

City of Ramsey
Agenda
City Council Work Session
Tuesday January 11, 2011
6:00 pm
Lake Itasca Room 7550 Sunwood Drive NW

1. **Call to Order**
2. **Topics for Discussion**
 1. Receive Legislative Activities Report
 2. **Review Consulting Services Proposal from The Tinklenberg Group**
 3. Update on Mississippi River Corridor Critical Area (MRCCA) Rulemaking
3. **Future Topics for Discussion - *See Attached Calendar***
 1. Future Topics
4. **Mayor/Council/Staff Input**
5. **Adjournment**

CC Work Session

Item #: 2. 1.

Date: 01/11/2011

By: Jo Thieling
Administrative Services

Information

Title:

Receive Legislative Activities Report

Background:

Elwyn Tinklenberg of The Tinklenberg Group will be at the Council Work Session to present the status on the current legislative initiatives.

Funding Source:

N/A

Council Action:

This item is for informational purposes.

Form Review

Inbox

Kurt Ulrich

Form Started By: Jo Thieling

Final Approval Date: 01/06/2011

Reviewed By

Kurt Ulrich

Date

01/06/2011 12:12 PM

Started On: 01/05/2011 04:25 PM

CC Work Session

Item #: 2. 2.

Date: 01/11/2011

By: Jo Thieling
Administrative Services

Information

Title:

Review Consulting Services Proposal from The Tinklenberg Group

Background:

The attached consulting services proposal was submitted from The Tinklenberg Group and discussed at the January 4 Council Work session. That work plan is attached for Council to have additional review and discussion.

Mr. Tinklenberg has indicated that the federal funding of \$3 million for the rail station has been appropriated under Fiscal year 2010. However, language will need to be approved by Congress to reallocate from Phase II (St. Cloud extension) to the Ramsey Station. This action will need the support of our Senate delegation and, because it has no additional funding implication, it has an opportunity to not be considered an "earmark", greatly improving its chance of passage.

The reallocation of the \$3 million currently faces opposition from Sherburne and Stearns Counties.

Recommendation:

Consequently, it is recommended that the City continue to stay engaged with The Tinklenberg Group regarding federal legislation.

In regard to work on state legislation, it is recommended that the Council consider reducing The Tinklenberg contract amount and consider other lobbying firms more closely aligned with the legislative majority at a future work session.

Funding Source:

A funding source for this effort will need to be determined prior to authorizing the agreement and proceeding with work. In recent years, the EDA has participated in funding for work by The Tinklenberg Group along with private sector partners.

Council Action:

Based upon discussion.

Attachments

[Tinklenberg Proposal](#)

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Final Approval Date: 01/06/2011

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Kurt Ulrich

Date

01/06/2011 12:12 PM

Started On: 01/05/2011 06:18 PM



The Tinklenberg Group

The interchange of strategies and solutions

City of Ramsey Consulting Services Proposal December 2010

OVERVIEW

The Tinklenberg Group respectfully submits the following proposal in response to the City of Ramsey's interest to pursue a variety of tasks associated with advancing the construction of the TH 10/Armstrong Boulevard interchange project.

SPECIFIC WORK ELEMENTS

FEDERAL FUNDING COORDINATION RE: FY11 APPROPRIATIONS

Term: December 2010 – January 2011

Total Cost: \$6,000

- Work with Senator Klobuchar and Senator Franken and their respective staff persons to secure federal funds for the rail station as part of the FY11 Appropriations bill.
- Communicate with staff persons in Washington D.C. and in the district office to ensure accurate and timely information relative to the project, funding strategy and needs.
- Coordinate site visits, meetings and other opportunities to maximize project exposure and local/regional support.
- Respond to requests for information and follow up as necessary and/or directed by the city.
- Maintain communication with other agencies and policy leaders to ensure consistency in information sharing and messaging to congressional leaders and staff relative to the project and needs.

STATE BONDING – TH 10/ARMSTRONG BLVD INTERCHANGE:

Term: December 2010 – May 2011

Total Cost: \$18,000

- Assist in developing a funding strategy that includes state bonding funds as part of a full funding package for the construction of the TH 10 Armstrong Boulevard interchange.
- Meet with members of the state House and Senate Capital Investment Committees to advocate for their support as part of the bonding bill; maintain regular contact to ensure the interchange project remains a visible and viable project among decision-makers.

- Work with the Governor’s Office and the Minnesota Department of Transportation to ensure project support and cooperation.
- Coordinate with key representatives from Anoka County Regional Rail Authority, Metropolitan Council and other agencies as appropriate to ensure maximum support for a bonding request that includes the Armstrong interchange.
- Utilize existing relationships among state House and Senate leadership to support the bonding request.
- Support passage by producing appropriate information, developing testimony, being present for appropriate hearings and responding to questions.

FY 2012 APPROPRIATIONS BILL – TH 10/ARMSTRONG BLVD INTERCHANGE:

Term: January 2010 – June 2011

Cost: \$18,000

- Obtain FY 2012 Appropriations request forms from Congressional offices; complete and submit funding request for preliminary engineering and environmental documentation for the TH 10 Armstrong Boulevard interchange.
- Update existing project materials to reflect current status, cost estimates, schedules and project development processes for the interchange; utilize materials as part of discussions and for inclusion in funding packets.
- Coordinate with Anoka County and Ramsey staff to ensure project details are accurate and reflect consensus among agencies.
- Update Resolutions and Letters of Support as necessary; assist in obtaining signed documents from various sources including appropriate public agencies, local businesses and other supporters to include in funding packets.
- Monitor submittal process to ensure congressional leaders and staff representatives in both the House and Senate receive and process funding requests; maintain contact with appropriate federal offices responsible for tracking and management of requests.
- Work with other congressional offices to exchange information and encourage support; respond to questions and requests for additional information.
- Arrange visits with congressional leaders and policy leaders/staff as directed, locally and in Washington D.C.
- Maintain a monthly presence in Washington D.C. on behalf of the City to ensure a high level of project awareness and exposure.
- Provide regular communication in the form of email updates and other correspondence to ensure all project partners are apprised of progress, needs and outcomes throughout the process.
- Coordinate as directed and as appropriate with other local businesses and stakeholders.

TIMING AND COST

The timing for each work element is noted above; federal funding activities are based on the federal schedule and may fluctuate. Appropriations requests are typically made available late January or early February and due for return submittal by early March.

Work shall begin immediately upon signing of the consulting services agreement. Travel and other expenses will be billed separately and in addition to consulting services; all expenses shall be approved in advance.

Agreed and Approved By:

Bob Ramsey, Mayor
City of Ramsey

Terri Neely Tinklenberg, Vice-President
The Tinklenberg Group

Date

Date

Date: 01/11/2011

By: Tim Gladhill
Community Development

Information

Title:

Update on Mississippi River Corridor Critical Area (MRCCA) Rulemaking

Background:

The MRCCA, first established through Executive Order in 1976, and reaffirmed with Executive Order 79-19, establishes the following purposes:

- To protect and preserve a unique and valuable state and region for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;
- To prevent and mitigate irreversible damage to this state, regional, and national resource;
- To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;
- To protect and preserve the river as an essential element in the national, state and regional transportation, sewer, and water and recreational systems; and
- To protect and preserve biological and ecological functions of the corridor.

The MRCCA extends 72-miles from Dayton and Ramsey upstream to the confluence with the St. Croix River downstream and includes a district of varying width extending from the river. The Critical Area is also designated as the Mississippi National River and Recreation Area (MNRRA) as a unit of the National Park Service.

The 2009 Minnesota Legislature directed the DNR to establish rules for (Laws 2009, Chapter 172, Article 2, Section 5(e) and Section 27 for the Mississippi River Corridor Critical Area (MRCCA). The Legislation revised portions of Chapter 116G, and specified that rulemaking must commence by January 15, 2010 and include 30 day advance notification to local government units (counties, cities, townships, etc.) within the MRCCA. Minnesota Statutes Section 116G.15 requires the DNR to:

- Establish, by rule, districts within the MRCCA including:
 - determining the appropriate number of districts within each municipality,
 - taking into account municipal plans and policies, and existing ordinances and conditions, and
 - considering protection of key, identified resources and features.
- Establish, by rule, minimum guidelines and standards for the districts, which shall include:
 - the intent of each district and
 - key resources and features to be protected or enhanced.
- And must take into account:
 - municipal plans and policies, and
 - existing ordinances and conditions.
- The guidelines and standards must protect or enhance (specified) key resources and features.
- Establish a map to define bluffs and bluff-related features within the Mississippi River corridor critical area, including:
 - a preliminary bluff map at the outset of the rulemaking process,
 - refining it as part of the process, and
 - adopt a final bluff map at the end of the process.

Observations:

The DNR has supplied working group members with a side by side comparison of existing and proposed standards. In addition, City Staff has prepared additional analysis to supplement materials prepared by DNR staff. The City's analysis provides a side-by-side comparison of the City's existing ordinance and proposed standards. Also attached are the draft standards and rules as well as background information prepared by DNR staff and City Staff. A full listing of background materials on the MRCCA rulemaking project, including a link to the DNR project page, can be found at <http://www.cityoframsey.com/departments/commdev/planning.aspx>.

There has been much concern on behalf of local units of government to be able to maintain local decision-making as to land use controls. The intent of the rulemaking process is to update rules that were initially created in 1979, clarify standards, and create consistency across the corridor. However, LGUs have expressed concerns moving from the current language stating language such as 'structure site and location shall be regulated to ensure that riverbanks, bluffs, and scenic overlooks remains in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access' to a codified set of standards as proposed. Concern has been raised regarding creation of non-conforming lots and the development capability of undeveloped property.

It should be noted that the City has had issues with the existing ordinance as it relates to land use designations. A large portion of the current MRCCA within the City is designated as 'rural open space', which the City feels is inconsistent with the City's Comprehensive Plan, which guides this area as Low Density Residential (LDR), a suburban-type density. In addition, the City has maintained displeasure with the MRCCA overlapping with a second overlay district known as the Wild and Scenic Overlay. This overlap creates an administrative disadvantage and extremely difficult to understand which standards apply (generally more restrictive of overlapping standard applies). The draft rules include language to exclude the City from the Wild and Scenic Overlay by virtue of protection under the MRCCA. Many of the areas currently under rural open space are proposed to be guided as CA-3 (suburban densities) and CA-5 (underlying zoning). The proposed standards rectify many of these situations. However, City Staff notes that some of the proposed and existing standards, most notable vegetative management areas, are inconsistent with past City Council policy direction. Furthermore, City Staff understands many adjoining communities still express displeasure with the proposed standards, and it appears that these proposed standards may not be in the interest of all affected parties corridor wide.

In summary, all communities are required to have ordinances and plans in substantial compliance with the existing MRCCA plans. The City has expressed concern with codifying these standards, as it feels it takes local control of land use decision making away from the LGU. Regardless of the outcome of the rulemaking update, City Staff would ask that the following be corrected from the existing ordinance:

- Amend 'Rural Open Space' areas to 'Urban Developed' (CA-3 in the proposed classifications)
- Eliminate overlap with Wild and Scenic
- Amend open space requirement for new developments to match 'Urban Developed' (tied to first bullet)

That legislative action and State Statute that governs all rulemaking processes gave the DNR until January 3, 2011 to complete the rulemaking process and send the draft rules to an administrative law judge. It is Staff's understanding that this statutory deadline was not met and that the DNR no longer has the authority to continue the rulemaking process. In order to continue the process, the DNR would need to seek an extension from the Legislature. Staff has heard feedback that the DNR is still interested in completing the MRCCA rulemaking at some point in the future, along with Shoreland and Wild & Scenic rulemaking processes, which also did not meet rulemaking deadlines. However, it is possible that this request to continue rulemaking may not be submitted in the near future. Staff hopes some clarity will be provided once Governor Dayton appoints a new Commissioner of the DNR.

Funding Source:

Review of the draft Updated MRCCA Standards is being handled as part of regular staff duties through the Community Development Department. If the draft standards are approved, the City will be required to update its 2030 Comprehensive Plan and Zoning Ordinance. Staff time, public hearing costs, and production costs of those updates will need to be at the cost of the City.

Council Action:

Based on discussion.

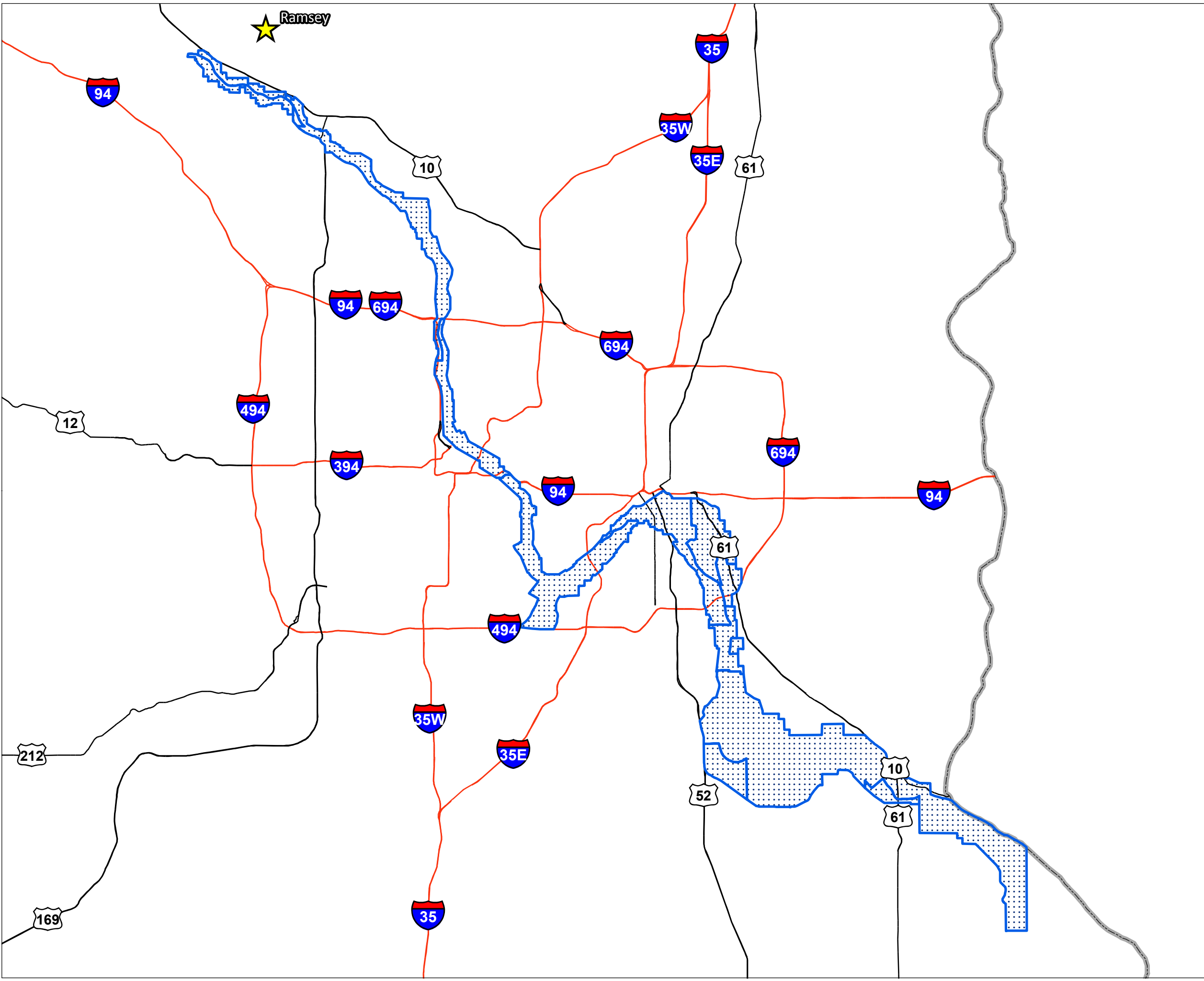
Attachments

- [MRCCA Corridor](#)
- [Ramsey Critical Area Overlay](#)
- [MRCCA Rulemaking Timeline](#)
- [Proposed District Descriptions](#)
- [Proposed Districts](#)
- [Sheet 1-Proposed Dimensional Standards](#)
- [Sheet 2-Proposed Bluff and Steep Slope Standards](#)
- [Sheet 3-Proposed Water Quality Standards](#)
- [Sheet 4-Proposed Vegetative Management Standards](#)
- [Sheet 5a-Proposed Allowable Uses](#)
- [Sheet 5b-Proposed Facility Standards](#)
- [Sheet 6-Proposed Subdivision Standards](#)
- [Preliminary Bluff Map](#)
- [2030 Comprehensive Plan Comparison](#)
- [City Neighborhood Analysis Areas](#)
- [City neighborhood Analysis-Dimensional Standards](#)
- [City Resolution #09-04-081](#)
- [City Response-First Draft](#)
- [City Resolution #10-08-193](#)
- [City Resolution in Support of St Paul Statement/Minnesota Cities](#)
- [City Response-November Draft Standards](#)

Form Review

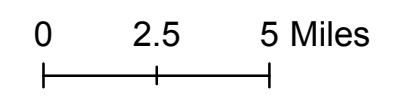
Inbox	Reviewed By	Date
Amber Miller	Amber Miller	01/03/2011 03:42 PM
Kurt Ulrich	Kurt Ulrich	01/06/2011 08:47 AM
Tim Gladhill (Originator)	Tim Gladhill	01/06/2011 09:00 AM
Amber Miller	Amber Miller	01/06/2011 09:01 AM
Kurt Ulrich	Kurt Ulrich	01/06/2011 09:16 AM
Form Started By: Tim Gladhill		Started On: 12/20/2010 10:40 AM
Final Approval Date: 01/06/2011		

