

# CHAPTER 21. WETLAND CONSERVATION ACT MATTERS

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## 📖 **Section 2100 - Introduction**

**2100.01 Introduction.** The Wetland Conservation Act (“WCA”) was established pursuant to portions of M.S. Sections 103A, 103B, 103E, 103F and 103G, as they may be amended from time to time.

## 📖 **Section 2105 – WCA Enforcement and Applicability**

**2105.01 Enforcement.** The City of Hermantown has determined to enforce and administer the WCA in accordance with Minnesota Rules Chapter 8420 with respect to property located within the City. As such it will be the Local Government Unit (“LGU”) with respect to the applicability of WCA within the City.

## 📖 **Section 2110 – Hermantown Comprehensive Wetland Protection and Management Plan**

### **2110.01 Hermantown Comprehensive Wetland Protection and Management Plan.**

In the furtherance of the decision by the City to administer and enforce the WCA within the City, the City Council of the City hereby approves and adopts the Hermantown Comprehensive Wetland Protection and Management Plan dated October 2005 (“Plan”).

## 📖 **Section 2115 – Purpose**

**2115.01 Purpose.** In order to properly administer and enforce the WCA when the City is the LGU under the WCA, the Hermantown City Council believes that procedures and regulations are necessary to guide the City representatives and affected property owners.

(Ord. 2006-06, passed 7-10-2006)

**2115.02 Necessary Regulations.** The Hermantown City Council finds that the following regulations are necessary:

**2115.02.1.** To meet the basic requirements of the WCA, which are that wetlands must not be drained or filled unless:

**2115.02.1.1.** The proposed drain or of fill activity is exempt; or

**2115.02.1.2.** No non-exempt drain or fill is allowed unless:

**2115.02.1.2.1.** Appropriate efforts are made and documented, to avoid the need for any draining or filling.

**2115.02.1.2.2.** Appropriate efforts are made and documented to minimize the draining or filling activity.

**2115.02.1.2.3.** If the steps identified in avoidance and minimization are unsuccessful in avoiding or minimizing the draining or filling then the area, function and values of the disturbed wetlands are replaced in accordance with this section.

**2115.02.2.** It is the City’s intent to meet the purpose and goals of the WCA, which is no net loss of wetlands.

## **📖 Section 2120 – Definitions**

**2120.01 Definitions.** The definitions used in this section will be the definitions as stated in Minn. Rules Chapter 8420.0110, as it may be amended from time to time. Such definitions are hereby adopted by reference and will be applicable to this section.

**2120.01.1.** “Applicant” means a person or entity having the rights necessary to drain, excavate or fill a wetland, or to establish and maintain a replacement or banked wetland. Typically, the “Applicant” is a fee title owner or a holder of an easement, license, lease or rental agreement providing the necessary rights. The right must not be limited by a lien or other encumbrance that could override the obligations assumed with the replacement or banking of a wetland.

**2120.01.2.** “Application” means an application supplied by the City of Hermantown. In some instances the City of Hermantown will supply Applicants with a Joint Application Form as provided by the BWSR and the United States Army Corps of Engineers for submittal to the City.

**2120.01.3.** “Application Fee” means an application fee specified from time to time by Resolution or Ordinance of the City Council.

**2120.01.4.** “Board” means the South Saint Louis County Soil and Water Conservation District Board.

**2120.01.5.** “BWSR” means the State Board of Water and Soil Resources under Minnesota Statutes Section 103B.101, as amended from time to time.

**2120.01.6.** “City” means the City of Hermantown.

**2120.01.7.** “City Council” means the Hermantown City Council.

**2120.01.8.** “Commissioner” means the Commissioner of the Department of Natural Resources.

**2120.01.9.** “Drain” or “Drainage” or “Draining” means any method for removing or diverting waters from wetlands. The methods shall include but are not limited to excavation of an open ditch, installation of subsurface drainage tile, filling, diking or pumping.

**2120.01.10.** “Fill” or “filling” means solid material added to or re-deposited in a wetland that would alter its cross-section or hydrological characteristics, obstruct flow patterns, change the wetland boundary, or convert the wetland to a non-wetland. It does not include posts or pilings for linear projects such as bridges, elevated walkways or power line structures, or structures traditionally built on pilings such as docks and boathouses. It does include posts and pilings that result in bringing the wetland into non-aquatic use or significantly alter the wetland’s functions and values, such as the construction of an office and industrial developments, parking structures. It does not include slash or woody vegetation, if the slash or woody vegetation originated from vegetation growing in the wetland and does not impair the flow or circulation of water or the reach of the wetland. It does include placing sod on a wetland.

