. The interim development regulations that are the standards and guidelines to be followed in the preparation and adoption of plans and regulations for the Critical Area and that specify the development that shall be permitted pending the adoption of the plans and regulations for the Critical Area are attached and incorporated hereby into this Order.

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3. To implement this Order, local units of governments may adopt interim plans and regulations, in accordance with this Order, or may administer this Order as a separate section of the local ordinances.

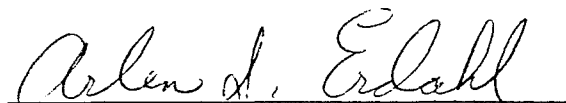
4. This critical area designation shall be effective for three years or until the rules and regulations that are adopted by the Commissioner of the Department of Natural Resources, pursuant to the Minnesota Lower St. Croix Wild and Scenic Rivers Act, become effective.

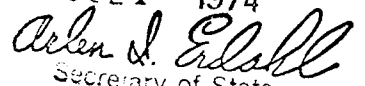
This Order shall be effective June 29, 1974.

IN TESTIMONY WHEREOF, I hereby set my hand on this twenty-ninth day of June, 1974.


Wendell R. Anderson
Governor

ATTEST:


Arlen I. Erdahl
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 1 - 1974

Secretary of State

LOWER ST. CROIX NATIONAL SCENIC RIVERWAY
4th PRINCIPAL MERIDIAN

Ex 96
original

The Lower St. Croix National Scenic Riverway in Washington and Chisago Counties, Minnesota is hereby described as follows:

T. 26 N., R. 20 W.

Section 4: Government Lots 2, 3, 4, and 5.

Section 9: That portion of Government Lots 5, 6, and 7 lying North of the south right-of-way line of the Burlington Northern Railroad, all of Government Lots 8 and 9, and the $W\frac{1}{2}$ of the $NW\frac{1}{4}$.

T. 27 N., R. 20 W.

Section 2: That portion of Government Lots 5, 6, and 7 lying East of a line that is 1320 feet East of and parallel to the west line of said Lots 5, 6, and 7, and all of Government Lot 8.

Section 11: Government Lots 5, 6, 7, and 8.

Section 14: Government Lot 5, Government Lot 6 less and excepting therefrom that portion of the West 1320 feet from the north line of said Lot 6 down to the south property line of Thoroughfare, Inc., and all of Government Lots 7 and 8.

Section 15: $SE\frac{1}{4}$ $SE\frac{1}{4}$.

Section 22: Government Lots 5, 6, 7, and 8 and the $E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$.

Section 23: That portion of $NW\frac{1}{4}$ $NW\frac{1}{4}$ in Minnesota.

Section 27: Government Lots 2, 3, 4, and 5, and the $E\frac{1}{2}$ $NW\frac{1}{4}$.

Section 33: Government Lots 1 and 2, and the $SE\frac{1}{4}$ $NE\frac{1}{4}$.

Section 34: Government Lots 5 and 6, and the $NW\frac{1}{4}$ $NW\frac{1}{4}$.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 1 - 1974

Arlen J. Erdahl
Secretary of State

Section 2: That portion of Government Lots 1, 2, 3, and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

Section 11: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, and that portion of Government Lots 2, 3, and 4 lying East of the following described line: commencing on the north line of said Lot 2, said line being the northern limit line of the Village of Lake St. Croix Beach at the intersection of said line with the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence East, along said north line, to the centerline of Neal Avenue and the point of beginning; thence, Southerly, along said centerline to the centerline of Lincoln Street; thence, East, along said centerline, to the centerline of Moore Avenue; thence, Southerly along said centerline, to the centerline of Aldrich Street of the Village of Lake St. Croix Beach, said centerline being the south line of said Lot 4 of said Section 11.

Section 14: That portion of Government Lots 1 and 2 lying South and East of the following described line within the Villages of Lake St. Croix Beach and St. Mary's Point; beginning on the north line of said Lot 1, said north line being the centerline of Aldrich Street; thence, Westerly along said centerline to the centerline of Dwyer Avenue; thence, Southerly along said centerline to the centerline of Wallace Street; thence, Westerly along said centerline to the centerline of Dunlap Avenue; thence, Southerly, along said centerline extended, to the centerline of St. Mary's Drive; thence, Westerly along said centerline, to the centerline of Itasca Avenue; thence, Southerly along said centerline, to the south line of said Lot 2; all of Government Lots 3 and 4, that portion of the

W $\frac{1}{2}$ of the NW $\frac{1}{4}$ lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95, W $\frac{1}{2}$ SW $\frac{1}{4}$, and that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of the western boundary of the Village of St. Mary's Point.

Section 15: That portion of the SE $\frac{1}{4}$ from the south line of said Section 15 to the centerline of Point Douglas Road (County Highway 21) lying South and East of a line that is parallel to and 500 feet perpendicular distance Northwest of the centerline of State Highway 95, and that portion of the SE $\frac{1}{4}$ from the centerline of Point Douglas Road (County Highway 21) to the east line of said Section 15 lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95.

Section 22: E $\frac{1}{2}$.