Ramsey



Mississippi River Corridor Critical Area (MRCCA)

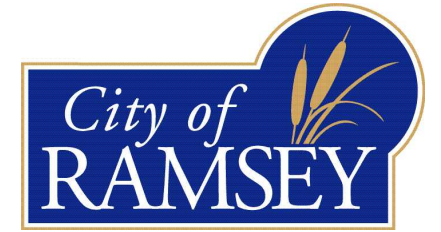
 MRCCA



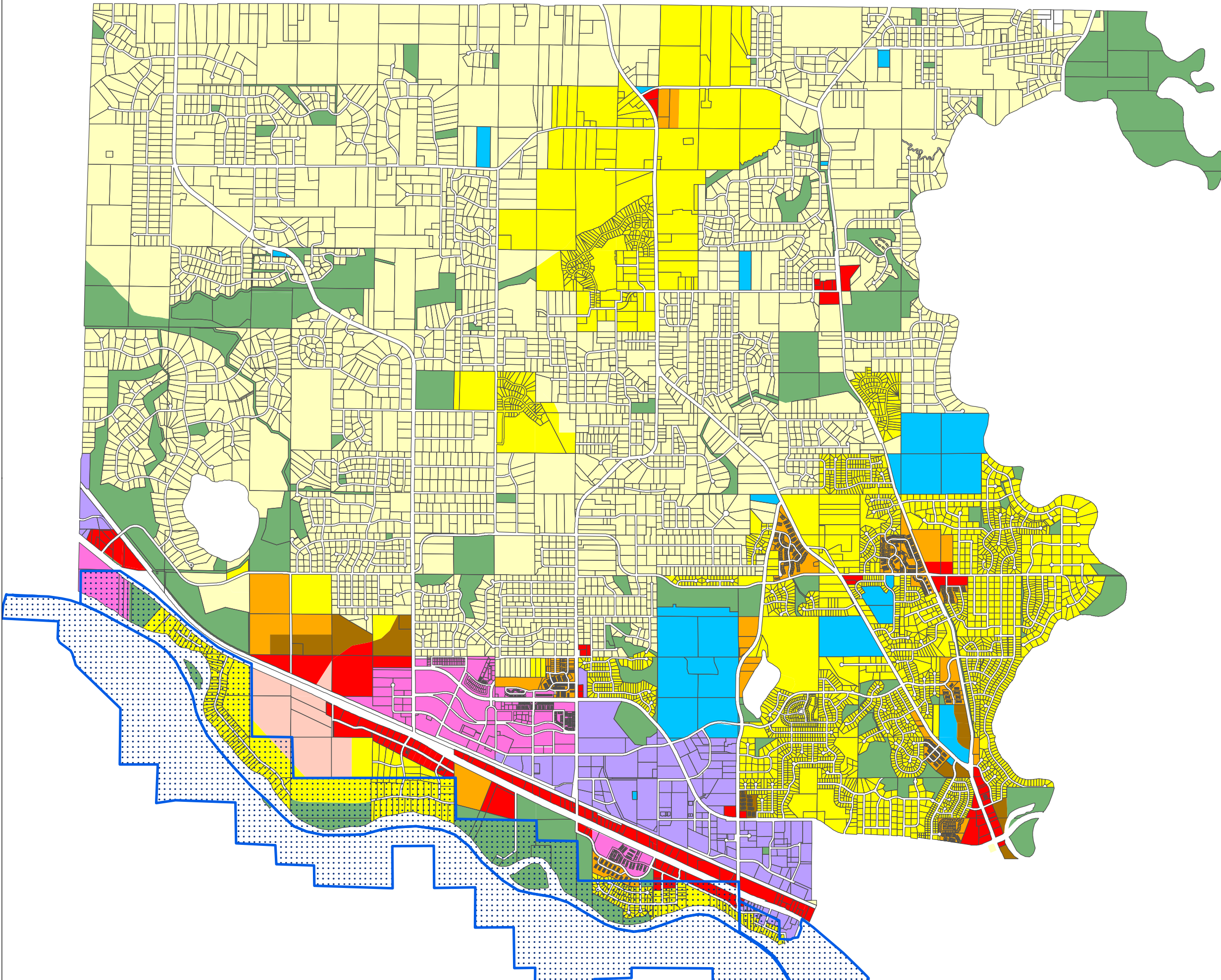
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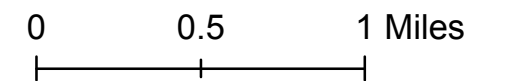
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Mississippi River Corridor Critical Area (MRCCA)



- MRCCA
- Parcels
- 2030 Future Land Use**
- LDR
- MDR
- HDR
- Office Park
- Commercial
- MU
- Business Park
- Public
- Rural Developing
- Rural Preserve
- Park



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Mississippi River Corridor Critical Area (MRCCA) Rulemaking Project Work Group Member Handout

Minnesota Department of Natural Resources (DNR)

March 31, 2010



Overview of Rulemaking Process and Timeline

The rulemaking process is governed by Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. Specific guidance with respect to the MRCCA is provided in MN Statutes, Section 116G.15 & MN Laws of 2009, Chapter 172, Article 2, Section 5(e). Below is a short summary of the main parts of the process and the timeline for developing and adopting rules:

LGU Notification. As required in 2009 law, the DNR provided 30-day advance notice to local government units (LGUs) within the MRCCA that rulemaking would commence. The LGUs were notified by letter on November 13, 2009. The DNR met with LGUs that administer plans and ordinances within the MRCCA in January and February 2010.

Request for Comments (RFC). The RFC solicits comments on the subject of the rulemaking, is required by statute, and is intended to allow interested parties a chance to provide input. Comments received during this time period are not part of the public hearing record. For this project, the DNR published the RFC in the December 14, 2009 State Register, issued a press release, and mailed it to the MRCCA Rulemaking Project stakeholder mailing list and listserv. The comment period ended March 22, 2010. The DNR will review and consider the comments received.

Proposed Rules. The DNR will begin to write the draft MRCCA rules based on initial comments received and feedback from meetings with LGUs. Work groups, DNR division representatives, and other agencies will provide ongoing input, particularly on proposed districts and standards. The Revisor of Statutes will review the draft rules and edit, as necessary, for form and style.

Statement of Need and Reasonableness (SONAR). The DNR is required to demonstrate that the rules are needed and reasonable. As defined in statute, "Needed" means that the issues cannot be addressed and the purpose of the rules cannot be achieved through other means. "Reasonable" means that a proposed requirement is a reasonable solution to an issue. The justification will be documented in the SONAR. Along with an analysis of each rule requirement, the SONAR also sets out the DNR's statutory authority for the rules, identifies potentially affected parties, and discusses impacts and costs to LGUs and small businesses.

Notice of Intent to Adopt Rules. When the DNR has finished writing the rules, it will publish a Notice of Intent to Adopt Rules in the State Register, along with the proposed rules. The DNR will also mail the Notice and proposed rules to interested persons, certain legislative committees and legislators

as required by law, and other parties identified in the Additional Notice Plan that the DNR is currently developing.

30-Day Comment Period. After the Notice of Intent is published, there is a 30-day comment period, during which interested persons can submit written comments on the proposed rules. Persons can also request a public hearing during this time.

Rules Hearing. If 25 individuals request a hearing, the DNR will be required to hold a hearing on the rules before an Administrative Law Judge (ALJ). Timeframes for comment and rebuttal will be established by the ALJ pursuant to MN Statutes, Chapter 14.

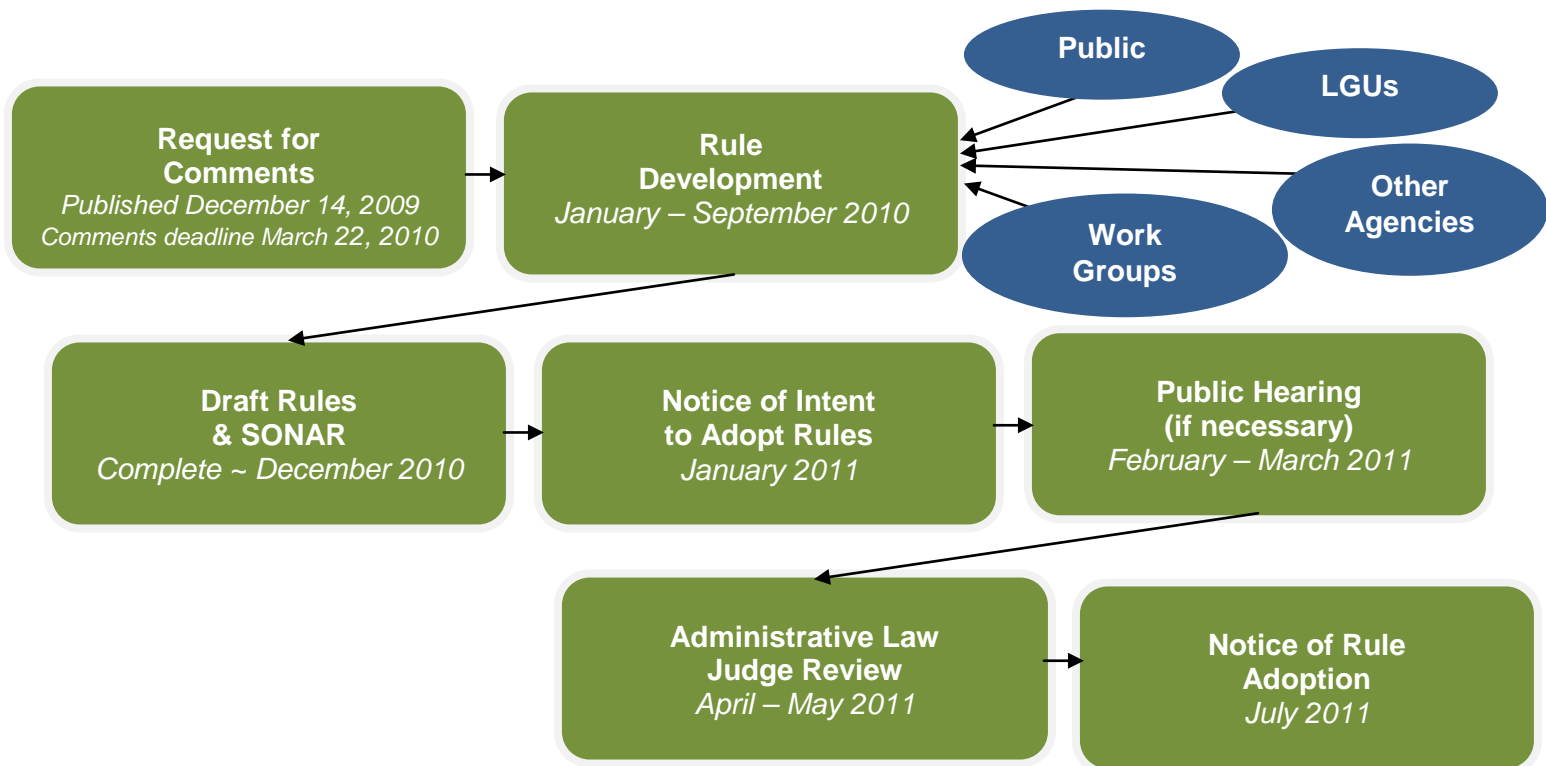
Review by Administrative Law Judge. An ALJ will review the proposed rules and other documents from the rulemaking. The ALJ will assess whether the DNR has statutory authority for the rules, has shown the rules to be needed and reasonable, has given proper notice of the proposed rules, and has complied with all other requirements. The procedures and timeframes vary depending on whether a hearing is held.

Governor Veto. After the rules are adopted, the Governor has 14 days to veto all or severable portions of the rules. If no action is taken, they become effective.

Notice of Adoption. After the Governor's review period, the DNR will publish a Notice of Adoption in the State Register.

Effective Date. The rules become effective as provided in MN Statutes, Chapter 14, which is expected to be within five days of the publication in the State Register.

Timeline. The DNR plans to complete the draft rules around January 2011. The formal part of rulemaking, from publishing the Notice of Intent to Adopt Rules until the date the rules become effective, can range from several months (no hearing) to six months (hearing).



Role of the Work Groups

- **Input, not decision making.** The role of the work group is to provide input to the DNR on the establishment of new districts and the development of standards and criteria for each district. The DNR will look to work group members for feedback and expertise in developing these regulations. The work group does not have voting authority on what will go in the rules. The DNR Commissioner makes the final decisions on the content of the draft rules. However, input from the work groups will inform and influence the rule content. The DNR hopes work group members will represent their own and constituent views fairly, and will actively participate in the process.
- **Identify issues and ideas.** The DNR will look to work group members to identify issues and concerns, and to provide ideas and information to enhance rulemaking.
- **Express your ideas/interests.** Each member was appointed so that at a variety of interests, viewpoints, and geographic perspectives are present. We encourage you to communicate with others within and outside of the work groups, so that a broad base of perspectives is expressed.
- **Reasonable comments and suggestions.** The DNR will carefully consider all comments and suggestions about the rules. Suggestions will be most useful if they are supported in the same manner as the justification the DNR must use to show the need for and reasonableness of proposed rule requirements as provided below.

Regulatory Analysis

Minnesota Statutes, section 14.131, sets out seven factors that an agency must analyze and include in the SONAR when it adopts rules. The DNR may look to work group members as appropriate and as time allows for advice and information as we analyze these factors:

- 1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;
- 2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;
- 3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;
- 4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;
- 5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals;
- 6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals; and
- 7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

Local Government Impact

Minnesota Statutes, section 14.131, requires the agency to evaluate and include in the SONAR the fiscal impacts and benefits of proposed rules on local governments. As part of this, the DNR must consult with the Department of Minnesota Management and Budget (MMB). The DNR is also working directly with each of the 30 local governments within the MRCCA to obtain this information, but may look to work group members for additional information.

Cost to Small Businesses and Small Cities

Minnesota Statutes, section 14.127, requires the agency to determine whether, in order to comply with proposed rules during the first year after they become effective, any small business or small city would have to spend over \$25,000. A small business is defined as a business (either for profit or nonprofit) with less than 50 full-time employees. A small city is defined as a city with less than ten full-time employees. The DNR will look to work group members for feedback about the cost of compliance for small businesses and cities.

Performance-Based Rules

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, in developing the rules, considered and implemented performance-based standards “that emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.” The DNR will look to work group members for advice and information on how we can achieve this. Specifically:

- Are there any special situations that we should consider in developing the rules?
- Are there any ways to reduce the burdens of the rules?
- Any other insights on how to improve the rules?

Additional Notice

When the DNR publishes the proposed rules and the Notice of Intent to Adopt Rules, we also must “provide additional notification to persons or classes of persons who might be affected by the proposed rule.” The DNR will look for assistance from work group members in identifying all interested persons to let them know about and provide input on the rules. This includes both likely supporters and opponents of the rules.

Questions? Contact:

Jeff Berg at 651-259-5729 or jeffrey.berg@state.mn.us, or

Jennifer Shillcox at 651-259-5727 or jennifer.shillcox@state.mn.us

Proposed MRCCA Land Use Districts v.6.3 (October 8, 2010)

CA-1. This district includes specific publicly-owned existing and planned future park lands, islands, and natural areas that are riparian or readily visible from the river, and designated rural or urban open space in Executive Order 79-19.

Intent: This district will be managed to conserve and protect existing and potential recreational, scenic, natural and historic resources for the use and enjoyment of the surrounding region. Natural shorelines, bluffs and steep slopes will be protected and restored, and public access to the river will be encouraged in a manner sensitive to these resources.

CA-2. This district includes privately-owned rural lands that are riparian or readily visible from the river, as well as large, undeveloped tracts of high ecological value and privately-owned undeveloped islands. Many of these areas are designated rural open space in Executive Order 79-19.

Intent: This district will be managed to sustain the rural character, and protect and restore existing scenic, natural, and historic areas.

CA-3. This district includes developed areas that are riparian or readily visible from the river. These areas feature predominantly privately-owned residential land, as well as publicly-owned existing or planned future park lands designated urban developed in Executive Order 79-19.

Intent: This district will be managed to protect the scenic and natural values of the river corridor in the context of existing development.

CA-4. This district includes historic downtown areas, and limited areas of high density development near river crossings with predominantly mixed uses. These areas, except the historic downtowns, are designated urban open space in Executive Order 79-19.

Intent: This district will be managed in a manner that allows for future growth consistent with existing development in historic downtowns and planned development at bridge crossings without negatively affecting the river corridor. Providing public access to the river or river views is also a priority.

CA-5. This district includes non-riparian lots separated from the river by distance, development or a transportation corridor. The land in this district is not visible from the river or ordinary high water level of the opposite shore.

Intent: This district provides flexibility in managing development with general protection provisions.

CA-6. This district includes highly urbanized mixed-use lands that are a part of the urban fabric of the river corridor, including:

- publicly owned planned future and existing urban park lands designated urban diversified in Executive Order 79-19,
- public institutions, and
- a number of commercial and industrial areas.

