

Meeting Date: 01/26/2021

By: Tim Gladhill, Community Development

Information

Title:

Introduce Ordinance #21-02 Amending City Code Section 117-148 Entitled Mississippi River Corridor Critical Area

Purpose/Background:

The purpose of this case is to consider amending the City's regulations within the Mississippi River Corridor Critical Area (MRCCA) Overlay District.

This overlay district is required by the State of Minnesota and establishes minimum land use standards within the District. The Overlay District was originally created in the late 1970s and recently updated in 2017. The District requires a general land use plan be included in the City's Comprehensive Plan, which is now complete and in effect. The next step is to amend our official controls (Zoning Code).

Staff is advancing the amendment now ahead of the anticipated schedule due to the proposed Riverstone South proposal. The updated rules are more reflective of the proposed Riverstone South subdivision.

While the City was very active during the State of Minnesota Rulemaking Process and subsequent update to the City's Comprehensive Plan, including this area, this is the first read of the actual official controls/zoning code update. The City Council should feel comfortable tabling action if additional time and information is necessary. However, it should be noted that a delay in this ordinance update will delay the Riverstone South proposed subdivision.

Alternatives

1. Adopt the Ordinance as presented (meets minimum requirements)
2. Adopt the Ordinance as modified
3. Postpone action to further refine draft ordinance
4. Do not adopt the ordinance (would not be in compliance with State Statute/Minnesota Rules)

Notification:

The Planning Commission held a Public Hearing on January 7, 2021. The Public Hearing Notice was advertised in the Anoka County Union-Herald, the City Official Newsletter. Since the district/impacted area is more than 40 acres in size, direct mailings are not required. Notification is not required for this step.

During the State of Minnesota Rulemaking process (2015-2017) significant public outreach and notification was provided.

Observations/Alternatives:

The updated plans and rules represent a significant benefit to the City of Ramsey. Under the previous plan, a majority of the district was in a rural open space designation, significantly restricting future development potential and conflicted with the City's Comprehensive Plan. The updated rules better reflect the City's vision for future land use. The most relevant example is the current Riverstone South proposal. Under the previous plan, this current proposal would have needed to be processed as a Planned Unit Development with significantly more open space protection (50% of the site).

Additionally, the updated rules remove a number of lawful, non-conforming uses for neighborhoods that were created prior to establishment of the Overlay District by the State of Minnesota. The Bowers Drive neighborhood is an example of the updated districts better reflecting actual built-environment, thereby removing non-conformities.

Many of the rules that were recently added already existed in Ramsey's ordinance. The updated rules have minimal impact to Ramsey, where other communities were more significantly impacted. There are some updated vegetation management requirements and permitting requirements, but nothing significantly different than Ramsey's existing ordinance.

Attached to this case is a copy of the proposed ordinance following Ramsey City Code outline and structure. The DNR has provided a model ordinance with additional commentary to help explain requirements. To help bridge the gap between the two documents with a different numbering sequence, Staff has created a 'crosswalk' to help cross-reference the two document to better access the commentary from the DNR.

Funding Source:

This case is being handled as part of normal Staff duties.

Recommendation:

The Planning Commission recommends that the City Council adopt the ordinance.

Action:

Motion to introduce Ordinance #21-02 amending City Code Section 117-148 (Mississippi River Corridor Critical Area).

COPY
Attachments

Overview

MRCCA District Map

Ordinance #21-02

Ordinance #21-02 Cover

Crosswalk Comparison to DNR Model Ordinance

DNR Model Ordinance with Commentary

PREVIOUSLY APPROVED: MRCCA Plan

Comparison to Existing Ramsey Ordinance

DRAFT Planning Commission Minutes dated January 7, 2021

Form Review

Inbox

Tim Gladhill (Originator)

Kurt Ulrich

Form Started By: Tim Gladhill

Final Approval Date: 01/21/2021

Reviewed By

Tim Gladhill

Kurt Ulrich

Date

01/21/2021 11:50 AM

01/21/2021 03:20 PM

Started On: 01/08/2021 09:59 AM

Guide to City and Township MRCCA Zoning Updates

What is the Mississippi River Corridor Critical Area MRCCA?

The Mississippi River Corridor Critical Area (MRCCA) is a corridor of land along each side the Mississippi River in the Twin Cities Metropolitan Area with coordinated state, regional and local land use planning and zoning. It includes 54,000 acres in 30 local governments along a 72-mile stretch of the river. Land development in the MRCCA has been regulated by city and township-adopted MRCCA plans and zoning regulations since 1976 in compliance with state provisions. These local zoning standards have regulated structure height and setbacks from the river and bluffs as well as vegetation management and removal, land alteration, and subdivision of land to preserve the corridor's unique natural, recreational, and cultural features.



The MRCCA was designated a critical area in 1976 by Executive Order following passage of the Minnesota Critical Areas Act of 1973. The Executive Order was the governing regulation until it was superseded by MRCCA rules in 2017 ([Minnesota Rules Chapter 6106](#)). The rules more consistently protect habitat, scenic views and water quality, and allow redevelopment to address contemporary needs such as higher density and mixed uses. In 1988, the National Park Service designated the Mississippi National River & Recreation Area (MNRRA), which shares the same border as the MRCCA. There are no federal land planning or zoning regulations associated with the MNRRA.

Why is the MRCCA important?

The Mississippi River is one of the most famous rivers in the world. It is the defining feature for the many communities along its banks. Through the Twin Cities metro area, the MRCCA supports a diverse mix of residential, commercial, industrial and recreational uses, as well as river-related industry and transportation. Though the river corridor has been extensively developed, many intact and remnant cultural, natural and scenic areas remain, including bluffs, islands, floodplains, wetlands, historic resources, and native plants and animals. The state rules and local MRCCA plans and zoning regulations are designed to protect these resources while accommodating continued growth and redevelopment.

Why is my community updating its MRCCA zoning regulations?

Starting in January 2020 and going through approximately December 2022, all communities in the MRCCA will be adopting new MRCCA zoning standards consistent with 2017 MRCCA rules and local MRCCA plans that were recently updated as part of the comprehensive plan 10-year updates. **Until a community adopts the new standards, its existing MRCCA zoning standards apply.**

Contact your local city or township zoning staff with questions about relevant standards and permit requirements that apply to your property. The DNR's role is to ensure that local government MRCCA zoning regulations comply with the state rules and to provide technical assistance and oversight to local zoning staff.

Overview of New Local Government MRCCA Zoning Regulations

Local MRCCA zoning regulations are administered as an overlay district. Within this overlay district, MRCCA zoning regulations guide building and construction, vegetation management and removal, and land alteration. These regulations also affect local decisions on variances and conditional use permits. Following is an explanation of how the new zoning regulations in the 2017 MRCCA rules will affect some of the most common development activities.

New Terms

Familiarity with the following terms are helpful for understanding MRCCA zoning regulations. These terms are described and mapped in city and township MRCCA plans (a chapter of the comprehensive plan) and summarized below:

Bluff. A natural feature with an average slope exceeding 18%.

Bluff impact zone. The bluff and land within 20 feet of the bluff.

Native plant communities. Plant communities of five acres or greater that meet the quality criteria established by the Minnesota Biological Survey to qualify as a native plant community - identified in local government MRCCA plans.

Natural drainage way. Rivers and streams and any other drainage ways identified by local governments.

Shore impact zone. 50% of the required structure setback from the river.

Significant existing vegetation stands. Largely intact and connected plant communities that contain a sufficient representation of the original native plant community - identified in local government MRCCA plans.

Wetland. Transitional lands between terrestrial and aquatic systems where the water table is usually at or near the surface or land covered by shallow water.

Building and Construction

Structure height and structure setbacks from the river and top of bluffs (the top of an 18% slope) vary for each of the six MRCCA districts (See Table 1). These provisions protect scenic views and keep buildings and other development activity away from sensitive shorelines and slopes that provide habitat and are prone to soil erosion and slope failure. Structure height and setback standards will not change for most property owners. See the [MRCCA Boundary and Districts web page](#) to find the district in which your parcel is located.

Table 1. Building and constructions standards for each of the six MRCCA districts.

Build & Construction Standards	Rural Open Space (CA-ROS)	River Neighborhood (CA-RN)	River Towns and Crossings (CA-RTC)	Separated from River (CA-SR)	Urban Mixed (CA-UM)	Urban Core (CA-UM)
Maximum Structure Height	35'	35'	48'*	Underlying Zoning	65'*	Underlying Zoning
Mississippi River Structure Setback	200'	100'	75'	n/a	50'	Underlying Zoning
Bluff Structure Setback	100'	40'	40'	40'	40'	40'

*Greater height may be allowed with a Conditional Use Permit.

Expansion of Nonconforming Structures

Legal nonconforming structures were lawfully permitted when they were built. However, when zoning standards change and these structures no longer conform to the new standards, they become legally nonconforming or “grandfathered.” Nonconforming structures are common in the MRCCA. Minnesota Statute (MS §462.357, Subd. 1e) protects the rights of

the owners of nonconforming structures, and allows for their continued use, including repair, replacement, restoration, maintenance, or improvement. Under the MRCCA rules, local governments may allow the lateral expansion of legally nonconforming principal structures such as homes, as long as they do not expand further into required setbacks from the river and bluff.

Land Alteration Standards (Grading & Filling)

Land alteration in areas near water and on steep slopes increases the risk of soil erosion and the movement of sediment into water. A new local government permit is required for the following land alteration activities:

- Any activity that disturbs more than 10 cubic yards or 1,000 square feet of soil within the shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater.
- Erosion control projects and repair & maintenance of existing structures in the bluff impact zone. All other activities are prohibited in the bluff impact zone.
- Riprap, retaining walls or other erosion control structures to correct an established erosion problem as determined by the local government. There are specific design standards and conditions for constructing these structures. The construction of structures below the ordinary high water level would continue to require a DNR permit or approval.

Vegetation Removal & Management Standards

Retaining vegetation along the river and on slopes is important to stabilize soil and to slow, absorb, and filter stormwater before it runs into the river. Vegetation is also important for retaining the scenic qualities of the river. Local MRCCA regulations include a new vegetation permit and standards for protecting and managing vegetation.

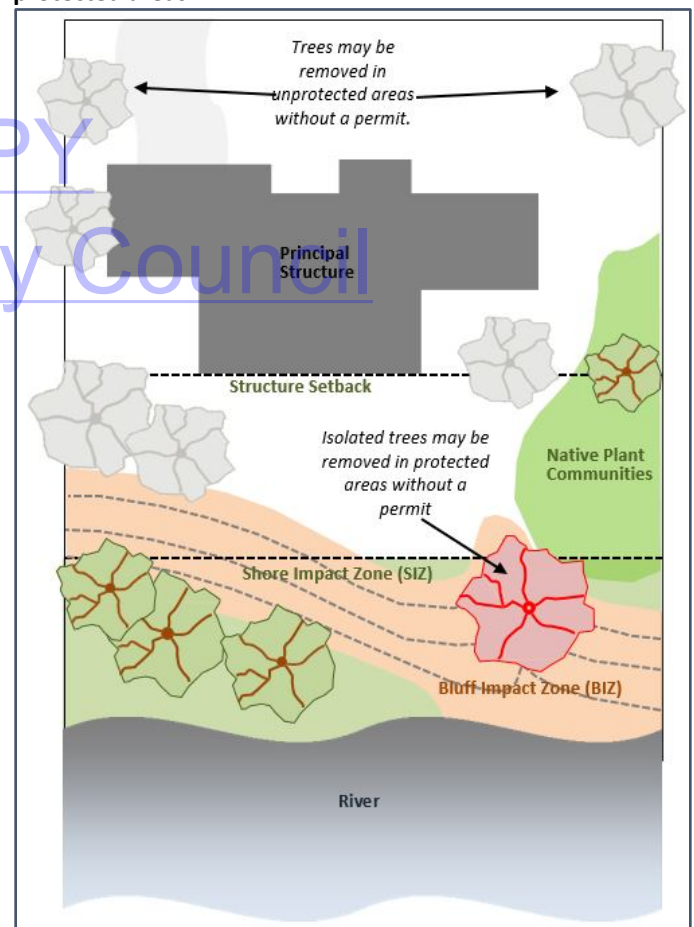
Landscaping & Maintenance Activities that DO NOT Require a Permit:

- Maintenance of existing lawns, landscaping and gardens;
- Removal of vegetation in emergency situations as determined by the local government;
- The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

Prohibited Vegetation Removal Activities

The intensive removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block in protected areas - the shore impact zone, bluff impact zone, within 50 feet of a wetland or natural drainage way or of native plant communities and significant existing vegetative stands - is prohibited. Figure 1 shows some of these protected areas – protected areas are shown in color. Note that isolated trees and shrubs may be removed in protected areas without a permit.

