

# Facilities – 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 5b: Facilities – Revised November 5, 2010**

	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>
Private Roads, Driveways & Parking Areas	General Design	New or realigned private roads, driveways, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from the river or the OHWL of the opposite shore. They must be designed and constructed per the applicable standards in <b>Sheet 3 – Water Quality</b> .	<p>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:</p> <p>a. <b>Site Plans.</b> Site plans shall meet the following guidelines:</p> <ol style="list-style-type: none"> <li>(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.</li> <li>(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.</li> <li>(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.</li> <li>(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.</li> <li>(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.</li> </ol> <p>b. <b>Structures.</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>d. <b>Access Routes.</b> Commercial and industrial developments adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways. (Except in cases of extreme hardship, highway access for any development within 250' of a bridge or bridge ramp shall be prohibited.)</p>	<p><b>F. Dimensional standards and criteria.</b></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>
	Placement	New or realigned private roads, driveways, and parking areas will meet structure setbacks and must not be placed within the <b>BIZ</b> , <b>SIZ</b> , or <b>SPZ</b> .		
	Private Water Access	<p>A private watercraft access ramp may be allowed as provided under Minnesota Rules, chapters 6115 and 6280 (promulgated under MN Statutes, chapter 103G). An access path may be allowed, subject to the following standards:</p> <ul style="list-style-type: none"> <li>• the path must meet or exceed all BMPs and impervious surface standards in <b>Sheet 3 – Water Quality</b>;</li> <li>• within the <b>SIZ</b>, the width must not exceed 8'; and</li> <li>• within the <b>BIZ</b> or <b>SPZ</b>, the width must not exceed 4'.</li> </ul>		

	Standard Type	Preliminary Draft Standards	<p align="center"><b>Executive Order 79-19</b>  <b>Current Standards &amp; Guidelines</b>  <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i></p>	<p align="center"><b>Interim Development Regulations (IDR)</b>  <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></p>
<p align="center"><b>Public Transportation Facilities</b>  <i>(Continued on next page...)</i></p>	Screening	When reasonable and consistent with the purpose of the facility, new or realigned public roads, rail lines, trails, and other transportation facilities shall be designed and constructed so they are not readily visible from the river and the OHWL of the opposite shore.	See C.2.a., b., and d. listed on the first page of this handout.	<p><b>D. Permitted public facilities.</b></p> <p>4. Transportation facilities</p> <p>The construction or reconstruction of all transportation facilities shall be permitted in all the districts, subject to the following standards and criteria:</p> <p>a. The following guidelines shall be applied whenever practicable in selecting routes for transportation facilities:</p> <ol style="list-style-type: none"> <li>(1) careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian crossing and safe pedestrian pathways along the river;</li> <li>(2) if possible, provide access to the riverfront in public ownership, and allow reasonable public use of the land between the river and the transportation facility;</li> <li>(3) steep slopes shall be avoided;</li> <li>(4) scenic intrusion into stream, valley and open exposures of water shall be avoided;</li> <li>(5) scenic intrusion into areas such as ridge crests and high points shall be avoided</li> <li>(6) wetlands shall be avoided;</li> <li>(7) run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest;</li> <li>(8) soils whose high susceptibility to erosion would create sedimentation and pollution problems during &amp; after construction shall be avoided;</li> <li>(9) areas of unstable soils which would be subject to extensive slippage shall be avoided;</li> <li>(10) areas with high water tables, especially if construction requires excavation, shall be avoided;</li> <li>(11) locate new roads to avoid cuts and fills so as to blend into the natural terrain so it appears to be a part of the natural landscape;</li> <li>(12) open space recreation areas shall be avoided.</li> </ol> <p>b. Transportation facilities shall be subject to the dimensional standards and criteria in section F, except at crossing points.'</p> <p>c. The following guidelines shall be applied when practicable in constructing transportation facilities:</p> <ol style="list-style-type: none"> <li>(1) reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river;</li> <li>(2) effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of the river and its adjacent lands; <i>(Continued on next page...)</i></li> </ol>
	Placement	New or realigned public roads, and non-shoreline facilities including parking and other impervious areas must meet structural setbacks and must not be placed within BIZ, SIZ, or SPZ when reasonable and prudent placement alternatives exist, consistent with the purpose of the facility.	C.7. LGUs and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:	
	Erosion & Stormwater Control	New or realigned facility design and construction methods must meet the land alteration and stormwater management standards in <b>Sheet 3 – Water Quality</b> , and <a href="#">MnDOT Standard Specifications for Construction</a> .	C.8. LGUs and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:	
	Crossings	Crossings of public waters or land controlled by the commissioner are subject to approval by the Commissioner pursuant to <a href="#">MS 84.415</a> or <a href="#">103G.245</a> . The commissioner shall give primary consideration to crossings that are proposed to be located within or adjoining existing right-of-ways for public facilities, such as railroads, roadways, bridges, and existing transmission services.	a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible. b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development. c. In planning and designing the construction or reconstruction of all public transportation facilities which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility. a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor. b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the standards and guidelines in Section B and C.	