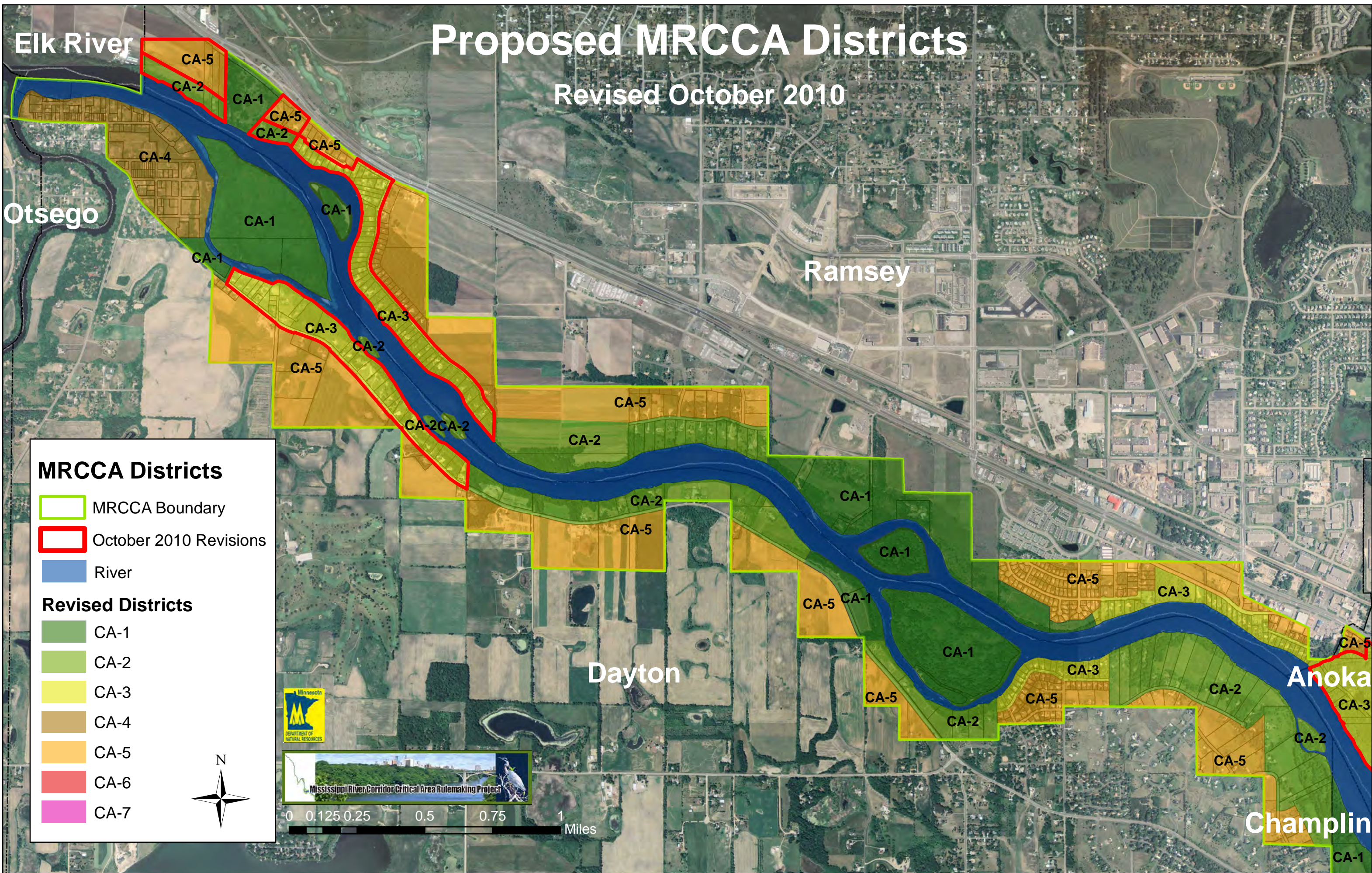
Intent: This district will be managed in a manner that allows for future growth and potential transition of intensely developed areas without negatively affecting the river corridor.

CA-7. This district includes the urban cores of Minneapolis and St. Paul.

Intent: This district will be managed with the greatest flexibility.

Proposed MRCCA Districts

Revised October 2010



MRCCA Districts

- MRCCA Boundary
- October 2010 Revisions
- River

Revised Districts

- CA-1
- CA-2
- CA-3
- CA-4
- CA-5
- CA-6
- CA-7



0 0.125 0.25 0.5 0.75 1 Miles



Dimensional Standards - 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 1: Dimensional Standards – Revised November 5, 2010

Standard Type	Preliminary Draft Standards	Districts							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>
		CA-1	CA-2	CA-3	CA-4	CA-5	CA-6	CA-7		
Height	Structures shall be no taller than the heights specified for each district*:	25'	35'	35'	48'	Under-lying zoning **	65' ***	Under-lying zoning ***	<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>b. Structures. 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>F. Dimensional standards and criteria****</p> <p>5. Height of structures.</p> <p>a. Rural Open Space, Urban Developed, & Urban Open Space districts:</p> <p>(1) new structures and additions to existing structures shall be limited to a maximum of 35';</p> <p>(2) the following exceptions to height limits shall be permitted:</p> <p>a) expansion of existing industrial complexes, such as refineries and storage areas;</p> <p>b) barns, silos, and similar farm structures;</p> <p>c) essential service distribution systems;</p> <p>d) bridges, bridge approach roadways, and transmission services;</p> <p>e) restoration or construction of historical structures and sites on the inventory of the State Historical Society or the National Register of Historical Places.</p> <p>b. Urban Diversified district: no restrictions on the height of structures.</p>
Height Exceptions	<p>Exceptions:</p> <p>(1) expansion (including additions, new structures, and redevelopment within the developed area) of existing industrial complexes, such as refineries, storage areas, terminal facilities, and industrial parks, subject to mitigation;</p> <p>(2) barns, silos, and similar farm structures;</p> <p>(3) bridges, bridge approach roadways, and public utilities per the applicable standards in Sheet 5b - Facilities;</p> <p>(4) structures, districts, and sites on the inventory of the State Historical Society or the National Register of Historical Places, provided new and redeveloped heights are compatible with historic character;</p> <p>(5) aviation safety features such as navigational lighting fixtures and other navigational structures;</p> <p>(6) barge facilities, elevators, and industrial structures that need to be taller for operational reasons, subject to mitigation;</p> <p>(7) chimneys, church spires, flag poles, public safety facilities, mechanical service stacks, public monuments, ventilation equipment, and similar equipment; and</p> <p>(8) cell towers with a CUP or IUP, provided the tower creates minimal interference with views to the river from public parkland and from the OHWL of the opposite shore, and the applicant demonstrates that functional coverage cannot be provided through co-location, at a lower height, or at a location outside the MRCCA. No towers in the BIZ, SIZ or SPZ.</p>									

* Structure height will be defined by underlying zoning; however, for purposes of this rule, height is measured on the side of the structure facing the river. For buildings, height is measured from the lowest adjacent grade to the highest point of a flat or mansard roofs, or the average height between the eaves and highest ridge for pitched, hip, or gambrel roofs. For non-building structures, height is measured from the lowest adjacent grade to the highest point of the structure.

** Provided structure is not visible from the OHWL of opposite shore.

*** Structure design and placement must minimize interference with views to the river from public parkland and to bluffs from the OHWL of the opposite shore. Tiering from the river and from blufflines is encouraged.

**** The objectives of the dimensional standards and criteria in section F of the Interim Development Regulations are to: maintain the aesthetic integrity and natural environment of certain districts, reduce the effects of poorly planned shoreline and bluffline development, provide sufficient setback for sanitary facilities, prevent pollution of surface and groundwater, minimize flood damage, prevent soil erosion, and implement metropolitan plans and standards (IDR, F.1.).

Standard Type	Preliminary Draft Standards	Districts							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>
		CA-1	CA-2	CA-3	CA-4	CA-5	CA-6	CA-7		
Structure Setback (River)	New, and expansion of existing, structures must meet the distances specified for each district (as measured from the OHWL of the Mississippi River):	200'	200'	100'	75'	NA	50'	50'	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: b. Structures. 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.	F. Dimensional standards and criteria 4. Structure setbacks. b. All new structures and roads shall meet the following minimum setbacks: (1) Rural Open Space district: no structure or road shall be placed less than 200' from the normal high water mark, and no less than 100' from blufflines. (2) Urban Developed and Urban Open Space districts: the structure or road shall be placed no less than 100' from the normal high water mark of the river, and no less than 40' from blufflines. (3) Urban Diversified district: the structure or road shall be placed no less than 40' from the bluffline. c. Exceptions to setback provisions shall be: (1) public safety facilities, public bridges and their roadway approaches, railroad sidings, minor public and private roadways serving water-related uses on the riverfront; (2) public recreation facilities, scenic overlooks, public observation platforms, the regional trail system, docks, boat launching facilities; (3) approved river crossing of essential service, essential services distribution systems which are primarily underground except for terminal and metering devices not exceeding 6' in height, supporting structures for transmission crossing spans; (4) construction of above-ground pumping stations for sewer lines which shall be screened from view of river; (5) reconstruction or restoration of historical structures or sites on the Inventory of the State Historical Society or National Register of Historic Places.
Structure Setback (Tributaries)	New, and expansion of existing, structures must meet the distances specified for each district (as measured from the OHWL of key identified tributaries, which include the Crow, Rum, Minnesota, and Vermillion rivers):	150'	150'	75'	75'	75'	50'	50'		
Structure Setback (Bluff)	New, and expansion of existing, structures must meet the distances specified for each district (as measured from the bluffline): <i>See also Sheet 2 - Bluffs & Steep Slopes</i>	100'	100'	40'	40'	40'	40'	40'		
Impervious Surface Setback	New, and expansion of existing, impervious surfaces must meet the structure setbacks listed above, subject to the same exceptions.									
Setback Exceptions	<p>Exceptions:</p> <ol style="list-style-type: none"> (1) public safety facilities, public bridges/approaches, railroad sidings, and minor public and private roadways serving river-dependent uses per the applicable standards in Sheet 5b - Facilities; (2) public recreation facilities, including but not limited to scenic overlooks, observation platforms, trails, docks, picnic shelters (not within the BIZ, SIZ or SPZ), and water access ramps per applicable standards in Sheet 5b - Facilities; (3) river crossings of public utilities that are primarily underground except for terminal and metering devices not exceeding 6' in height, and supporting structures for transmission crossing spans; (4) above-ground pumping stations for sewer lines, which shall be screened from view from the OHWL of the opposite shore; (5) structures, districts, and sites on the inventory of the State Historical Society or the National Register of Historical Places, provided new and redeveloped structures have setbacks compatible with historic character; (6) one water oriented accessory structure (WOAS) for each riparian lot ≤300' in width at the OHWL, with one additional WOAS per each additional 300' of shoreline (not to exceed 12' in height, 120 square feet in area, ≤10' from the OHWL, not within the BIZ or SPZ); (7) aviation safety features, such as navigational lighting fixtures, other navigational structures, and airfield pavements; (8) shoreline facilities per the applicable standards in Sheet 5a – Uses & Sheet 5b - Facilities); (9) rock rip rap, boulder walls, and retaining walls may be allowed per the applicable standards in Sheet 3 – Water Quality; (10) flood control structures and public stormwater facilities; (11) public transportation facilities, including public roads, bike lanes, and related facilities per the applicable standards in Sheet 5b - Facilities; (12) restoration projects sponsored and approved by a resource agency or the LGU; (13) one access path (≤8' in width in the SIZ, ≤4' in width in the BIZ or SPZ); and (14) stairways, lifts, and landings (≤4' width, landings ≤ 32 square feet, no canopies or roofs, visually inconspicuous location). <p>Setback Averaging: Where principal structures exist on the adjoining lots on both sides of the proposed building site, the setback may be altered to conform to the adjoining setbacks. No structures are allowed within the BIZ, SIZ, or SPZ unless specified in the exceptions above.</p>									

Standard Type	Revised Draft Standards	Districts							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>
		CA-1	CA-2	CA-3	CA-4	CA-5	CA-6	CA-7		
SSTS Setback OHWL	Subsurface Sewage Treatment Systems (SSTS) must meet specified distances (from the OHWL):	Tank = 50', Absorption Area = 75'							C.3. LGUs shall develop plans and regulations to ensure that development shall not be undertaken prior to the provision of the Metropolitan public facilities in adopted Metropolitan plans, in accordance with the following guidelines: a. Developments in areas not scheduled for the provision of municipal or metropolitan sanitary sewers shall comply with adequate on-site sewage disposal regulations.	G. Sanitary standards and criteria. 1. The following standards shall apply to all districts: a. All parts of on-site sewage disposal systems shall be located at least 75' from the normal high water mark. b. No on-site sewage disposal system shall be placed within designated floodplains.
Impervious Surface Coverage	For new development and redevelopment, LGUs that have an adopted stormwater and erosion and sediment control ordinance will be able to use performance standards as provided in Sheet 3 - Water Quality .	Underlying Zoning							C.1. Each LGU with the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines: a. Each LGU shall, with the assistance of the Metropolitan Council and state agencies: (5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses.	No standards in the IDR.
Lot Size	Lot area and width for conventional subdivisions and commercial and industrial lots (excluding land below the OHWL) shall be determined as specified: Exceptions: Lot size may be smaller for PUDs and conservation subdivisions as provided in Sheet 6 – Subdivisions & PUDs .	NA	≥ 200' width, ≥ 2 acre area	Underlying Zoning					C.3. LGUs shall develop plans and regulations to ensure that development shall not be undertaken prior to the provision of the Metropolitan public facilities in adopted Metropolitan plans, in accordance with the following guidelines: b. The density of development outside the Metropolitan Urban Service Area shall be limited to ensure that there is no need for the premature provision of local and metropolitan urban services and facilities.	F. Dimensional standards and criteria 3. Lot size. a. In the Rural Open Space and Urban Developed districts, the following minimum lot sizes shall be required: (1) in unsewered areas, the minimum lot size shall be 5 acres/single family unit; (2) in sewerred areas, the minimum lot size shall be consistent with the local zoning ordinance. b. In the Urban Open Space and Urban Diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.
Density	Development density shall be determined as specified: Exceptions: Density may be greater for PUDs and conservation subdivisions as provided in Sheet 6 – Subdivisions & PUDs .	NA	Suitable Area ÷ Lot Size	Underlying Zoning						

Preliminary Draft Definitions – Revised November 5, 2010

Access Path = an area designated to provide ingress and egress to public waters.

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

Bluffline = top of a bluff. More than one bluffline may be encountered proceeding landward from the river.

Setback = a separation distance measured horizontally.