Section 23: Government Lots 4, 5, 6, and 7.

Section 26: Government Lots 4, 5, 6, and 7, and the W $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 27: N $\frac{1}{2}$ NE $\frac{1}{4}$.

Section 35: Government Lots 1, 2, and 3, and that portion of Government Lot 4 lying East of a line that is 1320 feet East of and parallel to the west line of said Lot 4.

T. 29 N., R. 20 W.

Section 2: Government Lots 2, 3, 4, and 5, and that portion of Government Lots 6 and 7 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

Section 3: That portion of Government Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and East of the south and west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad.

Section 10: That portion of the $E\frac{1}{2} E\frac{1}{2}$ lying South of the centerline of Central Avenue extended.

Section 11: Government Lot 2, that portion of Government Lot 3 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, that portion of Government Lot 4 lying South of the centerline of Central Avenue and East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, and all of Government Lots 5 and 6.

Section 14: Government Lots 3, 4, 5, and 6.

Section 15: $E\frac{1}{2} E\frac{1}{2}$.

Section 22: $NE\frac{1}{4} NE\frac{1}{4}$.

Section 23: Government Lot 2, and that portion of Government Lots 3, 4, and 5 lying East of the centerline of State Highway 95.

Section 26: That portion of Government Lots 1, 2, 3, and 4, and the $NW\frac{1}{4} NW\frac{1}{4}$ lying East of the centerline of State Highway 95.

Section 35: That portion of Government Lots 1, 2, 3, and 4, and the $NE\frac{1}{4} NW\frac{1}{4}$ lying North and East of the following described line: beginning on the north line of said Section 35 at the point of intersection of said north line with the centerline of State Highway 95; thence, Southerly, along the centerline of said Highway 95 to the centerline of U.S. Highway 12; thence, Easterly along the centerline of said Highway 12, to the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence, Southerly, along said west right-of-way line, to the south line of said Section 35.

T. 30 N., R. 20 W.

Section 1: Government Lots 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16, that portion of Government Lot 6 lying South and

East of a line extended Southwesterly from the northeast corner of said Lot 6 to the southwest corner of said Lot 6, that portion of NE $\frac{1}{2}$ NW $\frac{1}{2}$ lying east of the centerline of Arcola Trail, and that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$ lying East of the centerline of Arcola Trail.

Section 11: That portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3 of said Section 11, that portion of Government Lot 3 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 3 to the northeast corner of Government Lot 4 of said Section 11, that portion of Government Lot 4 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 4 to the southwest corner of said Lot 4, and all of Government Lots 5 and 8.

Section 12: That portion of Government Lot 1 lying South and East of a line extended Southwesterly from the southwest corner of Government Lot 6 in Section 1 to the northeast corner of Government Lot 2 in Section 11, and all of Government Lots 7, 8, 9, and 10.

Section 14: That portion of Government Lot 1 lying South and East of a line extended Southwesterly from the southwest corner of Government Lot 4 in Section 11 to the southeast corner of the NE $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{2}$ in Section 15, and all of Government Lots 7, 8, and 9.

Section 15: That portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3, all of Government Lot 3, that portion of Government Lots 4 and 5 lying South of a line that is 330 feet South of and parallel to the north line of said Lots 4 and 5, and all of Government Lots 6 and 10.

Section 16: S $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, and the SE $\frac{1}{2}$ SE $\frac{1}{2}$.

Section 21: Government Lot 1, that portion of Government Lot 2 lying North and East of the south and west right-of-way line of the Burlington Northern Railroad, and that portion of Government Lots 3 and 4 lying East of the west right-of-way line of the Burlington Northern Railroad.

Section 22: Government Lots 6, 7, and 9.

Section 27: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

Section 28: That portion of Government Lots 1, 2, 3, and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

Section 34: That portion of Government Lots 2, 3, 4, and 5 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

T. 31 N., R. 19 W.

Section 6: That portion of Government Lot 5 lying East of the centerline of State Highway 95, all of Government Lots 6 and 19, and that portion of Government Lots 7 and 8, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of the centerline of State Highway 95.

Section 7: That portion of Government Lots 5, 6, 7, and 8, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying East of the centerline of State Highway 95.

Section 17: Government Lot 4.

Section 18: Government Lots 2, 3, and 4, that portion of the E $\frac{1}{2}$ W $\frac{1}{2}$ lying East of the centerline of State Highway 95, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the S $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 19: NE $\frac{1}{4}$, and that portion of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ lying East of the centerline of State Highway 95.

Section 20: Government Lots 5, 6, 7, and 8.

Section 29: Government Lots 5, 6, 7, and 8.

Section 30: That portion of the E $\frac{1}{2}$ lying East of the centerline of State Highway 95.

Section 31: That portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ lying East of the centerline of State Highway 95 and North of the centerline of Arcola Trail.

Section 32: That portion of Government Lot 5 lying North and East of the centerline of Arcola Trail and that portion of Government Lots 6, 7, and 8 lying East of the centerline of said Arcola Trail.

T. 32 N., R. 19 W

Section 5: Government Lot 4.