	Standard Type	Preliminary Draft Standards	<p align="center"><b>Executive Order 79-19</b>  <b>Current Standards &amp; Guidelines</b>  <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i></p>	<p align="center"><b>Interim Development Regulations (IDR)</b>  <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></p>
Public Transportation Facilities	Scenic Overlooks & Access from Roads	In planning and designing the construction or reconstruction of public transportation facilities within the MRCCA, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the river corridor, access to the riverfront in public ownership, and reasonable use of the land between the river and the transportation facility. These facilities must be designed to minimize visual impact from the river and OHWL of the opposite shore. Where public transportation facilities intersect or abut two or more districts, the least restrictive standards shall apply.	See previous page.	<ul style="list-style-type: none"> <li>(3) construction across wetlands shall take place in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation;</li> <li>(4) construct at times when local fish and wildlife are not spawning or nesting.</li> <li>d. Safety considerations</li> </ul> Developers must adhere to applicable Federal and State safety regulations with regard to new road construction or reconstruction of an existing road.
Public Recreational Facilities	Screening	When reasonable and consistent with the purpose of the facility, new or reconstructed public trails and recreational facilities must be designed and constructed so they are not readily visible from the river and the OHWL of the opposite shore.	<p>See C.2.a., b., and d. listed on the first page of this handout.</p> <p>C. 6. LGUs and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>a. Existing and potential sites for the following uses shall be identified and inventoried.               <ul style="list-style-type: none"> <li>(1) Neighborhood, municipal, county and regional parks;</li> <li>(2) Scenic overlooks, scenic views, and public observation platforms;</li> <li>(3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas;</li> <li>(4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes;</li> <li>(5) Commercial marinas and boat launching facilities;</li> <li>(6) Public access points to the river;</li> <li>(7) Historic sites and districts.</li> </ul> </li> <li>b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.</li> <li>c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.</li> <li>d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed.</li> <li>e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.</li> </ul>	<p><b>C. Permitted uses.</b></p> <p>7. Recreational uses</p> <ul style="list-style-type: none"> <li>a. In all districts, recreational uses and structures and accessory uses or appurtenances shall be permitted and shall be subject to the Dimensional standards and criteria in section F. Water-related commercial recreation uses shall not be subject to the dimensional standards and criteria in section F.</li> <li>b. Within Urban Open Space Districts, recreation uses on islands and lands between the river and blufflines shall be only for public recreation uses, historic preservation, and wildlife preserves.</li> </ul>
Placement	Structures, and impervious areas, except shoreline facilities, must meet structural setbacks and must not be placed within <b>BIZ</b> , <b>SIZ</b> , or <b>SPZ</b> when reasonable and prudent placement alternatives exist, consistent with the purpose of the facility.	Public Water Access		
Trails & Vistas	Public water access ramps may be allowed as provided under MN Rules, <a href="#">Chapters 6115</a> and <a href="#">6280</a> (promulgated under MN Statutes, <a href="#">Chapter 103G</a> ), Public water access parking areas and approach roads must not be placed within the <b>BIZ</b> , <b>SIZ</b> or <b>SPZ</b> when other reasonable and prudent placement alternatives exist; if placed within the BIZ, SIZ, SPZ, mitigation shall be required. All public water access facilities must be designed and constructed consistent with the standards in the <a href="#">Design Handbook for Recreational Boating and Fishing Facilities (SOBA, 2006)</a> , and must meet the BMPs and impervious standards in <b>Sheet 3 – Water Quality</b> .	Trails providing access to or vistas of the water may be placed within the <b>BIZ</b> , <b>SIZ</b> or <b>SPZ</b> if design, construction, and maintenance methods are consistent with the BMPs in <a href="#">Trail Planning, Design, and Development Guidelines (DNR, 2007)</a> . Trails and vistas must also meet the BMPs and impervious standards in <b>Sheet 3 –Water Quality</b> , and be designed to minimize visual impact from the river and OHWL of the opposite shore, and fragmentation of significant existing vegetative stands, tree canopies, and native plant communities (per: 116G.15 Subd. 4(b)), woodlands and habitat.		