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

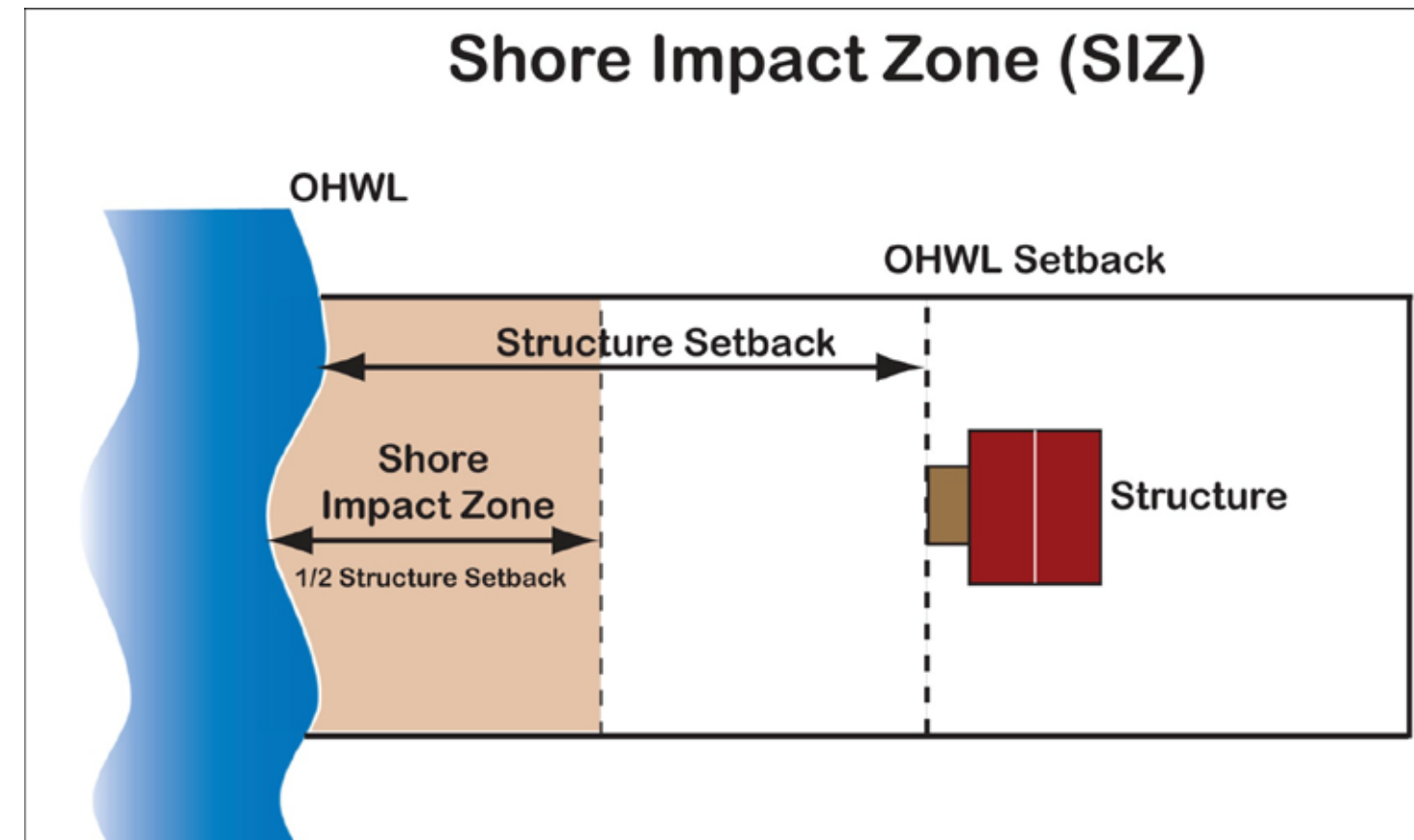
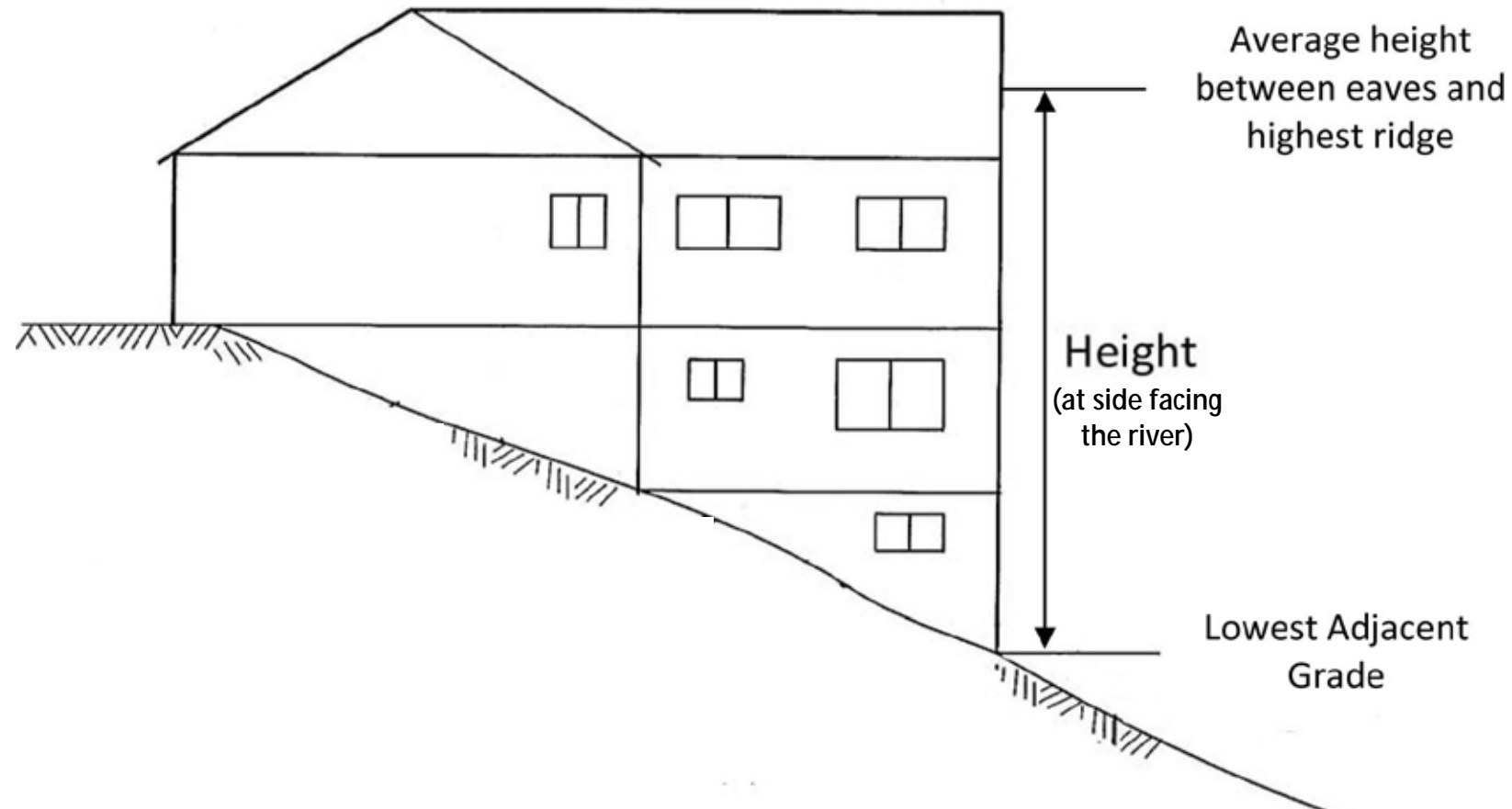
Slope Preservation Zone (SPZ) = land on and within 20' of a very steep slope. (Includes the BIZ; for definition of very steep slope, see *Sheet 2*)

Structure = any building, sign, or appurtenance thereto, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, or gas lines, including towers, poles, and other supporting appurtenances. (MN Rules, Chapter 6105)

Suitable Area = the area remaining on a lot or parcel of land after the BIZ, SIZ, SPZ, ROW, roads, historic sites, wetlands, designated floodways, and land below the OHWL are subtracted.

Water Oriented Accessory Structure = a small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Water-oriented accessory structures include gazebos, screen houses, fish houses, storage sheds, pump houses, and detached decks and patios.

Structure Height (Building)



Bluffs & Steep Slopes - Comparison of Preliminary Draft & Current MRCCA Standards & Definitions

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 2: Bluffs & Steep Slopes – 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>
Structure Setback (Bluffline)	<p>New and expansion of existing structures must meet distances specified for each district (from the top of bluff):</p> <p>CA-1 – CA-2: 100’ CA-3 – CA-7: 40’</p> <p><i>See Sheet 1 – Dimensional Standards for additional information on setbacks and exceptions.</i></p>	<i>See Sheet 1 – Dimensional Standards</i>	
Bluff Impact Zone (BIZ) & Slope Preservation Zone (SPZ)	<p>Land on and within 20’ of bluffs is known as the bluff impact zone (BIZ), and land on and within 20’ of very steep slopes is known as the slope preservation zone (SPZ). No structures, land alteration, intensive vegetation clearing, or construction activities are allowed within the BIZ or SPZ.</p> <p>Exceptions:</p> <ol style="list-style-type: none"> (1) permitted stairways, lifts, and landings ($\leq 4'$ width, landings ≤ 32 square feet, no canopies or roofs, visually inconspicuous location); (2) public trails, and overlooks providing access to and views of the river; (3) rock riprap, boulder walls, and retaining walls may be allowed per the applicable standards in Sheet 3 – Water Quality; (4) restoration projects sponsored and approved by a resource agency or the LGU; (5) public safety facilities, public bridges/approaches, railroad sidings, and minor public and private roadways serving river-dependent uses per the applicable standards in Sheet 5b - Facilities; (6) approved river crossings of public utilities that are primarily underground except for terminal and metering devices not exceeding 6’ in height, and supporting structures for transmission crossing spans; (7) above-ground pumping stations for sewer lines, which shall be screened from view from the OHWL of the opposite shore; (8) structures, districts, and sites on the inventory of the State Historical Society or the National Register of Historical Places, provided new and redeveloped structures are compatible with historic character; (9) public transportation facilities, including public roads, bike lanes, and related facilities per the applicable standards in Sheet 5b - Facilities; (10) one access path ($\leq 4'$ in width). <p><i>See also Sheet 4 - Vegetation Management, Sheet 5a – Uses, and Sheet 5b - Facilities</i></p>	<p>C.1. Each LGU within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines:</p> <ol style="list-style-type: none"> a. Each LGU shall, with assistance of the Metropolitan Council and state agencies: <ol style="list-style-type: none"> (4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18%-12% slopes. (7) Prepare plans and regulations for management of vegetative cutting. <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> <ol style="list-style-type: none"> b. Structures. 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>F. Dimensional standards and criteria</p> <ol style="list-style-type: none"> 6. Placement of structures. <ol style="list-style-type: none"> a. The following shall apply in any district: <ol style="list-style-type: none"> (1) No new structures shall be placed on slopes which are 18% or greater. <p>E. Earthwork and vegetation</p> <ol style="list-style-type: none"> 2. Vegetation management. <ol style="list-style-type: none"> a. Rural Open Space, Urban Developed, & Urban Open Space districts: <ol style="list-style-type: none"> (1) On developed islands, public recreation lands, the slope or face of bluffs within 200’ of the NHWM of the river, and within 40’ landward of blufflines, clear cutting shall not be permitted. (3) The selective cutting of trees greater than 4” in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained. b. Urban Diversified district: <ol style="list-style-type: none"> (1) On the slope or face of bluffs and within areas 40’ landward from established blufflines, clear cutting shall not be permitted; (2) The selective cutting of trees greater than 4” in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained. c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services that are permitted uses.

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 used portions of the IDRs in 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>
Steep Slopes - Conditions for Development	Structures may be permitted on slopes >12%, but <18%, when the following conditions are met: (1) the applicant can demonstrate that the development can be accomplished without increasing erosion; (2) the soil types and geology are suitable for slope development; and (3) there is proper management of vegetation to control runoff.	C.1. Each LGU within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines: a. Each LGU shall, with assistance of the Metropolitan Council and state agencies: (4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18%-12% slopes. 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: b. Structures. 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.	F. Dimensional standards and criteria 6. Placement of structures. a. The following shall apply in any district: (2) structures may be permitted on slopes which are greater than 12%, but less than 18%, when the following conditions are met: a) the developer can prove that the development on the slope can be accomplished without increasing erosion; b) the soil types and geology are suitable for slope development; c) there is proper management of vegetation to control runoff.

Preliminary Draft Definitions – Revised November 5, 2010	Executive Order 79-19 Current Definitions	Minnesota Statutes, §116G.15, Subd. 4(d) Guidelines for Preliminary Bluff Map
<p>Bluff = a natural topographic feature having all of the following characteristics:</p> <ul style="list-style-type: none"> the slope rises at least 25' above the OHWL or toe of bluff, and the grade of the slope from the OHWL or toe of bluff to the top of bluff averages 30% or greater, and where toe of bluff means the lower point of the lowest horizontal 10' segment with an average slope > 18%, and top of bluff means the higher point of the highest horizontal 10' segment with an average slope > 18%. <p>Bluff Impact Zone (BIZ) = land on and within 20' of a bluff.</p> <p>Bluffline = a line delineating the top of bluff. More than one bluffline may be encountered proceeding landward from the river.</p> <p>Very Steep Slope = a natural topographic feature having all of the following characteristics:</p> <ul style="list-style-type: none"> the slope rises at least 10' above the OHWL or toe of slope, and the grade of the slope from the OHWL or toe of slope to the top of slope averages 18% or greater, and where toe of slope means the lower point of the lowest horizontal 10' segment with an average slope >18%, and top of slope means the higher point of the highest horizontal 10' segment with an average slope > 18%. <p>Slope Preservation Zone (SPZ) = land on and within 20' of a very steep slope.</p> <p>Steep Slope = a natural topographic feature with an average slope of 12-18%, measured over a horizontal distance of ≥50'.</p>	<p>Bluffline = a line delineating the top of a slope connecting the points at which the slope becomes less than 18%. More than one bluffline may be encountered proceeding landward from the water. (Appendix C.8. Definitions.)</p>	<p><i>The statutes require the DNR to create a preliminary bluff map at the outset of the rulemaking process, based on the following guidelines:</i></p> <p>Bluff Face or Bluff = the area between the bluff line and the bluff base. A high, steep, natural topographic feature such as a broad hill, cliff, or embankment with a slope of 18% or greater and a vertical rise of at least 10' between the bluff base and the bluff line.</p> <p>Bluff Line = a line delineating the top of a slope connecting the points at which the slope becomes less than 18%. More than one bluff line may be encountered proceeding upslope from the river valley.</p> <p>Base of the Bluff = a line delineating the bottom of a slope connecting the points at which the slope becomes 18% or greater. More than one bluff base may be encountered proceeding landward from the water.</p> <p>Very Steep Slopes = slopes 18% or greater. Very steep slopes are natural topographic features with an average slope of 18% or greater, measured over a horizontal distance of ≥50'.</p> <p>Steep slopes = 12-18% slopes. Steep slopes are natural topographic features with an average slope of 12-18%, measured over a horizontal distance ≥50'.</p>

Watch for revised graphics of the BIZ and SPZ, which are currently in development.

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

	Standard Type	Preliminary Draft Standard	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>
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. 	<p><i>No standards and guidelines in Executive Order 79-19</i></p>	
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. 	<p><i>No standards and guidelines in the IDR</i></p>
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.		

	Standard Type	Preliminary Draft Standard	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>
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)*

Vegetation Management - 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 4: Vegetation Management – 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 used portions of the IDRs in 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>
Vegetation Management General	LGU Program	<p>In cooperation with the DNR and other resource agencies, LGUs shall implement an incentive, marketing, or education program to encourage property owners to protect or restore natural vegetation within the BIZ, SIZ, SPZ, and other areas identified in MN Statutes, §116G.15, Subd. 4(b). The LGU program must include, at a minimum:</p> <ul style="list-style-type: none"> (1) use of educational material developed by the DNR or other resource agency; and (2) monitoring and evaluation. 	<p>C. 1. Each LGU within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines:</p> <ul style="list-style-type: none"> a. Each LGU shall, with assistance of the Metropolitan Council and state agencies: <ul style="list-style-type: none"> (6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control. (7) Prepare plans and regulations for management of vegetative cutting. <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> <ul style="list-style-type: none"> a. Site Plans. Site plans shall be required to meet the following guidelines: <ul style="list-style-type: none"> (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. (5) Site plans shall....contain specific conditions with regard to buffering, landscaping, and revegetation. b. Structures. 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. e. Existing Development. Local plans and regulations shall include provisions to: <ul style="list-style-type: none"> (1) Retain existing vegetation and landscaping. (4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate. 	<p>E. Earthwork and vegetation</p> <p>2. Vegetation management.</p> <ul style="list-style-type: none"> a. In Rural Open Space, Urban Developed, and Urban Open Space districts, the following standards shall apply: <ul style="list-style-type: none"> (1) On developed islands, public recreation lands, the slope or face of bluffs within 200' of the NHWM of the river, and within the area 40' landward of blufflines, clear cutting shall not be permitted. (2) On all other lands within these districts, clear cutting shall be guided by the following provisions: <ul style="list-style-type: none"> a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury; b) clear cutting shall be conducted only where clear cut blocks, patches, or strips are, in all cases, shaped and blended with the natural terrain; c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary; d) where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area; where feasible, replanting shall be performed in the same spring, or the following spring. (3) The selective cutting of trees greater than 4" in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained. b. In the Urban Diversified district: <ul style="list-style-type: none"> (1) On the slope or face of bluffs and within areas 40' landward from established blufflines, clear cutting shall not be permitted; (2) The selective cutting of trees greater than 4" in diameter may be permitted by LGUs when the cutting is appropriately spaced and staged so that continuous natural cover is maintained. <i>(Continued...)</i>
	Vegetation Management Provisions	<p>Vegetation within the SIZ, BIZ, SPZ, and other areas identified in MN Statutes, §116G.15, Subd. 4(b) (floodplains, wetlands, gorges, and existing significant vegetative stands) must be managed as follows:</p> <ul style="list-style-type: none"> • Vegetation currently in a natural state shall be maintained. • Restoration of vegetation to a natural state is encouraged. • Intensive vegetation clearing is not allowed. • Screening of structures, vehicles, and other facilities as viewed from the river or OHWL of the opposite shore (during summer, leaf-on conditions) must be maintained. • Limited cutting, trimming, or clearing of trees, shrubs, and other understory vegetation may be allowed for: <ul style="list-style-type: none"> 1. the minimum necessary to install structures and facilities allowed by these rules, including; <ul style="list-style-type: none"> o structures and facilities listed as exceptions in Sheet 1 – Dimensional Standards and Sheet 2 – Bluffs & Steep Slopes; and o one shoreline recreational use area (not to exceed 25' x 25' on a 300' wide lot, with an extra 25' allowed for each 100' in lot width for PUDs and lots >300' wide, not to exceed 5,000 sq ft total); 2. the removal of trees, limbs or branches that are dead, dying, diseased, infested; to prevent infestation or spread of disease; or that pose a safety hazard as determined by a forester, arborist, or other qualified LGU representative*; 3. the removal of invasive, non-native plants as determined by a forester, arborist, or other qualified LGU representative*; 4. woodland/habitat management and restoration activities sponsored and approved by a resource agency or the LGU; and 5. forest management activities sponsored and approved by a resource agency or the LGU, and per the forestry use standards in Sheet 5a-Uses. <p>* In areas cleared of vegetation as provided in items 2 and 3 above, native vegetation must be reestablished, either by allowing it to regenerate naturally (no cutting or mowing) or with plantings subject to a restoration plan.</p>		

	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 used portions of the IDRs in 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>
Vegetation Management	Restoration	The establishment or restoration of native vegetation, while not required, may be achieved through mitigation when mitigation is required by these rules. Mitigation will be proportionate to the impacts of the development.	<i>See standards and guidelines on previous page.</i>	<p>E. Earthwork and vegetation</p> <p>2. Vegetation management.</p> <p>c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.</p> <p>F. Dimensional standards and criteria.</p> <p>7. Line of Sight</p> <p>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>
	Violations	If the vegetation management provisions are not complied with, the reestablishment of comparable species of native vegetation in the same area will be required. The LGU must require a restoration plan. At minimum, the plan must require the planting of comparable species, composition, density and diversity of native vegetation in the same area. Open areas or lawns resulting from violations must be left unmowed or uncut and planted with comparable species of native vegetation in the same area. The LGU must issue a Certificate of Compliance when it has determined that the restoration plan has been successfully implemented. All aspects of the plan must be maintained in perpetuity and loss of plantings must be replaced in kind.		

Preliminary Draft Definitions – Revised November 5, 2010

Access Path = an area designated to provide ingress and egress to public waters.

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

Intensive Vegetation Clearing = substantial removal of trees or shrubs in a contiguous patch, strip, row or block. *(Includes clear cutting.)*

Natural State = where the condition, composition, and diversity of the plant community is substantially unaltered by humans; or where restoration has been consistent with commissioner guidelines or local government approved plans.

