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Mississippi River Corridor Critical Area Program Frequently Asked Questions

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The Mississippi River Corridor Critical Area

What is the Mississippi River Corridor Critical Area (MRCCA)?

The MRCCA is a land corridor along the Mississippi River in the seven-county metro area where there are special land use regulations that guide development activity. The corridor extends 72 miles along the Mississippi River from the cities of Ramsey and Dayton in the north to the city of Hastings and Ravenna Township in the south. It includes 54,000 acres of land along both sides of the river. The State of Minnesota created the corridor and land management regulations in 1976. Local governments administer the regulations through their local plans and zoning codes.

- [MRCCA History and Scope](#)

How and when was the Mississippi River Corridor designated as a "Critical Area"?

There have been a number of decisions and designations for the river corridor. In 1976, Governor Wendell Anderson first designated the corridor as a state Critical Area with Executive Order 130. Governor Al Quie renewed the designation in 1979, with Executive Order 79-19. The Metropolitan Council made the designation permanent in 1979 with Resolution 79-84. In 1988, Congress designated the Critical Area as the Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System. The Minnesota Legislature designated the MNRRA as a state critical area with the same boundaries as the MRCCA in 1991.

Why was the corridor designated as a "Critical Area"?

The Critical Areas Act of 1973 ([Minnesota Statutes ?116G](#)) authorizes the state to identify and plan for "areas of critical concern" that possess "important historic, cultural, or esthetic values, or natural systems which perform functions of greater than local significance." The original designation order determined that coordinated planning under the Critical Areas Act was needed to manage the corridor as a multi-purpose resource, resolve conflicts related to the use of land and water, preserve and enhance the area's natural, aesthetic, cultural and historic value for public use, and protect the corridor's environmentally sensitive areas. The MRCCA is the only critical area currently designated under the Act.

How is land development in the MRCCA currently regulated?

Land development is now managed by a new chapter of Minnesota Rules, chapter 6106. Prior to adoption of the new rules in November of 2016, the 1979 Executive Order was the guiding document for local regulations for over 30 years. The regulations in the Executive Order gave general guidance to local governments, but had become outdated, ambiguous, and difficult to administer. Development in the MRCCA was, and still is, guided by local ordinances. Until local ordinances are updated to conform to the new rules, the currently effective ordinances will remain in effect. In communities that never adopted a local MRCCA ordinance, development must conform to the regulations and standards of the Rules.

The Mississippi River Corridor Critical Area Rules

Why did the DNR develop rules for the Mississippi River Corridor Critical Area (MRCCA)?

The 2009 Legislature recognized that the 35-year old Executive Order that regulated development in the MRCCA needed to be updated, and directed the DNR to establish, by rule, new districts and standards. This initiated a two-year participatory process that involved communities, interest groups,

property owners, and the public, resulting in the 2011 draft rules. Due to the length of this process and the complexity of issues and concerns, the rulemaking effort was put on hold in early 2011 and the DNR's rulemaking authority expired. The 2013 Legislature renewed the DNR's authority to complete rulemaking for the MRCCA. The 2013 legislation addressed many of the local concerns expressed during the 2009 process.

How did the DNR solicit public feedback during rule development?

The proposed rules are the result of an extensive public participation process. Beginning in 2009 and continuing through two different rulemaking efforts, the DNR consulted with local governments, multiple interest groups and property owners to develop the draft rules. Rule development culminated in a formal public input process, consisting of a public comment period, three public hearings, response to public comments, and review by an Administrative Law Judge.

What do the new rules regulate?

The major items addressed in the new rules include:

- Responsibilities and duties of state, regional and local government
- Preparation, review, approval and adoption of local plans and ordinances
- How nonconformities, conditional/interim uses, and variances are addressed
- Establishment of six districts, each with dimensional standards for water and bluff setbacks, and building height
- General development standards for roads and other transportation facilities, recreational facilities, stairways, and signs
- Standards for protecting bluffs and steep slopes
- Standards for vegetation management and land alteration in sensitive areas
- Standards for protecting key resources as part of new development and redevelopment

For a broader overview, see [Summary of MRCCA Rules](#) PDF.

