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Cannon River

A guide to

buying and selling property
along wild and scenic rivers

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A Guide to Buying and Selling Property Along Wild and Scenic Rivers:
The Cannon River
Faribault to the Mississippi River

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The wild and scenic rivers act

Try to think of a river in Minnesota that hasn't changed. Try to think of one that hasn't seen development on its banks, or the clearing of woods along its shores. There aren't many.

Minnesota streams that have run freely for thousands of years will not in our lifetimes be seen in their natural condition. They are threatened by residential overdevelopment, recreational demands, and industrial and commercial uses.

In 1973 the Minnesota legislature passed the state wild and scenic rivers act to "preserve and protect" rivers that exhibit "outstanding scenic, recreational, natural, historical, scientific and similar values." The act is not meant to restore rivers and river lands to wilderness, but is meant to prevent damage to Minnesota's exceptional rivers caused by intensive development and recreational overuse. To preserve rivers, the act prescribes local zoning, land acquisition from willing sellers and recreation management.

If you're a riverside landowner, or a prospective landowner, wild and scenic river zoning provisions are as much in your interest as they are in the river's interest. When you buy along a river, you're not only buying your property, you're buying a view of the opposite bank. If something unsightly is developed on that bank, your property value will decrease because it will be less attractive to prospective buyers. And it probably will be less attractive to you.

This booklet will explain the wild and scenic river regulations that govern the Cannon River. If any of these regulations conflict with existing state or local zoning provisions, the most protective provision applies. Contact the appropriate local zoning office for the exact provisions that apply to the property with which you are concerned.

Protecting the Cannon

The Cannon River begins in a lake region of glacial drift and moraines. The river winds through a valley of rolling plains, gentle bluffs and limestone and sandstone cliffs, meeting the Mississippi in a broad marshy floodplain.

A variety of plant communities grow in the lush river valley. The three major types of vegetation found here are the "Big Woods," tall-grass prairie and river bottom forest. Many individual plant species have survived two centuries of settlement, but only the river bottom forest community remains essentially unchanged. Several rare or protected plant species grow along the Cannon's banks.

The Cannon River valley harbors not only a wealth of natural beauty but also a wealth of prehistoric information.

According to the state archaeologist, the Cannon River valley is one of Minnesota's most important archaeological areas. The area near the junction of the Cannon and Mississippi rivers was a major center of prehistoric Indian life. The Oneota Indians lived in large villages on the river terraces, cleared and cultivated land in the river bottoms, and hunted and fished in the river valley.

Vast numbers of archaeological sites have already been lost to cultivation and construction, yet much remains to be learned about this ancestral American culture.

The Cannon River valley has played an important role in the westward tide of American expansion and the development of the state. Fur traders took advantage of the abundant wildlife, and settlers harvested dense stands of hardwoods to open the land for cultivation. Sawmills that dotted the river banks were converted to grist mills as wheat fields came to dominate the landscape. Remnants of these mills may still be seen along the river.

Today, modern farming techniques have reestablished agriculture in the river valley.

The Cannon River valley provides an ideal setting for a variety of recreational pursuits. Hunters may encounter many different game species, including white-tailed deer, mink, muskrat, red and gray fox and beaver. Lucky anglers can catch such game fish as walleye, sauger, largemouth and smallmouth bass, white bass and northern pike. The valley's scenic beauty attracts canoeists and hikers.

The Cannon's natural attributes, scientific value, rich history and recreational potential qualified it for inclusion in the state wild and scenic rivers system. To protect the river's outstanding values, a management plan was drafted by the Department of Natural Resources (DNR) and presented to the public at a series of informational meetings and public hearings. An independent state hearing examiner, who presided at the hearings and evaluated the hearing testimony, recommended that the river be included in the wild and scenic rivers system and that it be managed according to the proposed plan. In November 1979, the DNR commissioner signed an order designating the Cannon part of the wild and scenic rivers system.

The final rule for management of the Cannon River (Minnesota Regulations NR 2900 (6 MCAR 1.2900)) was adopted in February 1980 and is available from the State Documents Section, 140 Centennial Office Building, St. Paul, MN 55155.

All affected counties and cities are required by law to adopt the zoning requirements of the Cannon River rules and regulations within six months of the date of designation. Check with your local zoning administrator or the DNR for the current status of the land with which you are concerned.