Figure 1. Intensive removal of vegetation is prohibited in protected areas.



Allowed Vegetation Removal Activities with a Permit:

Some vegetation removal activities in protected areas are allowed with a **vegetation permit**, including removal:

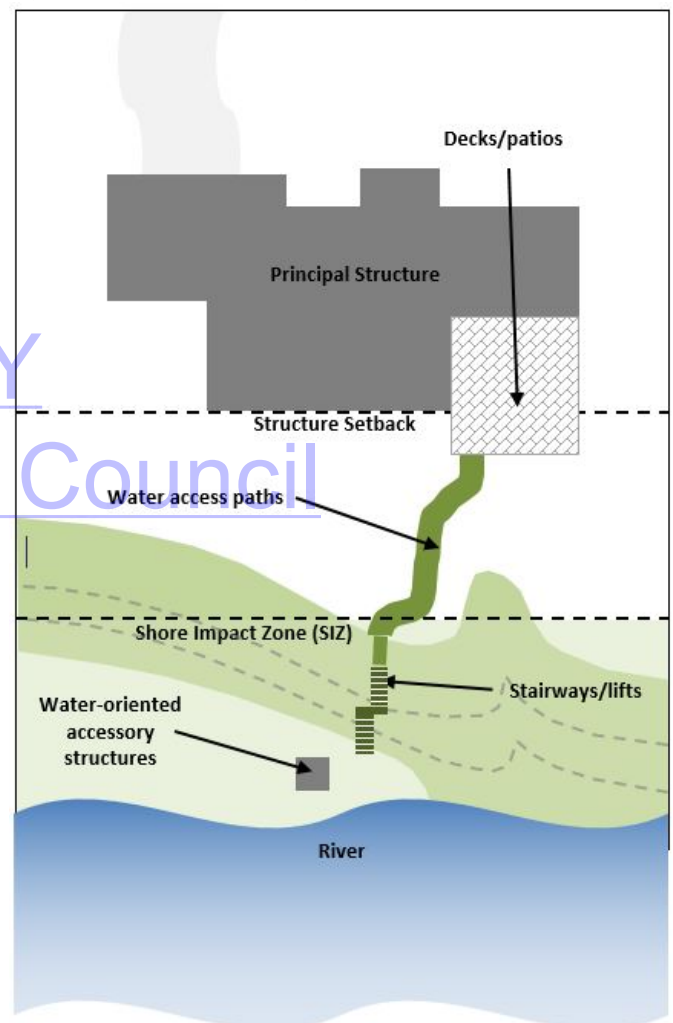
- of vegetation that is dead, diseased, dying, or hazardous;
- to prevent the spread of diseases or insect pests;
- of invasive non-native species;
- to prepare for restoration and erosion control management activities consistent with a plan approved by the local government;
- of the minimum necessary for construction allowed with a building permit.

River Access on Riparian Lots

Local MRCCA regulations include new design standards for river access including access paths and stairways, water-oriented structures and patios and decks (see Figure 2):

- Private driveways, parking areas and other impervious surfaces must not be placed in the shore impact zone or the bluff impact zone, except for:
 - **Access Paths:** Access paths can be no wider than 8 feet wide in the shore impact zone or 4 feet wide in a bluff impact zone.
 - **Stairways, lifts, and landings:** Stairways, lifts, and landings are allowed in the shore impact zone and the bluff impact zone as long as stairways and lifts are no wider than 4 feet and landings no more than 32 square feet.
- Decks and patios may encroach into bluff and river setbacks up to 15% of the required structure setback, provided they don't extend into the bluff impact zone.
- One water-oriented accessory structure is allowed for every 300 feet of river frontage. Lots less than 300 feet may have one structure. The water-oriented accessory structure is limited to a 12-foot height, 120 square foot area, and must be at least 10 feet from the water's edge. These structures are not allowed in the bluff impact zone.
- Temporary storage of docks, boats, and other equipment during the winter months are prohibited in the bluff impact zone but allowed in the shore impact zone.

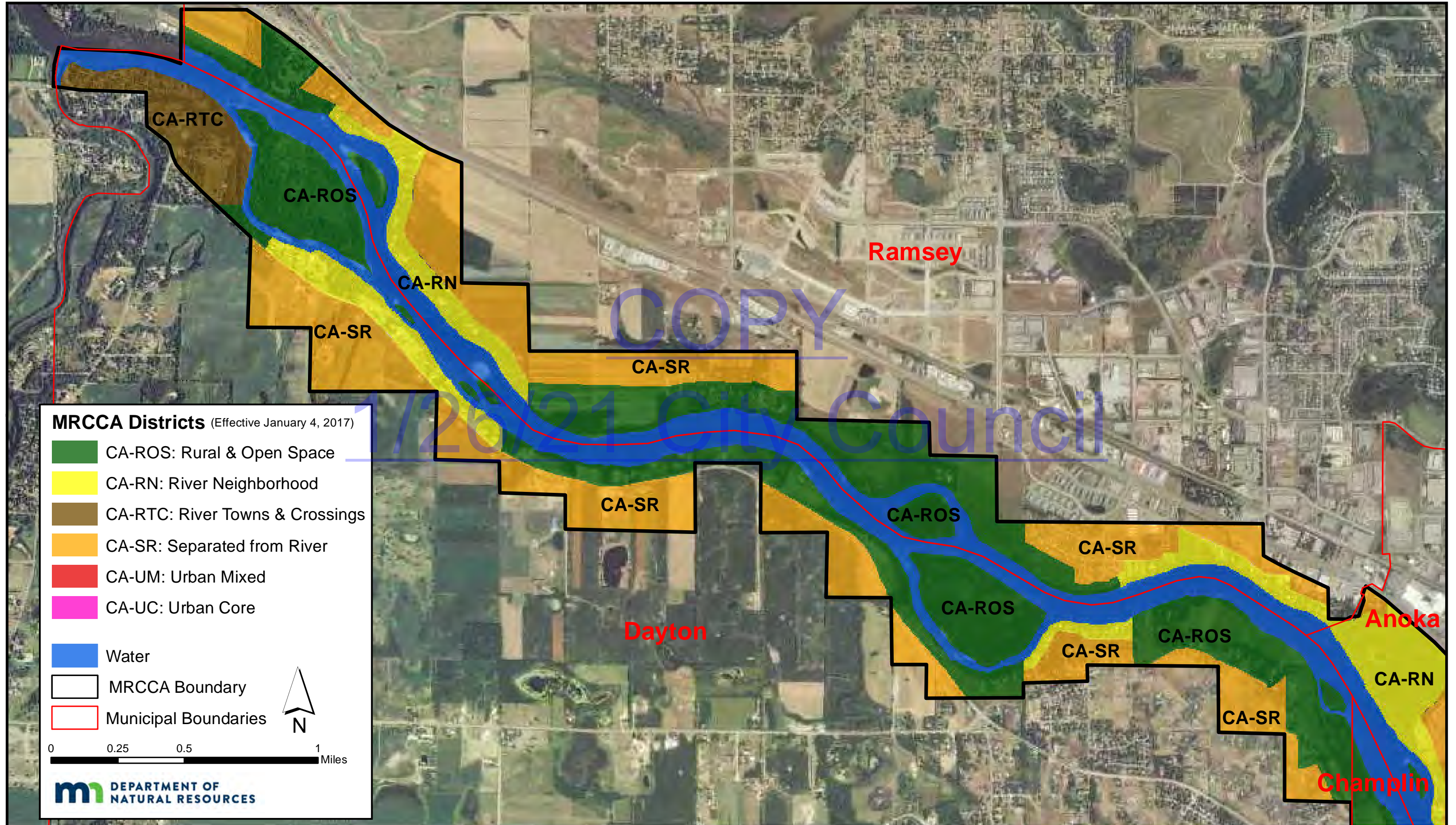
Figure 2. River Access Design Standards.



MRCCA web address: https://www.dnr.state.mn.us/waters/watermgmt_section/critical_area/index.html

Mississippi River Corridor Critical Area (MRCCA) District Map - Dayton to Anoka

Minnesota Rules, part 6106.0100



1 117-148 – Mississippi River Corridor Critical Area Overlay District development standards

2 (a) **AUTHORITY, INTENT AND PURPOSE**

3 (1) **Statutory Authorization.** This Mississippi River Corridor Critical Area (MRCCA) Section is adopted
4 pursuant to the authorization and policies contained in [Minnesota Statutes, Chapter 116G, Minnesota](#)
5 [Rules, Parts 6106.0010 - 6106.0180](#), and the planning and zoning enabling legislation in Minnesota
6 Statutes, [Chapter 462 and 473](#).

7 (2) **Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to
8 regulate the subdivision, use and development of designated critical areas and thus preserve and
9 enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for
10 the wise use of these areas.

11 (b) **GENERAL PROVISIONS AND DEFINITIONS**

12 (1) **Jurisdiction.** The provisions of this Section apply to land within the river corridor boundary as described
13 in the State Register, volume 43, pages 508 to 519 and shown on the zoning map.

14 (2) **Enforcement.** The City of Ramsey is responsible for the administration and enforcement of this Section.
15 Any violation of its provisions or failure to comply with any of its requirements including violations of
16 conditions and safeguards established in connection with grants of variances or conditional uses
17 constitutes a misdemeanor and is punishable as defined by law. Violations of this Section can occur
18 regardless of whether or not a permit is required for a regulated activity listed in Section 117-148(c)2
19 (Permits).

20 (3) **Severability.** If any section, clause, provision, or portion of this Section is adjudged unconstitutional or
21 invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

22 (4) **Abrogation and Greater Restrictions.** It is not intended by this Section to repeal, abrogate, or impair any
23 existing easements, covenants, or deed restrictions. However, where this Section imposes greater
24 restrictions, the provisions of this Section shall prevail. All other Sections inconsistent with this Section
25 are hereby repealed to the extent of the inconsistency only.

26 (5) **Underlying Zoning.** Uses and standards of underlying zoning districts apply except where standards of
27 this overlay district are more restrictive.

28 (6) **Definitions.** Unless specifically defined below, words or phrases used in this Section shall be interpreted
29 to give them the same meaning they have in common usage and to give this Section its most reasonable
30 application. For the purpose of this Section, the words “must” and “shall” are mandatory and not
31 permissive. All distances, unless otherwise specified, are measured horizontally.

32 a. **Access path.** An area designated to provide ingress and egress to public waters.

33 b. **Adjacent.** Having a boundary that physically touches or adjoins.

34 c. **Agricultural use.** A use having the meaning given under Minnesota Statutes, section [40A.02](#).

35 d. **Alternative design.** Subdivision design methods such as conservation design, transfer of
36 development density, or similar zoning and site design techniques that protect open space and
37 natural areas.

38 e. **Barge fleeting.** Temporarily parking and securing barges on the river, on or off channel, while tows
39 are assembled or broken up.

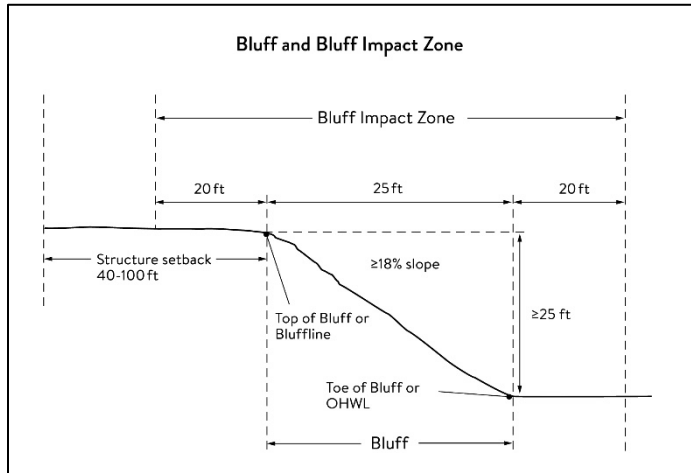
40 f. **Biological and ecological functions.** The functions of vegetation in stabilizing soils and slopes,
41 retaining and filtering runoff, providing habitat, and recharging groundwater.