**2120.01.11.** “Plan” means the Hermantown Comprehensive Wetland Protection and Management Plan dated October 2005 and adopted by this chapter of the Zoning Regulations, which will serve as the local wetland plan in accordance with Minnesota Statutes Section 103G.2243, as it may be amended from time to time, and Minnesota Rules Chapter 8420 and which is herein adopted by reference.

**2120.01.12.** “Public value of wetlands” means the public benefit and use of wetlands as determined based upon an assessment of the wetland functions as defined in WCA Rules.

**2120.01.13.** “SWCD” means the South Saint Louis County Soil and Water Conservation District staff.

**2120.01.14.** “State Wetland Conservation Act Program” or “State WCA Program” means the program for the conservation of wetlands pursuant to WCA and WCA Rules, subject to alternative standards adopted by a local government unit under an approved local comprehensive wetland protection and management plan.

**2120.01.15.** “Technical Evaluation Panel” or “TEP” means a panel of representatives delineators from the City, SWCD and BWSR staff, which makes technical determinations and/or recommendations regarding wetlands.

**2120.01.16.** “Wetland.”

**2120.01.16.1.** “Wetland” means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, “wetlands” must:

**2120.01.16.1.1.** Have a predominance of hydric soils;

**2120.01.16.1.2.** Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

**2120.01.16.1.3.** Under normal circumstances, support a prevalence of hydrophytic vegetation.

**2120.01.16.2.** “A wetland” or “the wetland” also means a distinct hydrologic feature with characteristics of [2120.01.16.1.](#) above, surrounded by non-wetland and including all contiguous wetland types, except those connected solely by riverine wetlands. “Wetland area” means a portion of “a wetland” or “the wetland.”

**2120.01.16.3.** “Wetlands” does not include public waters wetlands and public waters unless reclassified as wetlands by the Commissioner under Minnesota Statutes Section 103G.201, as it may be amended from time to time.

**2120.01.16.4.** The wetland size is the area within its boundary. The boundary must be determined according to the United States Army Corps of Engineers “Wetland Delineation Manual” dated January 1987, and applicable regional supplements. The wetland type must be determined according to United States Fish and Wildlife Service Circular No. 39 (1971 edition).

**2120.01.17.** “Wetland Conservation Act” or “WCA” means 1991 Minnesota Laws Ch. 354, as amended by 1993 Minnesota Laws Ch. 175, 1994 Minnesota Laws Ch. 627, 1996 Minnesota Laws Ch. 462, and by any subsequent amendments.

**2120.01.18.** “Wetland Conservation Act Rules” or “WCA Rules” means the rules adopted by BWSR to implement the WCA, Minnesota Rules, Chapter 8420, as amended from time to time.

**2120.02.** In the event any of the definitions herein are changed by amendments to Minnesota Rules Chapter 8420.0111, then the amended definition contained in Minnesota Rules shall govern.

## 📖 **Section 2125 – Covered Actions**

**2125.01 Covered Actions.** The following actions under Minnesota Rules Chapter 8420 are covered by this chapter:

**2125.01.1.** Exemption determinations.

**2125.01.2.** No loss determinations.

**2125.01.3.** Wetland boundary or type determinations.

**2125.01.4.** Replacement plan determinations.

## 📖 **Section 2130 – Procedures for an Application for Approval of a Wetland Delineation**

**2130.01 Application.** An application for approval of a wetland delineation shall be submitted to the City, accompanied by the Application Fee specified by the City Council. Any fee paid to the City shall be refunded if the Applicant withdraws the Application prior to the initial consideration by TEP.

**2130.02 Certified Preparation.** The wetland delineation must be prepared by a certified wetland delineator.

**2130.03 Required Assessment.** To provide for a sound wetland management decision-making process, any wetland delineation that includes over 0.5 acres (21,780 square feet) of wetland area shall include a functional assessment using the most current method of the Minnesota Routine Assessment Methodology (“MNRAM”) as determined by the City. With assistance from the TEP, the City shall provide technical assistance to property owners with questions about the MNRAM process.

