

**Article VIII. Rum River Scenic District (SR).**<sup>8</sup>**Section 20-126. Purpose.**

This Article is adopted to:

- (a) Conserve and protect the natural scenic values and resources of the Rum River and to maintain a high standard of environmental quality.
- (b) Regulate the area of a lot, and the length of bluff land and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities.
- (c) Regulate the setback of structures and sewage treatment systems from bluff lines and shorelines.
- (d) Regulate alterations of the natural vegetation and topography.
- (e) Maintain property values and prevent poorly planned development.
- (f) Preserve natural beauty and quietude.
- (g) Prevent pollution.
- (h) Designate land use districts along the bluff land and shoreline of the Rum River.
- (i) Comply with Minnesota Rules, Parts 6105.1400 – 6105.1500, as amended.

**Section 20-127. General Provisions.**

- (a) **Jurisdiction.** The jurisdiction of this Article shall include all lands designated within the Rum River land use district boundaries within Athens Township as defined in Minnesota Rules, Part 6105.1480. A list of properties included in the Rum River Wild and Scenic River District in Isanti County is included at the end of this Article along with a map depicting those parcels within Athens Township.
- (b) **Compliance.** The use of any land within the Rum River overlay land use district; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, or dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Article and other applicable regulations. Permits from the Zoning Administrator are

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<sup>8</sup> Adopted 1998.

required by this section and this Article for the construction of structures, public or private water supply and sewage treatment systems, the grading and filing of the natural topography and erection of signs within the Rum River overlay land use district.

Section 20-128. Rules.

- (a) It is not intended by this Article to repeal, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this Article imposes greater restrictions, the provisions of this Article shall prevail. In case of conflict between a provision of the Minnesota Wild, Scenic and Recreational Rivers Statutes and statewide standards and criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
- (b) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota statutes.
- (c) The provisions of this Article shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Article or the application of this Article to a particular property, building, or other structure, such judgment shall not affect any other provision of this Article or any other property, building or structure not specifically included in said judgment.
- (d) The word “shall” is mandatory, not permissive. All distance, unless otherwise specified, shall be measured horizontally.

Section 20-129. Definitions. For the purpose of this Article, certain terms and words are hereby defined as follows:

- (a) Agricultural Use. The management of land for the production of farm crops, their storage on the area, and/or raising thereon of domestic pets and domestic farm animals.
- (b) Bluff Line. A line along the top of a slope connecting the points at which the slope becomes less than thirteen percent (13%). This applies to those slopes within the overlay land use district that are beyond the setback provision from the ordinary high water level.
- (c) Building Line. That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

- (d) Campground. An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
- (e) Clear Cutting. The large-scale, indiscriminate removal of trees, shrubs and undergrowth with the intention of preparing real property for nonagricultural development purposes.
- (f) Commissioner. The Commissioner of the Department of Natural Resources.
- (g) Conditional Use. A use of land that is permitted only when granted by the Athens Town Board after a public hearing, if certain conditions are met that eliminate or minimize the incompatibility with other permitted uses of the district.
- (h) Essential Services. Underground or overhead gas, electrical, steam or water distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
- (i) Forestry. The use and management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings and fences.
- (j) Hardship. As used in connection with a variance under this Article, the property in question cannot be put to a reasonable use under the conditions allowed by this Article. Economic considerations alone shall not constitute a hardship if any reasonable use for the property exists under the terms of this Article.
- (k) Overlay Land Use District. Those lands designated by the Commissioner as the protected land corridor along the Rum River which the Commissioner has designated as components of the Minnesota Wild and Scenic Rivers system.
- (l) Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purpose of these regulations, a lot shall be considered to be an individual building site that shall be occupied by no more than one principal structure equipped with sanitary facilities.