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g. **Bluff.** A natural topographic feature having:

- (1) A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or

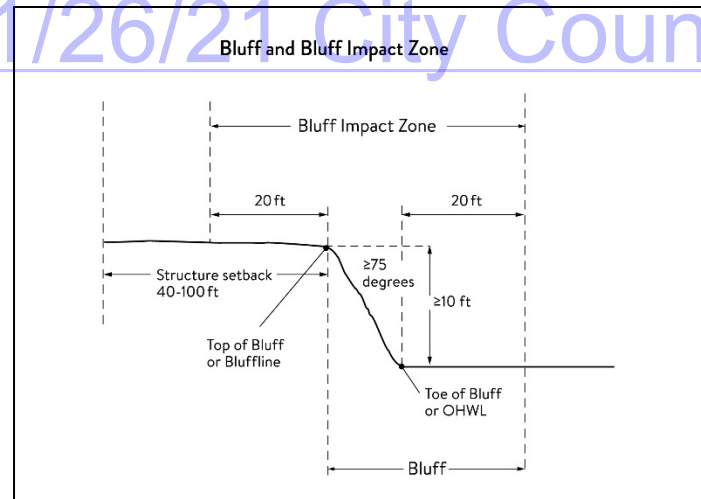
Figure 1. Bluff and Bluff Impact Zone



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- (2) 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 a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



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h. **Bluff impact zone.** A bluff and land located within 20 feet of the bluff. See Figures 1 and 2.

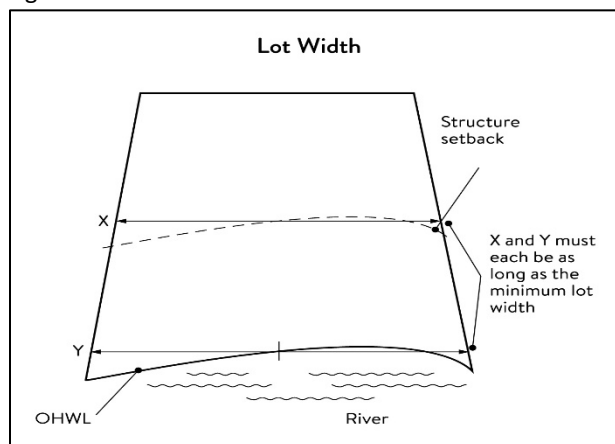
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i. **Bluffline.** A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figures 1 and 2.

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j. **Bluff, Toe of.** A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.

- 62 k. **Bluff, Top of.** A line along the top of a bluff, requiring field verification, such that the slope below the
63 line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a
64 horizontal distance of 25 feet. See Figures 1 and 2.
- 65 l. **Buildable area.** The area upon which structures may be placed on a lot or parcel of land and excludes
66 areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic
67 properties, wetlands, designated floodways, land below the ordinary high water level of public
68 waters, and other unbuildable areas.
- 69 m. **Building.** A structure with two or more outside rigid walls and a fully secured roof and affixed to a
70 permanent site.
- 71 n. **Certificate of compliance.** A document written after a compliance inspection, certifying that the
72 development is in compliance with applicable requirements at the time of the inspection.
- 73 o. **Commissioner.** The commissioner of the Minnesota Department of Natural Resources.
- 74 p. **Conditional use.** A use having the meaning given under Minnesota Statutes, chapters [394](#) and [462](#).
- 75 q. **Conservation design.** A pattern of subdivision that is characterized by grouping lots within a portion
76 of a parcel, where the remaining portion of the parcel is permanently protected as open space.
- 77 r. **Conventional subdivision.** A pattern of subdivision that is characterized by lots that are spread
78 regularly throughout a parcel in a lot and block design.
- 79 s. **Deck.** A horizontal, unenclosed, aboveground level structure open to the sky, with or without
80 attached railings, seats, trellises, or other features, attached or functionally related to a principal
81 use or site.
- 82 t. **Developer.** Having the meaning given under Minnesota Statutes, section [116G.03](#).
- 83 u. **Development.** Having the meaning given under Minnesota Statutes, section [116G.03](#).
- 84 v. **Discretionary action.** An action under this chapter related to land use that requires a public hearing
85 by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit
86 developments, conditional use permits, interim use permits, variances, appeals, and rezonings.
- 87 w. **Dock.** Having the meaning given under Minnesota Rules, chapter [6115](#).
- 88 x. **Electric power facilities.** Equipment and associated facilities for generating electric power or devices
89 for converting wind energy to electrical energy as identified and defined under Minnesota
90 Statutes, section [216E](#).
- 91 y. **Essential services.** Underground or overhead gas, electrical, communications, steam, or water
92 distribution, collection, supply, or disposal systems, including storm water. Essential services
93 include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals,
94 hydrants, navigational structures, aviation safety facilities or other similar equipment and
95 accessories in conjunction with the systems. Essential services does not include buildings,
96 treatment works as defined in Minnesota Statutes, chapter [115.01](#), electric power facilities or
97 transmission services.
- 98 z. **Feedlot.** Having the meaning given for animal feedlots under Minnesota Rules chapter [7020](#).
- 99 aa. **Floodplain.** Having the meaning given the meaning given under Minnesota Rules chapter [6120](#).
- 100 ab. **Fully reconstructs.** The reconstruction of an existing impervious surface that involves site grading
101 and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing
102 activities are not considered fully reconstructed.

- 103 ac. **Hard-surface trail.** A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-
 104 purpose use, as determined by local, regional, or state agency plans.
- 105 ad. **Historic property.** An archaeological site, standing structure, site, district, or other property that is:
- 106 1. Listed in the National Register of Historic Places or the State Register of Historic Places or
 107 locally designated as a historic site under Minnesota Statutes, section 471;
- 108 2. determined to meet the criteria for eligibility to the National Register of Historic Places or
 109 the State Register of Historic Places as determined by the director of the Minnesota
 110 Historical Society; or
- 111 3. An unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307, in
 112 consultation with the Office of the State Archaeologist.
- 113 ae. **Impervious surface.** A constructed hard surface that either prevents or retards the entry of water
 114 into the soil and causes water to run off the surface in greater quantities and at an increased rate
 115 of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking
 116 lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.
- 117 af. **Intensive vegetation clearing.** The removal of all or a majority of the trees or shrubs in a contiguous
 118 patch, strip, row, or block.
- 119 ag. **Interim use.** A use having the meaning given under Minnesota Statutes, section [394](#) and [462](#).
- 120 ah. **Land alteration.** An activity that exposes the soil or changes the topography, drainage, or cross
 121 section of the land, excluding gardening or similar minor soil disturbances.
- 122 ai. **Local government.** Counties, cities, and townships.
- 123 aj. **Local park agencies.** The Minneapolis Park and Recreation Board and the Three Rivers Park District.
- 124 ak. **Lot.** Having the meaning given under Minnesota Rules chapter [6120](#).
- 125 al. **Lot width.** The shortest distance between lot lines measured at both the ordinary high water level
 126 and at the required structure setback from the ordinary high water level. See Figure 3.

127 Figure 3. Lot Width



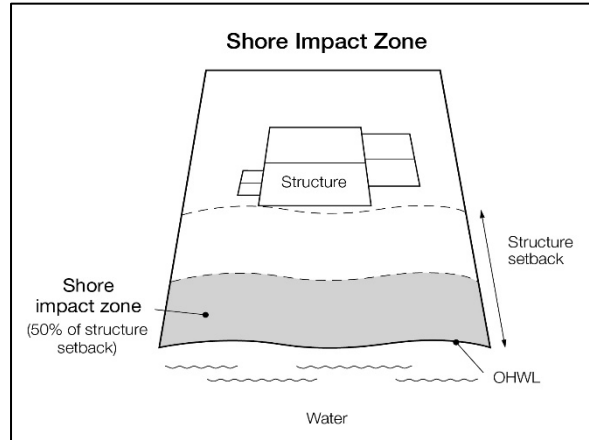
- 129 am. **Marina.** Having the meaning given under Minnesota Rules chapter [6115](#).
- 130 an. **Mississippi River Corridor Critical Area (MRCCA).** The area within the River Corridor Boundary (See
 131 Section 117-148(b)6bs) (*Definitions - River Corridor Boundary*).
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- 133 ao. **Mississippi River Corridor Critical Area (MRCCA) Plan.** A chapter or other element in the City of
134 Ramsey comprehensive plan.
- 135 ap. **Mooring facility.** Having the meaning given under Minnesota Rules chapter [6115.0170](#).
- 136 aq. **Native plant community.** A plant community that has been identified as part of the Minnesota
137 Biological Survey or biological survey issued or adopted by a local, state, or federal agency.
- 138 ar. **Natural-surface trail.** A trail composed of native soil and rock or compacted granular stone, primarily
139 intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state
140 agency plans.
- 141 as. **Natural vegetation.** Any combination of ground cover, understory, and tree canopy that, while it
142 may have been altered by human activity, continues to stabilize soils, retain and filter runoff,
143 provide habitat, and recharge groundwater.
- 144 at. **Nonconformity.** Having the meaning given under Minnesota Statutes, section [394.22](#).
- 145 au. **Nonmetallic mining.** Construction, reconstruction, repair, relocation, expansion, or removal of any
146 facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals
147 such a stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as
148 access roads, bridges, culverts, and water level control structures. For purposes of this subpart,
149 “facility” includes all mine pits, quarries, stockpiles, basins, processing structures and equipment,
150 and any structures that drain or divert public waters to allow mining.
- 151 av. **Off-premise advertising signs.** Those signs that direct attention to a product, service, business, or
152 entertainment venue that is not exclusively related to the premises where the sign is located.
- 153 aw. **Ordinary high water level (OHWL).** Having the meaning given under Minnesota Statutes, section
154 [103G.005](#).
- 155 ax. **Overlay district.** A zoning district that is applied over one or more previously established zoning
156 districts, establishing additional or stricter standards and criteria for covered properties in
157 addition to those of the underlying zoning district. Overlay districts are often used to protect
158 historic features and natural resources such as shoreland or floodplain.
- 159 ay. **Parcel.** Having the meaning given under Minnesota Statutes, section [116G.03](#).
- 160 az. **Patio.** A constructed hard surface located at ground level with no railings and open to the sky.
- 161 ba. **Picnic shelter.** A roofed structure open on all sides, accessory to a recreational use.
- 162 bb. **Planned unit development.** A method of land development that merges zoning and subdivision
163 controls, allowing developers to plan and develop a large area as a single entity, characterized by
164 a unified site design, a mix of structure types and land uses, and phasing of development over a
165 number of years. Planned unit development includes any conversion of existing structures and
166 land uses that utilize this method of development.
- 167 bc. **Plat.** Having the meaning given under Minnesota Statutes, sections [505](#) and [515B](#).
- 168 bd. **Port.** A water transportation complex established and operated under the jurisdiction of a port
169 authority according to Minnesota Statutes, section 458.
- 170 be. **Primary conservation areas.** Key resources and features, including shore impact zones, bluff impact
171 zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage
172 routes, unstable soils and bedrock, native plant communities, cultural and historic properties,

- 173 and significant existing vegetative stands, tree canopies, and other resources identified in local
174 government plans.
- 175 bf. **Private facilities.** Private roads, driveways, and parking areas, private water access and viewing
176 facilities, decks and patios in setback areas, and private signs.
- 177 bg. **Professional engineer.** An engineer licensed to practice in Minnesota.
- 178 bh. **Public facilities.** Public utilities, public transportation facilities, and public recreational facilities.
- 179 bi. **Public recreation facilities.** Recreational facilities provided by the state or a local government and
180 dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks,
181 fishing piers, picnic shelters, water access ramps, and other similar water-oriented public
182 facilities used for recreation.
- 183 bj. **Public river corridor views.** Views toward the river from public parkland, historic properties, and
184 public overlooks, as well as views toward bluffs from the ordinary high water level of the
185 opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter
186 of the comprehensive plan.
- 187 bk. **Public transportation facilities.** All transportation facilities provided by federal, state, or local
188 government and dedicated to public use, such as roadways, transit facilities, railroads, and
189 bikeways.
- 190 bl. **Public utilities.** Electric power facilities, essential services, and transmission services.
- 191 bm. **Public waters.** Having the meaning given under [Minnesota Statutes, section 103G.005](#).
- 192 bn. **Readily visible.** Land and development that are easily seen from the ordinary high water level of the
193 opposite shore during summer months.
- 194 bo. **Resource agency.** A federal, state, regional, or local agency that engages in environmental, natural,
195 or cultural resource protection or restoration activities, including planning, implementation, and
196 monitoring.
- 197 bp. **Retaining wall.** A vertical or nearly vertical structures constructed of mortar and rubble masonry,
198 rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling
199 supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.
- 200 bq. **Rock Riprap.** Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge
201 abutments, pilings and other shoreline structures against scour, or water or ice erosion.
- 202 br. **River corridor boundary.** The boundary approved and adopted by the Metropolitan Council under
203 Minnesota Statutes, section [116G.06](#), as approved and adopted by the legislature in Minnesota
204 Statutes, section [116G.15](#), and as legally described in the Sate Register, volume 43, pages 508 to
205 518.
- 206 bs. **River-dependent use.** The use of land for commercial, industrial, or utility purposes, where access to
207 and use of a public water feature is an integral part of the normal conduct of business and where
208 the use is dependent on shoreline facilities.
- 209 bt. **Selective vegetation removal.** The removal of isolated individual trees or shrubs that are not in a
210 contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or
211 understory cover.
- 212 bu. **Setback.** A separation distance measured horizontally.