**2130.04 Review.** The Zoning Administrator will review the application and specify, in writing, within 15 business days of the receipt of the application by the City, whether information is needed. If no additional information is needed, then the Application will be referred to the TEP and the TEP will proceed in accordance with this chapter. If additional information is needed the Zoning Administrator will proceed as follows:

**2130.04.1.** A deadline will be provided for the landowner to provide the required additional information; and

**2130.04.2.** If additional information is provided, the Zoning Administrator will review the Application again, and if additional information is needed, proceeded in accordance with [2130.04](#). If the Zoning Administrator determines the Application is complete, then the Application will be referred to the TEP and TEP will proceed in accordance with [2130.05](#) and [2130.06](#).

**2130.05 TEP Consideration.** The Application for a wetland delineation will be referred to the TEP for its consideration. The TEP cannot consider a wetland delineation without having the opportunity to field verify the wetland delineation during the growing season. For purposes of this section, the growing season is from May 1 to October 31.

**2130.06 Consideration of Complete Application.** The TEP shall review the Application and make a recommendation. The Zoning Administrator shall be responsible for making a final determination, which shall be supported by findings of fact and a written conclusion. Appeals may be made from decisions of the Zoning Administrator in accordance with this Chapter and the Hermantown Zoning Ordinance.

## **📖 Section 2135 – Procedures for an Application for Exemption or No Loss Determination**

**2135.01 Application.** An Application for an exemption or no loss determination shall be submitted to the City, accompanied by required Application Fee. Any fee paid to the City shall be refunded if the Applicant withdraws the application prior to consideration of the Application by the TEP.

**2135.01.1.** All Applications must include an approved wetland delineation, which may be considered concurrently with the Exemption or No Loss Determination.

**2135.02 Review of Application.** The Zoning Administrator will review the Application and specify, in writing, within 15 business days of the receipt of the application by the City, whether additional information is needed. If no additional information is needed, then the Application will be referred to the TEP and the TEP will proceed in accordance with this Section. If additional information is needed the Zoning Administrator will proceed as follows:

**2135.02.1.** A deadline will be provided for the landowner to provide the required additional information.

**2135.02.2.** If additional information is provided, the Zoning Administrator will review the Application again and, if additional information is needed, proceed in accordance with [2135.02](#). If the Zoning Administrator determines the Application is complete, then the Application will be referred to the TEP and the TEP will proceed in accordance with this Section.

**2135.03 Referral to TEP.** The Application for an exemption or no loss determination will be referred to the TEP for its consideration. The TEP cannot consider such Application without having the opportunity to field verify the wetland delineation during the growing season. For purposes of this section, the growing season is from May 1 to October 31.

**2135.04 Consideration of Completed Application.** The TEP shall review the Application and make a recommendation. The Zoning Administrator shall be responsible for making a final determination, which shall be supported by findings of fact and a written conclusion. Appeals may be made from decisions of the Zoning Administrator in accordance with this Chapter and the Hermantown Zoning Ordinance.

## 📖 **Section 2140 – Procedures for an Application for a Replacement Plan Determination**

**2140.01 Application.** An Application for approval of a Replacement Plan Determination shall be submitted to the City, accompanied by required Application Fee. Any fee paid to the City shall be refunded if the Applicant withdraws the Application prior to the consideration of the application by the TEP.

**2140.01.1.** All Applications must include an approved wetland delineation, which may be considered concurrently with the Replacement Plan Determination.

**2140.02 Review of Application.** The Zoning Administrator will review the Application and specify, in writing, within 15 business days of the receipt of the Application by the City, whether additional information is needed. If no additional information is needed, the Zoning Administrator will proceed as follows:

**2140.02.1.** A deadline will be provided for the Applicant to provide the additional information.

**2140.02.2.** If additional information is provided, the Zoning Administrator will review the Application again, and if additional information is needed, proceed in accordance with [2140.02](#). If the Zoning Administrator determines the Application is complete, then the application will be referred to the TEP.

**2140.03 Consideration of Complete Application.** The City Zoning Administrator and TEP will consider a complete Application in the following manner:

**2140.03.1.** The Application will be reviewed by City Zoning Administrator with input from TEP.

**2140.03.2.** Decisions on the recommendations to be made to the Planning and Zoning Commission on the Application will be made by the City Zoning Administrator and TEP in writing, with findings of fact and conclusions

**2140.04 Public Hearing.** A public hearing on the Application shall be scheduled for the next scheduled Planning and Zoning Commission meeting. The Planning & Zoning Commission shall be provided with a copy of the recommendation made by the TEP.

**2140.04.1.** Notice of the time, place and purpose of the public hearing shall be published in the official newspaper at least ten days prior to the day of the hearing. Notice shall also be mailed at least ten days before the hearing to the Applicant and members of the TEP.