The land use district; classifications; designated tributaries

The area affected by the wild and scenic river zoning provisions is called the "land use district." By law, the land use district cannot include more than 320 acres of land per mile of river, including both banks. This is a corridor approximately one-quarter mile wide on each bank of the river.

The land use district boundary varies according to the topography of the area. Generally, the boundary follows lines drawn by the U.S. Government Survey of 1870. The district includes areas that are visible from the river and environmentally sensitive, as determined by field surveys, maps and aerial photographs. The Cannon River land use district contains an average of 264 acres per river mile.

The legal description of every parcel of land in the land use district is in the final rule for management of the Cannon River. Check with the appropriate local zoning administrator or the DNR to ascertain whether the land you're concerned about is in the land use district and how designation will affect your property.

Within the land use district the DNR can purchase property and easements from willing sellers, enforce wild and scenic river zoning standards and manage recreational use of the river.

Under the wild and scenic rivers act, a river or river segment may be classified either wild, scenic or recreational. The classification a river receives is based on its natural condition at the time of designation into the system. A river's classification will largely determine how protective its zoning standards will be. Wild rivers are managed more protectively than scenic and recreational rivers.

Please refer to the map on pages 7 and 8. The Cannon River has been classified:

Recreational from the northern city limits of Faribault to the State Highway 56 bridge and from the Lake Byllesby Dam to the common border of Sections 7 and 8, T112N-R17W, in Cannon Falls.

Scenic from the common border of Sections 7 and 8, T112N-R17W, in Cannon Falls to the Mississippi River.

Lake Byllesby is not included in the land use district.

Classification within cities

Because the cities along the Cannon are considerably developed, and because the wild and scenic rivers act states that the DNR can place "no unreasonable restrictions upon compatible, pre-existing, economic uses of particular tracts of land," a separate set of zoning standards is required for these areas. (See "Urban area minimum development standards" tables, pages 4-6.)

These separate standards apply to the cities noted in the tables,

regardless of the river segment the city is in.

However, if a city annexes land that was formerly subject to more restrictive scenic or recreational standards, these standards will remain in effect and must be enforced by the city. A moratorium on all subdivision platting, building permits, construction, grading and filling and vegetative cutting will go into effect in the annexed area until the city adopts the required zoning standards.

Urban Area Minimum Development Standards I

Applies to land within the municipalities of Dundas (In T111N-R20W: that portion located in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 15; and Section 10) and Northfield (In T111N-R20W: that portion located in Section 2, north of the river; and Section 1, except the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, east of the river. In T112N-R20W: Section 36. In T112N-R19W: Sections 30 and 31). The following standards apply regardless of the classification of the river segment the city is in.

Minimum lot size, without public sewer	20,000 sq. ft.
Minimum lot size, with public sewer	
river lots	15,000 sq. ft.
off-river lots	10,000 sq. ft.
Minimum shoreline and building line	
lot width	
with public sewer	75 ft.
Minimum building setback from ordinary high-water mark	
without public sewer	75 ft.
with public sewer	50 ft.
Minimum building setback from road and highway right-of-ways	
federal, state or county trunk highways	50 ft.
town road, public street, or others not classified	20 ft.
Maximum building height	35 ft.
Maximum total lot area covered by impervious surface	30 %
Septic tank and soil absorption system setback	50 ft.

Urban Area Minimum Development Standards II

Applies to land within the municipalities of Dundas (In T111N-R20W: that portion located in the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Section 15; and Section 11) and Northfield (In T111N-R20W: that portion located in Section 11; Section 2, south of the river; and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, east of the river). The following standards apply regardless of the classification of the river segment the city is in.

Minimum lot size, without public sewer	80,000 sq. ft.
Minimum lot size, with public sewer	
river lots	40,000 sq. ft.
off-river lots	20,000 sq. ft.
Minimum shoreline and building line lot width	
without public sewer	200 ft.
with public sewer	125 ft.
Minimum building setback from ordinary high-water mark	
without public sewer	200 ft.
with public sewer	150 ft.
Minimum building setback from road and highway right-of-ways	
federal, state or county trunk highway	50 ft.
town road, public street, or others not classified	20 ft.
Maximum building height	35 ft.
Maximum total lot area covered by impervious surface	30 %
Septic tank and soil absorption system setback	150 ft.