213 bv. **Shore impact zone.** Land located between the ordinary high water level of public waters and a line
214 parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use,
215 50 feet landward of the ordinary high water level. See Figure 4.

216
217 Figure 4. Shore Impact Zone



218
219 bv. **Shoreline facilities.** Facilities that require a location adjoining public waters for ingress and egress,
220 loading and unloading, and public water intake and outflow, such as barge facilities, port
221 facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term
222 watercraft mooring facilities for patrons, and water access ramps. Structures that would be
223 enhanced by a shoreline location, but do not require a location adjoining public waters as part of
224 their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

225 bx. **Special purpose units of government.** The University of Minnesota, the St. Paul Port Authority,
226 watershed management organizations established under Minnesota Statutes, chapter 103B,
227 watershed districts established under Minnesota Statutes, chapter 103D, and any other unit of
228 government other than local government or a state or regional agency.

229 by. **State or regional agency.** The Metropolitan Airports Commission, Minnesota Historical Society,
230 University of Minnesota, Department of Natural Resources, Department of Transportation,
231 Metropolitan Council and other state agencies.

232 bz. **Steep slope.** A natural topographic feature with an average slope of 12 to 18 percent, measured
233 over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18
234 percent that are not bluffs.

235 ca. **Storm water management facilities.** Facilities for the collection, conveyance, treatment, or disposal
236 of storm water.

237 cb. **Structure.** A building, sign, or appurtenance thereto, except for aerial or underground utility lines,
238 such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other
239 supporting appurtenances.

240 cc. **Subdivision.** Having the meaning given under Minnesota Statutes, section [462.352](#).

241 cd. **Subsurface sewage treatment system.** Having the meaning given under Minnesota Rules, part
242 [7080.1100](#).

243 ce. **Transmission services.**

244 1. Electric power lines, cables, pipelines, or conduits that are:

- 245 (i) used to transport power between two points, as identified and defined under Minnesota
 246 Statutes, section [216E.01, subdivision 4](#); or
- 247 (ii) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas,
 248 liquids, or solids in suspension between two points; and
- 249 2. Telecommunication lines, cables, pipelines, or conduits.
- 250 cf. **Treeline.** The more or less continuous line formed by the tops of trees in a wooded area when
 251 viewed from a particular point. The treeline is determined during all seasons as if under full
 252 foliage.
- 253 cg. **Twin Cities Metropolitan area.** The area over which the Metropolitan Council has jurisdiction
 254 according to Minnesota Statutes, section [473.121 subdivision 2](#).
- 255 ch. **Variance.** Having the meaning given under [Minnesota Statutes, section 394.22](#).
- 256 ci. **Water access ramp.** A boat ramp, carry-down site, boarding dock, and approach road, or other
 257 access that allows launching and removal of a boat, canoe, or other watercraft with or without a
 258 vehicle and trailer.
- 259 cj. **Water-oriented accessory structure.** A small building or other improvement, except stairways,
 260 fences, docks, and retaining walls, that, because of the relationship of its use to public waters,
 261 needs to be located closer to public waters than the normal structure setback. Examples include
 262 gazebos, screen houses, fish houses, pump houses, and detached decks and patios.
- 263 ck. **Water quality impact zone.** Land within the shore impact zone or within 50 feet of the boundary of
 264 a public water, wetland, or natural drainage way, whichever is greater.
- 265 cl. **Wetland.** Having the meaning given under Minnesota Statutes, section [103G.005](#).
- 266 cm. **Wharf.** Having the meaning given under Minnesota Rules, part [6115.0170](#).

267 (c) **ADMINISTRATION**

- 268 1. **Purpose.** The purpose of this Section is to identify administrative provisions to ensure this Section is
 269 administered consistent with its purpose.
- 270 2. **Permits.** A permit is required for the construction of buildings or building additions (including
 271 construction of decks and signs), the installation and/or alteration of sewage treatment systems,
 272 vegetation removal consistent with Section 117-148(i) (Vegetation Management) and land alterations
 273 consistent with Section 117-148(j) (Land alteration standards and stormwater management).
- 274 3. **Variations.** Variations to the requirements under this Section may only be granted in accordance with
 275 [Minnesota Statutes, Section 462.357](#) and must consider the potential impacts of variations on primary
 276 conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In
 277 reviewing the variance application, the City of Ramsey shall:
- 278 a. Evaluate the impacts to these resources. and if negative impacts are found, require conditions to
 279 mitigate the impacts that are related to and proportional to the impacts, consistent with Section
 280 117-148(c)5 (Conditions of Approval) and
- 281 b. Make written findings that the variance is consistent with the purpose of this Section, as follows.
- 282 (1) The extent, location and intensity of the variance will be in substantial compliance with the
 283 MRCCA Plan;

- 284 (2) The variance is consistent with the character and management purpose of the MRCCA
 285 district in which it is located;
- 286 (3) The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative
 287 incremental impacts to PCAs and PRCVs when considered in the context of past, present and
 288 reasonable future actions; and
- 289 (4) The variance will not negatively impact (other MRCCA plan-identified resources).
- 290 4. **Conditional and interim use permits.** All conditional and interim uses, required under this Section, must
 291 comply with Minnesota Statutes, section [462.3595](#) and must consider the potential impacts on primary
 292 conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In
 293 reviewing the application, the City of Ramsey shall:
- 294 a. Evaluate the impacts to these resources and if negative impacts are found, require conditions to
 295 mitigate the impacts that are related to and proportional to the impacts, consistent with Section
 296 117-148(c)5 (Conditions of approval); and
- 297 b. Make written findings that the conditional use is consistent with the purpose of this Section, as
 298 follows.
- 299 (1) The extent, location and intensity of the conditional use will be in substantial compliance
 300 with the MRCCA Plan;
- 301 (2) The conditional use is consistent with the character and management purpose of the MRCCA
 302 district in which it is located;
- 303 (3) The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to
 304 negative incremental impacts to PCAs and PRCVs when considered in the context of past,
 305 present and reasonable future actions; and
- 306 (4) The conditional use will not negatively impact (other MRCCA plan-identified resources).
- 307 5. **Conditions of Approval.** The City of Ramsey shall evaluate the impacts to PCAs, PRCVs, and other
 308 resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate
 309 the impacts that are related to and proportional to the impacts. Mitigation may include:
- 310 (1) Restoration of vegetation identified as “vegetation restoration priorities” identified in the
 311 MRCCA plan.
- 312 (2) Preservation of existing vegetation;
- 313 (3) Stormwater runoff management;
- 314 (4) Reducing impervious surface;
- 315 (5) Increasing structure setbacks;
- 316 (6) Wetland and drainageway restoration and/or preservation; and
- 317 (7) And other conservation measures.
- 318 6. **Application materials.** Applications for permits and discretionary actions required under this Section
 319 must submit the following information unless the Zoning Administrator determines that the information
 320 is not needed.
- 321 a. A detailed project description; and
- 322 b. Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials
 323 that identify and describe:

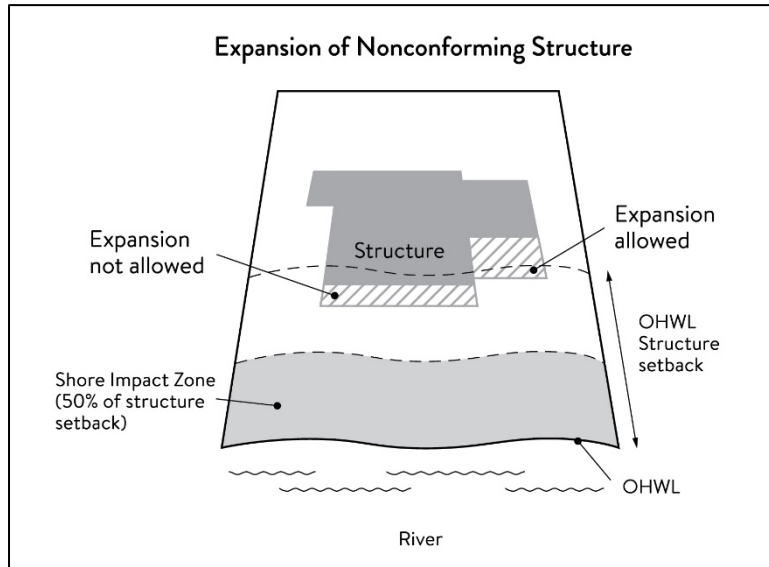
- 324 (1) Primary conservation areas;
- 325 (2) Public river corridor views;
- 326 (3) Buildable area;
- 327 (4) Existing and proposed topography and drainage patterns;
- 328 (5) Proposed storm water and erosion and sediment control practices;
- 329 (6) Existing and proposed vegetation to be removed and established;
- 330 (7) Ordinary high water level, blufflines, and all required setbacks;
- 331 (8) Existing and proposed structures;
- 332 (9) Existing and proposed impervious surfaces; and
- 333 (10) Existing and proposed subsurface sewage treatment systems.

334 7. **Nonconformities.**

- 335 a. All legally established nonconformities as of the date of this ordinance may continue consistent
336 with [462.357 Subd. 1e](#) .
- 337 b. New structures erected in conformance with the setback averaging provisions of Section 117-
338 148(f)3d (Structure and impervious surface placement) are conforming structures.
- 339 c. Site alterations and expansion of site alterations that were legally made prior to the effective
340 date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm
341 water control measures, and other nonstructural site improvements.
- 342 d. Legally nonconforming principal structures that do not meet the setback requirements of Section
343 117-148(f)3 (Structure and impervious surface placement) may be expanded laterally provided
344 that:
 - 345 (1) The expansion does not extend into the shore or bluff impact zone or further into the
346 required setback than the building line of the existing principal structure (See Figure 5); and
 - 347 (2) The expanded structure's scale and bulk is consistent with that of the original structure and
348 existing surrounding development.
- 349

350

Figure 5. Expansion of Nonconforming Structure



351

352

8. **Notifications.**

353

a. Amendments to this Section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B – I.

354

355

b. Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least thirty (30) days prior to the hearing:

356

357

(1) The Commissioner in a format prescribed by the DNR;

358

(2) National Park Service; and

359

(3) where building heights exceed the height limits specified in Section 117-148(f)2 (Structure height) as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

360

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c. Notice of final decisions for actions in Section 117-148(c)7 (Nonconformities), including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

364

365

366

d. Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, Subp. 9, Item C.

367

368

e. The DNR will be notified at time of application submittal of master plans, PUDs, preliminary, and final plats

369

370

9. **Accommodating disabilities.** Reasonable accommodations for 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 [Minnesota Rules, chapter 1341](#), must:

371

372

373

374

a. Comply with Sections 117-148(f) to (l); or

375

b. If Sections 117-148(f) to (l) cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:

376

377 (1) The permit terminates on either a specific date or upon occurrence of a particular event
378 related to the person requiring accommodation; and

379 (2) Upon expiration of the permit, the ramp or other facilities must be removed.

380 (d) MRCCA DISTRICTS

381 1. **Purpose.** The purpose of this Section is to establish districts under which building height and structure
382 placement are regulated to protect and enhance the Mississippi River’s resources and features
383 consistent with the natural and built character of each district.

384 2. **District description and management purpose.** The MRCCA within the City of Ramsey is divided into the
385 following MRCCA Districts:

386 a. Rural and Open Space (ROS).

387 (1) Description. The ROS District is characterized by rural and low-density development patterns
388 and land uses, and includes land that is riparian or visible from the river, as well as large,
389 undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands.
390 Many primary conservation areas exist in the district.

391 (2) Management purpose. The ROS District must be managed to sustain and restore the rural
392 and natural character of the corridor and to protect and enhance habitat, parks and open
393 space, public river corridor views, and scenic, natural, and historic areas.

394 b. River Neighborhood (RN).

395 (1) Description. The RN District is characterized by primarily residential neighborhoods that are
396 riparian or readily visible from the river or that abut riparian parkland. The district includes
397 parks and open space, limited commercial development, marinas, and related land uses.

398 (2) Management purpose. The RN District must be managed to maintain the character of the
399 river corridor within the context of existing residential and related neighborhood
400 development, and to protect and enhance habitat, parks and open space, public river corridor
401 views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated
402 storm water into the river and enhancing habitat and shoreline vegetation are priorities in the
403 district.

