

CHAPTER 497—S.F.No. 1632

An act relating to Ramsey County; authorizing a coordinated erosion and sediment control pilot program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [383A.601] LEGISLATIVE FINDINGS.

The legislature finds that the lands and waters of Ramsey county are great natural resources; that as a result of erosion of lands and sediment deposition in waters of the region, waters are being polluted and despoiled to a degree that fish, aquatic life, recreation, and other uses of lands and waters are being adversely affected; that the rapid shift in land use from agricultural to nonagricultural uses has accelerated the processes of soil erosion and sedimentation. Implementation of the metropolitan surface water planning act in Ramsey county requires a coordinated effort in that county, and the state of Minnesota may benefit from a pilot program within that county. The legislature further finds it is necessary to establish and implement through the soil and water conservation district in cooperation with water management organizations, cities, towns, and other public and private entities in that county, a county-wide coordinated erosion and sediment control pilot program to conserve and to protect the land, water, and other natural resources of Ramsey county.

Sec. 2. [383A.602] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 1 to 4.

Subd. 2. CONSERVATION SPECIFICATIONS. "Conservation specifications" means management procedures, techniques, and methods to control soil erosion and sedimentation.

Subd. 3. DISTRICT. "District" means the soil and water conservation district operating under Minnesota Statutes, chapter 40.

Subd. 4. LAND DISTURBANCE ACTIVITY. "Land disturbance activity" means land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of Ramsey county, including clearing, grading, excavating, transporting, and filling of land. Land disturbance activity does not mean:

(1) minor land disturbance activities such as home gardens and individual home landscaping, repairs, and maintenance work;

(2) construction, installation, maintenance of electric and telephone utility lines or individual service connection to the utility lines;

(3) septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;

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(4) tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops;

(5) preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;

(6) disturbance of land areas of less than 10,000 square feet for commercial or noncommercial uses, except that the governing body of the statutory or home rule charter city, town, or organization may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception applies;

(7) installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; and

(8) emergency work to protect life, limb, or property and emergency repairs.

Subd. 5. ORGANIZATION. "Organization" means a watershed management organization as defined in section 473.876 that has more than 25 percent of its area within Ramsey county.

Sec. 3. [383A.603] DISTRICT EROSION AND SEDIMENT CONTROL PROGRAM.

Subdivision 1. ESTABLISHMENT. The district shall develop a pilot program that contains a model ordinance and conservation specifications for the effective control of soil erosion and sediment deposition. To assist in the development of the pilot program, the district shall seek the advice of appropriate state and federal agencies, local units of government, and representatives of interests such as residential development and nonresidential development.

Subd. 2. PROGRAM CONTENTS. The district pilot program shall contain:

(1) relevant physical and developmental information concerning the region, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

(2) a model ordinance;

(3) principles for protecting existing vegetation, adequate revegetation schedules, and run-off control measures; and

(4) conservation specifications and alternative methods for the control of erosion and sediment resulting from land disturbance activities.

Subd. 3. PROGRAM ADOPTION; IMPLEMENTATION. The district shall adopt and implement the program by January 1, 1989. The district may revise its pilot program as necessary. The district shall give due notice and

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conduct at least one public hearing on the proposed pilot program before adoption or revision.

Subd. 4. INSPECTION OF PROGRAM. The program shall be made available for public inspection at the office of the district.

Sec. 4. [383A.604] ORGANIZATION SOIL EROSION AND SEDIMENT CONTROL PROGRAMS.

Subdivision 1. ADOPTION. Each organization must, within one year after the adoption of the district program under section 3, develop and adopt an organization soil erosion and sediment control program, as part of its watershed plan under Minnesota Statutes, section 473.878. The organization program must be consistent with the district program and must be submitted to the district for approval or disapproval. Upon written request of an organization, the district shall assist in the preparation of the organization program. The organization may choose to implement the program throughout its area of jurisdiction or only within the territory of the district.

Subd. 2. FAILURE TO ADOPT AN ORGANIZATION PROGRAM. After adoption of the district program under section 3, the board of water and soil resources may not approve a watershed plan until the organization has included an organization program in accordance with this section. A watershed plan approved by the board before the adoption of the district program must be amended and submitted to the board of water and soil resources for approval within one year after the adoption of the district program. If the amendment is not submitted, plan approval must be withdrawn until the amendment is submitted.

Subd. 3. HEARING REQUIREMENT. Organizations that choose to adopt conservation specifications or an ordinance that are more stringent than the district program must conduct a public hearing after due notice.

Sec. 5. [383A.605] COMPLIANCE.

Plans, rules, and ordinances adopted under sections 1 to 4 must be consistent with any applicable rules promulgated by the board of water and soil resources.

Sec. 6. EFFECTIVE DATE.

This act is effective upon approval by the Ramsey county board and the soil and water conservation district as provided in Minnesota Statutes, section 645.021.

Approved April 12, 1988

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