What don't the rules regulate?

The following topics are not included in the proposed rules:

- Any regulation of water surface use, such as no wake zones or boating restrictions
- Any regulations regarding docks or other structures or alterations below the Ordinary High Water Level (OHWL) of public waters
- Any regulation of dams on the Mississippi River, such as the Coon Rapids dam
- Any regulations related to water appropriations

The 2009 and 2013 legislation required the DNR to establish new districts. What is a district?

The rules identify parts of the MRCCA that have similar characteristics and group them into common districts. The six districts identified in the 2016 rules are designated to reflect existing conditions, as well as current development trends. Each district has specific building height and structure setback standards. All other standards are consistently applied across all districts.

Will these rules affect local zoning?

Yes. The rules establish minimum guidelines and standards that local governments must include in their comprehensive plans and zoning ordinances, as is currently the case with the standards in Executive Order 79-19. Local governments are responsible for enforcing local zoning controls and regulations.

Rule Implementation

How will the rules be implemented?

The rules will be implemented through local plans and ordinances. Now that the rules have been adopted, local governments are required to amend their existing MRCCA plans and ordinances to be consistent with the rules. Until local ordinances are updated to conform to the new rules, the current ordinances will remain in effect. For any community that did not adopt a MRCCA ordinance, all development proposals will need to comply with the new 2016 rules.

When will my community have to implement the rules?

The rules will not take effect immediately, but rather will be implemented over several years.

The DNR, in consultation with the Metropolitan Council, will notify local governments as to when they need to amend their plan and ordinance amendments to be consistent with the rules. Plan updates will be coordinated with the comprehensive plan updates required by the Metropolitan Council. Ordinance updates are expected to be done in phases, and communities will be given at least one year to complete the updates.

To help local governments, the DNR is currently preparing model ordinances, guidance materials, training, and other resources for local staff.

Once completed, the updated plans and ordinances must be reviewed by the Metropolitan Council, approved by the DNR, and then adopted by the community before they take effect.

Do these rules change local control over land use decision making?

No. The new rules do not change the level of local control. Currently, all local government units (LGUs) in the MRCCA administer plans and ordinances that are consistent with the guidelines and standards in Executive Order 79-19. LGUs will update their plans and ordinances to be consistent with the guidelines and standards in the new rules, but the authority of LGUs to administer these plans and ordinances will not change.

How are nonconforming structures handled with the new rules?

When any zoning standards change, any lawfully established lot, structure, or use that does not conform to the new standards becomes legally nonconforming, or "grandfathered." Minnesota Statutes ([MS ?462.357](#), [Subd. 1e](#) and [MS ?394.36](#)) protect the rights of the owners of such

nonconformities and allows their continued use. The law also allows local governments to permit limited expansion. The new rules have been designed to minimize the creation of new nonconforming structures. Some nonconformities will result from an increase in setback requirements. However other previously nonconforming structures will become conforming due to a reduction in setback requirements and the elimination of minimum lot sizes.

What about vegetation on my property?

The rules do not affect the type of vegetation a property owner can plant and do not require restoration of natural vegetation on a property that does not currently have it. Activities such as lawn and garden maintenance are not restricted. The rules do, however, prohibit intensive vegetation clearing in sensitive areas, including along the river, on bluffs, and within native plant communities and other significant vegetative stands identified by local governments. Exceptions to these restrictions are allowed through local government permit in some situations. Only removal of native plant communities, failure to acquire a permit, or violation of permit conditions will require vegetation restoration.

Will the new rules change the character of the MRCCA?

No. Executive Order 79-19 and the 2016 rules recognize that much of the MRCCA is developed and that the area must be managed for multiple uses and purposes including commercial, industrial, residential, and recreational development. Minnesota Statutes [§116G.15](#) clearly states the MRCCA should be managed as a multipurpose resource that "conserves the scenic, environmental, recreational, mineral, economic, cultural and historic resources and functions of the river corridor."



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