404 c. ~~River Towns and Crossings (RTC).~~

405 ~~(1) Description. The RTC District is characterized by historic downtown areas and limited nodes of~~
406 ~~intense development at specific river crossings, as well as institutional campuses that predate~~
407 ~~designation of the MRCCA, and that include taller buildings.~~

408 ~~(2) Management purpose. The RTC district must be managed in a manner that allows continued~~
409 ~~growth and redevelopment in historic downtowns and more intensive redevelopment in~~
410 ~~limited areas at river crossings to accommodate compact walkable development patterns and~~
411 ~~connections to the river. Minimizing erosion and the flow of untreated storm water into the~~
412 ~~river, providing public access to and public views of the river, and restoring natural vegetation~~
413 ~~in riparian areas and tree canopy are priorities in the district.~~

414 d. Separated from River (SR).

415 (1) Description. The SR District is characterized by its physical and visual distance from the
416 Mississippi River. The district includes land separated from the river by distance, topography,
417 development, or a transportation corridor. The land in this district is not readily visible from
418 the Mississippi River.

419 (2) Management purpose. The SR district provides flexibility in managing development without
420 negatively affecting the key resources and features of the river corridor. Minimizing negative
421 impacts to primary conservation areas and minimizing erosion and flow of untreated storm
422 water into the Mississippi River are priorities in the district. The RTC district must be managed
423 in a manner that allows continued growth and redevelopment in historic downtowns and
424 more intensive redevelopment in limited areas at river crossings to accommodate compact
425 walkable development patterns and connections to the river. Minimizing erosion and the flow
426 of untreated storm water into the river, providing public access to and public views of the
427 river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the
428 district.

429 e. ~~Urban Mixed (UM).~~

430 (1) ~~Description. The UM District includes large areas of highly urbanized mixed use that are a part~~
431 ~~of the urban fabric of the river corridor, including institutional, commercial, industrial, and~~
432 ~~residential areas and parks and open space.~~

433 (2) ~~Management purpose. The UM District must be managed in a manner that allows for future~~
434 ~~growth and potential transition of intensely developed areas that does not negatively affect~~
435 ~~public river corridor views and that protects bluffs and floodplains. Restoring and enhancing~~
436 ~~bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the~~
437 ~~river, and providing public access to and public views of the river are priorities in the district.~~

438 f. ~~Urban Core (UC).~~

439 (1) ~~Description. The UC District includes downtown.~~

440 (2) ~~Management purpose. The UC District must be managed with the greatest flexibility to~~
441 ~~protect commercial, industrial, and other high intensity urban uses, while minimizing negative~~
442 ~~impacts to primary conservation areas and minimizing erosion and flow of untreated storm~~
443 ~~water into the river. Providing public access to and public views of the river are priorities in~~
444 ~~the district.~~

445 3. **MRCCA district map.** The locations and boundaries of the MRCCA districts established by this Section are
446 shown on MRCCA Overlay District map which is incorporated herein by reference. The district boundary
447 lines are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and
448 municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district
449 boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions
450 or the scale appearing on the map.

451 (e) **SPECIAL LAND USE PROVISIONS**

452 1. **Purpose.** To identify development standards and considerations for land uses that have potential to
453 negatively impact primary conservation areas and public river corridor views.

454 2. **Underlying zoning.** Uses within the MRCCA are generally determined by underlying zoning, with
455 additional provisions for the following land uses:

456 a. **Agricultural use.** Perennial ground cover is required within 50 feet of the ordinary high water
457 level and within the bluff impact zone.

458 b. **Feedlots.** New animal feedlots and manure storage areas are prohibited. Existing animal feedlots
459 and manure storage areas must conform with [Minnesota Rules, chapter 7020](#).

- 460 c. **Forestry.** Tree harvesting and biomass harvesting within woodlands, and associated
461 reforestation, must be consistent with recommended practices in [Conserving Wooded Areas in](#)
462 [Developing Communities: Best Management Practices in Minnesota.](#)
- 463 d. **Nonmetallic mining.** Nonmetallic mining requires a conditional use permit or interim use permit
464 issued by the local government, subject to the following:
- 465 (1) New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone
466 and within the required structure setback from the bluffline and OHWL;
- 467 (2) Processing machinery must be located consistent with setback standards for structures as
468 provided in Section 117-148(f)3 (Structure and impervious surface placement);
- 469 (3) Only one barge loading area, which must be limited to the minimum size practicable, is
470 permitted for each mining operation;
- 471 (4) New and, where practicable, existing nonmetallic mining operations must not be readily
472 visible and must be screened by establishing and maintaining natural vegetation. The
473 unscreened boundaries of nonmetallic mining areas are limited to only the barge loading
474 area;
- 475 (5) A site management plan must be developed by the operator and approved by the local
476 government before new nonmetallic mining commences. Operations must be consistent
477 with the site plan throughout the duration of operations at the site. The site management
478 plan must:
- 479 (i) Describe how the site will be developed over time with an emphasis on minimizing
480 environmental risk to public waters;
- 481 (6) Explain where staged reclamation may occur at certain points during the life of the site;
- 482 (7) Address dust, noise, storm water management, possible pollutant discharges, days and
483 hours of operation, and duration of operations; and
- 484 (8) Describe any anticipated vegetation and topographic alterations outside the pit, and
485 reclamation plans consistent with the stated end use for the land; and;
- 486 (9) Existing and new nonmetallic mining operations must submit land reclamation plans to the
487 local government compatible with the purposes of this ordinance.
- 488 f. **River-dependent uses.** River-dependent uses must comply with the following design standards:
- 489 (1) Structures and parking areas, except shoreline facilities and private roads and conveyances
490 serving river-dependent uses as provided in Section 117-148(l) (Exemptions), must meet the
491 dimensional and performance standards in this Section must be designed so that they are not
492 readily visible, and must be screened by establishing and maintaining natural vegetation;
- 493 (2) Shoreline facilities must comply with [Minnesota Rules, chapter 6115](#) and must:
- 494 (i) be designed in a compact fashion so as to minimize the shoreline area affected; and
- 495 (ii) minimize the surface area of land occupied in relation to the number of watercraft or
496 barges to be served; and
- 497 (3) Dredging and placement of dredged material are subject to existing federal and state permit
498 requirements and agreements.

- 499 g. **Wireless communication towers.** Wireless communication towers require a conditional or
500 interim use permit and are subject to the following design standards:
- 501 (1) The applicant must demonstrate that functional coverage cannot be provided through co-
502 location, a tower at a lower height, or a tower at a location outside of the MRCCA;
- 503 (2) The tower must not be located in a bluff or shore impact zone; and
- 504 (3) Placement of the tower must minimize impacts on public river corridor views.
- 505 (4) Comply with the general design standards in Section 117-148(h)2 (General design standards).

506 (f) **STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE**

- 507 1. **Purpose.** To establish standards that protect primary conservation areas and public river corridor views
508 from development impacts and ensure that new development is sited consistent with the purpose of the
509 MRCCA.
- 510 2. **Structure height.** Structures and facilities must comply with the following standards unless identified as
511 exempt in Section 117-148(l) (Exemptions).
- 512 a. Structures and facilities must comply with the following standards unless identified as exempt in
513 Section 117-148(l) (Exemptions).
- 514 (1) ROS District: 35 feet.
- 515 (2) RN District: 35 feet.
- 516 ~~(3) RTC District: 48 feet (or lower), provided tiering of structures away from the Mississippi
517 River and from blufflines is given priority, with lower structure heights closer to the river and
518 blufflines, and that structure design and placement minimizes interference with public river
519 corridor views. Structures over 48 feet (or lower) and up to (fill in a max. height) are
520 allowed as a conditional use according to Section 6.23.~~
- 521 (4) SR District: Height is determined by underlying zoning, provided the allowed height is
522 consistent with that of the mature treeline, where present, and existing surrounding
523 development, as viewed from the OWHL of the opposite shore.
- 524 ~~(5) UM District: 65 feet, provided tiering of structures away from the Mississippi River and from
525 blufflines is given priority, with lower structure heights closer to the river and blufflines, and
526 that structure design and placement minimize interference with public river corridor views.
527 Structures over 65 feet (or lower) and up to (fill in a max. height) are allowed as a
528 conditional use according to Section 6.23.~~
- 529 ~~(6) UC District: Height is determined by underlying zoning, provided tiering of structures away
530 from the Mississippi River and blufflines is given priority, with lower structure heights closer
531 to the river and blufflines, and structure design and placement minimize interference with
532 public river corridor views.~~
- 533 b. Height is measured on the side of the structure facing the Mississippi River.
- 534 c. In addition to the conditional use permit requirements of Section 117-148(c)4, (Conditional and
535 interim use permits) criteria for considering whether to grant a conditional use permit for
536 structures exceeding the height limits must include:
- 537 (1) Assessment of the visual impact of the proposed structure on public river corridor views,
538 including views from other communities;

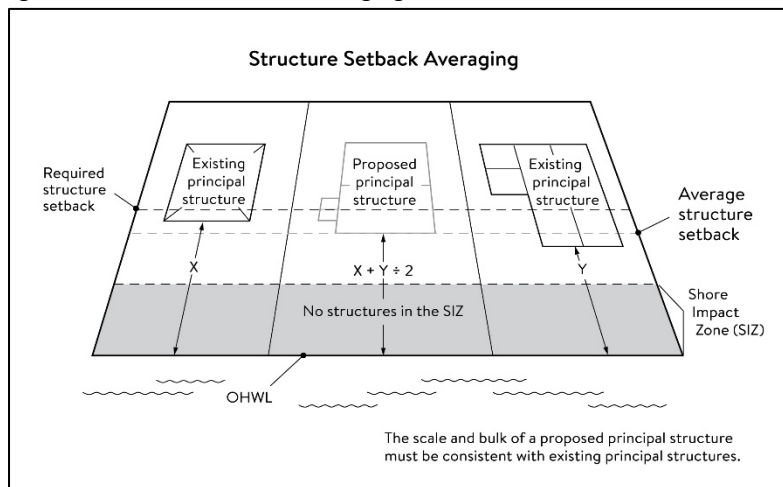
- 539 (2) Determination that the proposed structure meets the required bluff and OHWL setbacks;
- 540 (3) Identification and application of techniques to minimize the perceived bulk of the proposed
- 541 structure, such as:
- 542 (i) Placing the long axis of the building perpendicular to the river;
- 543 (ii) Stepping back of portions of the facade;
- 544 (iii) Lowering the roof pitch or use of a flat roof;
- 545 (iv) Using building materials or mitigation techniques that will blend in with the natural
- 546 surroundings such as green roofs, green walls, or other green and brown building
- 547 materials;
- 548 (v) Narrowing the profile of upper floors of the building; or
- 549 (vi) Increasing the setbacks of the building from the Mississippi River or blufflines;
- 550 (vii) Identification of techniques for preservation of those view corridors identified in the
- 551 MRCCA Plan; and
- 552 (viii) Opportunities for creation or enhancement of public river corridor views.

553 3. **Structure and impervious surface placement.**

- 554 a. Structures and impervious surface must not be placed in the shore or bluff impact zones unless
- 555 identified as an exemption in Section 117-148(l) (Exemptions).
- 556 b. Structures and facilities must comply with the following OHWL setback provisions unless
- 557 identified as exempt in Section 117-148(l) (Exemptions).
- 558 (1) ROS District: 200 feet from the Mississippi River and 150 feet from the Minnesota and
- 559 Vermillion Rivers.
- 560 (2) RN District: 100 feet from the Mississippi River and 75 feet from the Rum and Vermillion
- 561 Rivers.
- 562 ~~(3) RTC District: 75 feet from the Mississippi, Crow, and Rum Rivers.~~
- 563 (4) SR District: 75 feet from the Vermillion River.
- 564 ~~(5) UM District: 50 feet from the Mississippi River.~~
- 565 ~~(6) UC District: Setbacks are determined by underlying zoning.~~
- 566 c. Structures and facilities must comply with the following bluffline setback provisions unless
- 567 identified as exempt in Section 117-148(l) (Exemptions):
- 568 (1) ROS District: 100 feet.
- 569 (2) RN District: 40 feet.
- 570 ~~(3) RTC District: 40 feet.~~
- 571 (4) SR District: 40 feet.
- 572 ~~(5) UM District: 40 feet.~~
- 573 ~~(6) UC District: 40 feet.~~

- 574 d. Where principal structures exist on the adjoining lots on both sides of a proposed building site,
 575 the minimum setback may be altered to conform to the average of the adjoining setbacks,
 576 provided that the new structure's scale and bulk riverward or bluffward of the setbacks required
 577 under Section 117-148(f)3 (Structure and impervious surface placement) consistent with
 578 adjoining development. See Figure 6.
 579
 580

Figure 6. Structure Setback Averaging



- 581
 582 e. Subsurface sewage treatment systems, including the septic tank and absorption area, must be
 583 located at least 75 feet from the ordinary high water level of the Mississippi River and all other
 584 public waters.
- 585 4. **Lot size and buildable area.**
- 586 a. The width of lots abutting the Mississippi River in the ROS District must be at least 200
 587 feet, unless alternative design methods are used that provide greater protection of the
 588 riparian area.
- 589 b. All new lots must have adequate buildable area to comply with the setback
 590 requirements of Section 117-148(f)3 (Structure and impervious surface placement) so as
 591 to not require variances to use the lots for their intended purpose.