Section 6: Government Lot 1, that portion of Government Lots 2, 3, and 4 lying East of a line that is 660 feet East of and parallel to the west line of said Lots 2, 3, and 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 7: That portion of Government Lots 4 and 5 lying East of a line that is 330 feet East of and parallel to the west line of said Lots 4 and 5, all of Government Lot 6, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying West of the east right-of-way line of the Minneapolis, St. Paul, and Sault Ste. Marie Railroad, and the E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 18: Government Lots 4 and 5, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, and the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 19: Government Lots 5, 6, 7, and 8, and that portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of the west right-of-way line of the Minneapolis, St. Paul and Sault St. Marie Railroad.

Section 30: Government Lots 4, 5, 6, and 7.

Section 31: Government Lots 1, 2, 3, 5, and 6, the W $\frac{1}{2}$ NE $\frac{1}{4}$, and that portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and Government Lot 4 lying East of the centerline of State Highway 95.

Section 2: Government Lots 5, 6, 7, and 10, that portion of Government Lot 8 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South and East of a line extended Southwesterly from the center of said Section 2 to a point on the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, said point being midway between the southeast corner and the southwest corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of Government Lot 9 lying South and East of the north line of Outlot 2 and the centerline of Edward Street as per plat of "Franconia."

Section 3: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and East of the centerline of Edward Street, and that portion bounded by the following described line; beginning on the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ at the intersection of the centerline of Cornelian Street; thence, Northeasterly, along said centerline to the centerline of Main Street; thence, Southeasterly, along the centerline of Main Street to the centerline of Edward Street and there ending, as per the plat of "Franconia"

Section 10: Government Lots 1, 2, and 3, that portion of Government Lot 4 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 11: Government Lot 1.

Section 15: That portion of Government Lot 6 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 6, all of Government Lots 7, 8, 9, and 10, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 21: NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 22: Government Lots 5, 6, 7, 8, and 9, W $\frac{1}{2}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 27: Government Lots 1 and 4.

Section 28: Government Lots 1, 3, 4, and 7, that portion of Government Lot 2 lying South and East of the centerline of County Highway 243, $E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, that portion of the $NW\frac{1}{4}$ lying South and West of the centerline of County Highway 243 and South and East of the centerline of State Highway 95. $N\frac{1}{2} SW\frac{1}{4}$, and the $SW\frac{1}{4} SW\frac{1}{4}$.

Section 31: $SE\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$, $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$, $S\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$, and the $SE\frac{1}{4} SE\frac{1}{4}$.

Section 32: Government Lots 1, 2, and 3, $S\frac{1}{2} N\frac{1}{2} NE\frac{1}{4}$, $S\frac{1}{2} N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, $S\frac{1}{2} N\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$, $E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$, $SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, $S\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$, $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$, and the $SW\frac{1}{4} SW\frac{1}{4}$.

Section 33: Government Lot 1.

T. 34 N., R. 18 W.

Section 30: That portion of Government Lot 5 lying North and East of the Interstate State Park boundary, and all of Government Lots 6 and 7.

T. 34 N., R. 19 W.

Section 35: Government Lots 2 and 3, and that portion of the $SW\frac{1}{4} SE\frac{1}{4}$ lying South and East of a line extended Northeasterly from the southwest corner to the northeast corner of said $SW\frac{1}{4} SE\frac{1}{4}$.

Together with all bodies of water, rivers, islands, accretions and relictions within and appurtenant to the St. Croix River in Minnesota from the south line of Sec. 3, T. 26 N., R. 20 W., upstream to its intersection with the north line of Sec. 30, T. 34 N., R. 18 W.

INTERIM DEVELOPMENT REGULATIONS FOR THE
LOWER ST. CROIX NATIONAL SCENIC RIVERWAY IN MINNESOTA

(a) STATEMENT OF POLICY

In order to reduce the effects of overcrowding and poorly planned shoreland development, to prevent pollution of surface and ground waters and soil erosion, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to maintain property values, to preserve and maintain the exceptional scenic and natural characteristics of the waters and related lands of the Lower St. Croix River Valley in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), the federal Lower St. Croix River Act of 1972 (P.L. 92-560), and the Minnesota Lower St. Croix River Act, Minn. Stat. Sect. 104.25 (Supp. 1973), and pursuant to the Minnesota Critical Areas Act, Minn. Stat. Sect. 116G.01 et. seq. (Supp. 1973), this Order hereby provides the following regulations that shall be applicable to St. Croix River Districts herein designated, and to be attached to and enforced with existing regulations.

(b) PURPOSE AND SCOPE

These interim development regulations specify the development that shall be permitted pending the adoption of approved plans and regulations and shall serve as substantive standards and guidelines to be followed in preparing plans and regulations for the critical area by local units of government, regional development commissions and state agencies. These regulations shall be superseded by local plans and regulations that have been approved by the Environmental Quality Council under the provisions of the Critical Areas Act. Any amendments or recisions of local plans and regulations shall become effective only upon the approval of the Environmental Quality Council.