- (m) Lot Split. A subdivision of one parcel of land into two lots. A lot split may be approved by the Zoning Administrator if the resulting lots comply with all appropriate ordinance standards.
- (n) Mining operation. The removal of stone, sand and gravel, coal, salt, iron, copper, nickel, granite, petroleum products, or other material from the land.
- (o) Nonconforming Use. Any use of land established before the effective date of this Article that does not conform to the use restrictions of a particular zoning district. This should not be confused with substandard dimensions of a conforming use.
- (p) Open Space Recreational Uses. Recreational use particularly oriented to and utilizing the outdoor character of an area, including hiking and riding trails, primitive campsites, campgrounds, waysides, parks and recreation areas.
- (q) Ordinary High Water Mark. An elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. In areas where the ordinary high water level is not evident, setbacks shall be measured from the stream bank of the water bodies that are connected to the river and are considered the main channel, adjoining side channels, backwaters, sloughs or wetlands.
- (r) Primitive Campsites. An area that consists of individual remote campsites accessible only by foot or water.
- (s) Selective Cutting. The removal of single scattered trees.
- (t) Setback. The minimum horizontal distance between a structure and the ordinary high water level, bluff line, road or highway.
- (u) Sewage Treatment System. Any system for the collection, treatment and dispersion of sewage including, but not limited to, septic tanks, soil absorption systems and drain fields.
- (v) Single Family Dwelling. A detached building containing one (1) dwelling unit.
- (w) Structure. Any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances.
- (x) Subdivision. The division of a parcel of land after the effective date of this Article into two (2) or more parcels, for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the

land subdivided. If division of a parcel of land of a new street, road or highway is involved, any division of a parcel of land shall be considered a subdivision. If a subdivision meets the definition of a lot split, the parcel may be divided without Planning Commission or Town Board approval.

- (y) Substandard Use. Any use within the overlay land use district existing prior to the date of enactment of this Article that is permitted within the applicable land use district but does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this Article.
- (z) Variance. Any modification or variation of this Article where it is determined that by reason of exceptional circumstances, the strict enforcement of an Article provision would cause unnecessary hardship.
- (aa) Watershed Management or Flood Control Structure. A dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner.
- (bb) Wetland. Land that is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh.

Section 20-130. Overlay Land Use District Provisions.

(a) Districts.

1. In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Rum River in Athens Township has been given the Scenic River classifications(s) and the uses and classification of its river and its adjacent lands are hereby designated by overland land use zoning districts, the boundaries of which are based on the Rum River rule, parts 6105.1400 - .1500.
2. The boundaries of the Rum River Scenic overlay land use districts are shown on the map designated as the Athens Township official zoning map, which is made a part of this Article and is on file with the Zoning Administrator. In case of conflict between the map and the property descriptions in the Rum River rule, the more restrictive shall prevail.
3. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and

filling, and vegetative cutting until this Article is amended. The amended Article shall meet the provisions of the plan that applied to the land before the transfer.

- (b) Purpose. The purpose of establishing standards and criteria for the management of the Rum River overlay land use districts shall be to preserve and protect existing natural, scenic, historical, scientific, and recreational values, to reduce the effects of overcrowding and poorly planned development of adjacent lands, to prevent pollution, to preserve natural beauty and quietude, to maintain proper relationships between various land use types, and to prohibit new uses that are inconsistent with the statewide standards and criteria for Wild and Scenic Rivers, Minnesota Rules, parts 6105.0010 0.0250.
- (c) Permitted, Conditional, and Accessory Uses. In the following table of uses, P means Permitted Use, C means Conditional Use, A means Accessory Use, and N means Nonpermitted Use.

Rum River Scenic District	
Land Use	Type of Use
Government campgrounds, subject to management plan specifications and approved by the Commissioner	C
Private campgrounds	N
Public accesses, road access type with boat launching facilities subject to management plan specifications and approval by the Commissioner	P
Temporary docks	P
Other governmental open space recreational uses	N
Public accesses, trail access type, subject to management plan specifications and approval by the Commissioner	P
Other private open space recreational areas	N
Agricultural uses	P
Single family residential uses	P
Forestry uses	P
Essential Services	P
Individual Sewage Treatment System	P
Private Roads and Minor Streets	P
Signs approved by Federal, State, or local government which are necessary for public health and safety and signs indicating areas that are available or not available for public use	P
Signs not visible from the river that are not specified in the item above	P
Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; accessory roads.	P
Underground mining that does not involve surface excavation in the land use district	C
Utility transmission power lines and pipelines, subject to the provisions of this chapter	C
Public roads, subject to the provisions of this chapter	C
Rural Tourism Businesses subject to Section 20-9 Rural Tourism Businesses.	
Portable toilets subject to Section 20-9 (k) of the zoning ordinance.	A

All uses not listed as permitted or conditional uses shall not be allowed within the applicable land use districts.

- (d) Nonconforming Uses. Uses which are prohibited but which are in existence prior to the effective date of this Article shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit prior to the adoption of this Article.

Section 20-131. Zoning Dimensions.

