

Uses - 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 5a: Uses – Revised November 5, 2010

Use	Standard Type	Preliminary Draft Standards	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>
All Uses	General	Use will be guided by underlying zoning, with additional provisions for certain uses as specified below. All development will be subject to the dimensional and performance standards in these rules, unless stated otherwise.	No general standards or guidelines in EO 79-19.	C. Permitted uses. <ol style="list-style-type: none"> Any land or water development which is in conformance with the standards and guidelines of the Interim Development Regulations shall be permitted. Residential Development. Residential development shall be permitted in all the districts. All structures and accessory uses or appurtenances of residential development shall be subject to the dimensional standards and criteria in section F of these Interim Development Regulations.
Agriculture	Buffer Requirements	Perennial ground cover must be maintained within the bluff impact zone (BIZ) , slope preservation zone (SPZ) and the shore impact zone (SIZ) .	C.1.a. Each LGU shall, with assistance of the Metropolitan Council and state agencies: <ol style="list-style-type: none"> Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control. Prepare plans and regulations for management of vegetative cutting. 	See <i>Sheet 4 – Vegetation</i>
	Feedlots	New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform to the standards in Chapter 7020 .	No standards or guidelines in EO 79-19.	C. Permitted uses. <ol style="list-style-type: none"> Agricultural Uses. All agricultural uses except new feedlots may be permitted in all the districts.
Forestry	Requirements	Tree harvesting, biomass harvesting within woodlands, and associated reforestation must be conducted consistent with recommended practices in the document Conserving Woodlands in Developing Communities - Best Management Practices in Minnesota (2000) .	See <i>Sheet 4 – Vegetation</i>	See <i>Sheet 4 – Vegetation</i>
Signs	Off-premise advertising signs	Off-premise advertising signs will be guided by underlying zoning, provided that: <ol style="list-style-type: none"> the signs meet all required dimensional and performance standards in these rules, and the signs are not visible when viewed from the river and the OHWL of the opposite shore. 	C.2. Each LGU and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations: <ol style="list-style-type: none"> Signs. Local units of government shall adopt ordinances for the amortization and removal of non-conforming general advertising signs, and to prohibit the visibility of advertising signs from the river, except in the Urban Diversified district: 	C. Permitted uses. <ol style="list-style-type: none"> Signs <ol style="list-style-type: none"> In Rural Open Space, Urban Developed, and Urban Open Space districts: <ol style="list-style-type: none"> general advertising signs not visible from the river are permitted; all other general advertising signs shall be prohibited. In Urban Diversified districts, general advertising signs are permitted.
	Directional Signs	Directional signs for patrons arriving by watercraft may be allowed, provided they are consistent with MN Statutes, section 86B.115 , and are only used to convey necessary information. Signs may be located in the SIZ, and must convey only the location and name of the establishment and the general types of goods and services available. Signs must be ≤ 10 ft in height, and ≤ 32 sq ft in area. Lighting must be shielded to prevent illumination out across the river and to the sky.		

