

mississippi river corridor critical area

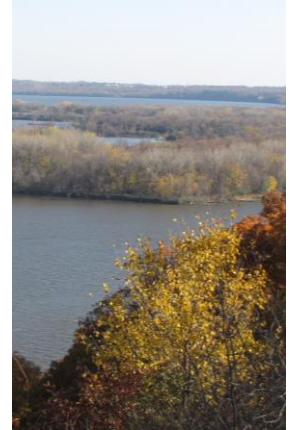


Rule Implementation

February 3, 2017

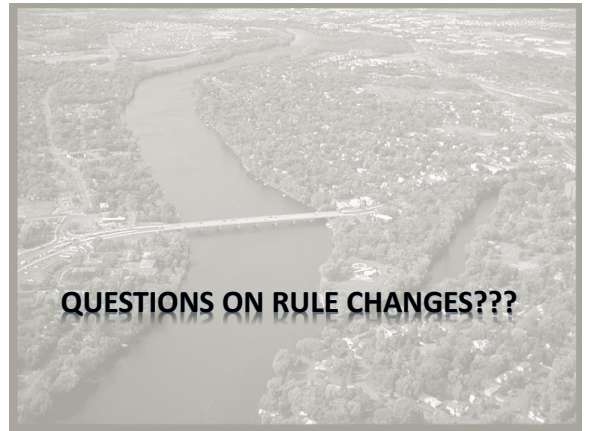
GOALS

1. Answer questions on adopted rules and next steps
2. Get feedback on our initial ideas for implementation
3. Recruit for advisory group



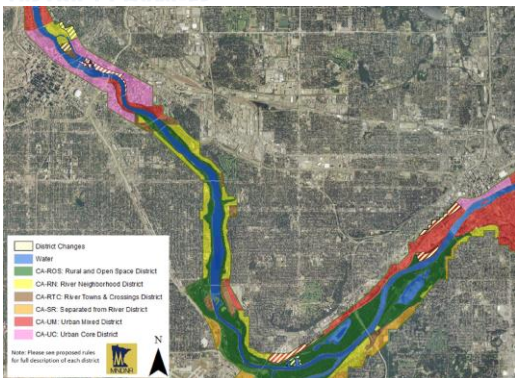
AGENDA

1. Questions on changes to rules due to public comments
2. Initial ideas for implementation schedule
3. Plan & ordinance requirements
4. Local government advisory group
5. Questions



QUESTIONS ON RULE CHANGES???

DISTRICT CHANGES



IMPLEMENTATION

IMPLEMENTATION GOALS

- Make process easy and seamless for all involved
- No surprises – clear expectations
- Re-use what you can from existing plans and ordinances
- Incorporate better data and information where available



RULE REQUIREMENTS

6106.0070, Subp. 2 Adoption of plans and ordinances.

- DNR shall notify LGUs of adoption schedule.
- Existing plans and ordinances remain in effect until amended.
- Development in LGUs **without** existing plans and ordinances governed by rules.
- Adoption of plans and ordinances consistent with rules does not limit previously approved development.

RULE REQUIREMENTS

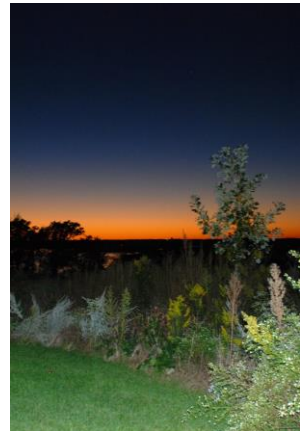
6106.0070, Subp. 3 Plan and ordinance review.

- LGUs must prepare or amend plans and ordinances within one year of notification. DNR may grant extensions.
- Formal submittal to Met Council and DNR for review in format prescribed by DNR.
- Underlying zoning.
- L. Review process, adoption, enforcement.
- Plans updated on same cycle as comp plans.