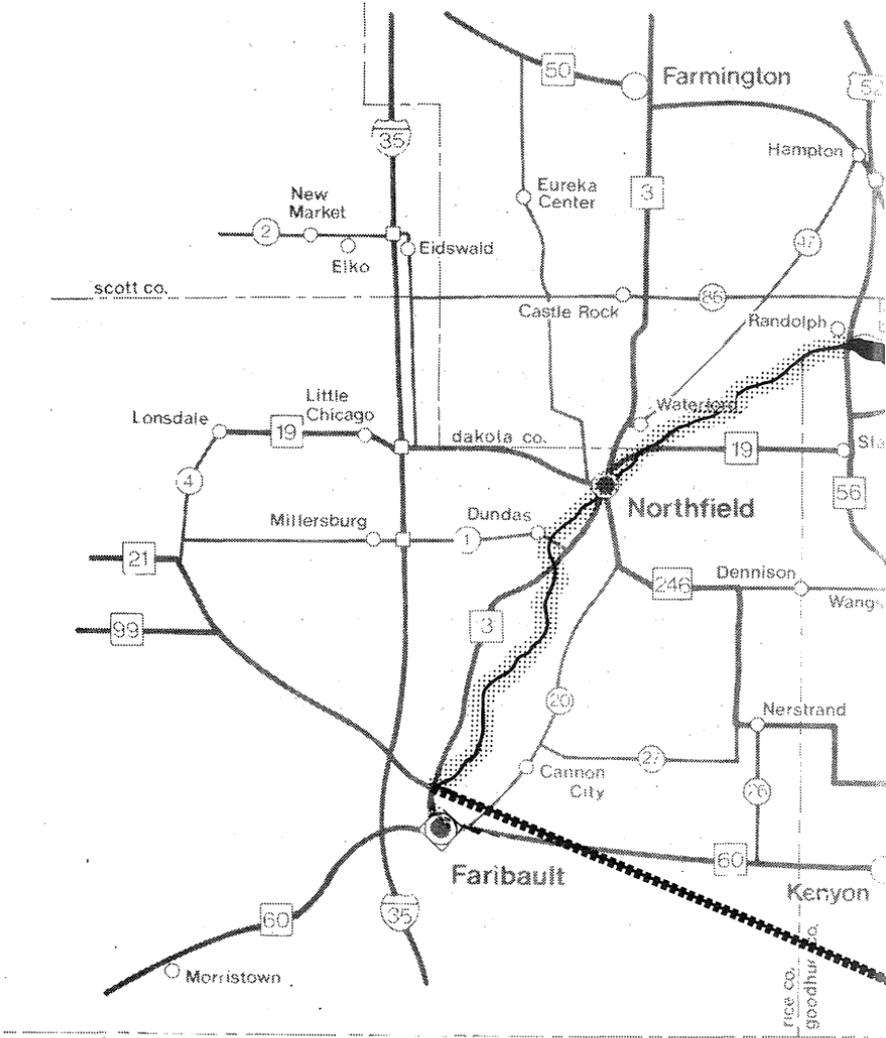
Urban Area Minimum Development Standards III

Applies to land within the municipality of Cannon Falls. The following standards apply regardless of the classification of the river segment the city is in.

Minimum lot size, without public sewer	40,000 sq. ft.
Minimum lot size, with public sewer	
river lots	20,000 sq. ft.
off-river lots	15,000 sq. ft.
Minimum shoreline and building line lot width	
without public sewer	150 ft.
with public sewer	75 ft.
Minimum building setback from ordinary high-water mark	
without public sewer	100 ft.
with public sewer	75 ft.
Minimum building setback from road and highway right-of-ways	
federal, state or county trunk high	50 ft.
town road, public street, or others not classified	20 ft.
Maximum building height	35 ft.
Maximum total lot area covered by impervious surface	30 %
Septic tank and soil absorption system setback	75 ft.

