

Water Quality - Comparison of Preliminary Draft & Current MRCCA Standards

Notes:

- The preliminary draft standards presented at the work group meeting on August 12, 2010 have been revised based on input from work group members, LGUs, other agencies, and the public.
- For proposed district boundaries, refer to the proposed MRCCA district maps for your area. For current district boundaries, refer to the **EO 79-19 District Map**. All maps are available on the MRCCA rulemaking project website.

Sheet 3: Water Quality – Revised November 5, 2010

			Executive Order 79-19 Current Standards & Guidelines <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i>	Interim Development Regulations (IDR) <i>(EO 79-19 provided the IDRs as temporary standards until local MRCCA ordinances were approved by the EQB. Hastings, Brooklyn Center, and a small area in Hennepin County are still subject to the IDRs because they do not have approved MRCCA ordinances. The DNR used some of the IDRs in drafting new MRCCA rules, and some LGUs have used portions of the IDRs in their current ordinances. The IDRs are provided here for reference. Local ordinances, which vary widely, will contain the current effective standards in any given community.)</i>
	Standard Type	Preliminary Draft Standard		
Water Quality Standards	Existing Plans & Regulations	<p>All development must be consistent with Local Water Management Plans completed under MN Statutes 103B.235 and MN Rules Chapter 8410. These provisions specify that Local Water Management Plans, capital improvement programs, and official controls must comply with Watershed District/Water Management Organization rules, regulations and plan standards.</p> <p>All development must be consistent with the Metropolitan Council's 2030 Water Resources Management Policy Plan</p> <p>All development also must meet or exceed the standards in MN Rules Chapters 7050, 7053, and 7090, which include:</p> <ul style="list-style-type: none"> • Water quality standards • Effluent limits and treatment requirements • Stormwater regulation. 	<i>No standards and guidelines in Executive Order 79-19</i>	
Wetland Protection	Existing Regulations	All development must be consistent with the wetland protection requirements of MN Rules Chapter 8420 .	<p>C.1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.</p> <p>a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:</p> <ol style="list-style-type: none"> 1) Identify and prepare an inventory of: (a) floodplains, (b) wetlands.... 2) Prepare a floodplain ordinance if it does not have a floodplain ordinance in effect; 3) Prepare plans and regulations to protect wetlands. 	<i>No standards and guidelines in the IDR</i>
Floodplain Protection	Existing Regulations	All development must meet or exceed the floodplain management standards in MN Rules Chapter 6120 . (Note: all MRCCA cities have adopted regulations per state & federal requirements and all participate in FEMA's National Flood Insurance Program. Dakota, Washington, and Anoka counties have adopted regulations that apply to county lands and unincorporated areas.)		
Stormwater Management	Impervious Surface Coverage (ISC) Limits	The ISC limit % in all districts is governed by underlying zoning.	<p>C.1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.</p> <p>a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:</p> <ol style="list-style-type: none"> 5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses. 	
	Impervious Surface Coverage (ISC) Performance Standards	Stormwater volume shall be reduced onsite by the amount equal to the runoff generated from one inch of rainfall over the new or reconstructed impervious surfaces of the development. Where site conditions do not allow for infiltration, filtration practices shall be given priority. This provision applies to all development requiring a LGU permit and/or requiring site plan review. BMP design, installation, and maintenance must be consistent with the Minnesota Stormwater Manual , Minnesota Pollution Control Agency (2005), and as subsequently amended.		