- (a) Minimum District Dimensional Requirements. The following chart sets forth the minimum lot size and width, setbacks, and other requirements of each district:

<u>Standard</u>	<u>Minimum Requirements</u>
Minimum lot size above the ordinary high water level	4 acres
Lot width at building line	250 feet
Lot width at ordinary high water level	250 feet
Structure setback from ordinary high water level	150 feet
On-site individual sewage treatment system setback from ordinary high water level	30 feet
Maximum structure height	150 feet
Structure setback from bluff line	35 feet
Controlled vegetative cutting area: from ordinary high water level from bluff line	150 feet 30 feet

- (b) The density of dwelling units shall not exceed one (1) dwelling unit per lot.
- (c) Structures shall not be located on slopes greater than twelve percent (12%), unless such structures are screened from the river view with natural vegetation where practicable, the sanitary provisions of this chapter are complied with, and the building permit application can prove to the Township that any potential erosion or sedimentation problems related to locating a structure either do not exist or that adequate measures will be taken to prevent any of these problems through special construction methods.
- (d) No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with statewide standards and criteria for Management of Flood Plain Areas of Minnesota (Minnesota Rules, Parts 6120.500 - .6200)

**Section 20-132. Substandard Lots.**

- (a) Lots of record in the office of the Isanti County Recorder on the effective day of enactment of this Article that do not meet the dimensional requirements of this Article shall be allowed as building sites provided: the proposed use is permitted in the land use district; the lot was in separate ownership on the date of enactment of this Article; all sanitary requirements are complied with; and dimensional provisions are complied with to the greatest extent practicable.
- (b) If, in a group of two or more contiguous lots under a single ownership and any individual lot does not meet the minimum lot wide requirements of this Article, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land, each meeting the lot width requirements of this Article, except that such lots which meet or exceed sixty percent (60%) or more of the lot width standards of this Article may be considered as a separate parcel of land for the purpose of sale or development, if on-site sewage treatment systems can be installed so as to comply with this Article.

**Section 20-133. Substandard Uses.**

All uses in existence prior to the effective date of enactment or amendment of this Article that are permitted uses within the Rum River land use district, but do not meet the minimum lot area, setbacks, or other dimensional requirements of this Article are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

- (a) Any structural alteration or addition to a substandard use that will increase the substandard dimension shall not be allowed.
- (b) Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment or amendment of this Article.

**Section 20-134. Sanitary Provisions.**

- (a) Water Supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and local administrative procedures. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.



**Section 20-135. Sewage Treatment.**

- (a) Sewage Treatment. Any premises intended for human occupancy must be provided with an adequate method of sewage treatment. Publicly-owned sewer systems must be used where available. Where public systems are not available, all private sewage treatment systems must meet or exceed applicable rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency, specifically Minnesota Rules Chapter 7080 for individual sewage treatment systems, the standards of this Article, and any other applicable standards.
- (b) Nonconforming Sewage Treatment Systems. A nonconforming sewage treatment system not meeting the requirements of this Article must be upgraded, at a minimum, whenever a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

All nonconforming sewage treatment systems shall be brought into conformity or discontinued within five years of the date of enactment of this Article.

**Section 20-136. Landscape Alterations.**

- (a) Vegetative Cutting.
  - 1. The vegetative cutting provisions in this subdivision shall apply to those areas specified in Section 20-111 of this Article.
  - 2. General provisions, within designated setback areas:
    - a. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
    - b. Selective cutting of trees in excess of four (4) inches in diameter at four (4) feet in height is permitted provided cutting is spaced in several cutting operations, a continuous tree cover is maintained and is uninterrupted by large openings.
- (b) Clear Cutting. Clear cutting anywhere in the designated scenic land use district on the Rum River is subject to the following standards and criteria:
  - 1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Administrator to be fragile and subject to severe erosion and/or sedimentation.

2. Clear cutting shall be conducted only where clear-cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
3. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
4. Where feasible, all clear cuts shall be conducted between September 1 and May 1. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area. Where feasible, replanting shall be performed in the same spring, or the following spring.

Section 20-137. Grading, Filling, Alterations of the Beds of Public Waters.

- (a) Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted in the land use districts.
- (b) Grading and filling of the natural topography which is accessory to a permitted or conditional use shall not be conducted without a grading and filling permit from the Zoning Administrator. A grading and filling permit may be issued only if the following conditions are properly satisfied:
  1. Grading and filling shall be performed in a manner that minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities.
  2. The smallest amount of bare ground is exposed for as short a time as feasible.
  3. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
  4. Methods to prevent erosion and trap sediment are employed.
  5. Fill is stabilized to accepted engineering standards.
- (c) Excavation of material from, or filling in a Scenic River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner pursuant to Minn. Stat. § 103G.245 which requires a permit from the Commissioner before any change is made in the course, current, or cross-section of public waters.
- (d) Drainage or filling of wetlands is not allowed within the land use districts designated by this Article.