INITIAL IDEAS

- Plan Updates
 - Chapter in comp plan update due 12/2018
 - Met Council/DNR coordination plan review & approval
 - Guidance on Met Council web site
- Ordinance Updates
 - Phased over 2019 – 2021
 - DNR review & approval
 - Guidance on DNR web site



ORDINANCE CONTENTS

1. Definitions
2. Administrative provisions
3. Districts
4. Min standards & criteria
5. Alternative design methods
6. Flexibility

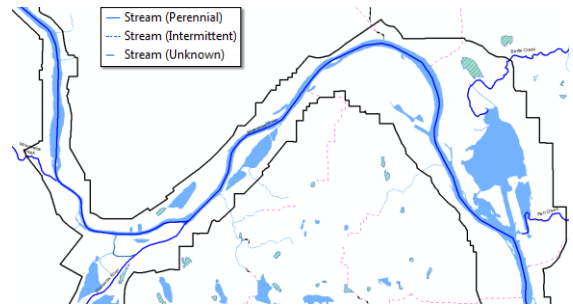


Plan Element	Executive Orders	Rules
Districts	Four districts	Six districts
Conservation Areas	Floodplains, wetlands, slopes, bluffs, unsuitable soils, significant vegetation stands, natural drainage routes	Same, plus: shore impact zones, gorges, areas of confluence, unstable bedrock, native plant communities, cultural & historic properties, tree canopies
Scenic Views	Aesthetic quality	Public River Corridor Views & other scenic views
Restoration Priorities	None	Identify priorities for Veg restoration, erosion prevention, bank/slope stabilization
Provision of Sewer Service	Coordinate development	None
Surface Water Use	Minimize conflicts with land uses Provide for barge fleeting	Same
Com'l & Ind Water-oriented	Consider/provide for such uses	Same
Open Space	Maximize creation of open and recreational space ID public access & trails	Encourage creation of open and recreational space Same
Transportation & Public Utilitv	Limit impacts	Same

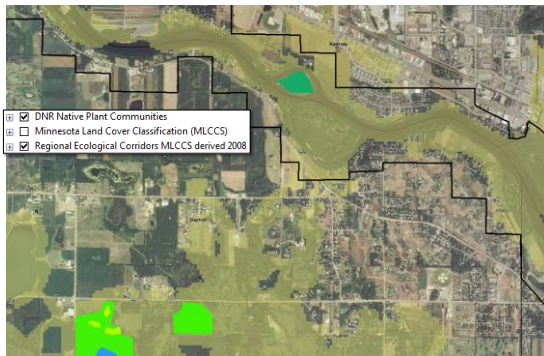
PLAN & ORDINANCE INTEGRATION

Plan Element	Ordinance Implications
Districts	<ul style="list-style-type: none"> • Structure setbacks (OWHL, Bluff) • Structure height • Open space set aside percentage
Primary Conservation Areas (PCAs)	<ul style="list-style-type: none"> • Included in definitions section • Variance and CUP (impacts, mitigation) • Permit submittals must show/describe PCAs • Incentives for alternative design methods that protect PCAs • Open space set asides (percentages)
Public River Corridor Views (PRCVs)	<ul style="list-style-type: none"> • Included in definitions section • Variance and CUP (impacts, mitigation) • Permit submittals must show/describe PRCVs • Wireless towers minimize impacts • Structure design/placement in RTC, UM, UC districts minimize impacts • CUP for taller buildings must consider PRCV enhancement • Trails, viewing areas, signs & kiosks minimize impacts • Vegetation permits for clearing minimize impacts
Restoration Priorities	<ul style="list-style-type: none"> • Vegetation clearing permits – conditions for restoration

PRIMARY CONSERVATION AREAS: AREAS OF CONFLUENCE WITH TRIBUTARIES

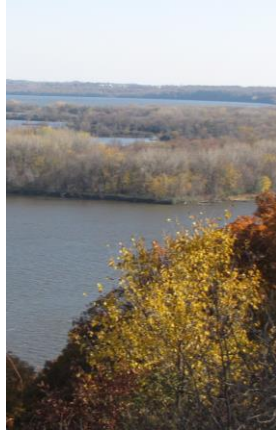


PRIMARY CONSERVATION AREAS: TREE CANOPIES



ADVISORY GROUP TOPICS

1. Procedures/Process
 1. Notifications
 2. Plan & Ord Development
 3. DNR/Met Council Review
 4. DNR Approval
2. Plan Guidance
 1. Elements
 2. Guidance
 3. Training
3. Ordinance Guidance
 1. Guidance
 2. Model ordinance
 3. Training
4. Funding Distribution (if funds)



DISCUSSION QUESTIONS

- Timing of comp plan and ordinance updates, separate, together?
- Role of consultants vs staff in this effort?
- If guidance available by June 2017, is this enough time to complete the MRCCA plan by December 2018?
- What is keeping you awake at night?
- Approach for advisory group, meetings, online discussion, other?