(c) DEFINITIONS

For the purpose of these regulations, the terms used herein shall have the following meanings, unless otherwise defined in this Order:

- (1) "Accessory Use" means a use subordinate to the principal use on the same premises and customarily incidental thereto.
- (2) "Agriculture" means the utilization of land and structures thereon for production of farm crops, including but not limited to vegetables, fruit trees and grain; poultry and domestic farm animals; and uses necessary or customarily incidental thereto.
- (3) "Bluffline" means a line delineating the top of a slope. More than one bluffline may be encountered proceeding landward from the river. All setbacks required herein shall be applicable to each bluffline.
- (4) "Building Line" means a line parallel to, and the minimum setback distance from the normal high water mark or bluffline, as set forth herein.
- (5) "Clear-cutting" means the removal of an entire stand of vegetation.
- (6) "Cluster Development" means a pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.
- (7) "Commissioner" means the Commissioner of Natural Resources.
- (8) "Conservancy" means the practice or implementation of policies for the protection and preservation of the natural character of lands for their value to scenic enjoyment, wildlife, water and soil conservation, flood control, forestry, and other such purposes.

- (9) "Council" means the Minnesota Environmental Quality Council established pursuant to Minn. Stat. Sect. 116C.01 et. seq. (Supp. 1973).
- (10) "Development Permit" means a building permit; zoning permit; water use permit; discharge permit; permit for dredging; filling or altering any portion of a watercourse; plat approval; re-zoning; certification; variance or other action having the effect of permitting any development as defined in the Critical Areas Act or Critical Areas Rules and Regulations, MEQC 51-57.
- (11) "Essential Services" means underground, grade, or overhead gas, electric, steam, water or sewer systems serving or designed to serve more than one lot of record, whether for collection, distribution, communication, supply or disposal, and shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, or other similar equipment and accessories in conjunction therewith, but shall not include buildings or transmission services.
- (12) "Lot" means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description that is recorded or to be recorded in the office of the County Register of Deeds (or Registrar of Titles).
- (13) "Normal High Water Mark" means a mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence of the level upon the landscape. When the normal high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs.
- (14) "Order" means the Governor's Executive Order that formally designates the Lower St. Croix National Scenic Riverway in Minnesota as a critical area

upon the recommendation of the Environmental Quality Council.

- (15) "Riverway Boundary" means a legally described line delineating the landward extent of the St. Croix River District.
- (16) "St. Croix River District" means those lands within the riverway boundary that are subject to the Governor's Order.
- (17) "Scenic Easement" means an interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational, and natural characteristics of areas in the St. Croix River District. Unless otherwise expressly and specifically provided by mutual agreement of the parties, the easement shall be: (a) perpetually held for the benefit of the people of Minnesota; (b) specifically enforceable by the holder or any beneficiary; and (c) binding on the holder of the servient estate, his heirs, successors and assigns. Unless specifically provided by the parties, no such easement shall give the holder or any beneficiary the right to enter on the land except for the enforcement of the easement.
- (18) "Selective Cutting" means the removal of single scattered trees or shrubs. Selective cutting shall not be construed to mean the removal of all trees or shrubs in a given area resulting in the clearing of the land.
- (19) "Setback" means the minimum horizontal distance between any part of a structure and the normal high water mark or the bluffline.
- (20) "Sewage Disposal System" means any system for the collection, treatment, and dispersion of sewage including, but not limited to, septic tanks, soil absorption systems, and drainfields.
- (21) "Single Family Dwelling" means a detached building containing one (1) dwelling unit.
- (22) "Slope" means all lands lying between the normal high water mark minimum setbacks and the riverway boundary having an angle of ascent, proceeding landward from the river, of more than thirteen (13) percent from the horizontal.

- (23) "Structure" means any building or appurtenance thereto, but shall not include essential services or sewage disposal systems.
- (24) "Subdivision" means the division of any parcel of land into two or more lots, including re-subdivision.
- (25) "Transmission Services" means electric power, telephone, and telegraph lines, cables, or conduits that are used to transport large blocks of power between two points. In the case of electrical power, this will generally mean 69-kilo-volts or more. For main or pipeline crossings for gas, liquids, or solids, in suspension, this means those that are used to transport large amounts of gas, liquids, or solids in suspension between two points.
- (26) "Wetlands" means lands which are annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, marsh, or slough.

(d) ST. CROIX RIVER DISTRICT AND SUB-DISTRICTS

- (1) This Order establishes a St. Croix River District in accordance with the riverway boundaries described on the map entitled, "Boundary Map, Lower St. Croix National Scenic Riverway, U.S. Department of the Interior, National Park Service," dated October, 1973. Within the boundaries, all provisions of this Order shall apply, except where other local regulations and ordinances are more restrictive.
- (2) Because of the variation in established development patterns in the Lower St. Croix River Valley, there is hereby established the following Sub-Districts in the St. Croix River District:
 - (2.1) Rural Sub-Districts are undeveloped to sparsely developed areas that include those lands within the boundaries of the St. Croix River District in:

- (2.11) The unincorporated areas of Chisago County;
- (2.12) The unincorporated areas of Washington County;
- (2.13) Marine-on-St. Croix, north of the boundary line between Government Lots 5 and 6 in Section 6; and
- (2.14) Afton, south of the boundary line between Government Lots 4 and 5, extended west to the riverway boundary in Sections 22 and 23.