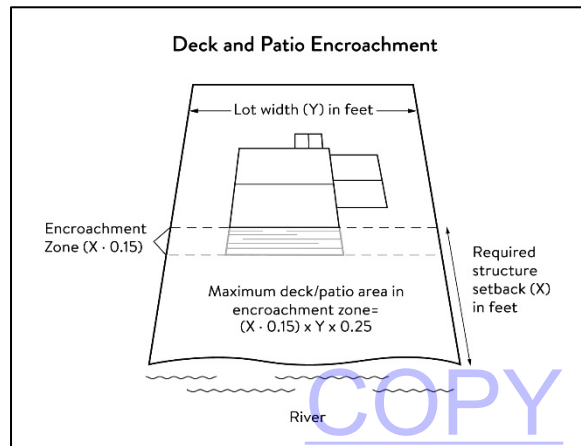
592
 593
 594 g. **PERFORMANCE STANDARDS FOR PRIVATE FACILITIES**

- 595 1. **Purpose.** To establish design standards for private facilities that are consistent with best management
 596 practices and that minimize impacts to primary conservation areas, public river corridor views and other
 597 resources identified in the MRCCA plan.
- 598 2. **General design standards.** All private facilities must be developed in accordance with the vegetation
 599 management and land alteration requirements in Sections 117-148(i) (Vegetation management) and
 600 117-148(j) (Land alteration standards and stormwater management).
- 601 3. **Private roads, driveways, and parking areas.** Except as provided in Section 117-148(l) (Exemptions),
 602 private roads, driveways and parking areas must:

- 603 a. Be designed to take advantage of natural vegetation and topography so that they are not readily
604 visible;
- 605 b. Comply with structure setback requirements according to Section 117-148(f)3 (Structure and
606 impervious surface placement); and
- 607 c. Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section
608 117-148(l) (Exemptions) and designed consistent with Section 117-148(f)2 (General design
609 standards).
- 610 **4. Private water access and viewing facilities.**
- 611 a. Private access paths must be no more than:
- 612 (1) Eight feet wide, if placed within the shore impact zone; and
- 613 (2) Four feet wide, if placed within the bluff impact zone.
- 614 c. Private water access ramps must:
- 615 (1) Comply with Minnesota Rules, chapters [6115.0210](#) and [6280.0250](#); and
- 616 (2) Be designed and constructed consistent with the applicable standards in Design Handbook
617 for Recreational Boating and Fishing Facilities.
- 618 c. Design and construction of private stairways, lifts, and landings are subject to the following
619 standards:
- 620 (1) Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways
621 may be used for commercial properties and residential facilities held in common, if approved
622 by Conditional Use Permit;
- 623 (2) Landings for stairways and lifts on residential lots must not exceed 32 square feet in area.
624 Landings larger than 32 square feet area allowed for commercial properties and residential
625 facilities held in common, if approved by Conditional Use Permit;
- 626 (3) Canopies or roofs are prohibited on stairways, lifts, or landings;
- 627 (4) Stairways, lifts, and landings must be located in the least visible portion of the lot whenever
628 practical; and
- 629 E. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed
630 for achieving access to shore areas according to Section 7.43 A. – D, and as provided under
631 Section 117-148(c)9 (Accommodating disabilities).
- 632 d. One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300
633 feet in width at the ordinary high water level, with one additional water-oriented accessory
634 structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-
635 oriented accessory structures are prohibited in the bluff impact zone and must:
- 636 (1) not exceed 12 feet in height;
- 637 (2) not exceed 120 square feet in area; and
- 638 (3) be placed a minimum of 10 feet from the ordinary high water level.
- 639 **5. Decks and patios in setback areas.** Decks and at-grade patios may encroach into the required setbacks
640 from the ordinary high water level and blufflines without a variance, when consistent with Sections 117-

- 641 148(i) (Vegetation management) and 117-148(j) (Land alteration standards and stormwater
 642 management), provided that:
- 643 a. The encroachment of the deck or patio into the required setback area does not exceed 15
 644 percent of the required structure setback;
 - 645 b. the area of the deck or patio that extends into the required setback area occupies no more than
 646 25 percent of the total area between the required setback and the 15 percent using the formula:
 647 [required setback depth (feet) x 0.15 x lot width (feet) = maximum total area]
 - 648 c. The deck or patio does not extend into the bluff impact zone. See Figure 7.
 649
 650

Figure 7. Deck and Patio Encroachment



- 651
- 652 6. **Off-premise and directional signs.**
- 653 a. Off-premise advertising signs must:
- 654 (1) Meet required structure placement and height standards in Section 117-148(f) (Structure
 655 height and placement and lot size).
- 656 (2) Not be readily visible
- 657 b. Directional signs for patrons arriving at a business by watercraft must comply with the following
 658 standards:
- 659 (1) They must be consistent with [Minnesota Statutes, section 86B.115](#).
- 660 (2) Only convey the location and name of the establishment and the general types of goods and
 661 services available, if located in a shore impact zone.
- 662 (3) Be no greater than ten feet in height and 32 square feet in surface area; and
- 663 (4) If illuminated, the lighting must be shielded to prevent illumination out across the river or to
 664 the sky.
- 665 7. Fences. Fences between principal structures and the river are allowed provided that fences are:
- 666 a. Not higher than six feet.
- 667 b. Not located within 40 feet of slopes greater than 12%.
- 668 c. Not located in the regulatory floodplain.
- 669

670 (h) **PERFORMANCE STANDARDS FOR PUBLIC FACILITIES**

- 671 1. **Purpose.** To establish design standards for public facilities that are consistent with best management
672 practices and that minimize impacts to primary conservation areas, public river corridor views and other
673 resources identified in the MRCCA plan. Public facilities serve the public interest by providing public
674 access to the Mississippi River corridor or require locations in or adjacent to the river corridor and
675 therefore require some degree of flexibility.
- 676 2. **General design standards.** All public facilities must be designed and constructed to:
- 677 a. Minimize visibility of the facility from the river to the extent consistent with the purpose of the
678 facility;
- 679 b. Comply with the structure placement and height standards in Section 117-148(f) (Structure height
680 and placement and lot size), except as provided in Section 117-148(l) (Exemptions);
- 681 c. Be consistent with the vegetation management standards in Section 117-148(i) (Vegetation
682 Management) and the land alteration and storm water management standards in Section 117-
683 148(j) (Land alteration standards and stormwater management), including use of practices
684 identified in [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#),
685 where applicable;
- 686 d. Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then
687 disturbance to primary conservation areas must be avoided to the greatest extent practicable,
688 and design and construction must minimize impacts; and
- 689 e. Minimize disturbance of spawning and nesting times by scheduling construction at times when
690 local fish and wildlife are not spawning or nesting.
- 691 3. **Right-of-way maintenance standards.** Right-of-way maintenance must comply with the following
692 standards:
- 693 a. Vegetation currently in a natural state must be maintained to the extent feasible;
- 694 b. Where vegetation in a natural state has been removed, native plants must be planted and
695 maintained on the right-of-way; and
- 696 c. Chemical control of vegetation must be avoided when practicable, but when chemical control is
697 necessary, chemicals used must be in accordance with the regulations and other requirements of
698 all state and federal agencies with authority over the chemical's use.
- 699 4. **Crossings of public water or public land.** Crossings of public waters or land controlled by the commissioner
700 are subject to approval by the commissioner according to Minnesota Statutes, sections [84.415](#) and
701 [103G.245](#).
- 702 5. **Public utilities.** Public utilities must comply with the following standards:
- 703 a. High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and
704 pipelines are regulated according to Minnesota Statutes, chapter [216E](#), [216F](#), and [216G](#)
705 respectively; and
- 706 b. If overhead placement is necessary, utility facility crossings must minimize visibility of the facility
707 from the river and follow other existing right of ways as much as practicable.
- 708 c. The appearance of structures must be as compatible as practicable with the surrounding area in a
709 natural state with regard to height and width, materials used, and color.

- 710 d. Wireless communication facilities, according to Section 117-148(e)2g (Wireless communication
711 towers).
- 712 6. **Public transportation facilities.** Public transportation facilities shall comply with structure placement and
713 height standards in Section 117-148(f) (Structure height and placement and lot size). Where such
714 facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public
715 transportation facilities must be designed and constructed to give priority to:
- 716 a. Providing scenic overlooks for motorists, bicyclists, and pedestrians;
- 717 b. Providing safe pedestrian crossings and facilities along the river corridor;
- 718 c. Providing access to the riverfront in public ownership; and
- 719 d. Allowing for use of the land between the river and the transportation facility.
- 720 7. **Public recreational facilities.** Where such facilities intersect or about two or more MRCCA districts, the least
721 restrictive dimensional standards apply. Public transportation facilities must be designed and
722 constructed to give priority to:
- 723 a. Buildings and parking associated with public recreational facilities must comply with the structure
724 placement and height standards in Section 117-148(f) (Structure height and placement and lot
725 size), except as provided in Section 117-148(l) (Exemptions);
- 726 b. Roads and driveways associated with public recreational facilities must not be placed in the bluff or
727 shore impact zones unless no other placement alternative exists. If no alternative exists, then
728 design and construction must minimize impacts to shoreline vegetation, erodible soils and
729 slopes, and other sensitive resources.
- 730 c. Trails, access paths, and viewing areas associated with public recreational facilities and providing
731 access to or views of the Mississippi River are allowed within the bluff and shore impact zones if
732 design, construction, and maintenance methods are consistent with the best management
733 practice guidelines in [Trail Planning, Design, and Development Guidelines](#).
- 734 (1) Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30
735 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.
- 736 (2) Trails, paths, and viewing areas must be designed and constructed to minimize:
- 737 (i) Visibility from the river;
- 738 (ii) Visual impacts on public river corridor views; and
- 739 (iii) Disturbance to and fragmentation of primary conservation areas.
- 740 d. Public water access facilities must comply with the following requirements:
- 741 (1) Watercraft access ramps must comply with Minnesota Rules chapters [6115.0210](#) and
742 [6280.0250](#); and
- 743 (2) Facilities must be designed and constructed consistent with the standards in Design
744 Handbook for Recreational Boating and Fishing Facilities.
- 745 e. Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore
746 impact zones, provided they are placed and constructed to minimize disturbance to these areas
747 and avoid visual impacts on public river corridor views.
- 748 f. Public stairways, lifts, and landings must be designed as provided in Section 117-148(g)4c
749 (Stairways, lifts and landings).

750 (i) **VEGETATION MANAGEMENT**

751 1. **Purpose.** To establish standards that sustain and enhance the biological and ecological functions of
752 vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs
753 and steep slopes and ensure stability of other erosion-prone areas.

754 2. **Applicability.** This section applies to:

- 755 a. Shore impact zones;
- 756 b. Areas within 50 feet of a wetland or natural drainage way;
- 757 c. Bluff impact zones;
- 758 d. Areas of native plant communities; and
- 759 e. Significant existing vegetative stands identified in the MRCCA plan.

760 3. **Activities allowed without a vegetation permit.**

- 761 a. Maintenance of existing lawns, landscaping and gardens;
- 762 b. Removal of vegetation in emergency situations as determined by the City of Ramsey;
- 763 c. Right-of-way maintenance for public facilities meeting the standards Section 117-148(h)3 (Right
764 of way maintenance standards);
- 765 d. Agricultural and forestry activities meeting the standards of Sections 117-148(e)2 (Underlying
766 zoning);
- 767 e. Selective vegetation removal, provided that vegetative cover remains consistent with the
768 management purpose of the MRCCA District, including:
 - 769 (1) Vegetation that is dead, diseased, dying, or hazardous;
 - 770 (2) To prevent the spread of diseases or insect pests;
 - 771 (3) Individual trees and shrubs; and
 - 772 (4) Removal of invasive non-native species.