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Aggregate Mining & Extraction	Permits Required	If allowed by the LGU, aggregate mining and extraction require a CUP or IUP. A stormwater permit from the Pollution Control Agency is also required according to Chapter 7090 .	C.5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines: d. The impact of potential mining and extraction sites or other incompatible uses shall be minimized. e. Land reclamation and reforestation of the mining site shall be regulated.	C. Permitted uses. 6. Mining and Extraction. a. In Rural Open Space, Urban Developed, and Urban Diversified districts: i. new mining and extraction may be permitted and shall be subject to the dimensional standards and criteria in section F (Dimensional Standards & Criteria); ii. new and, where practicable, existing extraction uses shall be appropriately screened from view of the river by establishing and maintaining natural screening devices; iii. the unscreened boundaries of mining and extraction areas shall be limited to only the loading area; iv. existing and future extractive uses shall be required to submit land reclamation and reforestation plans compatible with these Interim Development Regulations, and v. only one barge loading area which shall be limited to the minimum size practicable shall be permitted for each mining or extraction operation. b. In Urban Open Space districts, new mining and extraction operation shall not be permitted.
	Setbacks & Dimensional Standards	New mining and extraction are prohibited within the SIZ, SPZ, & BIZ and within 40' of the top of a bluff. Processing machinery must be located consistent with setback standards for structures from the OWHL and from bluffs as provided in Sheet 1 – Dimensional Standards . SPZ does not include slopes created through mining excavation or fill.		
	Barge Loading Area	Only one barge loading area, which shall be limited to the minimum size practicable, shall be permitted for each mining or extraction operation (see standards for shoreline facilities on next page).		
	Screening	New and, where practicable, existing mining and extraction operations shall be appropriately screened from view of the river by establishing and maintaining natural screening devices. The unscreened boundaries of mining and extraction areas shall be limited to only the loading area.		
	Site Management Plan	A site management plan must be developed by the operator and approved by the LGU before mining and extraction commence. The operator must follow the site plan over the course of operation of the site. The plan must describe how the pit will be developed over time with an emphasis on minimizing environmental risks to public waters and explain where staged reclamation may occur at certain points during the life of the pit. The plan must address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, duration of operation, any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land.		
	Reclamation	Existing and future mining and extraction operations shall be required to submit land reclamation and revegetation plans compatible with the purposes of these rules.		

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River-Dependent Commercial & Industrial Uses, Water Supply, Wastewater Treatment, Stormwater Facilities, Hydropower <i>(Continued on next page...)</i>	Structure Setbacks & Screening	All parking areas and structures, except shoreline facilities , must meet the dimensional and performance standards in these rules, and be designed to incorporate topographic and vegetative screening of parking areas and structures.	<p>C.4. Local units of government shall develop plans and provide guidance to ensure that the surface uses of the river is compatible with the characteristics and use of the districts in accordance with the following guidelines:</p> <ol style="list-style-type: none"> The present 9' navigation channel shall be maintained. Provision shall be made for the use of the river for water transportation which is consistent with adopted state and regional policies and regulations and applicable federal laws and to minimize any adverse effects associated with such facilities. Local plans shall identify areas physically suitable for barge slips and barge fleeting, based on such considerations as safety, maneuverability, operational convenience, amount of construction and/or excavation required, and environmental impacts; and Local plans shall specify which of those areas found physically suitable may be used for barge slips and barge fleeting areas in the future. Preference should be given to those areas where new barge slips and associated facilities can be clustered, where required metropolitan services are already available, and where use of the riverfront for barge slips and fleeting areas, and access to them, is compatible with adjacent land use and public facilities. Local plans shall identify, whenever practicable, locations where river dredge spoil can be utilized consistent with natural geological appearances or processes and adjacent land uses. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation. The Minnesota Energy Agency shall be responsible for recommending to the EQC a strategy for the development of a coal transportation plan for the metropolitan area. <p>C.5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines:</p> <ol style="list-style-type: none"> Areas for new or expanded industrial and commercial developments, where urban services are available, and the premature expansion or upgrading of the Metropolitan systems will not be required, shall be identified. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified. Local plans should give consideration to providing for future industrial and commercial uses that require water access including, but not limited to such uses as, transportation, water supply & waste discharge. This does not preclude the locating of non-water related uses within the Corridor. <i>(Continued on next page...)</i> 	<p>C. Permitted uses.</p> <p>4. Commercial and Industrial Uses</p> <ol style="list-style-type: none"> In rural open space districts and urban developed districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted if: <ol style="list-style-type: none"> it does not require expansion or upgrading of Metropolitan Systems prior to the schedule set forth in adopted Metropolitan Plans; it meets the dimensional standards and criteria in section F; it will not encroach upon future local or regional parks and recreation open space identified in the Metropolitan Council's development guide/policy plan for recreation open space or in the local plans and programs. In urban open space districts, the development of new and expansion of existing commercial and industrial uses and development shall be permitted on lands which are on the landward side of all blufflines, if it meets the dimensional standards and criteria in section F. In urban diversified districts, new and expansion of existing industrial and commercial developments shall be allowed, if it meets the dimensional standards and criteria in section F. In Rosemount and Inver Grove Heights urban diversified district, new and expansion of existing industrial and commercial development shall be permitted, if it does not require premature expansion of Metropolitan public services. <p>D. Permitted public facilities.</p> <p>5. Barge Facilities</p> <ol style="list-style-type: none"> In Rural Open Space and Urban Developed districts, the following standards shall apply: <ol style="list-style-type: none"> the expansion of existing barge slips shall be permitted; no new barge slips shall be permitted until the local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MN Regs. MEQC 55(c). In Urban Open Space districts, the following standards shall apply: <ol style="list-style-type: none"> no new barge slips shall be permitted; no barge fleeting areas shall be permitted until the local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MN Regs. MEQC 55(c). In Urban Diversified districts, all barge facilities are permitted. <p>F. Dimensional standards and criteria.</p> <p>7. Line of Sight In Rural Open Space, Urban Developed, and Urban Open Space districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted, if it cannot be seen from the NHWM on the opposite side of the river. Water-related commercial and industrial uses shall not be subject to this requirement.</p>
	Shoreline Facilities	<p>Shoreline facilities must comply with Chapter 6115 and:</p> <ul style="list-style-type: none"> be designed in a compact fashion so as to minimize the shoreline area affected; must minimize the surface area occupied in relation to the number of watercraft or barges to be served. <p>All other applicable federal, state, and local regulations and permit requirements must be met.</p> <p>Dredged material placement shall be subject to existing federal & state permit requirements and agreements.</p>		