**Section 20-138. Utility Transmission Crossings.**

- (a) All utility crossings of the Rum River or state lands within the Rum River land use district require a license form the Commissioner pursuant to Minn. Stat. § 84.415.
- (b) All utility transmission crossings constructed within the Rum River land use district shall require a conditional use permit. The construction of such transmission services shall be subject to Minnesota Rules, Parts 6105.0170 and 6105.0180. No conditional use permit shall be required for high voltage transmission lines under control of the Environmental Quality Board pursuant to Minn. Stat. § 116C.61.

**Section 20-139. Public Roads.**

- (a) In addition to such permits as may be required by Minn. Stat. § 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Rum River land use district. Such construction or reconstruction shall be subject to Minnesota Rules, Part 6105.0190 and 6105.0200.
- (b) Public roads include township, county, and municipal roads, streets and highways that serve or are designed to serve flows of traffic between communities or other traffic generating areas. A conditional use permit is not required for minor public streets that are intended to serve primarily as an access to abutting properties.

**Section 20-140. Bridges.**

The development of bridges cited in Minnesota Rules, Part 6105.1450. Subp. 5, shall comply with the construction and permit requirements of Minnesota Rules, Parts 6105.0190 and 6105.0200. The reconstruction, replacement, or upgrading of existing bridge crossings shall comply with Minnesota Rules, Parts 6105.0190 and 6105.0200.

**Section 20-141. Subdivisions.**

- (a) Land Suitability.
  - 1. No land shall be subdivided that is determined by the Township or the Commissioner, to be unsuitable because of flooding, inadequate drainage, unique natural features, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community.

2. No plat or subdivision within the Rum River District shall be approved by Athens Township until the applicant has proven, through percolation rate tests, soil boring tests and other requirements of Minnesota Rules, Chapter 7080, that every newly platted lot found within the land use district has adequate area and a suitable location for the installation of a conforming septic tank and soil absorption system.
3. The provisions otherwise set forth in this Article and in the Chapter in the Town Code on subdivisions shall apply to all plats.

Section 20-142. Administration.

(a) Organization Provisions.

1. The provisions of this Article shall be administered by the Athens Township Zoning Administrator.
2. The Board of Adjustment of Athens Township shall act upon all questions as they arise in the administration of this Article and hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator who is charged with enforcing this Article as provided by Minnesota Statutes.
3. Permit fees, processing fees, and inspection fees as may be established by the Town Board shall be collected by the Zoning Administrator.

(b) Certification. Certain land use decisions that directly affect the use of land within the designated land use districts and involve any of the following actions must be certified by the Commissioner as described in this Article:

1. Adopting or amending an ordinance regulating the use of land, including rezoning of particular tracts of land.
2. Granting a variance from a provision of this Article that relates to the zoning dimension provisions of this Article.
3. Approving a plat that is inconsistent with this Article.

No such action shall be effective until the Commissioner has certified that the action complies with the Minnesota Wild and Scenic Rivers Act, the statewide standards and criteria, and the management plan.

Section 20-143. Certification Procedure.

- (a) A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider ordinances, zoning amendments, variances, or inconsistent plats under this Article shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such requests. The notice or application shall include a copy of the proposed amendment, or a copy of the proposed inconsistent plat, or a description of the requested variance.
- (b) The Athens Town Board shall notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
- (c) The Commissioner shall, no later than thirty (30) days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of denial.
- (d) The action becomes effective when and only when either:
  - 1. The final decision taken by the Athens Town Board has previously received certification of approval from the Commissioner; or
  - 2. The Athens Town Board receives certification of approval after its final decision, or
  - 3. Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the Athens Town Board has received from the Commissioner neither certification of approval nor notice of denial; or
  - 4. The Commissioner certifies his approval after conducting a public hearing.
- (e) In case the Commissioner gives notice of denial of an ordinance, amendment, variance or inconsistent plat, either the applicant or the Chairman of the Athens Town Board may, within 30 days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of denial becomes final.
  - 1. The hearing will be held in an appropriate local community within sixty (60) days of the demand and after at least two (2) weeks published notice.
  - 2. The hearing will be conducted in accordance with Minn. Stat. § 103G.311, Subdivisions 2, 6 and 7.
  - 3. The Commissioner shall either certify his approval or deny the proposed action within thirty (30) days of the hearing.