BLUFF

6106.0050 Definitions

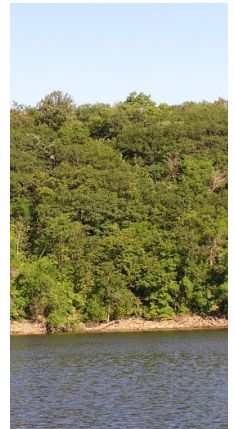
Subp. 8. **Bluff.** "Bluff" means a natural topographic feature having:

A. a slope that rises at least 25 feet above the ordinary high water level or toe of the slope to the top of the slope and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:

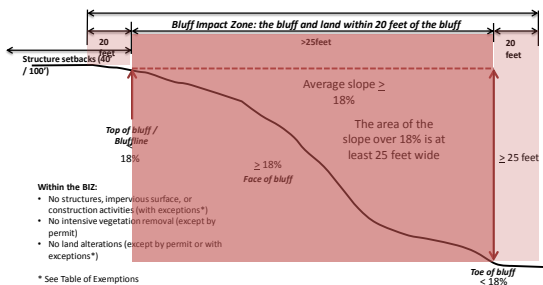
(1) where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or

(2) where the slope begins below the ordinary high water level, from the ordinary high water level or toe of the slope to the top of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet; or

B. a natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with an average slope of 40 percent, 75 degrees or greater.



BLUFFS & BLUFF IMPACT ZONE (BIZ).....



STEEP SLOPE

6106.0050 Definitions

Subp. 72. **Steep slope.** "Steep slope" means a natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.



NATIVE PLANT COMMUNITIES

6106.0050 Definitions

Subp. 39. **Native plant community.** “Native plant community” means a plant community that has been mapped-identified as part of the Minnesota biological survey or other scientifically-based studies biological survey issued or adopted by a local, state, or federal agency.



ACCOMMODATING DISABILITIES

6106.0080

Administrative Provisions

Subp. 7. **Accommodating disabilities.** Ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by chapter 1341, are allowed by administrative permit, subject to the following standards:

A. parts 6106.0120 to 6106.0180 must be complied with to the maximum extent practicable, except as provided in item B; and

B. when parts 6106.0120 to 6106.0180 cannot be complied with, the local government may issue an interim use permit to allow ramps or other facilities that do not comply with those parts. Upon expiration of the interim use permit, the ramp or other facilities must be removed.



DISTRICT BOUNDARY CHANGES

6106.0100 Districts

Subp. 9

C. The boundaries of a district established under this part must be amended according to subitems (1) to (3).

(1) A local government or a state or regional agency must submit a written request to the commissioner requesting a district boundary amendment. The request must:

(a) be approved by the governing body with the legal authority to make the request for the state or regional agency or local government;

(b) specifically identify the proposed changes to plans and ordinances to address the proposed change;

(c) identify changes in land uses, infrastructure, or other conditions since the effective date of this chapter that justify the proposed changes;

(d) be consistent with identify those local comprehensive plans, regional system statements, state park and transportation master plans, and federal plans that apply to the area proposed for a district boundary amendment.



HEIGHT

6106.0120 Dimensional Standards

Subp. 2. **Structure height.**

A. Structures, including accessory structures, as defined by local ordinance, must be no taller than the heights specified for each district:

(4) CA-SR: height is determined by the local government's underlying zoning requirements provided the structure's structure height in the underlying zoning is generally consistent with the height of the mature tree line,



STAIRWAYS, LIFTS & LANDINGS

6106.0130 Public Facilities

Subp. 8

F. Public stairways, lifts, and landings must be designed as provided in part 6106.0140, subpart 6, item C.

6106.0140 Private Facilities

Subp. 5

(4) stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and



RIPRAP

6106.0160 Land Alteration

Subp. 4. **Rock riprap, retaining walls, and other erosion control structures.**

A. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the ordinary high water level must comply with parts 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. The work must not proceed unless approved by the commissioner as meeting all requirements for work in public waters.

C. Repair of existing rock riprap retaining walls and other erosion control structures above the ordinary high water level does not require a local government permit, provided it does not involve any land alteration.



TEMPORARY STORAGE OF DOCKS, ETC.

6106.0180 Exemptions Table

Temporary storage of docks, boats, and other equipment during the winter months are exempt from setback and SIZ restrictions or standards