**2140.04.2.** A public hearing on the Application will be held at the time and place indicated in the notice by the Planning and Zoning Commission.

**2140.04.3.** The Planning and Zoning Commission shall submit a report and recommendations on such Application for a replacement plan determination to the City Council as soon as possible after the public hearing.

**2140.05 Consideration of Application for a Replacement Plan Determination.** The City Council shall consider the Application for a replacement plan determination and may hold an additional public hearing.

**2140.05.1.** The City Council shall make a decision with written findings of fact and decision on the Application for approval of a replacement plan determination.

**2140.05.2.** The City Council must find that the replacement plan will replace or mitigate wetland impacts by restoring or creating wetland areas of at least equal public value. In making such a determination, the City Council shall rely on the functional assessment completed as part of the MN RAM process, if it was required by Section 2130.03.

**2140.05.3.** Replacement plan determinations must be made within the time allowed by Minnesota Statutes Section 15.99, as it may be amended from time to time

## **Section 2145 – Conditions**

**2145.01 Conditions.** All actions by the City as Local Government Unit under the WCA will contain the following conditions:

**2145.01.1.** No filling or earth-disturbing activities will be permitted between November 30 and the following May 1.

**2145.01.2.** All earth-disturbing activities must be completed by November 30. Erosion control measures to prevent wetland impacts over the winter shall be in place no later than December 5th.

**2145.02 Additional Information may be Required.** Applications deemed complete by the Zoning Administrator under [2130.04](#), [2135.02](#) and [2140.02](#) do not preclude the TEP, Planning and Zoning Commission or City Council from requiring additional information in order to make a decision on an application.

## 📖 **Section 2150 – Appeals**

**2150.01 Appeals from Zoning Administrator or TEP.** Appeals from any decision made by the Zoning Administrator may be taken to the Board of Soil and Water Resources in accordance with WCA Rules or to the Hermantown City Council, but not both. Any such appeal must be made within 30 days after the date of mailing the notice of decision. An Application Fee must accompany any appeal to the City Council. Appeals may only be taken by the parties entitled to make appeals to BWSR under and pursuant to Minnesota Rules Chapter 8420.

**2150.02 Appeals from City Council.** Appeals from any decision made by the City Council pursuant to this section may be taken to the Board of Water and Soil Resources under and pursuant to Minnesota Rules Chapter 8420.

## 📖 **Section 2155 – Comprehensive Wetland Protection Plan**

**2155.01 Stipulations for Implementation.** The following stipulations are adopted in order to implement the Plan. This Section shall be referred to as the “Plan Regulations”.

**2155.02 Purpose.** The Plan Regulations are adopted for the purpose of:

**2155.02.1.** Adopting certain alternative standards that shall apply to determinations by Hermantown in its capacity as the LGU under WCA;

**2155.02.2.** Adopting the WCA by reference as part of the City’s official controls to provide an additional means for enforcement of the requirements of WCA;

**2155.02.3.** Adopting administrative procedures for performance of the City’s responsibilities as the LGU for WCA that shall apply in addition to the administrative procedures set forth in the WCA; and

**2155.02.4.** Adopting as part the City’s official controls additional local requirements for the conservation and restoration of wetlands.

**2155.03 Interpretation.** In their interpretation and application the provisions of the Plan Regulations shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by Minnesota Statutes.

**2155.04 Severability.** If any section, clause, provision or portion of the Plan Regulations is adjudged unconstitutional or invalid by a court of law, the remainder of the Plan Regulations shall not be affected.

**2155.05 Abrogation and Greater Restrictions.** It is not intended by the Plan Regulations to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where the Plan Regulations impose greater restrictions, the provisions of the Plan Regulations shall prevail. All other ordinances inconsistent with the Plan Regulations are hereby repealed to the extent of inconsistency only.

**2155.06 Responsibility to Obtain Other Permits.** Approval of a no loss, exemption or replacement plan under the terms of the Plan Regulations or this chapter and WCA does not express or imply approval by any other regulation jurisdiction. It is the Applicant’s sole responsibility to contact other federal, state or local agencies to make sure all necessary permits and approvals are granted concerning the Applicant’s project.

**2155.07 State Wetland Conservation Act Program.**

**2155.07.1.** The City has accepted responsibility to act as the local government unit (“LGU”) for the implementation of the Minnesota Wetland Conservation Act Rules Chapter 8420.