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Grading, Filling & Erosion Control	Shore Impact Zone (SIZ)	Within the shore impact zone (SIZ) , grading, filling & disturbance of >10 cubic yards of material or an area >250 square feet requires a permit from the LGU. Grading, filling and land disturbance activities must comply with the standards provided in the National Pollutant Discharge and Elimination System permit for Construction Stormwater. Exceptions are provided for emergency situations (as determined by the LGU) and restoration projects sponsored or approved by a resource agency or LGU.	<p>C.1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.</p> <p>a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:</p> <p>(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control;</p> <p>C.2. a. Site Plans. Site plans shall be required to meet the following guidelines:</p> <p>(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.</p> <p>(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as the result of the development; the measures which address adverse environmental effects.</p> <p>(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.</p>	<p>E. Earthwork and Vegetation</p> <p>1. In all districts, the following provisions shall apply to grading and filling:</p> <p>a. Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit from the local authority. A permit may be issued only if:</p> <p>(1) earthmoving, erosion, vegetative cutting, and the destruction of natural amenities is minimized;</p> <p>(2) the smallest amount of ground is exposed for as short a time as feasible;</p> <p>(3) temporary ground cover, such as mulch, is used and permanent ground cover, such as sod is planted;</p> <p>(4) methods to prevent erosion and trap sediment are employed; and</p> <p>(5) fill is established to accepted engineering standards.</p> <p>b. A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a building site, essential services, sewage disposal systems, and private road and parking areas undertaken pursuant to a validly issued building permit.</p>
	Bluff Impact Zone (BIZ) & Slope Preservation Zone (SPZ)	Fill, excavation, grading, and other land disturbing activities will be prohibited within the BIZ and SPZ with specified exceptions identified in Sheet 2 and for slopes created as a part of an extractive use.		
	Erosion & Sediment Control Required	Temporary and permanent erosion and sediment control shall be required for any activity that disturbs a total land surface area of 3,000 sq ft or more. Temporary and permanent erosion and sediment control measures shall be consistent with Protecting Water Quality in Urban Areas , Minnesota Pollution Control Agency (2000), and as subsequently amended.	<p>C.2. b. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.</p> <p>e. Existing Development. Local plans and regulations shall include provisions to retain existing vegetation and landscaping.</p>	<p>I. Administration</p> <p>1. Local units of government and regional and state agencies shall notify the Council of the following types of proposed development within the Mississippi River Corridor:</p> <p>e. Any development on or involving the alteration of:</p> <p>(4) a slope of greater than 12 percent;</p> <p>(5) the removal of 5 contiguous acres or more of vegetative cover;</p> <p>(6) the grading or filling of 20 contiguous acres of land;</p> <p>(7) the deposit of dredge spoil;</p> <p>(8) more than 50 linear feet of a riverbank.</p> <p>h. Any development which would result in the discharge of water into or withdrawal of water from the Mississippi River which would require a state permit.</p>
	Rock Riprap & Retaining Walls	Above the OHWL, constructing or replacing retaining walls, rip rap, other impervious cover used to address an erosion problem, or bioengineering techniques requires a permit from the LGU and must include design, construction, and maintenance standards. This permit is in addition to the permit requirements in the SIZ (above) and is not subject to minimum size exceptions. Rock riprap, boulder walls and retaining walls shall be used only to correct an established erosion problem (as determined by a PE, SWCD or WD or person with certification in erosion control) that cannot be controlled through the use of vegetation, slope stabilization using mulch, biomat, or similar bio-engineered means.		

Preliminary Draft Definitions – Revised November 5, 2010

Development = the making of any material change in the use or appearance of any structure or land including but not limited to: (1) a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land; (2) a change in the intensity of use of the land; (3) alteration of a shore or bank of a river, stream, lake or pond; (4) commencement of drilling (except to obtain soil samples), mining or excavation; (5) demolition of a structure; (6) clearing of land as an adjunct to construction; (7) deposit of refuse, solid or liquid waste, or fill on a parcel of land; (8) the dividing of land into three or more parcels. *(MN Stats, §116G.03)*

Bluff Impact Zone (BIZ) = land on and within 20' of a bluff. *(For definition of bluff, see Sheet 2)*

Shore Impact Zone (SIZ) = land located between the OHWL of a public water and a line parallel to 50% the structure setback.

Slope Preservation Zones (SPZ) = land on and within 20 feet of a very steep slope. *(Includes the BIZ; for definition of very steep slopes, see Sheet 2)*