**Section 20-144. Amendments.**

- (a) Requests for amendments of this Article may be initiated by a petition of affected property owners, the Planning Commission, or by action of the Town Board. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report to action by the Athens Town Board.
- (b) An application for an amendment shall be filed with the Zoning Administrator.
- (c) Upon receipt in proper form of the application and other requested materials, a public hearing shall be conducted in the manner prescribed by Minnesota Statutes. Following the public hearing, the Athens Town Board may adopt the amendment in the manner prescribed by Minnesota Statutes.
- (d) Certification from the Commissioner must be obtained as specified in subpart (c) above before the proposed amendment becomes effective.

**Section 20-145. Variances.**

- (a) The grant of a variance requires the presence of the following conditions:
  - 1. The strict enforcement of the land use controls will result in unnecessary hardship.
  - 2. Granting of the variance is not contrary to the purpose and intent of this Article and is consistent with this section.
  - 3. There are exceptional circumstances unique to the subject property that were not created by the landowner.
  - 4. Granting of the variance will not allow any use which is neither a permitted or 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.
  - 6. Exception for lots that do not meet the minimum lot width requirements of this Article: Where a setback pattern from the ordinary high water level has already been established on both sides of a 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 requirements of this Article.

- (b) All granted variances to the requirements of this section must be certified in accordance with this Article before they become effective.

Section 20-146. Plats.

- (a) Copies of all plats within the Rum River land use district shall be forwarded to the Commissioner within ten (10) days of approval by the Town Board.
- (b) Approval of a plat that is inconsistent with this Article is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- (c) All inconsistent plats approved by the Athens Town Board must be certified in accordance with this Article.

Section 20-147. Conditional Use Permit Application Review by DNR.

- (a) A copy of all notices of any public hearing, or where a public hearing is not required, a copy of the application to consider issuance of a conditional use permit shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such a hearing or meeting to consider issuance of a conditional use permit. A copy of the decision shall be forwarded to the Commissioner within ten (10) days of such action.
- (b) Any conditional use permit for governmental campgrounds, private campgrounds, public accesses with boat launching facilities, public accesses with trail access, governmental open space recreational uses and private open space recreational uses require approval by the Commissioner.

Section 20-148. Procedures Summary.

- (a) The following table summarizes permit, review, and certification procedures within the land use district designated by this Article:

Types of Activities	Procedures
Building Permits	LP
Sign Construction Permits	LP
Water Supply Permits	LP
Sewage System Permits	LP
Grading, Filling Permits	LP
Conditional Use Permits	PH-FD
Amendments to Ordinance	PH-FD-CC
Variances	PH-FD-CC
Inconsistent Plats	PH-FD-CC
Planned Cluster Developments	PH-PA-FD-CC

Plats

FD

LP – Permit issued by Athens Township in accordance with this Article and all other Town Code provisions.

PH – Copy of public hearing notice or application sent so as to be received by the Commissioner at least thirty (30) days prior to the hearing or meeting.

CC – Action becomes effective only when the Commissioner certifies its compliance with the Act, statewide standards and criteria, and the Rum River rule.

PA – Preliminary plans approved by the Commissioner prior to their enactment by Athens Township.

Section 20-149. Enforcement.

- (a) It is declared unlawful for any person to violate any of the terms and provisions of this Article. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- (b) In the event of a violation or a threatened violation of this Article, the Athens Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.
- (c) Any taxpayer of Athens Township may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Article.

Sections 20-150 thru 20-155. Reserved.



Legal Description of Properties in the Rum River Wild and Scenic River District that are located in Isanti County:

Township 34 N – Range 24 W

Section 1:

NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$   
S  $\frac{1}{2}$  of NW  $\frac{1}{4}$   
W  $\frac{1}{2}$  of SW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  (NW or road only)

Section 2:

E  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$

Section 10:

E  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  (SE of road only)

Section 11:

NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$

Section 14:

W  $\frac{1}{2}$  of NW  $\frac{1}{4}$   
W  $\frac{1}{2}$  of SW  $\frac{1}{4}$

Section 15:

NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$   
SE  $\frac{1}{4}$   
E  $\frac{1}{2}$  of SW  $\frac{1}{4}$   
SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$

Section 20:

SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$

## Section 21:

E  $\frac{1}{2}$  of NE  $\frac{1}{4}$   
NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$   
NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$   
SW  $\frac{1}{4}$

## Section 22

NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
W  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$   
N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$