(2.2) Urban Sub-Districts are moderately to intensively developed areas that include the lands within the boundaries of the St. Croix River District in the Cities of:

- (2.21) Taylors Falls;
- (2.22) Marine-on-St. Croix, south of the line described in (d)(2.13);
- (2.23) Stillwater;
- (2.24) Oak Park Heights;
- (2.25) Bayport;
- (2.26) Lakeland;
- (2.27) Lakeland Shores;
- (2.28) Lake St. Croix Beach;
- (2.29) St. Mary's Point; and
- (2.30) Afton, north of the line described in (d)(2.14).

(3) The boundaries of the Urban and Rural Sub-Districts described herein shall be established as of May 1, 1974 and shall not be changed by future incorporation, consolidation, or annexation to existing municipalities.

(4) The Council may, as the need arises, reclassify all or a portion of any Sub-District. A local unit of government may submit to the Council a written request for a change in the classification within their jurisdiction that shall include the reasons for the re-classification.

(e) USES IN THE ST. CROIX RIVER DISTRICT

The purpose of establishing standards and criteria for uses in the St. Croix River District shall be to protect the existing scenic and recreational values to the extent feasible and practicable, to maintain proper relationships between various land use types and to prohibit new residential, commercial, or industrial uses that are inconsistent with the Federal Wild and Scenic Rivers Act; the federal and state Lower St. Croix River Acts; and the Critical Areas Act.

(1) Permitted Uses

Certain of the following uses and all structures shall be subject to the Zoning Dimension Provisions (f).

(1.1) Conservancy.

(1.2) Agriculture.

(1.3) Single Family Dwellings

(1.4) Highway waysides, rest areas, and scenic overlooks.

(1.5) Governmental structures used as information centers or for resource management to improve the fish and wildlife habitat.

(2) Accessory Uses

The following uses are accessory to permitted uses and subject to the Zoning Dimension Provisions (f), except for signs as provided in (e)(2.7).

(2.1) Essential Services

(2.2) Water Supply and sewage disposal systems

(2.3) Private roads and minor public streets

(2.4) Parking facilities

(2.5) Vegetative cutting

(2.6) Grading and filling

(2.7) Signs as approved by federal, state, or local governments which are

necessary for the public health and safety; signs indicating areas that are available or not available for public use; and signs that are otherwise lawful, provided they are not visible from the river.

(3) Transmission Services

Transmission services are special utility uses and subject to the Zoning Dimension Provisions (f) unless otherwise specified in the special utility use permit.

- (3.1) All transmission crossings of the Lower St. Croix National Scenic Riverway, or of state lands in St. Croix River Districts which are under the control of the Commissioner of Natural Resources, require a permit from the Commissioner pursuant to Minn. Stat. Sect. 84.415 or 105.42 (1971), as amended. In reviewing permit applications for such crossings, primary consideration shall be given to crossings that are proposed to be located within or adjacent to existing public service facilities, such as roads, bridges, and transmission services.
- (3.2) Transmission crossings of lands under the jurisdiction of the local unit of government in a St. Croix River District require a special utility use permit from the local unit of government. A special utility use permit is not required for high-voltage transmission lines (200 kilo-volts or greater) under the control of the Environmental Quality Council pursuant to Minn. Stat. Sect. 116C.51 to 116C.69 (Supp. 1973).
- (3.3) Transmission crossings of the Lower St. Croix River and of lands under the jurisdiction either of the local unit of government or the Commissioner of Natural Resources in St. Croix River Districts shall be guided by the "Standards and Criteria for utility

transmission crossings of lands in the jurisdiction of the local unit of government within Wild, Scenic, or Recreational River Land Use Districts" NR 79(i)(2), promulgated by the Commissioner of Natural Resources as part of the Statewide Standards and Criteria for the Minnesota Wild and Scenic Rivers System, NR 78-81.

(4) Compatible Uses

(4.1) A proposed use that is not a permitted use or an accessory use in (e)(1) or (2), may be allowed when it is found to be compatible pursuant to (i)(1.4).

(4.2) Expansion of an existing use that is not a permitted use or an accessory use in (e)(1) or (2), may be allowed when it is found to be compatible pursuant to (i)(1.4), and it complies with (f).

(5) Other Uses

(5.1) All other existing uses shall not be permitted to expand, to resume after discontinuance for one (1) year, or to rebuild when over fifty (50) percent of its market value is destroyed. Under authority permitted by law, local units of government may adopt provisions to regulate and control, reduce the number or extent of, or gradually eliminate other existing uses.

(5.2) All other proposed uses shall not be permitted.