**2155.07.2. State Standards.** The City, in fulfillment of its responsibilities as the LGU for the State WCA Program shall make exemption, no loss, replacement plan and banking determinations in accordance with Minnesota Rules Chapter 8420 and any amendments.

**2155.07.3. Alternative Standards.** Pursuant to Minnesota Statutes Section 103G.2243, Subd. 2, as it may be amended from time to time, the City hereby adopts the following alternative standards which shall apply to determinations made by the City in its capacity as LGU for the State WCA Program:

**2155.07.3.1. Classification of Wetlands.**

**2155.07.3.1.1. Authority for the Alternative Standard.** Minnesota Statutes, Section 103G.2243, Subd. 2(1), as it may be amended from time to time, and Minnesota Rules Chapter 8420 provide that an LGU which has adopted an approved comprehensive wetland protection and management plan may provide for classification of wetlands in the plan area based upon an inventory of wetlands, an assessment of wetland functions, and a determination of public value of the wetlands.

**2155.07.3.1.2. Findings in Support of an Alternative Standard.** The City, in support of its alternative standard for classification of wetlands, finds that the Plan assigns specific locally-derived values to all wetlands in the City. Wetlands are rated for floral diversity, shoreline protection, surface water quality, flood attenuation, wildlife habitat, fisheries habitat, aesthetics and recreation.

**2155.07.3.1.3. Alternative Standard.** Wetlands shall be classified for purposes of the application of the alternative standards in this Section [2155.07.3.1](#) of the Plan Regulations according to the Plan.

### **2155.07.3.2. Sequencing.**

**2155.07.3.2.1. Authority for the Alternative Standard.** Minnesota Statutes Section 103G.2243 and Minnesota Rules, Chapter 8420, as amended from time to time, provide that a LGU which has adopted an approved comprehensive wetland protection and management plan may vary the application of the sequencing standards of Minnesota Statutes, Section 103G.222, Subd. 1(b), as it may be amended from time to time, for projects based on the classification of wetlands and criteria set forth in the plan.

**2155.07.3.2.2. Findings in Support of an Alternative Standard.** In support of its alternative standards for sequencing, the City finds that the analysis of functions and values found in the Plan has determined that allowing flexibility for sequencing of wetlands, in all categories, will not result in a net loss of wetland functions and values.

**2155.07.3.2.3. Alternative Standard.** The application standards in Minnesota Statutes Section 103G.222, Subd. 1(b), as it may be amended from time to time, shall be varied for all projects impacting wetland areas, including applications for no loss determinations or exemption, to allow the TEP to recommend approval for on-site sequencing without written sequencing documentation from the Applicant. This does not reduce the need first to avoid, then minimize, and finally to replace remaining impacts.

### **2155.07.3.3. Replacement.**

**2155.07.3.3.1. Authority for the Alternative Standard.** Minnesota Statutes Section 103G.2243, Subd. 2(3), as it may be amended from time to time, and Minnesota Rules Chapter 8420 provide that a LGU which has adopted an approved comprehensive wetland protection and management plan may vary the replacement standards for projects based on the classification of wetlands and criteria set forth in the plan.

**2155.07.3.3.2. Findings in Support of an Alternative Standard.** In support of its alternative standard for the replacement of wetlands, the City finds that the analysis provided by the Plan allows for variations in the replacement ratio based on the classification and criteria set forth in the replacement matrix shown in the Plan. Use of the replacement matrix in the City will result in no net loss of wetland functions and values.

**2155.07.3.3.3. Alternative Standard.** The replacement standards of Minnesota Statutes Section 103G.227, Subd. 1 (f-g), as amended from time to time, shall be varied for impacts to wetlands in accordance with the Section to allow, after a recommendation by the TEP, replacement ratios for loss of wetlands to be determined by use of the replacement matrix contained in the Plan. The replacement matrix contained in the Plan is hereby incorporated herein by reference.

**2155.07.4. Evaluation.** Wetland replacement plans shall be evaluated and decisions of approval or denial shall be made in accordance with Minnesota Rules Chapter 8420.

