



# Carlton County

PO Box 220 • 301 Walnut Avenue, Room 101 • Carlton, MN 55718

## PLANNING & ZONING OFFICE

Bruce E. Benson, Zoning & Solid Waste Administrator



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09 MAY -4 AM 8:59  
ADMINISTRATIVE  
HEARINGS

May 1, 2009

Steve M. Michalchick  
Office of Administrative Hearings  
600 North Robert Street  
PO Box 64620  
St. Paul, MN 55164-0620

RE: Proposed Permanent Rules Relating to Wetland Conservation – 8420

Dear Mr. Michalchick:

I have the following comments regarding MN Rule 8420 changes:

8420.0255 – This section has changed from replacement plans to all applications. This would require a comment period for all types of applications.

MN Statute 394.26, Subdivision 2 requires a ten day notice of a public hearing for an activity relating to zoning. This notification period has been in place for over 40 years and appears reasonable. Requiring 15 business days for all WCA activities would be double the zoning notification period.

We have been able to get most citizens to apply for no-loss, exemptions and incidental activities even though they are not mandated to by law. Requiring them to wait three weeks for a decision will push a number of them not to apply and just do the work. This will reduce our ability to ensure they comply with WCA and report the activity to BWSR.

The notice should be allowed to be sent electronically. By the language used, I get the impression this means mailed though it doesn't directly say that either.

Is it necessary to send copies of all applications to those required to be notified and those requesting to be notified? A notice should be adequate. They can request a copy of those applications they have an interest in reviewing. This will greatly increase costs and work loads of LGUs.

Sincerely,

Bruce E. Benson  
Zoning Administrator

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