773 4. **Activities allowed with a vegetation permit.**

- 774 a. The following intensive vegetation clearing activities are allowed with a vegetation permit:
 - 775 (1) Clearing of vegetation that is dead, diseased, dying, or hazardous;
 - 776 (2) Clearing to prevent the spread of diseases or insect pests;
 - 777 (3) Clearing to remove invasive non-native species.
 - 778 (4) Clearing to prepare for restoration and erosion control management activities consistent
779 with a plan approved by City of Ramsey.
 - 780 (5) The minimum necessary for development that is allowed with a building permit or as an
781 exemption under Section 117-148(l) (Exemptions).
- 782 b. Conditions of vegetation permit approval:
 - 783 (1) Development is sited to minimize removal of or disturbance to natural vegetation;
 - 784 (2) Soil, slope stability, and hydrologic conditions are suitable for the proposed work as
785 determined by a professional engineer or City of Ramsey;

- 786 (3) Clearing is the minimum necessary and designed to blend with the natural terrain and
787 minimize visual impacts to public river corridor views;
- 788 (4) Any native plant communities removed are replaced with vegetation that provides
789 equivalent biological and ecological functions consistent with an approved vegetation
790 restoration plan as provided in Section 117-148(i)6 (Vegetation restoration plan). If replaced,
791 priorities for restoration are stabilization of erodible soils, restoration or enhancement of
792 shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;
- 793 (5) All other vegetation removed is restored with natural vegetation to the greatest extent
794 practicable consistent with an approved vegetation restoration plan as provided in Section
795 117-148(i)6 (Vegetation restoration plan). Priorities for replacement are the same as under
796 Section 117-148(i)4 (Activities allowed with a vegetation permit);
- 797 (6) Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high
798 stem density;
- 799 (7) Vegetation removal activities are conducted so as to expose the smallest practical area of
800 soil to erosion for the least possible time;
- 801 (8) Areas of vegetation restoration priorities identified in the MRCCA plan are restored, if
802 applicable; and
- 803 (9) Any other condition determined necessary to achieve the purpose of this section.

804 5. **Prohibited activities.** All other intensive vegetation clearing is prohibited.

805 6. **Vegetation restoration plan.**

806 a. Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

- 807 (1) As a condition of a vegetation permit issued under Section 117-148(i)4b (conditions of
808 vegetation permit), items (4) and (5);
- 809 (2) Upon failure to comply with any provisions in this section; or
- 810 (3) As part of the planning process for subdivisions as provided in Section 117-148(k)
811 (Subdivision and land development standards).

812 b. The vegetation restoration plan must satisfy the application submittal requirements in 117-148(c)6
813 (Application Materials), and:

- 814 (1) Include vegetation that provides suitable habitat and effective soil stability, runoff retention,
815 and infiltration capability. Vegetation species, composition, density, and diversity must be
816 guided by nearby patches of native plant communities and by [Native Vegetation](#)
817 [Establishment and Enhancement Guidelines](#);
- 818 (2) Be prepared by a qualified individual; and
- 819 (3) Include a maintenance plan that includes management provisions for controlling invasive
820 species and replacement of plant loss for three years.

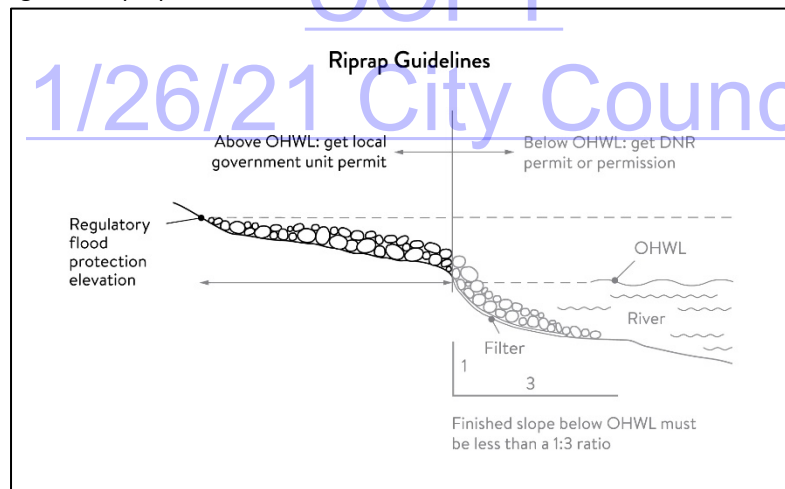
821 c. A certificate of compliance will be issued after the vegetation restoration plan requirements have
822 been satisfied.

823

824 (j) **LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT**

- 825 1. **Purpose.** To establish standards that protect water quality from pollutant loadings of sediment,
 826 nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas
 827 prone to erosion.
- 828 2. **Land alteration permit.**
- 829 a. Within the bluff impact zone, land alteration is prohibited, except for the following which are
 830 allowed by permit.
- 831 (1) Erosion control consistent with Section 117-148(j)6 (Conditions of land alteration permit
 832 approval);
- 833 (2) The minimum necessary for development that is allowed as an exception under Section 117-
 834 148(l) (Exemptions); and
- 835 (3) Repair and maintenance of existing buildings and facilities.
- 836 b. Within the water quality impact zone, land alteration that involves more than ten cubic yards of
 837 material or affects an area greater than 1,000 square feet requires a permit.
- 838 3. **Rock riprap, retaining walls, and other erosion control structures.**
- 839 a. Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control
 840 structures located at or below the OHWL must comply with Minnesota Rules, chapters
 841 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved
 842 by the commissioner. See Figure 8.
- 843
- 844

Figure 8. Riprap Guidelines



- 845
- 846 b. Construction or replacement of rock riprap, retaining walls, and other erosion control structures
 847 within the bluff impact zone and the water quality impact zone are allowed with a permit
 848 consistent with provisions of Section 117-148(j)6 (Conditions of land alteration permit approval)
 849 provided that:
- 850 (1) If the project includes work at or below the OHWL, the commissioner has already approved
 851 or permitted the project.
- 852 (2) The structures are used only to correct an established erosion problem as determined by the
 853 City of Ramsey.

- 854 (3) The size and extent of the structures are the minimum necessary to correct the erosion
855 problem and are not larger than the following, unless a professional engineer determines
856 that a larger structure is needed to correct the erosion problem:
- 857 (i) Retaining walls must not exceed five feet in height and must be placed a minimum
858 horizontal distance of ten feet apart; and
- 859 (ii) Riprap must not exceed the height of the regulatory flood protection elevation.
- 860 c. Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL
861 does not require a permit provided it does not involve any land alteration under Section 117-
862 148(j)2 (Land alteration permit).
- 863 4. **Stormwater management.**
- 864 a. In the bluff impact zone, storm water management facilities are prohibited, except by permit if:
- 865 (1) There are no alternatives for storm water treatment outside the bluff impact zone on the
866 subject site;
- 867 (2) The site generating runoff is designed so that the amount of runoff reaching the bluff impact
868 zone is reduced to the greatest extent practicable;
- 869 (3) The construction and operation of the facility does not affect slope stability on the subject
870 property or adjacent properties; and
- 871 (4) Mitigation based on the best available engineering and geological practices is required and
872 applied to eliminate or minimize the risk of slope failure.
- 873 b. In the water quality impact zone, development that creates new impervious surface, as allowed
874 by exemption in Section 117-148(l) (Exemptions), or fully reconstructs existing impervious
875 surface of more than 10,000 square feet requires a storm water permit or approved storm water
876 plan. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter
877 strip that is at least five feet wide.
- 878 c. In all other areas, storm water runoff must be directed away from the bluff impact zones or
879 unstable areas.
- 880 5. **Development on steep slopes.** Construction of structures, impervious surfaces, land alteration,
881 vegetation removal, or other construction activities are allowed on steep slopes if:
- 882 a. The development can be accomplished without increasing erosion or storm water runoff;
- 883 b. The soil types and geology are suitable for the proposed development; and
- 884 c. Vegetation is managed according to the requirements of Section 117-148(i) (Vegetation
885 management).
- 886 6. **Conditions of land alteration permit approval.**
- 887 a. Temporary and permanent erosion and sediment control measures retain sediment onsite consistent
888 with best management practices in the [Minnesota Stormwater Manual](#);
- 889 b. Natural site topography, soil, and vegetation conditions are used to control runoff and reduce
890 erosion and sedimentation;
- 891 c. Construction activity is phased when possible;
- 892 d. All erosion and sediment controls are installed before starting any land disturbance activity;

- 893 e. Erosion and sediment controls are maintained to ensure effective operation;
- 894 f. The proposed work is consistent with the vegetation standards in Section 117-148(i) (Vegetation
- 895 Management); and
- 896 g. Best management practices for protecting and enhancing ecological and water resources identified in
- 897 [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#).

- 898 7. **Compliance with other plans and programs.** All development must:
 - 899 a. Be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed
 - 900 under chapter 8410;
 - 901 b. Meet or exceed the wetland protection standards under Minnesota Rules, chapter 8420; and
 - 902 c. Meet or exceed the floodplain management standards under Minnesota Rules, chapter 6120. 5000 –
 - 903 6120.6200

904 **(k) SUBDIVISION AND LAND DEVELOPMENT STANDARDS**

- 905 1. **Purpose.**
 - 906 a. To protect and enhance the natural and scenic values of the MRCCA during development or
 - 907 redevelopment of the remaining large sites
 - 908 b. To establish standards for protecting and restoring biological and ecological functions of primary
 - 909 conservation areas on large sites; and
 - 910 c. To encourage restoration of natural vegetation during development or redevelopment of large sites
 - 911 where restoration opportunities have been identified in MRCCA Plans.

- 912 2. **Applicability.**
 - 913 a. The design standards in this section apply to subdivisions, planned unit developments and master-
 - 914 planned development and redevelopment of land involving ten or more acres for contiguous
 - 915 parcels that abut the Mississippi River and 20 or more acres for all other parcels, including
 - 916 smaller individual sites within the following developments that are part of a common plan of
 - 917 development that may be constructed at different times:

- 918 (1) Subdivisions;
- 919 (2) Planned unit developments; and
- 920 (3) Master-planned development and redevelopment of land.

- 921 b. The following activities are exempt from the requirements of this section:
 - 922 (1) Minor subdivisions consisting of three or fewer lots;
 - 923 (2) Minor boundary line corrections;
 - 924 (3) Resolutions of encroachments;
 - 925 (4) Additions to existing lots of record;
 - 926 (5) Placement of essential services; and
 - 927 (6) Activities involving river-dependent commercial and industrial uses.

- 928 3. **Application materials.** Project information listed in Section 117-148(c)6 (Application Materials) must be
- 929 submitted for all proposed developments.

- 930 4. **Design standards.**
- 931 a. Primary conservation areas, where they exist, must be set aside and designated as protected
- 932 open space in quantities meeting the following as a percentage of total parcel area:
- 933 (1) CA-ROS District: 50%;
- 934 (2) CA-RN District: 20%;
- 935 ~~(3) CA-RTC, CA-UM, and CA-UC Districts: 10%; and~~
- 936 (4) CA-SR District: 10% if the parcel includes native plant communities or provides feasible
- 937 connections to a regional park or trail system, otherwise no requirement.
- 938 b. If the primary conservation areas exceed the amounts specified in Section 117-148(k)4a above,
- 939 then protection of native plant communities and natural vegetation in riparian areas shall be
- 940 prioritized.
- 941 c. If primary conservation areas exist but do not have natural vegetation (identified as restoration
- 942 priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the
- 943 unvegetated primary conservation areas and determine whether vegetation restoration is
- 944 needed. If restoration is needed, vegetation must be restored according to Section 117-148(i)6b
- 945 (under Vegetation restoration plan).
- 946 d. If primary conservation areas do not exist on the parcel and portions of the parcel have been
- 947 identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified
- 948 areas according to Section 117-148(i)6b (under Vegetation restoration plan) and the area must
- 949 be set aside and designated as protected open space.
- 950 e. Storm water treatment areas or other green infrastructure may be used to meet the protected
- 951 open space requirements if the vegetation provides biological and ecological functions.
- 952 f. Land dedicated under (insert LGU ordinance citation) for public river access, parks, or other open
- 953 space or public facilities may be counted toward the protected open space requirement.
- 954 g. Protected open space areas must connect open space, natural areas, and recreational areas,
- 955 where present on adjacent parcels, as much as possible to form an interconnected network.