## **📖 Section 2160 – Hermantown Wetland Fund**

**2160.01 Preservation Enhancement, Restoration, Acquisition and Creation Fund (“Hermantown Wetland Fund”), Purpose.** The purpose of this fund is as follows:

**2160.01.1.** Take title to real estate or permanent preservation areas through fee title conveyances, conservation easement, declaration of restrictions, covenants or otherwise;

**2160.01.2.** To collect funds from Applicants who disturb wetlands in connection with development of a parcel of land to utilize for the acquisition, enhancement, restoration or creation of wetlands within the City;

**2160.01.3.** To utilize funds collected pursuant to this Section [2160](#) for the acquisition, restoration and creation of wetlands with the City; and

**2160.01.4.** To provide for sale to Applicants portions of rights to wetlands created preserved or restored pursuant to this Section [2160](#) in connection with activities otherwise permitted under the Plan or this Chapter.

### **2160.02 Wetland Disturbance Fee.**

**2160.02.1.** There is hereby imposed on all Applicants who apply for no loss or exemption determinations, or wetland replacement plans a fee of \$.10 per square foot of wetlands disturbed by the activity proposed by the Applicant and approved by the City, multiplied by the corresponding wetland mitigation ratio contained in the Plan.

**2160.02.2.** As an example of the foregoing is as follows:

Assume an Applicant proposes and is approved for a wetland replacement plan for 25,000 square feet in a manage 2 location. Assume further that the replacement plan and approval is for out-of-kind not in advance and not in place. The fee that would be payable by such Applicant as a condition to the approval of Applicant’s replacement plan would be \$.20 per square foot or \$5,000.00.

**2160.02.3.** No construction pursuant to an approved no loss determination, exemption determination or wetland replacement plan may be commenced until the required fee is paid.

**2160.02.4.** All fees payable hereto will be allocated to a special fund within the City to be utilized solely for the purposed set forth in this Section [2160](#).

**2160.03 Wetland Banking Credits.** Wetland banking credits developed by the City will be subject to Minnesota Rules Section 8420.0541 of the WCA Rules and will be held in an account owned by and in the name of the City in the State Wetland Bank and be subject to Minnesota Rules Section 8420.0700 through 8420.0760, inclusive, of the WCA Rules.

#### **2160.04 Sales of Credits from Hermantown Wetland Bank.**

**2160.04.1.** The City may determine to sell to an Applicant, for fair market value, credits resulting to the City arising from the preservation of wetlands, restoration of wetlands or creation of wetlands. The City may not sell credits for any wetlands that were transferred to the City as part of a wetland replacement plan to the extent that the transferor received credit for such transfer for its wetland replacement plan. The City may sell credits obtained by the City resulting from the restoration or enhancement by the City of wetlands transferred to the city, however.

**2160.04.2.** All proceeds from any sales pursuant to the provision of [2160.04](#) shall be placed in a special fund with the City to be utilized solely for the purposes set forth in this Section [2160](#).

### **📖 Section 2165 – Enforcement**

**2165.01 Enforcement.** The State WCA Program is enforceable pursuant to and in accordance with Minnesota Statutes Section 103G.2372, as it may be amended from time to time, and Minnesota Rules Chapter 8420. In order to provide an additional means for the enforcement of the requirements of the State WCA Program, the WCA and WCA Rules, subject to the alternative standards set forth in the plan regulations, are hereby incorporated by reference as part of the City's official controls. Violations of WCA and WCA Rules, subject to the alternative standards set forth in Section [2155](#), shall be deemed to be violations of the City's official controls and may be enforced by the City of Hermantown in the same manner as any other violations of Hermantown's official controls. Such enforcement of the City's official controls shall be in addition to enforcement under Minnesota Statutes Section 103G.2372, as it may be amended from time to time, and Minnesota Rules Chapter 8420 and shall not be deemed to amend, supersede, preempt or otherwise alter enforcement under Minnesota Statutes Section 103G.2372, as it may be amended from time to time, and Minnesota Rules Chapter 8420.

### **📖 Section 2170 – Review of Plan and Ordinance**

**2170.01 Review of Plan and Ordinance.** The Plan shall be reviewed every two years with a report submitted to the City Council and BWSR. The Wetland Inventory in the Plan shall be updated annually by the TEP with the approval of the City Council by an amendment to the plan adopted by ordinance to identify changes in the boundaries and types of wetlands due to delineation and other field verification.

## **📖 Section 2175 – Revision History**

2175.01. Chapter 21, “Wetland Conservation Act Matters” has undergone revisions reflecting changes in local priorities and state law. This Chapter was originally adopted in 2005. Major revisions to the ordinance subsequent to the original adoption of this Chapter include:

2175.01.1. Ord. 2006-06, passed 7-10-2006

2175.01.02. Ord. 2014-04, passed 3-17-2014