Permitted uses of land

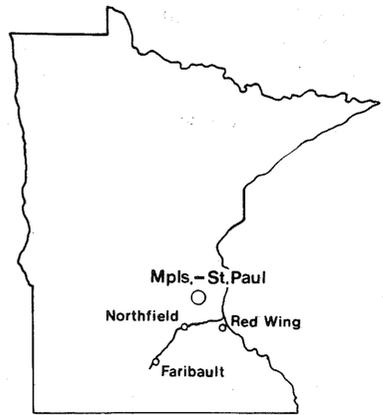
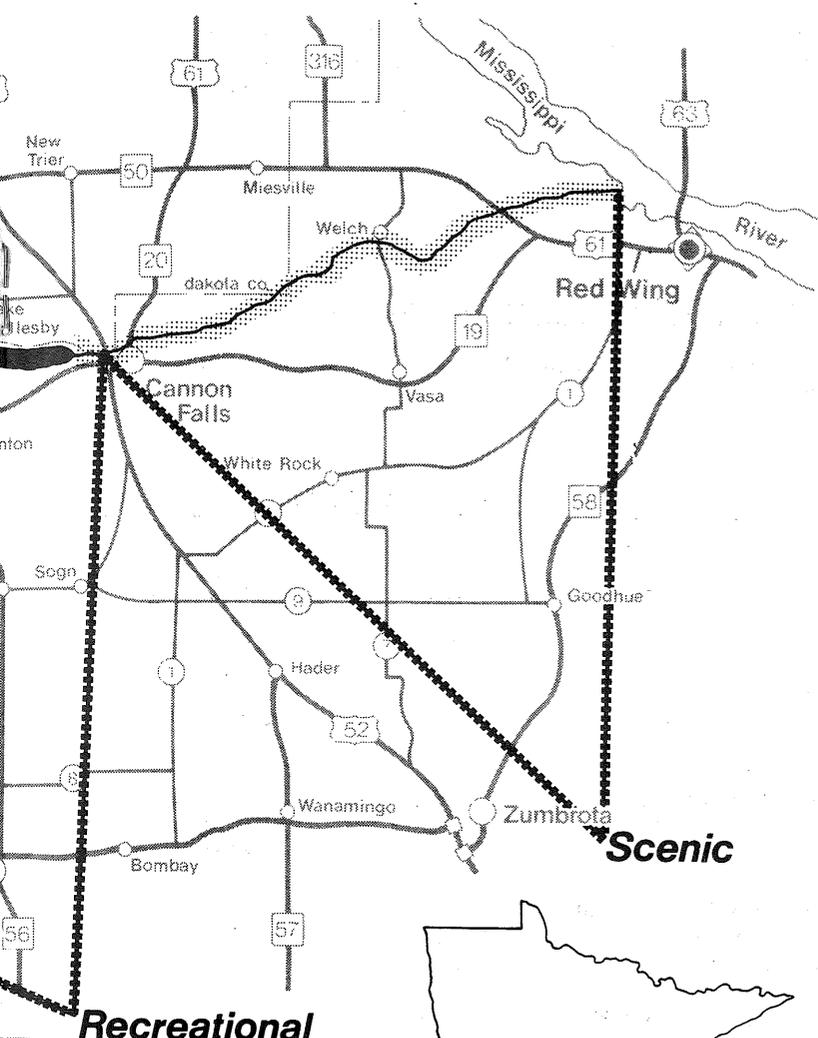
In rural areas of the Cannon River land use district, permitted uses of land are: agriculture, forestry, public recreation facilities, essential services, sewage treatment systems, certain signs, private roads, temporary docks (in recreational districts) and single-family residential uses.



CANNON RIVER CLASSIFICATIONS

SCALE: 1" = 5 miles

Lake Byllesby is not included in the land use district.



Conditional uses, which require a special permit from the local zoning authority, include public roads, utility lines, underground mining, sand and gravel extraction, commercial campgrounds, temporary docks (in scenic districts), and other private recreational uses.

Rural Area Minimum Development Standards

Applies to all affected unincorporated areas of Goodhue, Dakota and Rice counties.

	<u>RIVER CLASSIFICATION</u>	
	<u>Scenic</u>	<u>Recreational</u>
Lot area*+	4 acres	2 acres
Water frontage*	250 ft.	200 ft.
Lot width at building line	250 ft.	200 ft.
Building setbacks from:		
ordinary high-water mark	150 ft.	100 ft.
designated tributaries	100 ft.	100 ft.
bluffline	30 ft.	20 ft.
Sewage system setbacks from:		
ordinary high-water mark	100 ft.	75 ft.
designated tributaries	75 ft.	75 ft.
Maximum structure height**	35 ft.	35 ft.

+Smaller lot sizes may be permitted for cluster or planned unit developments.

*Applies only to newly platted lots.

**Except for buildings used primarily for agricultural purposes.

Buying or building a home

Wild and scenic river zoning standards are enforced at the local government level. To obtain a building permit you must go to the local planning and zoning officials. Dimensional standards in urban areas will vary from those in rural areas. (See "Urban area minimum development standards" tables, pages 4-6.)

Lot sizes: Minimum lot sizes and widths prevent the overcrowding of homes along the river and indirectly reduce the construction of roads, the clearing of brush and timber, and the number of sewage systems and utilities that could affect the river.