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

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)*

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.		

Uses	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>
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.		

Use	Standard Type	Preliminary Draft Standards	<p style="text-align: center;">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></p>	<p style="text-align: center;">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></p>
<p style="text-align: center;">River-Dependent Commercial & Industrial Uses, Water Supply, Wastewater Treatment, Stormwater Facilities, Hydropower <i>(Continued on next page...)</i></p>	<p style="text-align: center;">Structure Setbacks & Screening</p>	<p>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>	<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"> a. The present 9' navigation channel shall be maintained. b. 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. c. 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 d. 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. e. 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. f. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation. g. 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"> a. 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. b. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified. c. 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> <ol style="list-style-type: none"> 4. Commercial and Industrial Uses <ol style="list-style-type: none"> a. 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"> (1) it does not require expansion or upgrading of Metropolitan Systems prior to the schedule set forth in adopted Metropolitan Plans; (2) it meets the dimensional standards and criteria in section F; (3) 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. b. 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. c. 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. d. 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. D. Permitted public facilities. <ol style="list-style-type: none"> 5. Barge Facilities <ol style="list-style-type: none"> a. In Rural Open Space and Urban Developed districts, the following standards shall apply: <ol style="list-style-type: none"> (1) the expansion of existing barge slips shall be permitted; (2) 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). b. In Urban Open Space districts, the following standards shall apply: <ol style="list-style-type: none"> (1) no new barge slips shall be permitted; (2) 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). c. In Urban Diversified districts, all barge facilities are permitted. F. Dimensional standards and criteria. <ol style="list-style-type: none"> 7. Line of Sight <p>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>
	<p style="text-align: center;">Shoreline Facilities</p>	<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>		

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>
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).

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 Sheet 3 – Water Quality .	<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. Site Plans. Site plans shall meet the following guidelines:</p> <ol style="list-style-type: none"> (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. (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. (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. (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. (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. <p>b. Structures. 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. Access Routes. 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>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>
	Placement	New or realigned private roads, driveways, and parking areas will meet structure setbacks and must not be placed within the BIZ, SIZ, or SPZ .		
	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"> • the path must meet or exceed all BMPs and impervious surface standards in Sheet 3 – Water Quality; • within the SIZ, the width must not exceed 8'; and • within the BIZ or SPZ, the width must not exceed 4'. 		

	Standard Type	Preliminary Draft Standards	<p align="center">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></p>	<p align="center">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></p>
<p align="center">Public Transportation Facilities <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>D. Permitted public facilities.</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"> (1) careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian crossing and safe pedestrian pathways along the river; (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; (3) steep slopes shall be avoided; (4) scenic intrusion into stream, valley and open exposures of water shall be avoided; (5) scenic intrusion into areas such as ridge crests and high points shall be avoided (6) wetlands shall be avoided; (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; (8) soils whose high susceptibility to erosion would create sedimentation and pollution problems during & after construction shall be avoided; (9) areas of unstable soils which would be subject to extensive slippage shall be avoided; (10) areas with high water tables, especially if construction requires excavation, shall be avoided; (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; (12) open space recreation areas shall be avoided. <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"> (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; (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>
	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: 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.	
	Erosion & Stormwater Control	New or realigned facility design and construction methods must meet the land alteration and stormwater management standards in Sheet 3 – Water Quality , and MnDOT Standard Specifications for Construction .	C.8. LGUs and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines: 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.	
	Crossings	Crossings of public waters or land controlled by the commissioner are subject to approval by the Commissioner pursuant to MS 84.415 or 103G.245 . 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.		

	Standard Type	Preliminary Draft Standards	<p align="center">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></p>	<p align="center">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></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"> (3) construction across wetlands shall take place in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation; (4) construct at times when local fish and wildlife are not spawning or nesting. d. Safety considerations 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"> a. Existing and potential sites for the following uses shall be identified and inventoried. <ul style="list-style-type: none"> (1) Neighborhood, municipal, county and regional parks; (2) Scenic overlooks, scenic views, and public observation platforms; (3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas; (4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes; (5) Commercial marinas and boat launching facilities; (6) Public access points to the river; (7) Historic sites and districts. b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks. c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions. d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed. 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. 	<p>C. Permitted uses.</p> <p>7. Recreational uses</p> <ul style="list-style-type: none"> 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. 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.
Placement	Structures, and impervious areas, except shoreline facilities, 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.	Public Water Access		
Trails & Vistas	Public water access ramps may be allowed as provided under MN Rules, Chapters 6115 and 6280 (promulgated under MN Statutes, Chapter 103G), Public water access parking areas and approach roads must not be placed within the BIZ , SIZ or SPZ 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 Design Handbook for Recreational Boating and Fishing Facilities (SOBA, 2006) , and must meet the BMPs and impervious standards in Sheet 3 – Water Quality .	Trails providing access to or vistas of the water may be placed within the BIZ , SIZ or SPZ if design, construction, and maintenance methods are consistent with the BMPs in Trail Planning, Design, and Development Guidelines (DNR, 2007) . Trails and vistas must also meet the BMPs and impervious standards in Sheet 3 –Water Quality , 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">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></p>	<p align="center">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></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>D. Permitted public facilities.</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 & 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 $\geq 5mW$, and pipelines shall be regulated pursuant to MS Chapter 216E, 216F and 216G, 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>D. Permitted public facilities.</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">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></p>	<p align="center">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></p>
Public Utilities	Routing - Areas to Avoid	Avoidance areas for utilities or transmission services include: <ul style="list-style-type: none"> • BIZ, SPZ, and steep slopes; • scenic intrusions into river valleys, and open expanses of water; • scenic intrusions into areas such as ridge crests and high points; • wetlands; • naturally vegetated forested areas; • soils susceptible to erosion; • areas of unstable soils; and • open space recreation areas. 	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"> (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. (2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable; (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; (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. <p>f. In the construction of transmission services, the following guidelines shall be applied whenever practicable:</p> <ol style="list-style-type: none"> (1) construction in wetlands shall minimize damage to vegetation, prevent erosion and sedimentation; (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. <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"> (1) primary consideration will be given to minimizing visual impact; (2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable; (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 (4) regarding width of the right-of-way, the cleared portion of the right-of-way should be minimized. 		
	Construction Guidelines	In the construction of utilities, the following guidelines shall be applied whenever practicable: <ol style="list-style-type: none"> (1) construction in wetlands will minimize damage to vegetation, prevent erosion and sedimentation; (2) construction will be undertaken when local fish and wildlife are not spawning or nesting; (3) erosion and sedimentation control will comply with the standards in Sheet 3 – Water Quality. 		
	Crossings	Crossings of public waters or land controlled by the DNR are subject to approval by the Commissioner pursuant to MS 84.415 or 103G.245 . 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)*

Subdivisions and Planned Unit Developments - 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 6: Subdivisions and Planned Unit Developments – 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>
Subdivisions & PUDs	General Provisions	Subdivisions and PUDs must be processed by LGUs according to Minnesota Statutes, chapters 394 , 462 , 505 , and 515B .	<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. 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>(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.</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>(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.</p> <p>c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.</p>	<p>F. Dimensional standards and criteria</p> <p>1. Objectives The objectives of dimensional standards and criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback for sanitary facilities, to prevent pollution of surface and groundwater, to minimize flood damage, to prevent soil erosion, and to implement metropolitan plans, guides and standards. 3.</p> <p>3. Lot size.</p> <p>a. In the rural open space and urban developed districts, the following minimum lot sizes shall be required:</p> <p>(1) in unsewered areas, the minimum lot size shall be five acres per single family unit;</p> <p>(2) in sewerred areas, the minimum lot size shall be consistent with the local zoning ordinance.</p> <p>b. In the urban open space and urban diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.</p>
	Site Plan & Pre-Project Review	LGUs shall require detailed site information and pre-project review for all proposed subdivisions and PUDs. Site plans shall identify and address the protection of features and resources identified in Minnesota Statutes, §116G.15, Subd. 4(b).		
	Lot & Density Standards	Density and lot size will be governed by underlying zoning, except in District CA-2 <i>(see Sheet 1 – Dimensional Standards)</i> .		
	Other Design Standards	Local ordinances must contain provisions for conservation design for subdivisions and PUDs to provide a means of protecting open space and the features and resources identified in Minnesota Statutes, §116G.15, Subd. 4(b).		

	Standard Type	Preliminary Draft Standards	Executive Order 79-19 Current Standards & Guidelines	Interim Development Regulations (IDR)
Open Space	General Provisions	Open space protection will be required for all subdivisions creating ≥ 3 lots and PUDs, except: (1) minor boundary line corrections; (2) resolutions of encroachments; (3) additions to existing lots of record; and (4) essential services.	C.6. Local units of government 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: a. Existing and potential sites for the following uses shall be identified and inventoried. (1) Neighborhood, municipal, county and regional parks; (2) Scenic overlooks, scenic views, and public observation platforms; (3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas; (4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes; (5) Commercial marinas and boat launching facilities; (6) Public access points to the river; (7) Historic sites and districts. b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks. c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions. d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed. 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.	No standards in the IDR.
	Protection Measures	Open space shall be protected through a perpetual conservation easement as provided in Minnesota Statutes, Chapter 84C , or fee title ownership by a government entity for conservation purposes. Local ordinances must contain provisions for the administration and maintenance of open space.		
	Requirements	A percentage of the total project area must be protected as open space as specified below: <ul style="list-style-type: none"> District CA-1: NA District CA-2: minimum of 50% (with smaller lot sizes and density bonuses provided for conservation design and protection of additional open space) District CA-3: minimum 25% Districts CA-4, CA-6, and CA-7: primary conservation areas up to 15% District CA-5: underlying zoning (transfer of development density into CA-5 is encouraged) In all districts where open space protection is required, primary conservation areas must be the highest priority for open space protection. In Districts CA-2 and CA-3, if the site plan determines that the primary conservation areas exceed the minimum percentage of open space required, then the LGU shall determine which to include in the open space; if the primary conservation areas do not meet the minimum percentage of open space required, the LGU shall determine the remaining balance on the site.		
	Connectivity	Open space must connect neighboring or abutting open space, natural areas, and recreational lands as much as possible to form an interconnected, corridor-wide network of open space and natural areas.		
Dedication	General Provisions	In the development of subdivisions creating ≥ 3 lots and PUDs, a developer will be required to dedicate to the public reasonable portions of the project area. Providing public access to the river must be the highest priority for dedication. In the event of practical difficulties or physical impossibility, a developer will be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the MRCCA. The area dedicated may include areas protected as open space as provided above.	C.6.f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.	

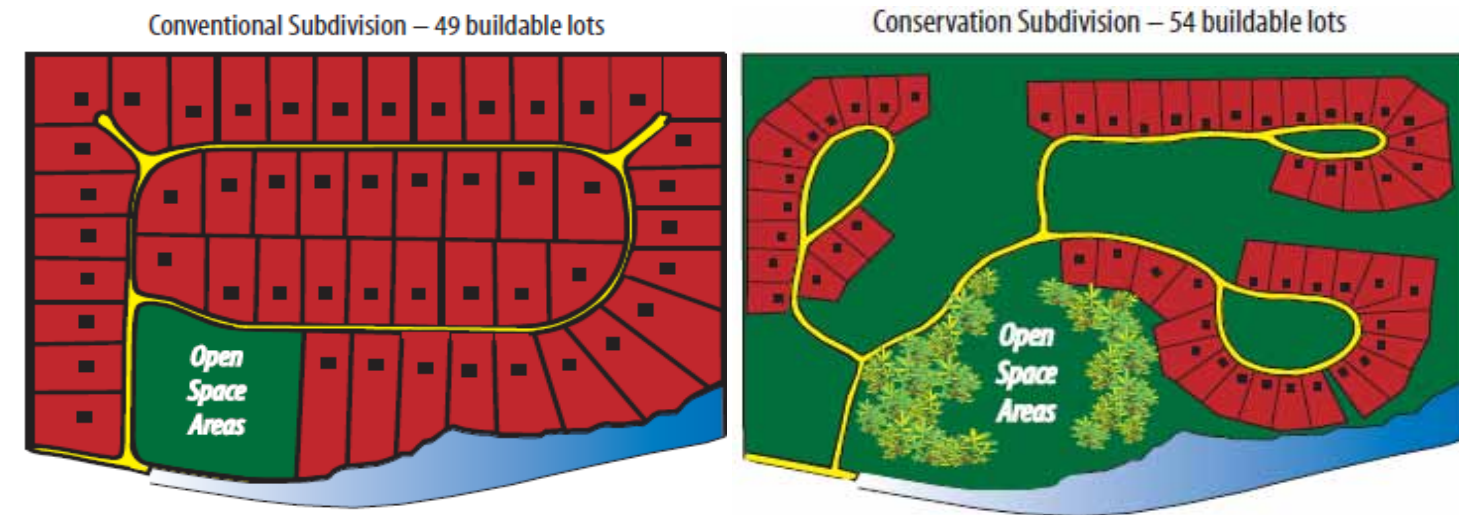
Preliminary Draft Definitions – Revised November 5, 2010

Conservation Easement = a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property. (MN Stats, Chapter 84C)

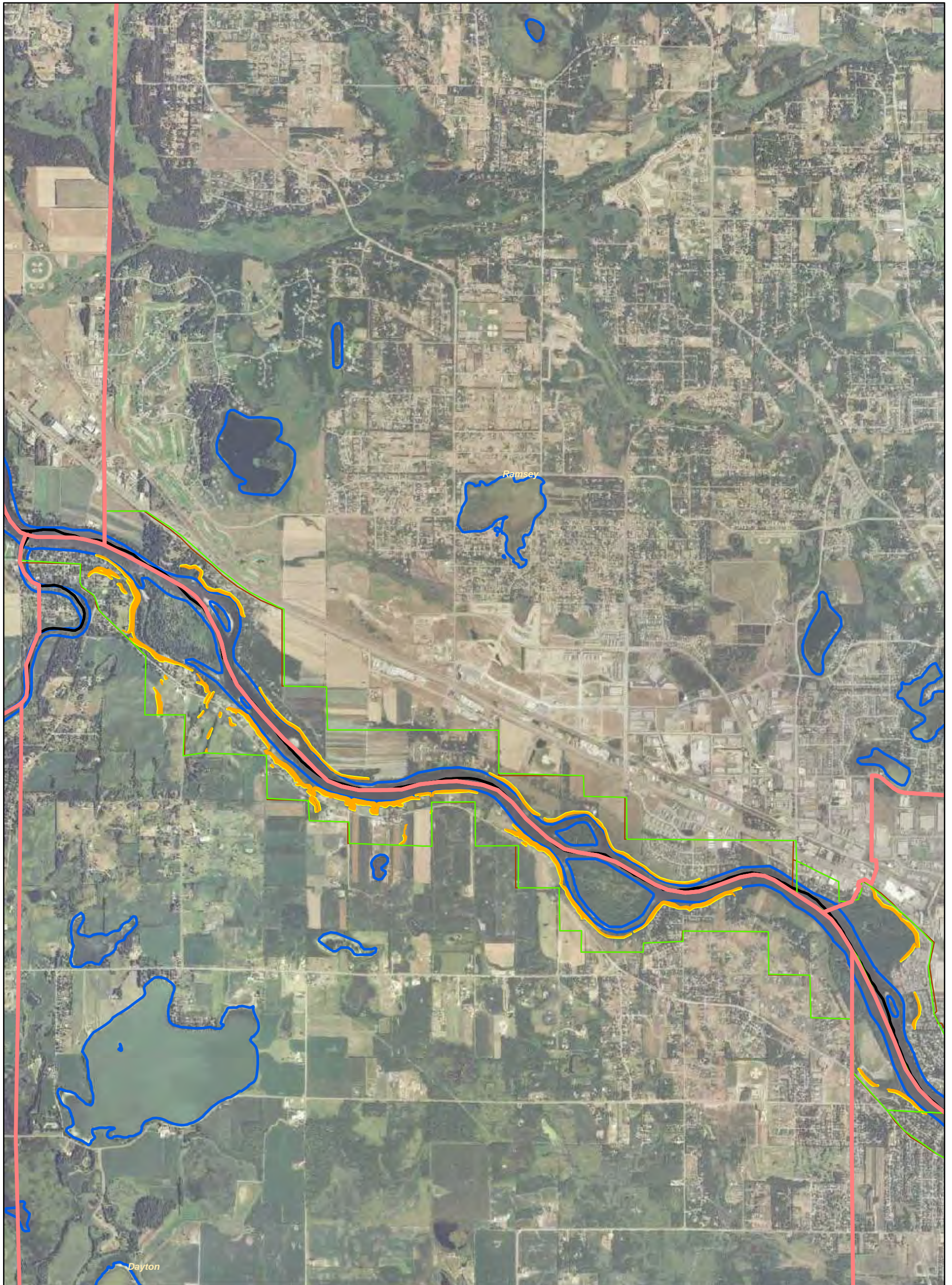
Shore Impact Zone (SIZ) = land located between the OHWL and a line parallel at a setback of 50% of the required structure setback from the OHWL. (MN Rules, Chapter 6120)

Primary Conservation Areas = key resources and features, including: the SIZ, BIZ, and SPZ; floodplains, wetlands, gorges; areas of confluence with key tributaries; natural drainage routes; unstable soils & bedrock; significant existing vegetative stands, tree canopies, and native plant communities; scenic views & vistas; publicly owned parks, trails & open spaces; and cultural & historic sites & structures.






