

1.1 moves to amend H.F. No. 3406 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2008, section 103F.351, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 4a. Local government exceptions to guidelines and standards. (a) To
1.6 ensure that the zoning ordinances adopted according to subdivision 4 are not nullified by
1.7 unjustified exceptions in particular cases and to promote uniformity in the treatment of
1.8 applications for such exceptions, a review and certification procedure is established for
1.9 any decision that grants a variance from an ordinance that relates to the dimensional
1.10 standards and criteria of applicable department rules along the lower St. Croix River.

1.11 (b) No variance specified under paragraph (a) becomes effective until the
1.12 commissioner certifies that the variance complies with the intent of the National Wild
1.13 and Scenic Rivers Act, the federal Lower St. Croix River Act, and this section and
1.14 the master plan and rules adopted thereunder. In determining the acceptability of the
1.15 proposed variance, the commissioner shall also consider the items in Minnesota Rules,
1.16 part 6105.0530, subpart 4.

1.17 (c) A copy of a notice of a public hearing to consider a variance application must
1.18 be received by the commissioner at least 20 days before the hearing. The notice must
1.19 include a description of the requested variance.

1.20 (d) The local authority shall notify the commissioner of its final decision on the
1.21 proposed variance within ten days of the decision.

1.22 (e) The commissioner shall, no later than 30 days after receiving notice of the final
1.23 decision, communicate to the local authority and the applicant either certification of
1.24 approval, with or without conditions, or notice of nonapproval.

1.25 (f) If approved by the local authority, the variance becomes effective when:

1.26 (1) the final decision taken by the local authority has previously received certification
1.27 of approval from the commissioner;

2.1 (2) the local authority receives certification of approval after its final decision;
2.2 (3) 30 days have elapsed from the day the commissioner receives notice of the final
2.3 decision, and the local authority has previously received from the commissioner neither
2.4 certification of approval nor notice of nonapproval; or
2.5 (4) the commissioner certifies approval after conducting a public hearing.
2.6 (g) In the case of notice of nonapproval of a St. Croix River variance, the local
2.7 authority or the applicant may, within 30 days of the notice, file with the commissioner a
2.8 request for hearing. If the request for hearing is not made within 30 days, the notice of
2.9 nonapproval becomes final. If a public hearing is requested, the hearing shall be held in
2.10 the appropriate local community within 60 days of the request for it, but not before two
2.11 weeks' published notice. Notice, conduct, and allocation of costs of the hearing shall be
2.12 accomplished in the same manner as provided in section 103G.311, subdivisions 2, 6,
2.13 and 7. Within 30 days after the hearing, the commissioner shall either certify approval
2.14 of the proposed variance or deny approval. The decision shall be based upon findings of
2.15 fact made on substantial evidence found in the hearing record. The commissioner shall
2.16 certify approval only upon concluding that the proposed variance satisfies the criteria
2.17 of paragraph (b)."

2.18 Delete the title and insert:

2.19 "A bill for an act
2.20 relating to waters; requiring approval of local government variances to lower St.
2.21 Croix River standards; amending Minnesota Statutes 2008, section 103F.351, by
2.22 adding a subdivision."