Wild and scenic river standards require that new lots in rural areas of the land use district be at least four acres in size along scenic rivers and two acres along recreational rivers.

There are also lot width requirements. In rural areas, new lots along scenic stretches of river must be at least 250 feet wide at the water line and at the building line. Lots along recreational rivers must be at least 200 feet wide at the water line and building line.

Setbacks: Setbacks serve many purposes. They prevent bank erosion caused by the clearing of brush and timber during construction. They prevent pollution by allowing enough area for an adequate sewage system. They also keep homes and other buildings from dominating the riverscape.

Wild and scenic river zoning requires that new buildings in rural areas be constructed at least 150 feet from a scenic river and 30 feet from its bluffline; and 100 feet from a recreational river and 20 feet from its bluffline.

Structures may not be placed on land that slopes more than 13 percent (13 feet of vertical rise for every 100 horizontal feet), unless the structure can be adequately screened from the river with natural vegetation, adequate sewage facilities can be installed, the builder can prove to the local authorities that any potential or actual erosion problems will be adequately prevented, and the soil's bearing capacity is sufficient for the structure.

Installation of all on-site sewage treatment systems and wells must conform to all standards and codes of the Minnesota Pollution Control Agency and the Department of Health, and must meet wild and scenic river setback requirements.

Sewage systems that are not functioning properly and are causing pollution must be replaced or removed within five years of the effective date of the wild and scenic river ordinance. (Note: All counties and some cities require replacement upon identification of the nonconforming system.)

Vegetative cutting regulations: To prevent erosion and preserve a river's natural appearance, wild and scenic river provisions do not allow

clear cutting of trees in the building setback areas. Selective cutting of trees more than four inches in diameter is allowed, provided that a continuous tree cover uninterrupted by large openings is maintained. Diseased, insect-infested, rotten or damaged trees may be removed; trees less than four inches in diameter, brush and small plants may be cleared; lawns may be mowed; and crops may be harvested.

Clear cutting is allowed beyond the building setback area, provided that it is done in such a manner as to prevent erosion and unsightly scars on the land.

The tables on pages 4, 5, 6 and 9 show the minimum wild and scenic river zoning standards that apply in the Cannon River land use districts. Because local zoning standards may be more restrictive than these standards, see the local zoning official before you buy or build.

Buying an existing house

Buying an existing house along the Cannon River is little different from buying anywhere else. Existing structures that do not meet wild and scenic zoning standards (referred to as "substandard") are allowed to remain as they are. However, no additions to an existing house that would increase its substandard dimension (i.e., which would extend the structure toward the river) could be made without a variance. For example, if an existing home were set back only 50 feet from the river where the setback is 100 feet, an addition would not be allowed if it made the setback less than 50 feet.

Replacement of substandard structures (after a fire, for example) may be allowed, limited or prohibited by the local zoning authority. Check with the local zoning administrator for your area, as this would be evaluated on a case-by-case basis.

Buying a farm

Agricultural uses of land are specifically permitted under wild and scenic regulations. Of course, the landowner must observe the wild and scenic zoning provisions listed under "Buying or building a home."

Please note that the vegetative cutting provisions do not prohibit the continued harvesting of crops or pasturing of livestock in the setback areas.

Fencing would not be restricted.

Subdividing and selling land

If you own a tract of land in the Cannon River land use district that you wish to subdivide and sell as lots, you must adhere to the zoning dimension requirements of the particular district —scenic or

recreational— that the land is in. Please refer to the minimum development standard tables on pages 4-6.

Smaller lots may be allowed for cluster or planned unit developments, provided such plans are first approved by the DNR and the local unit of government.

Land in the Cannon River land use district may not be subdivided if it is deemed unsuitable by the local zoning authority or the DNR for its 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 be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

Existing lots

Lots of record that do not meet the wild and scenic dimensional zoning requirements may be allowed as building sites, provided that an adequate sewage treatment system can be installed.

However, where two or more such lots are contiguous and are owned by the same person, they must be combined to come as close as possible to the new lot width requirements before they can be sold or developed.

Again, as with all of the wild and scenic requirements, counties, cities and townships may require more restrictive zoning standards. In any case, always see your local zoning official before developing any existing lots.

Grading and filling

Grading and filling are permitted only when accompanying a permitted or conditional use.