Subdivision = the separation of an area, parcel, or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations: (1) where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for residential uses and five acres or larger in size for commercial and industrial uses; (2) creating cemetery lots; (3) resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary. (MN Stats, Chapter 462)



Mississippi River Corridor Critical Area Preliminary Bluff Map Ramsey



This image is preliminary and subject to revision.
Bluff locations and sizes are approximate.
Bluff areas are defined as those with 18% or greater slopes
with at least 10 feet vertical height.
Artificial and natural features are not distinguished.

-  Municipal Boundaries
-  Bluff Top
-  Mississippi River Corridor Critical Area Boundary and Districts
-  Bluff Areas
-  Mississippi River





Comparison of 2030 Comp Plans & Proposed MRCCA Districts

Ramsey (also in State Wild & Scenic River Program)

1 Ramsey 2030 Plan – Mixed Use: “A small area of the Critical Area at the City’s west border is guided for Mixed Use. Mixed Use areas may include a combination of residential, commercial, light industrial, open space, and a transit hub. This designation will provide flexibility to develop in a manner that is consistent with Critical Area regulations, while still achieve community objectives for investment along Highway 10. The portion of the Mixed Use district within the Critical Area will be planned to support Critical Area policies for land use and development standards. Mixed Use development in this area will be accommodated through density transfers and the PUD process to ensure that open space requirements are met and valuable natural areas are preserved.”

Proposed MRCCA District – CA-2: In this district, the minimum lot size is 2 acres, but lot size and density may be increased through the PUD process. Use is governed by underlying zoning. *Note: City staff proposes that this area is changed from CA-2 to CA-3 (CA-3 defers to underlying lot size and density).*

2 Ramsey 2030 Plan – Low Density Residential: “Low Density Residential must have urban services before development can take place. These areas will average 3 units/acre and contain single family, detached dwellings... Due to regulations placed on the area to achieve Critical Area Tier 1 and Tier 2 and Wild & Scenic Objectives [minimum lot size of 2 acres], it is unlikely that a 3 unit/acre average density will be achieved in the Critical Area. However, given regional growth strategy to encourage higher density within MUSA, the *opportunity* to create a plan with higher densities that is acceptable to the public, and meets approval of local and state regulatory agencies should still be provided... It is the intent of this plan to encourage a development pattern that seeks to minimize density within the Critical Area Corridor while maintaining the ability to achieve higher density development consistent with urban development standards and policies. This intent can be achieved by transferring density from within the corridor to adjacent residential land use areas through the PUD process and through creative zoning techniques.”

Proposed MRCCA Districts – CA-2/CA-5: CA-2 applies to land adjacent and visible from the river. This district has a minimum lot size of 2 acres, but lot size and density may be increased through the PUD process. CA-5 applies to land not adjacent or visible from the river, and defers to lot size and density in underlying zoning. This “tiered district approach” allows density transfer away from the river to achieve urban densities.

Note: City staff proposes that all areas currently proposed as CA-2 are changed to CA-3 (CA-3 defers to underlying lot size and density).

3 Ramsey 2030 Plan – Commercial/Business Park: Small portions of land along Highway 10 are guided for future Commercial and Business Park Use.

Proposed MRCCA District – CA-5: In this district, lot size, density, and use are governed by underlying zoning.

Note: City staff does not propose changes to this district. It is consistent with the City’s 2030 Plan.

Dayton (also in State Wild & Scenic River Program)

4 Dayton 2030 Plan – Mixed Use: The Historic Village in the northwest corner of Dayton is guided as Mixed Use, which has a minimum density of 8 units/acre, except in the Critical Area where density is limited to 2.2 units/acre. An undeveloped parcel southeast of the Historic Village is also guided as Mixed Use.

Proposed MRCCA District – CA-4/CA-5: In both the CA-4 and CA-5 districts, lot size, density, and use are governed by underlying zoning. The CA-4 district was created specifically for and applies only to existing historic downtowns in Dayton and Hastings. The CA-5 district applies to land not adjacent or visible from the river. *Note: City staff does not propose changes to these districts. They are consistent with the City’s 2030 Plan.*

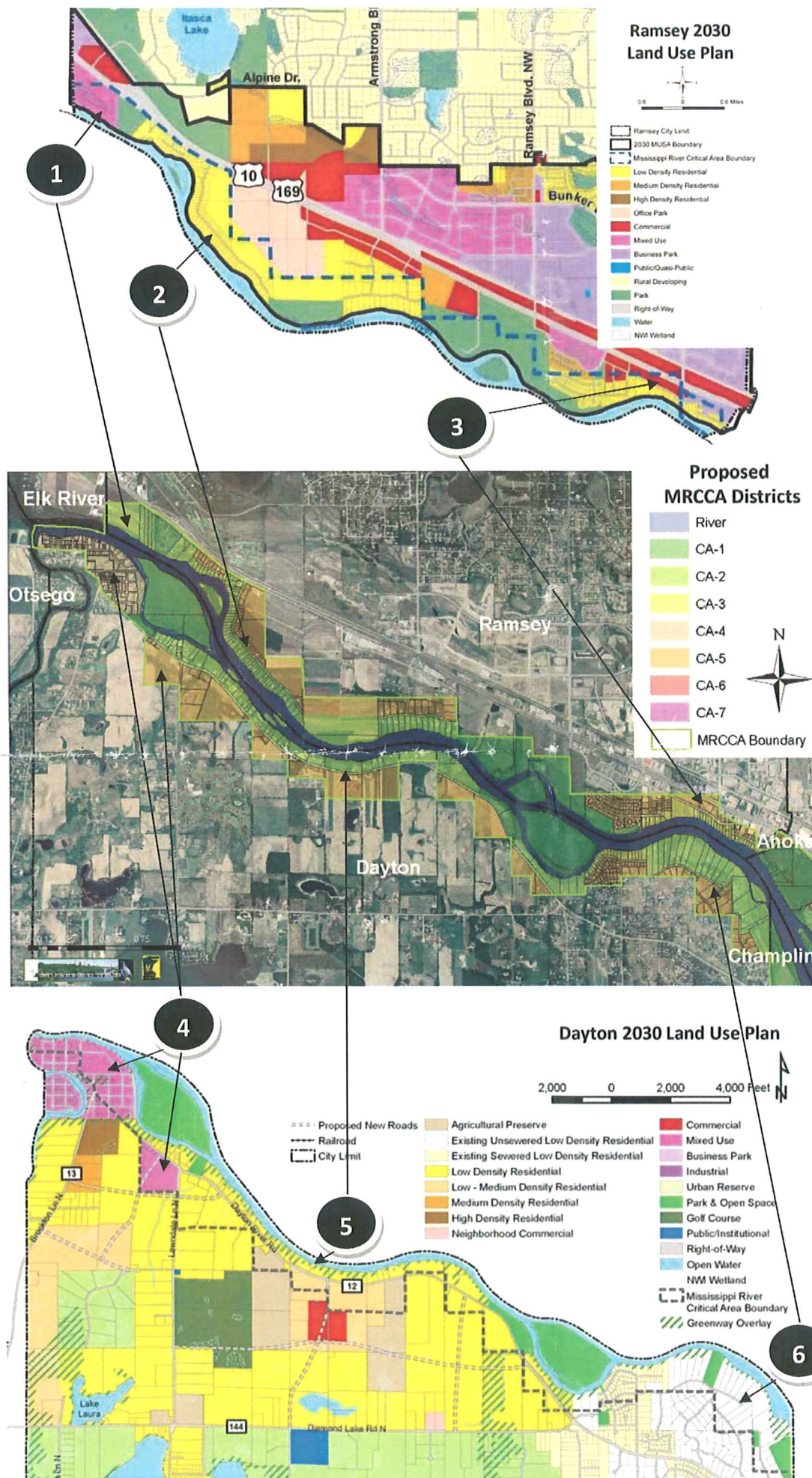
5 Dayton 2030 Plan – Low Density Residential (+ Greenway Overlay): Lots adjacent the river in this area are guided as Low Density Residential, which has a minimum density of 3 units/acre, except in the Critical Area where density is limited to 2.2 units/acre. Portions of this land are also subject to a Greenway Overlay that provides additional protections for natural features such as floodplains, wetlands, woodlands, and bluffs.

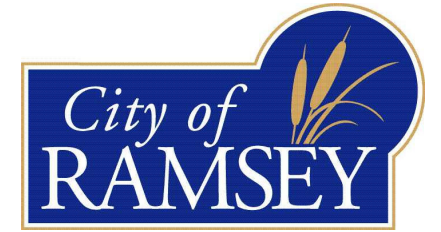
Proposed MRCCA District – CA-2: CA-2 applies to land adjacent and visible from the river, and has a minimum lot size of 2 acres. Setbacks from the OHWL and bluffs are also greater in this district than in all other districts except CA-1. *Note: City staff generally concurs with the CA-2 district designation from a density standpoint; however, they propose that part or all of the area is changed to CA-3 because the OHWL and bluff setbacks in CA-2 make approximately 10 lots unbuildable. It should be noted that the proposed setbacks in the CA-2 district are consistent with the setbacks in Dayton’s current zoning ordinance.*

6 Dayton 2030 Plan – Existing Unsewered Low Density Residential: This unsewered area is not included in Dayton’s density calculation. Dayton’s plan states that the land use pattern makes future subdivision difficult, although limited subdivision may occur on larger parcels if sanitary sewer is provided.

Proposed MRCCA District – CA-2/CA-5: CA-2 applies to land adjacent and visible from the river. This district has a minimum lot size of 2 acres, but lot size and density may be increased through the PUD process. CA-5 applies to land not adjacent or visible from the river, and defers to lot size and density in underlying zoning. This “tiered district approach” allows density transfer away from the river to achieve urban densities.

Note: City staff does not propose changes to these districts. They are consistent with the City’s 2030 Plan.





MRCCA Neighborhood Analysis

Neighborhoods

MRCCA

Proposed Districts

- Water
- CA-1
- CA-2
- CA-3
- CA-4
- CA-5
- CA-6
- CA-7

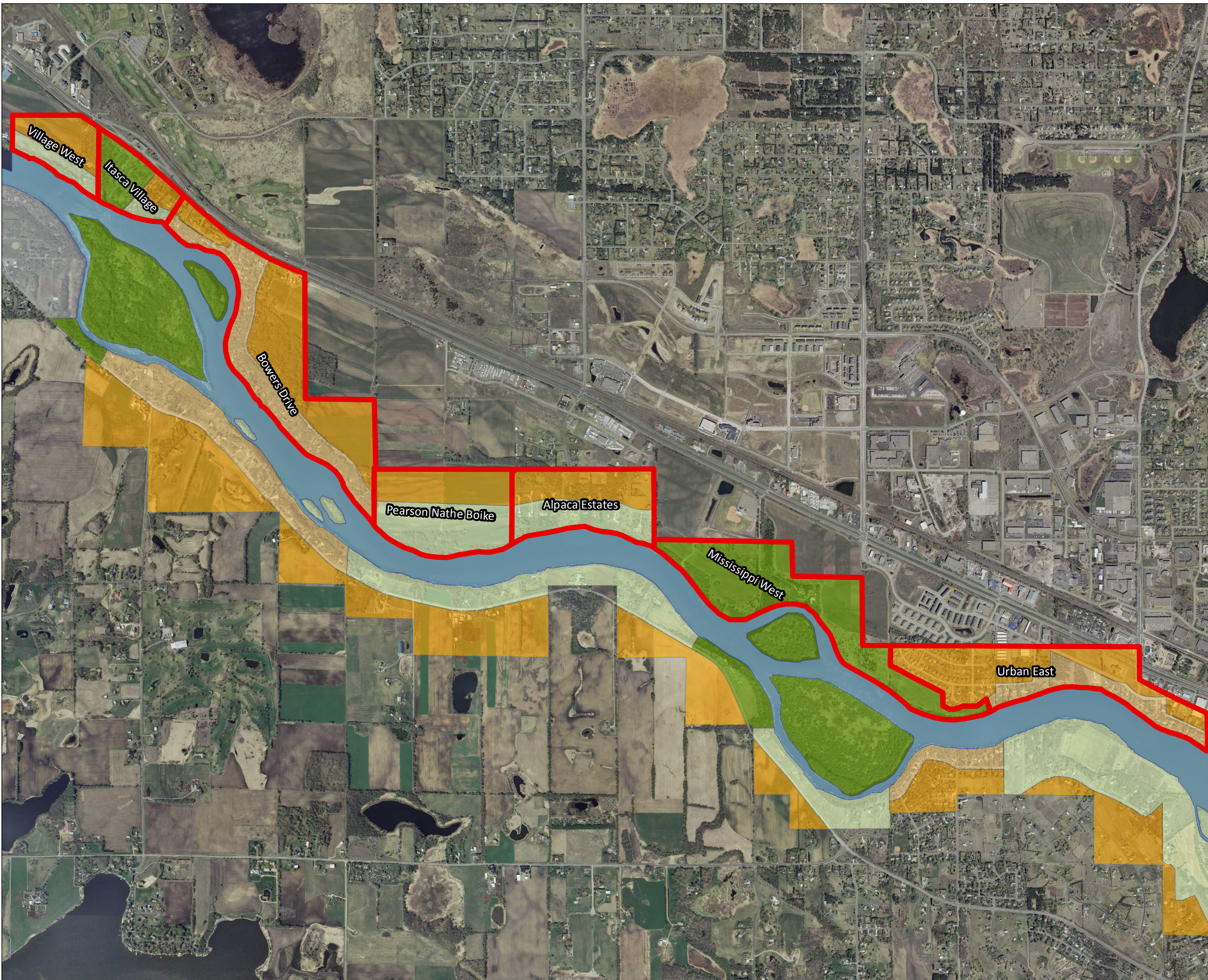


0 0.25 0.5 Miles

This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

The City of Ramsey disclaims any responsibility for or liability for the accuracy of the information at any point of initial contact with a GIS to which the public has general access. The preceding disclaimer is provided pursuant to Minnesota Statute 466.03, Subd. 21 (2000), and the user of this map acknowledges that the City of Ramsey is immune from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access of the data.



Mississippi River Corridor Critical Area (MRCCA) Rulemaking Update City of Ramsey Supplemental Analysis

In 2009, the Minnesota Legislature directed the Minnesota Department of Natural Resources (DNR) to commence rulemaking to update minimum standards in the Mississippi River Corridor Critical Area (MRCCA). The MRCCA is a state designated geographic area along the Mississippi River that encompasses communities along this corridor beginning with the cities of Ramsey and Dayton, stretching through Hastings. The City of Ramsey currently conforms to the state requirement by having a section in our Comprehensive Plan and corresponding ordinance that has been determined to be in substantial compliance with the existing state rules.

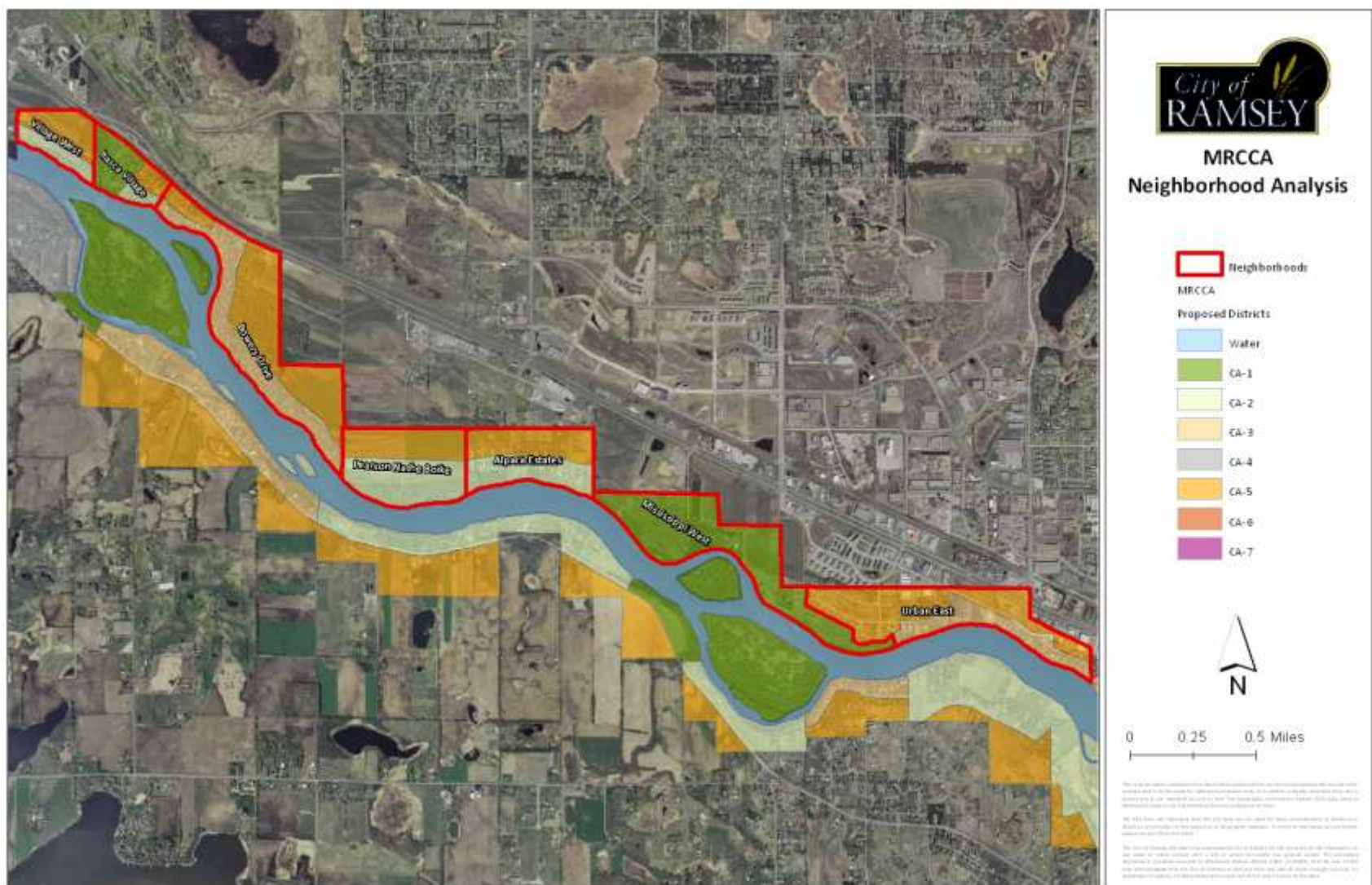
The following analysis supplements draft standards proposed by DNR staff. The analysis provides a side-by-side comparison of the City's existing ordinance and proposed standards. There has been much concern on behalf of local units of government to be able to maintain local decision-making as to land use controls. The intent of the rulemaking process is to update rules that were initially created in 1979, clarify standards, and create consistency across the corridor. However, LGUs have expressed concerns moving from the current language stating 'structure site and location shall be regulated to ensure that riverbanks, bluffs, and scenic overlooks remains in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access' to a codified set of standards as proposed. Concern has been raised regarding non-conforming lots and the development capability of undeveloped property.