(f) ZONING DIMENSION PROVISIONS

The purpose of these dimension provisions in the St. Croix River District is to protect riverway lands by means of acreage, frontage, and setback requirements on development. Specific objectives shall be to maintain the esthetic integrity of the Lower St. Croix River Valley's

dominant natural setting, provide a buffer zone between the river and developed areas, and prevent soil erosion and water pollution. All distances unless otherwise specified shall be measured horizontally. A variance shall be required pursuant to (i)(1.3) for any proposed new structure or changes in existing structures that does not comply with the dimension provisions of (f).

(1) Substandard Lots

Lots recorded in the office of the County Register of Deeds (or Registrar of Titles) prior to the date of legal notice of the Council public hearing, May 1, 1974; that do not meet the requirements of (f)(2.1), shall be allowed as building sites when:

- (1.1) the proposed use is consistent with the regulations of this Order;
- (1.2) the lot was in separate ownership from abutting lands on May 1, 1974;
- (1.3) it can be demonstrated that a proper and adequate sewage disposal system can be installed according to the provisions of (f)(4.1); and
- (1.4) the measurements of lot size and width are within sixty (60) percent of the regulations of this Order or the local ordinance, whichever is more restrictive.

(2) Lot Size

(2.1) For lots created after May 1, 1974, the minimum size shall be:

(2.11) In Rural Sub-Districts: not less than two and one half (2.5) acres in area; not less than two hundred (200) feet in width at the building line; and not less than two hundred (200) feet in width on the side abutting or nearest the river.

(2.12) In Urban Sub-Districts:

- (i) where public sewer and water are available: not less than twenty thousand (20,000) square feet in area; not less than one hundred (100) feet in width at the building line

and not less than one hundred (100) feet in width on the side abutting or nearest the river.

(ii) where public sewer and water are not available: not less than one (1) acre in area; not less than one hundred fifty (150) feet in width at the building line; and not less than one hundred fifty (150) feet in width on the side abutting or nearest the river.

(2.2) A lot shall not be considered buildable when soil borings and percolation tests indicate that the sewage disposal system will create a nuisance, endanger the safety of any domestic water supply, or pollute the river.

(2.3) Lot sizes smaller than those specified above may be permitted for planned cluster developments pursuant to (g)(3).

(3) Structures: Density, Setback, Placement, Height, Expansion

(3.1) Number of Dwelling Units.

There shall not be more than one (1) dwelling unit per lot, with the exception of planned cluster developments that shall be subject to (g)(3).

(3.2) Setback Provisions

For structures, essential services at grade or above ground, parking facilities, private roads, and minor public streets, the minimum setback shall be:

(3.21) In Rural Sub-Districts: not less than two hundred (200) feet from the normal high water mark and not less than one hundred (100) feet from the bluffline.

(3.22) In Urban Sub-Districts: not less than one hundred (100) feet from the normal high water mark and not less than forty (40) feet from the bluffline.

(3.23) Exceptions:

- (i) In Rural Sub-Districts, when it can be demonstrated that the proposed development is consistent with the intent of this Order and is not in line of sight of the river, the setback of the above uses may be varied to a minimum of forty (40) feet from the bluffline. Line of sight shall be determined in accordance with (i)(3).
- (ii) Where a setback pattern from the normal high water mark or the bluffline has already been established by existing structures within 200 feet on both sides of the proposed building site, the setback of the proposed structure shall be the average setback of the existing structures plus 40 feet.

(3.3) Placement of Structures

- (3.31) Structures shall not be permitted on slopes. Regardless of the number of blufflines on a given property, building on slopes shall not be permitted. The physical alteration of slopes shall not be permitted for the purpose of overcoming this limitation.
- (3.32) When a floodplain ordinance exists, no structure shall be located in the floodway, as defined in Minn. Stat. Chap. 104.02 (1971) and shall be placed at an elevation consistent with any applicable floodplain management ordinances. When a floodplain ordinance does not exist, the elevation to which the lowest floor of a structure, including a basement, shall be placed, shall be determined after an evaluation of available flood information and shall be consistent with the Statewide Standards and Criteria for Management of Floodplain Areas in Minnesota.

- (3.4) Structure height shall not exceed thirty-five (35) feet.
- (3.5) Uses which are permitted or accessory uses in (e)(1) and (2), or which have been determined to be compatible in (e)(4) may be altered or expanded when a height or setback violation is not created or increased. Uses not complying with the setback provisions may be expanded away from the river or laterally (parallel to the centerline of the river) when such expansion is not in line of sight of the river. Line of sight shall be determined pursuant to (i)(3).

(4) Water Supply and Sewage Disposal Systems

- (4.1) Water supply and sewage disposal systems shall comply with the sanitary provisions standards in Minn. Regs. Cons. 72 of the Statewide Standards and Criteria for Management of Shoreland Areas in Minnesota. These standards shall apply to all lands in the St. Croix River District.
- (4.2) However, the provisions of Cons. 72(b)(4) shall be superseded by the following provisions for the location of sewage disposal systems:
 - (4.21) In Rural Sub-Districts: sewage disposal systems shall be set back not less than two hundred (200) feet from the normal high water mark and not less than forty (40) feet from the bluffline.
 - (4.22) In Urban Sub-Districts: sewage disposal systems shall be set back not less than one hundred (100) feet from the normal high water mark and not less than forty (40) feet from the bluffline.