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River-Dependent Commercial & Industrial Uses, Water Supply, Wastewater Treatment, Stormwater Facilities, Hydropower	Water Supply, Wastewater Treatment, Stormwater Facilities, Hydropower	See standards for structure setbacks and screening, and shoreline facilities on previous page.	See standards and guidelines on previous page. C.10. LGUs and regional and state agencies shall prepare plans and regulations in accordance with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines: b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments in the Pig's Eye Lake area.	D. Permitted public facilities. 2. Sewage treatment plants – sewage outfalls, water intake facilities a. In Rural Open Space, Urban Developed, and Urban Diversified districts, the provision of sewage treatment plants, sewage outfalls and water intake facilities: (1) wherever practicable, shall conform with the dimensional standards and criteria in section F; (2) shall dedicate the unused river frontage after construction, for public access or recreation open space use; (3) shall not include new combined storm and sanitary sewer outfalls. b. In Urban Open Space district: (1) no new sewage treatment plans shall be permitted in this district. However, the Metropolitan Waste Control Commission may expand the Metropolitan Wastewater Treatment Plant at the Pig's Eye Lake area, if the expansion plans are approved by the Metropolitan Council and they are consistent with the City of St. Paul's riverfront plan approved by the Council under section D of the standards and guidelines for preparing plans and regulations; (2) no new water intake facilities shall be permitted; (3) no new combined storm water and sanitary outfalls shall be permitted.

Preliminary Draft Definitions – Revised November 5, 2010

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

Bluff Impact Zone (BIZ) = land on and within 20 feet 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 it at a setback of 50% of the structure setback. *(MN Rules, Chapter 6120)*

River-Dependent Commercial & Industrial Use = the use of land for commercial or industrial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business, including but not limited to barge facilities and marinas.

Shoreline Facilities = facilities that require a location adjoining the water, for ingress & egress, loading & unloading, and public water input & output, including but not limited to barge facilities, commodity loading and unloading equipment, watercraft lifts, marinas and short-term watercraft mooring for patrons. Structures that would be enhanced by a shoreline location, but do not require a location adjoining the water, are not shoreline facilities (e.g., restaurants, bait shops & boat dealerships).