It should be noted that the City has long had issues with the existing ordinance as it relates to land use designation. A large portion of the MRCCA within the City is designated as 'rural open space', which the City feels is inconsistent with the City's Comprehensive Plan, which guides this area as Low Density Residential (LDR), a suburban-type density. In addition, the City has maintained displeasure with the MRCCA overlapping with a second overlay district known as the Wild and Scenic Overlay. This overlap creates an administrative disadvantage and extremely difficult to understand which standards apply (generally more restrictive of overlapping standard applies). The draft rules include language to exclude the City from the Wild and Scenic Overlay by virtue of protection under the MRCCA. Many of the areas currently under rural open space are proposed to be guided as CA-3 (suburban densities) and CA-5 (underlying zoning). This put the City at a slight advantage, compared to other cities, by making existing lawful, non-conforming structures conforming.

Vegetative management has also been a concern of the City Council. Although existing rules prescribe some vegetative management (restrictive removal), the proposed standards would codify these standards, again raising concerns of creating non-conforming uses.

In summary, all communities are required to have ordinances and plans in substantial compliance with the existing MRCCA plans. The City has expressed concern with codifying these standards, as it feels it takes local control of land use decision making away from the LGU. Regardless of the outcome of the rulemaking update, City Staff would ask that the following be corrected from the existing ordinance:

- Amend 'Rural Open Space' areas to 'Urban Developed' (CA-3 in the proposed classifications)
- Eliminate overlap with Wild and Scenic
- Amend open space requirement for new developments to match 'Urban Developed' (tied to first bullet)



Dimensional Standards Comparison for Suburban East

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-2: Suburban Densities)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	20,000 square feet	Underlying zoning (10,800 square feet)
Minimum Lot Width	90 feet	Underlying zoning (80 feet)
Front Yard Setback	35 feet	Underlying zoning (30 feet)
Rear Yard Setback	35 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	100 feet	100 feet
Bluff Setback	20 feet (deviation from state rule)	40 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drainfield

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	20,000 square feet	Underlying zoning (10,800 square feet)
Minimum Lot Width	90 feet	Underlying zoning (80 feet)
Front Yard Setback	35 feet	Underlying zoning (30 feet)
Rear Yard Setback	35 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	100 feet	Underlying zoning (N/A)
Bluff Setback	20 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

Dimensional Standards Comparison for Mississippi West

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-1: Publicly Owned Parks)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	20,000 square feet	n/a
Minimum Lot Width	90 feet	n/a
Front Yard Setback	35 feet	Underlying zoning
Rear Yard Setback	35 feet	Underlying zoning
Side Yard Setback	10 feet	Underlying zoning
OHW Setback	100 feet	200 feet
Bluff Setback	20 feet (deviation from state rule)	100 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	25 feet
SSTS OHW Setback	75 feet	75 tank/50 drainfield

Dimensional Standards Comparison for Alpaca Estates

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-2)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	2.0 acres*
Minimum Lot Width	200 feet	200 feet
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	200 feet
Bluff Setback	35 feet (deviation from state rule)	100 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drain field

*Note: although minimum lot size is proposed to decrease, still not consistent with land use designation in 2020 and 2030 Comprehensive Plan. See notes on proposed density credits/transfers

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	Underlying zoning (N/A)
Bluff Setback	35 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

Dimensional Standards Comparison for Pearson/Nathe

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-2)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	2.0 acres*
Minimum Lot Width	200 feet	200 feet
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	200 feet
Bluff Setback	35 feet (deviation from state rule)	100 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drain field

*Note: although minimum lot size is proposed to decrease, still not consistent with land use designation in 2020 and 2030 Comprehensive Plan. See notes on proposed density credits/transfers

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	Underlying zoning (N/A)
Bluff Setback	35 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

Dimensional Standards Comparison for Bowers Drive

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-3)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	100 feet
Bluff Setback	35 feet (deviation from state rule)	40 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drainfield

*Note: although minimum lot size is proposed to decrease, still not consistent with land use designation in 2020 and 2030 Comprehensive Plan. See notes on proposed density credits/transfers

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	Underlying zoning (N/A)
Bluff Setback	35 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

Dimensional Standards Comparison for Itasca Village**

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-2)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	2.0 acres*
Minimum Lot Width	200 feet	200 feet
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	200 feet
Bluff Setback	35 feet (deviation from state rule)	100 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drain field

*Note: although minimum lot size is proposed to decrease, still not consistent with land use designation in 2020 and 2030 Comprehensive Plan. See notes on proposed density credits/transfers

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	Underlying zoning (N/A)
Bluff Setback	35 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

**Note that a portion of this area is within CA-1 (Wayside Rest). See CA-1 standards for comparison.

Dimensional Standards Comparison for Village West

Notes:

- This sheet expands on the Dimensional Standards-Comparison of Preliminary Draft & Current MRCCA Standards prepared by the Minnesota DNR

Riparian Lots (CA-2)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	2.0 acres*
Minimum Lot Width	200 feet	200 feet
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	200 feet
Bluff Setback	35 feet (deviation from state rule)	100 feet
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	35 feet
SSTS OHW Setback	75 feet	75 tank/50 drain field

*Note: although minimum lot size is proposed to decrease, still not consistent with land use designation in 2020 and 2030 Comprehensive Plan. See notes on proposed density credits/transfers

Non-riparian lots (CA-5)

Standard	Existing Regulation	Proposed Regulation
Minimum Lot Size with public sewer	2.5 acres	Underlying zoning (10,800 square feet)
Minimum Lot Width	200 feet	Underlying zoning (80 feet)
Front Yard Setback	40 feet	Underlying zoning (30 feet)
Rear Yard Setback	40 feet	Underlying zoning (30 feet)
Side Yard Setback	10 feet	Underlying zoning (10 feet [habitable]; 6 feet [uninhabitable])
OHW Setback	200 feet	Underlying zoning (N/A)
Bluff Setback	35 feet (deviation from state rule)	Underlying zoning (N/A)
Maximum Impervious Surface	30%	Underlying zoning (35%)
Maximum Building Height	35 feet	Underlying zoning (35 feet)
SSTS OHW Setback	75 feet	Underlying zoning (N/A)

Councilmember Look introduced the following resolution and moved for its adoption:

RESOLUTION # 09-04-081

RESOLUTION OPPOSING HF 1973 IN THE CITY OF RAMSEY

WHEREAS, the City of Ramsey is aware of proposed legislation that would make a number of changes to the Mississippi River Corridor Critical Areas program; and

WHEREAS, such legislation was originally introduced as HF 424 and SF 671; and

WHEREAS, the language from HF 424 is now incorporated into HF 1973; and

WHEREAS, Section 14 of HF 1973 sets forth criteria for establishing rules to carry out the purpose of the federal Mississippi National River and Recreation Area originally established pursuant to United States Code, Title 16, Section 460zz – 2 (k) and in the governor's executive order number 79-19 published in the State Register on March 12, 1979; and

WHEREAS, Section 14 requires the Commissioner of Natural Resources to adopt such rules as are necessary for the administration of the Mississippi National River and Recreation Act program; and

WHEREAS, the purpose statement contained within the proposed legislation does not include ample consideration for the rights or impacts to existing property owners in the river corridor; and

WHEREAS, the proposed legislation includes definitions of terms that are best determined through the rule-making process; and

WHEREAS, if this legislation is enacted as written, the City will be required to amend existing local ordinances to adopt standards as developed through the rule-making process, thus usurping the City's local decision-making authority in the Mississippi River corridor; and

WHEREAS, the new standards may result in additional nonconforming parcels or structures; and

WHEREAS, the parcels that become nonconforming may experience difficulties with mortgages, insurance, and sale/marketing of properties; and

WHEREAS, the designation as a nonconforming parcel or property may reduce property value; and

WHEREAS, a reduction in the City's riverfront property valuation would impact the entire City; and

WHEREAS, the City has an approved Critical Area Plan and zoning ordinance provisions that meet the intent of the critical corridor protection policies and guidelines and includes standards that are appropriate for the community; and

WHEREAS, Section 14 also includes a requirement that the Commissioner shall recover costs of reviewing information that is submitted for any action requiring a public hearing; and

WHEREAS, the cost recovery provision requires local units of government to pay for DNR review of actions mandated by the DNR; and

WHEREAS, the cost recovery provision may also increase the cost for individual property owner requests; and

WHEREAS, in order to preserve the City's rights and protect the welfare and property rights of its citizens, the City of Ramsey deems it necessary to make known its opposition to HF 1973.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1) That the City Council hereby opposes adoption of HF 1973 as currently proposed and urges reconsideration of the provisions of this bill.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember McGlone, and upon vote being taken thereon, the following voted in favor thereof:

Mayor Ramsey
Councilmember Look
Councilmember McGlone
Councilmember Jeffrey
Councilmember Wise

and the following voted against the same:

None

and the following abstained:

Councilmember Dehen

and the following were absent:

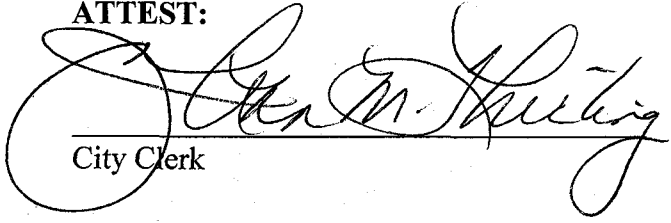
Councilmember Elvig

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 21st day of April, 2009.

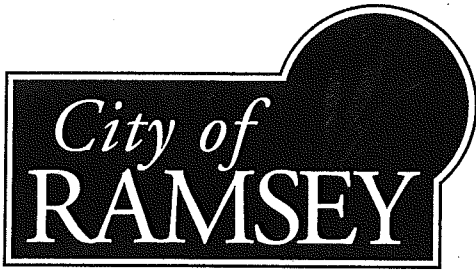


Mayor

ATTEST:



City Clerk



7550 Sunwood Drive NW • Ramsey, Minnesota 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.ci.ramsey.mn.us

August 25, 2010

Minnesota Department of Natural Resources
Attn: Jeffrey Berg
500 Lafayette Road
St Paul, MN 55155-4032

RE: MRCCA Rulemaking

Jeffrey:

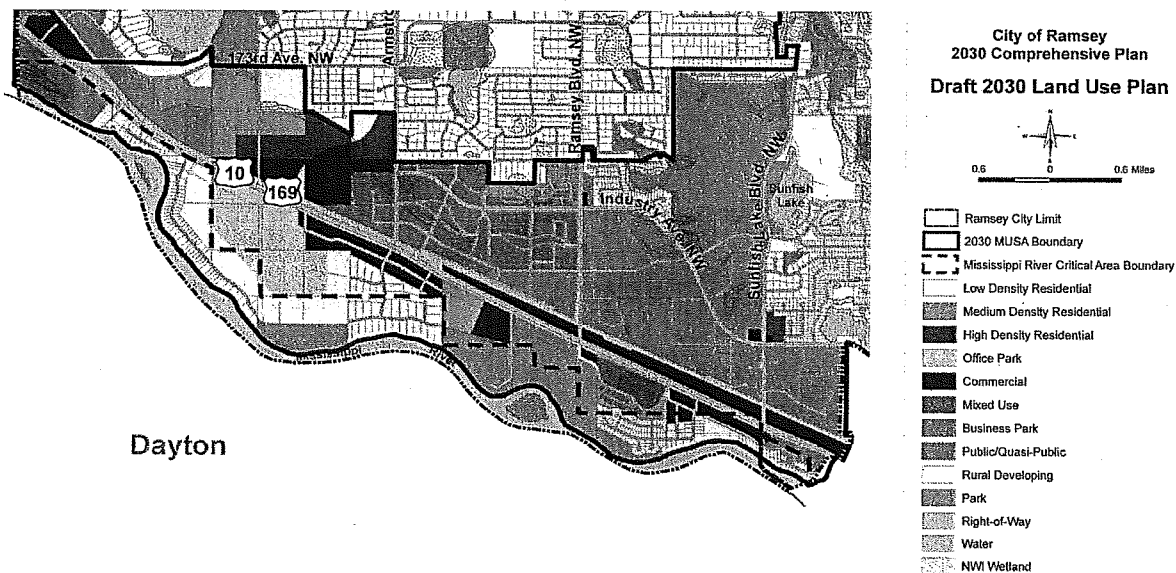
Thank you for the opportunity to respond to the draft rules of the MRCCA. The City of Ramsey understands the difficulty in balancing many different interests that are involved in this rulemaking process. We hope you take the time to review the City of Ramsey's responses and concerns. We look forward to continued collaboration on this and future projects.

The City of Ramsey City Council passed a resolution in response to the draft rules last evening. A copy of the draft resolution is attached for your review. We will send you an executed copy when that is available. We provide the following responses.

- 1) That the City requests that the DNR not require the City to be placed in both the Wild and Scenic and MRCCA Overlay Districts.
- 2) That the City requests that the DNR only implement the minimum standards in order to protect the health, safety, and welfare of the MRCCA in compliance with the Executive Order implementing the MRCCA and provide evidence as to the minimum standards.
- 3) That the City approves of the tiered land use district approach.
- 4) That the City requested additional protections, possibly a separate land use district, for those parcels already developed that may be impacted by lawful, non-conforming statuses above and beyond what is provided in MN Statute 462.357.
- 5) That the City requests that the Metropolitan Council be involved to a greater degree to ensure continuity between approved comprehensive plans and MRCCA plans in that there are conflicts in approved densities and land uses which drastically change how the City will be required to plan for future land use working within the regional framework.
- 6) That the City requests that the DNR incorporate the Statement of Principles and Specific District Comments provided by the Northwest Working Group.

- 7) That the City requests the DNR ensure compliance with the City's 2030 Comprehensive Plan, most notably densities consistent with Low Density Residential (LDR) as defined in the plan.
- 8) That the City requests the DNR ensure the ability to expand roadways to meet safety and capacity needs without additional, burdensome review and accept proper environmental studies as evidence of compliance with protection of key resources.
- 9) That the City requests the DNR consider the approved Surface Water Management Plan of the City as sufficient stormwater management plans and allow the City's Engineering Division to implement accepted Best Management Practices (BMPs) without additional review.
- 10) That the City requests the DNR consider alternatives to vegetative buffers for stormwater management and erosion control.
- 11) That the City requests the DNR consider refraining from using a 'one size fits all' buffer. Much of Ramsey can be characterized as open prairie lands. Any proposed buffers shall match native canopy cover and existing conditions where feasible.
- 12) That the City requests the DNR consider protecting public and private access to the river.
- 13) That the City requests the DNR ensure that public parks are able to develop that will enhance the experience and protection of the river.

In addition, the City is of the belief that we have taken sufficient steps to meet the intent of the MRCCA overlay district, as you can see in the future land use map below. The City believes that if required to provide dedicated open space as part of a conservation subdivision, certain areas should be credited that were designated as park or open space in our Critical Area Plan of our 2030 Comprehensive Plan that was proposed *prior to* commencing MRCCA rulemaking.



Furthermore, the City has reviewed the comments provided following the August 12th Working Group meeting in an email from Jeffrey Berg dated August 16, 2010. We continue to be concerned with being classified as rural. We agree that certain portions of Ramsey are of rural character and support that character. However, as our Future Land Use Map in the 2020 and 2030 Comprehensive Plans indicate, the area within the MRCCA is not this character, yet low density residential classified as three (3) units per acre and minimum lot size of 10,800 square feet. A minimum lot size of two (2) acres is inconsistent with our approved plans. It is our belief that the DNR had the ability to comment on this land use designation during development of the Comprehensive Plan, and as far as we can tell, did not prevent the City from implementing this future land use map. We have contacted our Sector Representative from the Metropolitan Council. The City is of the belief that we have expended great resources on these plans and received the appropriate approvals and shall not be negatively impacted by these proposed rules as it relates to conformance to the Metropolitan Council's Regional Framework. The City is already required to adhere to MN Stat. 473.175 as it relates to local comprehensive plans and ensure compliance with regional planning.

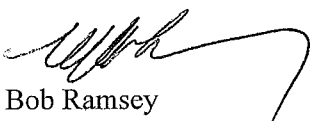
Lastly, the City encourages the DNR to provide all affected communities with recent case law as it relates to variances (namely the definition of 'reasonable use') as well as non-conforming statutes. The City is especially concerned with comments that the proposed rules include provisions for amortization, which is in direct conflict with current statutes.