(4.23) Sewage disposal systems shall not be located on slopes.

(5) Vegetative Cutting Provisions

Selective cutting and the removal of diseased, insect infested, rotten, or damaged trees that present safety hazards shall not be conducted within two hundred (200) feet of the normal high water mark in Rural Sub-Districts, or one hundred (100) feet from the normal high water mark in Urban Sub-Districts, and forty (40) feet landward of the bluffline in all Sub-Districts until a vegetative cutting permit has been granted by the local unit of government. Where clear-cutting is not prohibited, a vegetative cutting from the local unit of government shall be required. This requirement does not apply to the clearing of the minimum area necessary for a building site, essential services, or a sewage disposal system undertaken pursuant to a validly issued development permit.

(5.1) On lands within two hundred (200) feet of the normal high water mark in Rural Sub-Districts; or one hundred (100) feet of the normal high water mark in Urban Sub-Districts; and forty (40) feet landward of the bluffline in all Sub-Districts, the following standards shall apply:

(5.11) Clear-cutting of trees and shrubs and selective cutting of trees greater than six (6) inches in diameter at breast height shall not be permitted.

(5.12) Selective cutting of trees that are less than six (6) inches in diameter at breast height, and shrubs is permitted when the essential character, quality and density of existing growths is preserved and is not interrupted by large openings.

(5.2) Vegetative cutting elsewhere in the St. Croix River District may be conducted only where it is accessory to a permitted use. The

vegetation shall be managed to preserve the essential character, quality, and density of existing growths.

(5.3) These cutting provisions shall not prevent vegetative cutting in transportation and utility rights-of-way, when necessary for the public health and safety; and the pruning of trees, shrubs, understory vegetation, plants, bushes, or grasses or the harvesting of crops.

(6) Grading and Filling Provisions

(6.1) Grading, filling, excavating, or otherwise changing the contour of the topography of the landscape shall not be conducted in the St. Croix River District until a permit has been granted by the local unit of government. However, a grading and filling permit may not be required for the excavation of a basement, essential services, or a sewage disposal system undertaken pursuant to a validly issued development permit.

(6.2) Any change in the course, current or cross section of public waters in the St. Croix River District, by any means, shall be prohibited, unless authorized by a permit from the Commissioner pursuant to Minn. Stat. Sect. 105.42 (1971) as amended.

(6.3) The excavation of material from or the filling in of the Lower St. Croix River to facilitate construction of any permanent structures or navigational obstructions therein shall be prohibited, unless authorized by a permit from the Commissioner pursuant to Minn. Stat. Sect. 105.42 (1971) as amended.

(6.4) Any authorized grading and filling shall be performed in a manner that minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.

(6.5) No state or local unit of government shall authorize the drainage or filling in of wetlands in the St. Croix River District.

(g) SUBDIVISION REGULATIONS

(1) Land shall not be subdivided in the following instances:

(1.1) where the lots would be unbuildable because of the dimensional provisions of this Order; and

(1.2) where the land is held unsuitable by the local unit of government for the proposed use because of: flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, or any other feature likely to harm the health, safety or welfare of the future residents of the proposed subdivision or of the community.

(2) The standards otherwise set forth in the regulations of this Order shall apply to all plats except planned cluster developments.

(3) Planned Cluster Developments

Planned cluster developments may be allowed when the proposed clustering provides a means of preserving agricultural land, open space, woods, scenic views, and other features of the natural environment. Smaller lot sizes than those permitted in (f)(2.1) may be allowed for planned cluster developments provided:

(3.1) The procedures of (i)(1.1) are followed;

(3.2) Central sewage facilities are installed that at least meet the applicable standards, criteria, rules or regulations of the Minnesota Department of Natural Resources, Department of Health, and Pollution Control Agency;

(3.3) Open space is preserved, including the land area between the normal high water mark and the building setback line, and other areas on

which placement of structures is otherwise permitted under this Order. This may be accomplished through the use of restrictive deed covenants, public dedication, scenic or use easements, or other methods;

- (3.4) There is not more than one (1) centralized boat launching facility for each cluster in the development; and
- (3.5) The number of dwelling units in a planned cluster development may be increased, but the total number shall not exceed 133% of the number that would be created by standard subdivision practices permitted under this Order. When a local ordinance does not allow an increase in density or has a smaller increase in density than this Order, the local ordinance shall control.

(h) FEDERAL FEE ACQUISITION AREAS

Local units of government shall administer federal fee acquisition areas, whose boundaries have been determined in sufficient detail to permit the establishment of acquisition lines on the ground, as if such areas had been identified on an official map, pursuant to the provisions of Minn. Laws, Chap. 571, Sect. 44, Subd. 1 and 2 (1974). Local units of government shall process applications for development permits within such areas pursuant to Minn. Laws, Chap. 571, Sect. 44, Subd. 4, except that the federal government, rather than the county, has six (6) months to institute proceedings for acquisition when a permit is authorized.