	Standard Type	Preliminary Draft Standards	<p align="center"><b>Executive Order 79-19</b>  <b>Current Standards &amp; Guidelines</b>  <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i></p>	<p align="center"><b>Interim Development Regulations (IDR)</b>  <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></p>
Public Transportation & Utilities	Right of Way	<p>Right-of-way maintenance:</p> <p>(1) If possible, vegetation in a natural state, that does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way;</p> <p>(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way;</p> <p>(3) Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over the use.</p>	<p align="center"><i>No standards or guidelines in EO 79-19.</i></p>	<p><b>D. Permitted public facilities.</b></p> <p>1.h. and 4.e. Right-of-way maintenance</p> <p>(1) If possible, natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way;</p> <p>(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way;</p> <p>(3) Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state &amp; federal agencies with authority over the use.</p>
Public Utilities <i>(Continued on next page...)</i>	Permitting	<p>High voltage transmission lines, wind energy conversion systems <math>\geq 5mW</math>, and pipelines shall be regulated pursuant to MS Chapter <a href="#">216E</a>, <a href="#">216F</a> and <a href="#">216G</a>, respectively.</p>	<p><i>See C.2.a., b., and d. listed on the first page of this handout.</i></p> <p>C.7. LGUs and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:</p> <p>a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible.</p> <p>b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.</p> <p>c. In planning and designing the construction or reconstruction of all public transportation facilities which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.</p> <p>C.8. LGUs and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:</p> <p>a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor.</p> <p>b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the standards and guidelines in Section B and C.</p>	<p><b>D. Permitted public facilities.</b></p> <p>1. Transmission Services</p> <p>In all the districts, the construction of new and reconstruction of existing transmission services shall meet the following standards.</p> <p>a. The Department of Natural Resources (DNR) in reviewing permit applications for all transmission service crossings on the Mississippi River, Minnesota River, or of State lands requiring a permit from the DNR pursuant to Minn. Stat. §§ 84.415 or 105.42 shall give primary consideration to crossings that are proposed to be located within or adjacent to existing right-of-ways for public facilities, such as railroads, roadways, bridges, and existing transmission services.</p> <p>b. Transmission services of under 200 kilovolts, which cross lands within the River corridor shall require a special use permit from the local unit of government. Local units of government shall apply the standards set forth in sections D.I.c. through h when processing applications for a special use permit.</p> <p>c. When routing transmission services of under 200 kilovolts, the following shall be avoided where practicable:</p> <p>(1) steep slopes;</p> <p>(2) scenic intrusions into streams, valleys, and open exposures of water;</p> <p>(3) scenic intrusions into areas such as ridge crests and high points;</p> <p>(4) creating tunnel vistas [such as building deflections into the route];</p> <p>(5) wetlands;</p> <p>(6) forests by running along fringe rather than through them. If necessary to route through forests, utilize open areas in order to minimize cutting;</p> <p>(7) soils susceptible to erosion, which would create sedimentation and pollution problems;</p> <p>(8) areas of unstable soils which would be subject to extensive slippages;</p> <p>(9) areas with high water tables, especially if construction requires excavation;</p> <p>(10) open space recreation areas. <i>(Continued on next page...)</i></p>