A permit from the local zoning authority is required for the excavation, grading and filling in of land in the land use district. Erosion and sedimentation problems must be prevented.

Draining or filling of wetland areas in the land use district is prohibited.

Any work in the bed of the Cannon River will require a permit from the DNR, as in the past.

Signs

In rural areas, signs that are necessary for public information (including "no trespassing" signs), for health or safety, and those signs that would not be visible from the river, are permitted. All other signs

are prohibited and must be gradually removed over a period of not more than five years from the effective date of the local wild and scenic river ordinance.

Variances

If, because of the shape or nature of your property, you cannot meet the dimensional standards for the Cannon River land use district, you must apply for a variance from the local zoning authorities before you can build.

The granting of a variance requires the presence of these conditions:

1. The strict enforcement of the land use controls will result in unnecessary hardship. "Hardship," as used in connection with the granting of a variance, means the property in question cannot be put to a reasonable use under the conditions allowed by the zoning provisions. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of the ordinance.
2. Granting of the variance is not contrary to the purpose and intent of the zoning provisions established by the final rule for management of the Cannon River.
3. There are exceptional circumstances unique to the subject property (such as topography) that were not created by the landowner.
4. Granting of the variance will not allow any use which is neither a permitted nor a 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 as established by the final rule for management of the Cannon River.

Exception:

Where a setback pattern from the ordinary high-water mark has already been established on both sides contiguous to the proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots that do not meet the minimum lot width restrictions of the ordinance.

Variances must be approved by both the local zoning authority and the DNR.

Living along the Cannon River

Ensuring the rights of private landowners is one of the primary goals of the wild and scenic rivers program. The Cannon River recreation

policy is designed to prevent littering and to provide for the orderly use of the public lands and waters of the Cannon River. To accomplish this, the following regulations were adopted as part of the final management plan for the Cannon River.

River user regulations:

1. Entering upon private lands is allowed only with the permission of the landowner.
2. It is illegal to deposit garbage, rubbish, dead animals or animal parts, or other litter in the river, on its ice, or on land.
3. Overnight camping, fires or campfires are allowed on public lands in designated areas only, and on private land only with the permission of the landowner.
4. Trail bikes, snowmobiles and all-terrain vehicles are not allowed on public lands, or on private lands without the permission of the landowner, except that snowmobiles are allowed in areas designated for their use. This provision does not apply to the lawful use of such vehicles on public roads.
5. Shooting a firearm while traveling on or using a wild and scenic river is allowed only to hunt animals during legal hunting seasons. Hunting on private property is allowed only with the permission of the landowner and on public lands as in the past.

Violation of any of the above laws is a misdemeanor. The penalty is currently up to a \$500 fine, 90 days in jail, or both.

In addition, rest areas and accesses are being developed along the Cannon River to help alleviate trespassing and crowding by giving canoeists and other recreationists public areas for use.

If litter, trespassing or vandalism becomes a problem at sites or on nearby private land, the DNR and local law authorities can police or close sites to remedy the situation.

Selling or donating land or scenic easements

Zoning protects the river from overdevelopment, but zoning cannot preserve the natural and scenic values of the Cannon River. For that reason, the wild and scenic rivers act authorizes the purchase of "scenic easements" to protect some river land. The acquisition of land in fee title can also be used to obtain land for recreation sites or to give special lands protection beyond that provided by scenic easements.

The DNR cannot buy land or a scenic easement from you unless you are willing to sell.

A scenic easement, which should not be confused with wild and scenic river zoning standards, is a relatively new idea in land management. A

scenic easement is simply an agreement whereby the DNR pays you, the landowner, for your voluntary promise to leave selected parts of your riverside land in its present, natural condition. If you are currently using this land for crops or pasture, you may continue to do so.

Scenic easement land remains your private property, cannot be used by the public, and is not identified to the public. The easement runs with the title to the land, ensuring that your property will always be protected.

If you buy land that already has a scenic easement on it, you must abide by the terms of the scenic easement contract concluded by the previous owner.

The terms of the scenic easement contract generally include promises not to build, to cut timber, to dump trash, or to grade, fill or drain property.

A department representative will be happy to come out and talk to you about scenic easement or fee title sale possibilities for your land. If you are still interested after talking it over, a certified appraiser will be assigned to determine a value for the parcel of property you wish to consider for scenic easement or fee title sale. The final decision on whether or not to sell is yours.

If you are interested in selling or donating land or a scenic easement, or in finding out more about scenic easements, please call or write:

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