(i) ADMINISTRATION

(1) Development Permits

(1.1) Applications for development permits shall be processed in the following manner:

(1.11) The local unit of government or the County Zoning Administrator with the existing authority shall notify the Council in writing of any application for a development permit at least thirty (30) days before the local unit of government takes action. This procedure shall be followed unless the Council shall have previously informed the local unit of government in writing that the Council need not be notified of the application.

(1.12) The Council shall review the application and transmit a written recommendation to grant, modify, or deny the permit and the reasons for any denial, to the local unit of government not later than thirty (30) days after the date of receipt. When the Council does not submit its approval or disapproval within this time period, the recommendation shall be assumed to be to grant the permit.

(1.13) Upon receipt of the Council recommendation the local unit of government or the County Zoning Administrator with the existing authority shall take action on the application following the prescribed procedure.

(1.14) The local unit of government shall notify the Council of the final action on each development permit application.

(1.15) When a permit is authorized that the Council has recommended be denied, the permit shall not be issued if within 30 days of

its authorization, the local unit of government receives notice of the Council's appeal of the issuance of the permit. When an appeal is made, the permit will not be issued until the appeals process is concluded.

(1.2) The procedures of (i)(1.1) shall apply in the following instances:

(1.21) All development permit applications until the adoption of Council approved plans and regulations under the provisions of the Critical Areas Act and Minn. Reg. MEQC 51-57.

(1.22) Only applications for Planned Cluster Developments, Dimension Variances, Compatible Use Permits, re-zones and all other permits requiring an administrative hearing after the adoption of Council approved plans and regulations under the Critical Areas Act and Minn. Reg. MEQC 51-57.

(1.3) Dimension Variances

The local unit of government may grant a variance from strict compliance with the Zoning Dimension Provisions (f) following the procedures of (i)(1.1) and after an administrative hearing that shall be conducted according to the regulations of the local unit of government. A variance may be granted only when the following findings are made:

(1.31) The strict enforcement of the dimension provisions will result in unnecessary hardship. "Hardship" as used in the consideration of a variance means that the property in question cannot be put to a reasonable use under the dimension provisions;

(1.32) The variance would not be contrary to the purpose and intent of this Order;

- (1.33) There are exceptional circumstances unique to the subject property that were not created by a landowner after May 1, 1974;
- (1.34) The variance does not allow any use that is not a permitted, accessory, or compatible use in the land use district in which the subject property is located; and
- (1.35) The variance will not alter the essential character of the locality as established by this Order.

(1.4) Compatible Use Permits

The local unit of government may grant a compatible use permit following the procedures of (i)(1.1) and after an administrative hearing that shall be conducted according to the regulations of the local unit of government for conditional or special use permits. A compatible use permit may be granted only when findings are made that the new or expanded use conforms to the following:

- (1.41) It is consistent with the federal Wild and Scenic Rivers Act, the State Environmental Policy Act of 1973, Minn. Stat. Sect. 116D.01 et. seq. (Supp. 1973), the Lower St. Croix River Acts, and the adopted policies of the appropriate Regional Development Commission;
- (1.42) It is compatible with uses in the immediate vicinity; and
- (1.43) It is permitted by the ordinances of the local unit of government.

(2) Determination of Bluffline

(2.1) Single Lots

No single lot shall be recorded in the office of the County Register of Deeds (or Registrar of Titles) after May 1, 1974, until the local unit of government has determined the location of the bluffline, as defined in this Order, and approved the recording of the lot.

(2.2) Subdivisions

A plat shall not be recorded or approved by the local unit of government after May 1, 1974 until the bluffline, as defined in this Order, has been determined by a registered land surveyor or civil engineer.

The bluffline shall be staked out on the land and clearly identified on the proposed plat.

(3) Determination of Line of Sight.

In order for a proposed development to vary from the minimum setback of one hundred (100) feet from the bluffline in Rural Sub-Districts, a line of sight shall be determined by a registered land surveyor or civil engineer. If the proposed development is allowed to vary from the minimum bluffline setback, no portion of the proposed structure shall be within the line of sight of the normal high water mark of either shore for a distance of a mile up the river and a mile down the river. When the normal high water mark is not evident, the stream bank of the following water bodies that have permanent flow or open water shall be used: the main channel, adjoining side channels, backwaters, and sloughs. This line of sight shall be projected assuming no vegetative cover. In no instance, shall the minimum setback from the bluffline be less than forty (40) feet.

(4) Emergency Actions

In accordance with the Critical Areas Act, the local unit of government may grant a development permit when certified in writing by the local unit of government or the County Zoning Administrator with the existing authority that the development is essential to protect the public health, safety or welfare in an existing emergency and that a local ordinance was in effect immediately prior to May 1, 1974 and a development permit would have been granted thereunder.

(5) Appeals Procedure

The Council may, by resolution, establish appeals procedures including an Appeals Board when the Council determines that such procedures are necessary. If established, the Appeals Board shall consist of members representing local, regional, and state levels of government.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 1 - 1974

Arlen J. Erdahl
Secretary of State