The City understands the importance of this critical natural and cultural resource and it is an extremely important piece of our community. The City wishes to provide adequate protections that balance private property rights. Cities have come a long way in managing urban growth since the Executive Order was established. We continue to pride ourselves of our blend of urban and rural character and pride ourselves on a high quality of storm water management. The City has received numerous positive comments on our approved surface water management plan, especially during review of our comprehensive plan. We understand the need for consistency across jurisdictions, but want to ensure that the state rules are indeed the minimum standards necessary in order to protect the health, safety, and welfare of our region and the Mississippi River. The City of Ramsey feels that there is still a need for room for local units of government to manage their land use and zoning appropriately, as we are those that are most familiar with the local needs of the area.


Please feel free to contact Tim Gladhill, Associate Planner and MRCCA Working Group member with additional questions or clarification.

Sincerely,

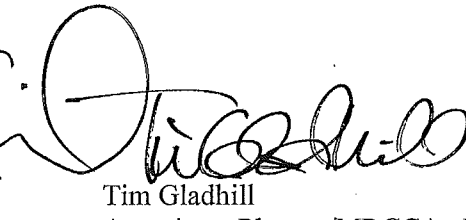
CITY OF RAMSEY



Bob Ramsey
Mayor



Kurt Ulrich
City Administrator



Tim Gladhill
Associate Planner/MRCCA Working
Group Member

CC: NW Working Group Members
Susan Hoyt, Metropolitan Council Sector Representative
Mark Holsten, DNR Commissioner

Mayor Ramsey introduced the following resolution and moved for its adoption:

RESOLUTION #10-08-193

**RESOLUTION PROVIDING COMMENTS TO FIRST DRAFT OF MISSISSIPPI RIVER
CORRIDOR CRITICAL AREA (MRCCA) RULES**

WHEREAS, in 2009, the Minnesota Legislature directed the DNR to establish districts within the MRCCA, minimum guidelines for standards in the districts, take into account municipal plans and policies as well as existing ordinances and conditions; and

WHEREAS, the rulemaking requires the DNR to establish districts within the MRCCA, minimum guidelines for standards in the districts, take into account municipal plans and policies as well as existing ordinances and conditions; and

WHEREAS, as part of the rulemaking process, working groups were established of 15-20 people set to convene three or four times from March 2010 to September 2010; and

WHEREAS, the City has participated in these working groups and has had the opportunity to review and comment the proposed rules; and

WHEREAS, the City understands the importance of the key resource that is the Mississippi River and that additional protections may be warranted.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:**

- 1) That the City requests that the DNR not require of the City to be placed in both the Wild and Scenic and MRCCA Overlay.
- 2) That the City requests that the DNR only implement the minimum standards in order to protect the health, safety, and welfare of the MRCCA in compliance with the Executive Order implementing the MRCCA and provide evidence as to the minimum standards.
- 3) That the City approves of the tiered land use district approach.
- 4) That the City requested additional protections, possibly a separate land use district, for those parcels already develop that may be impacted by lawful, non-conforming statuses above and beyond what is provided in MN Statute 462.357.
- 5) That the City requests that the Metropolitan Council be involved to a greater degree to ensure continuity between approved comprehensive plans and MRCCA plans in that

there are conflicts in approved densities and land uses which drastically change how the City will be required to plan for future land use working within the regional framework.

- 6) That the City requests that the DNR incorporate the Statement of Principles and Specific District Comments provided by the Northwest Working Group.
- 7) That the City requests the DNR ensure compliance with the City's 2030 Comprehensive Plan, most notably densities consistent with Low Density Residential (LDR) as defined in the plan.
- 8) That the City requests the DNR ensure the ability to expand roadways to meet safety and capacity needs without additional, burdensome review and accept proper environmental studies as evidence of compliance with protection of key resources.
- 9) That the City requests the DNR consider the approved Surface Water Management Plan of the City as sufficient stormwater management plans and allow the City's Engineering Division to implement accepted Best Management Practices (BMPs) without additional review.
- 10) That the City requests the DNR consider alternatives to vegetative buffers for stormwater management and erosion control.
- 11) That the City requests the DNR consider refraining from using 'one size fits all' buffer. Much of Ramsey can be characterized as open prairie lands. Any proposed buffers shall match native canopy cover and existing conditions where feasible.
- 12) That the City requests the DNR consider protecting public and private access to the river.
- 13) That the City requests the DNR ensure that public parks are able to develop that will enhance the experience and protection of the river.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Elvig, and upon vote being taken thereon, the following voted in favor thereof:

Mayor Ramsey
Councilmember Elvig
Councilmember Dehen
Councilmember Look
Councilmember McGlone
Councilmember Wise

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

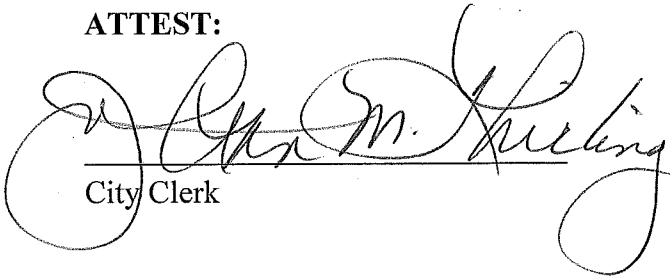
Councilmember Jeffrey

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 24th day of August, 2010.



Mayor

ATTEST:



City Clerk

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #10-10-__

A RESOLUTION SUPPORTING AN APPROACH TO THE MISSISSIPPI RIVER CRITICAL CORRIDOR RULEMAKING PROCESS THAT BALANCES THE PRESERVATION AND ENHANCEMENT OF THE ENVIRONMENTAL, CULTURAL, RECREATIONAL, AND ECONOMIC FUNCTIONS OF THE MISSISSIPPI RIVER

WHEREAS, the Mississippi River Critical Corridor (the “Corridor”) as 72 mile section of the Mississippi River extending from Dayton and Ramsey to the confluence with the St. Croix River was first established in 1976 and was reaffirmed with executive order 79-19; and

WHEREAS, the original intent of the Corridor was to:

1. Protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;
2. Prevent and mitigate irreversible damage to this state, regional and national resource;
3. Preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;
4. Protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems;
5. Protect and preserve biological and ecological functions of the corridor; and

WHEREAS, the 2009 Minnesota Legislature authorized the Department of Natural Resources (the “DNR”) to establish rules for the Mississippi River Critical Corridor requiring the DNR to:

1. Determine the appropriate number of districts within each municipality;
2. Take into account municipal plans and policies, and existing ordinances and conditions;
3. Consider the protection of key, identified resources and features; and

WHEREAS, said direction by the Legislature required that the DNR establish, by rule, minimum guidelines and standards for the districts, which shall include the intent of each district, key resources and features to be protected or enhanced while taking into account municipal plans and policies and existing ordinances and conditions.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA:

1. The City supports the recognition of the unique urban character of the Mississippi River along the defined critical corridor and we urge the DNR to develop rules that recognize the multi-purpose nature of the river and to respect the insight and knowledge of local units of government that have developed an effective regulatory framework; and
2. The City supports the accounting for existing ordinances, conditions and municipal plans and policies in the rulemaking process and recognize that existing rules do not match existing development patterns and that land use districts in the City are in need of amending in both existing rules and proposed rules; and

3. The City discourages the inclusion of policies that hamper economic development, redevelopment, and property rights of existing property owners along the river within the context of existing ordinances, conditions and municipal plans and policies; and
4. The city encourages the DNR to strike a balance that preserves and enhances the environmental, cultural, recreational, and economic functions of the Mississippi River.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

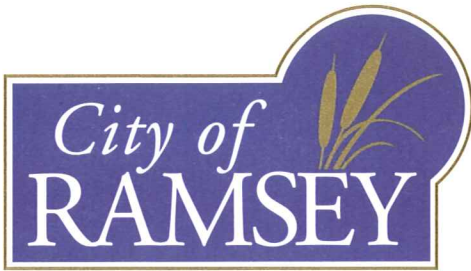
and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26th day of October, 2010.

Mayor

ATTEST:

City Clerk



7550 Sunwood Drive NW • Ramsey, Minnesota 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.ci.ramsey.mn.us

December 17, 2010

Minnesota Department of Natural Resources
Attn: Jeffrey Berg
500 Lafayette Road
St Paul, MN 55155-4032

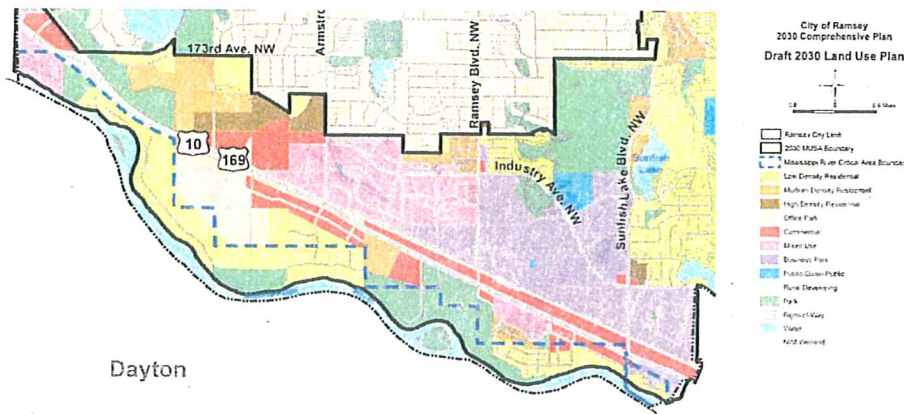
RE: MRCCA Rulemaking

Jeffrey:

The City of Ramsey has reviewed the most recent draft of the proposed MRCCA rules. The City of Ramsey appreciates the side-by-side comparison of existing standards and proposed standards. We thank you for your willingness to incorporate comments provided into the draft rules. We hope that we can continue to facilitate open conversation. We provide the following comments:

General/Land Use Districts:

We greatly appreciate the revisions to the land use districts to better match actual development patterns. We certainly are in support of the tiered land use district approach that focuses regulations on the areas of highest need. We continue to have concern regarding CA-2 designations remaining in certain areas, although feel much more comfortable with the latest version of the land use map. Our approved Comprehensive Plan and underlying zoning districts allow for minimum lot sizes of 10,800 square feet, which was used to determine future population, household, and employment forecasts. Changes in minimum lot size may result in reduced forecasts, which will require a revision to the City's System Statement, a discussion the City is not willing to start at this time. Our main concern is the level of discrepancy between bulk standards in CA-2 and CA-3. The City feels there is room for adjustment to CA-2 regulations, especially related to setbacks, before it could support any areas guided as CA-2. Furthermore, we greatly appreciate the attempts to avoid overlapping regulations of MRCCA and Wild and Scenic. We look forward to your legal counsel's opinions on the feasibility of this standard using the current rulemaking process.



Dimensional Standards:

The City of Ramsey does not have any major issues with Page 1 of the Dimensional Standards sheet. We somewhat object to the 200' structure setback from the OHW. The City HIGHLY objects to introducing structure setback for tributaries beyond the boundaries of the MRCCA. The draft rules identify the Rum River as a tributary for the Mississippi River. We ask that the DNR clarify that these rules would not extend beyond the boundaries of the MRCCA, to avoid any confusion of potential overlap of regulations. We find the building height definition generally acceptable, although it does not match the City's definition of building height. Building height restrictions shall allow for two-story residential dwelling structures.

Bluffs and Steep Slopes:

The City finds the Preliminary Bluff Map a helpful tool in determining where bluff setbacks apply. It appears that bluff setbacks are consistent with adjoining communities and the City finds this acceptable. However, again, the CA-2 standards are, in the opinion of the City of Ramsey, excessive as it relates to the remaining land use districts. Setback standards in the CA-2 district shall either be revised to a more acceptable standard, or remaining areas in Ramsey shall be revised to CA-3. The draft rules state that development may be allowed on steep slopes under certain conditions. Please clarify who determines those conditions as listed in the draft rules.

Water Quality:

The City has an approved comprehensive surface water management plan. We find this to be adequate measure for protection of water quality, and thus find that the intent of the MRCCA is met, and we should not be subject to additional review and performance standards.

Vegetation Management:

We do not object to certain vegetation management standards. We object to the size of the SIZ in the CA-2. Certain vegetative removal should be allowed to enhance the enjoyment of this critical resource. We question the viability of requiring the City to implement an LGU program to encourage further protection. We do not have the resources to implement such a program at this time. If the DNR can provide the City with such resources, we will assist as best as possible in distribution of such materials. We oppose requiring restoration at time of expansion of any non-conformity. The language appears vague in the statement 'mitigation will be proportionate to the impacts of the development'. We would like to explore certain incentive-based programs to encourage restoration at time of expansion, as opposed to firm requirements.

We certainly see the benefit of natural vegetative screening along the river, both from an aesthetic and functional standpoint. As you can see on the future land use map on page 1 of this letter, a large majority of any remaining riparian areas are guided for park/open space. We feel we should receive open-space credit for these areas we have already guided for the purposes of natural resource conservation and recreational opportunities.

Uses:

The City finds the Uses section generally acceptable, with the exception of screening standards of signs. We find this a difficult standard to enforce, as much of the screening will be subject to off-site vegetative screening outside of the control of the property owner.

Facilities:

A high priority goal for the City of Ramsey is access to the many miles of river that run along our border. We are extremely fortunate to be bordered by the Mississippi River as well as the Rum River. Our Parks Staff has been working diligently, along with the Anoka County Parks Staff, to develop public access so our residents, and residents of the region, can experience firsthand these important resources. We ask that the draft rules do not impede our ability to develop such access in the limited few areas we still have an opportunity to do so. Other high-priority projects for Ramsey include the development of the Mississippi West Regional Park and the Mississippi River Trail (MRT).

As it relates to right-of-way maintenance, it is imperative that we be able to enforce our ordinances related to long grass and vision clearance triangles. These are not only important from an aesthetic standpoint, but from a safety standpoint as well.

We also support Anoka County's response to the initial draft rules. We find it important to be able to develop regional parks, which will help permanently protect valuable open space along the corridor, and to continue to plan for desperately needed transportation improvements within the corridor. We find it difficult to support a standard that makes an important river crossing subject to approval of the Commissioner of the DNR. The update to the rules should acknowledge corridors that have already been identified and should not impede the ability of these crossing to occur. We would like to see additional clarification on what is determined as 'reasonable and consistent'.

Subdivisions and Planned Unit Developments:

The City is willing to explore the use of conservation subdivisions. However, we find the requirement for 50% dedicated public open space excessive compared to other districts. The City is unable to accept additional maintenance and monitoring obligations for these areas. The City would like to work with the DNR to develop Conservation Subdivision standards separate from our existing PUD standards that includes a lower dedication requirement that is focused on higher priority areas. As stated previously, we would like to explore credit for areas guided for parks/open space within our Comprehensive Plan.


As previously stated, the City understands the importance of this critical natural and cultural resource and it is an extremely important piece of our community. The City wishes to provide adequate protections that balance private property rights. Cities have come a long way in managing urban growth since the Executive Order was established. We continue to pride ourselves of our blend of urban and rural character and pride ourselves on a high quality of storm water management. We understand the need for consistency across jurisdictions, but want to ensure that the state rules are indeed the minimum standards necessary in order to protect the health, safety, and welfare of our region and the Mississippi River. The City of Ramsey feels that there is still a need for room for local units of government to manage their land use and zoning appropriately, as we are those that are most familiar with the local needs of the area.

In summary, a majority of our concerns are with areas guided as CA-2 and potential conflict with our approved Comprehensive Plan. In addition, we feel that this designation has too many standards that are much more restrictive than the remaining districts. If the intent truly is to have consistency across the corridor, then the CA-2 designation requires much revising.


Please feel free to contact Tim Gladhill, Associate Planner and MRCCA Working Group member with additional questions or clarification.

Sincerely,

CITY OF RAMSEY


Bob Ramsey
Mayor


Kurt Ulrich
City Administrator


Tim Gladhill
Associate Planner/MRCCA Working
Group Member

CC: NW Working Group Members
Susan Hoyt, Metropolitan Council Sector Representative
Mark Holsten, DNR Commissioner
Jenny Shilcox, Mn DNR

CC Work Session

Item #: 3. 1.

Date: 01/11/2011

By: Jo Thieling
Administrative Services

Information

Title:

Future Topics

Background:

Attached is the calendar of future topics for your information.

Funding Source:

N/A

Council Action:

For Informational Purposes.

Attachments

Future Topics Calendar

Form Review

Inbox

Kurt Ulrich

Form Started By: Jo Thieling

Final Approval Date: 01/06/2011

Reviewed By

Kurt Ulrich

Date

01/06/2011 12:12 PM

Started On: 01/05/2011 06:33 PM

**Work Session Calendar
2011**

Month	Date	Topics for Discussion
Jan/Feb/March		<ol style="list-style-type: none"> 1) Review City Hunting Regulations (sometime in 1st quarter 2011) 2) Update Public Nuisance Ordinance (Jim Way) 3) Variolite Street Extension Discussion 4) Consider Financing Options for Road Reconstruction Policy
On List – No Date 2011		<ol style="list-style-type: none"> 1) Outside Storage in Industrial Areas (AM) 2) Community Center Planning (HN) 3) Discuss Joint Community Effort Regarding County Road Standards (Councilmember Wise) 4) Review Dangerous Dog Ordinance and Signage w/re to Dog Park 5) Excessive Use Ordinance – Councilmember Dehen 6) Parks Analysis/Possible Policy Change for Rechanneling Park Dedication Funding, etc. 7) Public Works Space Needs Analysis (BO)
		<p>Future HRA Items for Discussion Discuss TIF & Development 167th/Highway #47 – October 2010</p>