	Standard Type	Preliminary Draft Standards	<p align="center"><b>Executive Order 79-19</b>  <b>Current Standards &amp; Guidelines</b>  <i>(Currently in effect; all local plans and ordinances must be consistent with these standards and guidelines.)</i></p>	<p align="center"><b>Interim Development Regulations (IDR)</b>  <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></p>
Public Utilities	Routing - Areas to Avoid	Avoidance areas for utilities or transmission services include: <ul style="list-style-type: none"> <li>• BIZ, SPZ, and steep slopes;</li> <li>• scenic intrusions into river valleys, and open expanses of water;</li> <li>• scenic intrusions into areas such as ridge crests and high points;</li> <li>• wetlands;</li> <li>• naturally vegetated forested areas;</li> <li>• soils susceptible to erosion;</li> <li>• areas of unstable soils; and</li> <li>• open space recreation areas.</li> </ul>	See previous page.	<p>d. Transmission services shall be subject to the dimensional standards and criteria in section F, except at crossing points.</p> <p>e. Structure design of transmission services.            With regard to locating the utility, overhead or underground:</p> <ol style="list-style-type: none"> <li>(1) primary considerations shall be given to underground placement to minimize visual impact. When considering overhead placement, proposers shall explain the economic, technological or land characteristic factors which make underground placement infeasible. Economic considerations alone shall not justify overhead placement.</li> <li>(2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable;</li> <li>(3) with regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to: height and width, materials used, and color;</li> <li>(4) with regard to the width of the right-of-way, the cleared portion of the right-of-way should be kept to a minimum.</li> </ol> <p>f. In the construction of transmission services, the following guidelines shall be applied whenever practicable:</p> <ol style="list-style-type: none"> <li>(1) construction in wetlands shall minimize damage to vegetation, prevent erosion and sedimentation;</li> <li>(2) construction shall be undertaken at times when local fish and wildlife are not spawning or nesting; (3) effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.</li> </ol> <p>g. Safety considerations            Developers must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill clean-up).</p> <p>3. Essential services and public safety facilities            Essential services and public safety facilities are permitted in all the districts. They are subject to D(I) Regulation.</p>
	Structure Design	With regard to locating the utility, overhead or underground: <ol style="list-style-type: none"> <li>(1) primary consideration will be given to minimizing visual impact;</li> <li>(2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable;</li> <li>(3) the appearance of the structures, will be as compatible as practicable with the natural area with regard to height and width, materials used, and color; and</li> <li>(4) regarding width of the right-of-way, the cleared portion of the right-of-way should be minimized.</li> </ol>		
	Construction Guidelines	In the construction of utilities, the following guidelines shall be applied whenever practicable: <ol style="list-style-type: none"> <li>(1) construction in wetlands will minimize damage to vegetation, prevent erosion and sedimentation;</li> <li>(2) construction will be undertaken when local fish and wildlife are not spawning or nesting;</li> <li>(3) erosion and sedimentation control will comply with the standards in <b>Sheet 3 – Water Quality</b>.</li> </ol>		
	Crossings	Crossings of public waters or land controlled by the DNR are subject to approval by the Commissioner pursuant to <a href="#">MS 84.415</a> or <a href="#">103G.245</a> . The Commissioner shall give primary consideration to crossings that are proposed to be located within or adjoining existing ROWs for public facilities, such as railroads, roadways, bridges, and existing transmission services.		

**Preliminary Draft Definitions**

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

**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)*

**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)*