956 5. **Permanent protection of designated open space.**

- 957 a. Designated open space areas must be protected through one or more of the following methods:
- 958 (1) Public acquisition by a government entity for conservation purposes;
- 959 (2) A permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;
- 960 (3) A deed restriction; and
- 961 (4) Other arrangements that achieve an equivalent degree of protection.
- 962 b. Permanent protection methods must ensure the long-term management of vegetation to meet
- 963 its biological and ecological functions, prohibit structures, and prohibit land alteration, except as
- 964 needed to provide public recreational facilities and access to the river.

965 (I) **EXEMPTIONS**

- 966 1. **Purpose.** To provide exemptions to structure placement, height and other standards for specific river or
- 967 water access dependent facilities as provided in [Minnesota Statutes 116G.15 Subd. 4.](#)
- 968 2. **Applicability.**

969 a. Uses and activities not specifically exempted must comply with this Section. Uses and activities
 970 exempted under shore impact zone and bluff impact zone must comply with the vegetation
 971 management and land alteration standards in Sections 117-148(i) (Vegetation management) and
 972 117-148(j) (Land alterations standards and stormwater management).

973 b. Uses and activities in Section 117-148(l)3 below are categorized as:

974 A. **Exempt – E.** This means that the use or activity is allowed;

975 B. **Exempt if no alternative - (E).** This means that the use or activity is allowed only if no
 976 alternatives exist; and

977 C. **Not exempt - N.** This means that a use or activity is not exempt and must meet the
 978 standards of this ordinance.

979 3. **Use and activity exemptions classification.**

980 a. General uses and activities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.
Barns, silos, and farm structures	N	E	N	N	
Bridges and bridge approach roadways	E	E	E	(E)	Section 117-148(h) (Performance standards for public facilities)
Wireless communication towers	E	E	N	N	Section 117-148(e)2f (River-dependent uses)
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N	
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations
Buildings and structures on the face of or abutting the bluff in the CA-UC district of St. Paul, between Chestnut Street and Highway 52.	E	n/a	n/a	E	Height in CA-UC district is governed by underlying zoning

981

982

983 b. Public utilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Electrical power facilities	E	E	E	(E)	Section 117-148(h) (Performance standards for public facilities)
Essential services (other than storm water facilities)	E	E	E	(E)	Section 117-148(h) (Performance standards for public facilities)
Storm water facilities	E	N	E	(E)	Section 117-148(j) (Land alteration standards and stormwater management)
Wastewater treatment	E	N	E	N	Section 117-148(h) (Performance standards for public facilities)
Public transportation facilities	E	N	(E)	(E)	Section 117-148(h) (Performance standards for public facilities)

984

985 c. Public recreational facilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 117-148(h) (Performance standards for public facilities); within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 117-148(h) (Performance standards for public facilities)
Parking lots	(E)	N	(E)	(E)	Section 117-148(h) (Performance standards for public facilities); within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff
Roads and driveways	(E)	N	(E)	(E)	Section 117-148(h) (Performance standards for public facilities)
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 117-148(h) (Performance standards for public facilities)
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 117-148(h) (Performance standards for public facilities); within BIZ, only on slopes averaging less than 30%
Water access ramps	E	N	E	(E)	Section 117-148(h) (Performance standards for public facilities)
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 117-148(h) (Performance standards for public facilities)

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990 d. River-dependent uses.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Shoreline facilities	E	N ¹	E	(E)	Section 117-148(e)2f (River dependent uses). Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility

¹ River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Private roads and conveyance structures serving river-dependent uses	E	N ¹	E	(E)	Section 117-148(e)2f (River dependent uses)

991

992

e. Private residential and commercial water access and use facilities.

Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 117-148(g) (Performance standards for private facilities); in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas
Access paths	E	N	E	E	Section 117-148(g) (Performance standards for private facilities)
Water access ramps	E	N	E	N	Section 117-148(g) (Performance standards for private facilities)
Stairways, lifts, and landings	E	N	E	E	Section 117-148(g) (Performance standards for private facilities)
Water-oriented accessory structures	E	N	E	N	Section 117-148(g) (Performance standards for private facilities)
Patios and decks	E	N	N	N	Section 117-148(g)5 (Decks and patios in setback area)
Directional signs for watercraft (private)	E	N	E	N	Section 117-148(g)6 (Off premise and directional signage); exemption does not apply to off-premise advertising signs
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N	
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Sections 117-148(j)3 (Rock riprap, retaining walls, and other erosion control measures), 117-148(j)5 (Development on steep slopes) and 117-148(j)6 (Conditions of land alteration permit approval)
Flood control structures	E	N	E	(E)	Section 117-148(j) (Land alteration standards and stormwater management)

993

**ORDINANCE #21-02
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE AMENDING CITY CODE SECTION 117-148 ENTITLED MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the Charter of the City of Ramsey.

SECTION 2. PURPOSE

Per S701.10 (Fees) the purpose of this Ordinance is to establish the Permit Fees, service Charges, and Other Fees that will be collected by the City in year 2021. This is known as the Schedule of Rates, Fees and Charges.

SECTION 3. AMENDMENT TO CITY CODE SECTION 117-348

The current City Code Section 117-148 is repealed in its entirety and replaced with the attached text.

SECTION 4. EFFECTIVE DATE

This Ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

SECTION 5. SUMMARY

The following is the official summary of Ordinance #21-02, as clearly informing the public of the intent and effect of the Ordinance.

Ordinance #21-02 updates the City's Mississippi River Corridor Critical Area (MRCCA) Overlay District to comply with minimum requirements established by the State of Minnesota. Critical Area Overlay Standards include, but are not limited lot size, building size, building height, vegetation management, bluff/slope protection, open space preservation and stormwater management.

PASSED by the City Council of the City of Ramsey, Minnesota the ____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

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Mississippi River Corridor Critical Area (MRCCA) Overlay District Update

DNR Model Ordinance Comparison/Crosswalk to City of Ramsey Draft Ordinance

This ordinance comparison is provided to compare to the DNR Model Ordinance. This document will help in the DNR approval process as well as assist the City of Ramsey access the commentary provided on the DNR Model Ordinance.

Summary Level – Section Header Crosswalk

NOTE: Any time the City of Ramsey DRAFT Ordinance mentions 'This Section', it is referring to City Code Section 117-148 (being amended with this ordinance).

Section Header	DNR Model Ordinance	City of Ramsey Ordinance
Authority, Intent and Purpose	1.0	(a)
General Provisions and Definitions	2.0	(b)
Administration	3.0	(c)
MRCCA Districts	4.0	(d)
Special Land Use Provisions	5.0	(e)
Structure Height and Placement and Lot Size	6.0	(f)
Performance Standards for Private Facilities	7.0	(g)
Performance Standards for Public Facilities	8.0	(h)
Vegetation Management	9.0	(i)
Land Alteration Standards and Stormwater Management	10.0	(j)
Subdivision and Land Development Standards	11.0	(k)
Exemptions	12.0	(l)

Detailed Cross Reference Crosswalk

The model ordinance includes a number of specific cross references to internal sections of this section of City Code. This crosswalk does not include citations to outside sources such as State Statute and State Rules.

Line Number	Citation/Topic	DNR Model Ordinance Section	City of Ramsey Ordinance Section
18	Permits	3.2	117-148(c)2
132	River Corridor Boundary	2.680	117-148(b)6bs
272	Vegetation Management	9.0	117-148(i)
273	Land alteration standards and stormwater management	10.0	117-148(j)
279	Conditions of Approval	3.5	117-148(c)5
295	Conditions of Approval	3.5	117-148(c)5
337	Structure and impervious surface placement	6.34	117-148(f)3d
342	Structure and impervious surface placement	6.3	117-148(f)3
360	Structure height	6.2	117-148(f)2
363	Nonconformities	3.71	117-148(c)7
374	Broad reference		
375	Broad reference		
468	Structure and impervious surface placement	6.3	117-148(f)3
490	Exemptions	12.0	117-148(l)
505	General design standards	8.2	117-148(h)2
511	Exemptions	12.0	117-148(l)
513	Exemptions	12.0	117-148(l)
534	Conditional and interim use permits		117-148(c)4
555	Exemptions	12.0	117-148(l)
557	Exemptions	12.0	117-148(l)
567	Exemptions	12.0	117-148(l)
577	Structure and impervious surface placement	3.4	117-148(f)3

590	Structure and impervious surface placement	6.3 (6.32 & 6.33)	117-148(f)3
599	Vegetation management	9.0	117-148(i)
600	Land alteration standards and stormwater management	10.0	117-148(j)
601	Exemptions	12.0	117-148(l)
605	Structure and impervious surface placement	6.3	117-148(f)3
607	Exemptions	12.0	117-148(l)
608	General design standards	8.2	117-148(f)2
631	Accommodating disabilities	3.9	117-148(c)9
640	Vegetation management	9.0	117-148(i)
641	Land alteration standards and stormwater management	10.0	117-148(j)
654	Structure height and placement and lot size	6.0	117-148(f)
679	Structure height and placement and lot size	6.0	117-148(f)
680	Exemptions	12.0	117-148(l)
681	Vegetation management	9.0	117-148(i)
682	Land alteration standards and stormwater management	10.0	117-148(j)
710	Wireless communication towers	5.26	117-148(e)2g
713	Structure height and placement and lot size	6.0	117-148(f)
724	Structure height and placement and lot size	6.0	117-148(f)
725	Exemptions	12.0	117-148(l)
748	Stairways, lifts and landings	7.43	117-148(g)4c
763	Right of way maintenance standards	8.3	117-148(h)3
765	Underlying zoning	5.2 (5.21 & 5.23)	117-148(e)2

780	Exemptions	12.0	117-148(l)
790	Vegetation restoration plan	9.62	117-148(i)6
795	Vegetation restoration plan	9.62	117-148(i)6
796	Activities allowed with a vegetation permit	9.42.D	117-148(i)4
807	Conditions of vegetation permit	9.42	117-148(i)4b
810	Subdivision and land development standards	11.0	117-148(k)
831	Conditions of land alteration permit approval	10.6	117-148(j)6
833	Exemptions	12.0	117-148(l)
848	Conditions of land alteration permit approval	10.6	117-148(j)6
861	Land alteration permit	10.2	117-148(j)2
874	Exemptions	12.0	117-148(l)
884	Vegetation management	9.0	117-148(i)
894	Vegetation management	9.0	117-148(i)
928	Application Materials	3.6	117-148(c)6
938	Primary Conservation Areas	11.41	117-148(k)4a
944	Vegetation restoration plan	9.62	117-148(i)6b
948	Vegetation restoration plan	9.62	117-148(i)6b
971	Vegetation management	19.0	117-148(i)
973	Use and activity exemptions classification	12.3	117-148(l)3
980 (table)	Performance standards for public facilities	8.0	117-148(h)
980 (table)	River-dependent uses (referring to wireless communications towers)	5.26	117-148(e)2f
983 (table)	Performance standards for public facilities	8.0	117-148(h)

983 (table)	Land alteration standards and stormwater management	10.0	117-148(j)
985 (table)	Performance standards for public facilities	8.0	117-148(h)
990 (table)	River-dependent uses	5.25	117-148(e)2f
992 (table)	Performance standards for private facilities	7.0	117-148(g)
992 (table)	Off premise and directional signage	7.6	117-148(g)6
992 (table)	Rock riprap, retaining walls, and other erosion control measures	10.3	117-148(j)3
992 (table)	Development on steep slopes	10.5	117-148(j)5
992 (table)	Conditions of land alteration permit approval	10.6	117-148(j)6
992 (table)	Land alteration standards and stormwater management	10.0	117-148(j)

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Mississippi River Corridor Critical Area (MRCCA) Model Ordinance

Introduction

This model is intended to help local governments develop a new MRCCA section, chapter or article within their zoning code. This model ordinance is consistent with [Minnesota's MRCCA rules \(6106.0010 – 6106.0180\)](#). In some areas, the ordinance provisions are different from rules to be consistent with state statutes and other agency rules. In these cases, the commentary explains why the changes have been made. In all other areas the standards in the model are consistent with the rules, although some sections - most notably the vegetation and subdivision sections - have been slightly restructured for ease of administration. The model also contains administrative language not in rule to help clarify and administer the provisions for local government zoning purposes.

The MRCCA provisions must be structured as an **overlay district**. If a conflict exists with underlying zoning, the provisions of the overlay district govern. Where specific numeric thresholds or standards are listed in this model, those numeric thresholds or standards must be included in the overlay district.

Blue bold text in the "Ordinance Language" column indicates **optional** language that provides clarity on topics not sufficiently addressed in rule, or is a suggested higher standard than the minimum in rule. This text is clearly identified as optional and explained in the "Commentary" column. Higher standards may be additions to or deletions from the rules.

This model is periodically updated to improve clarity based on feedback from local governments. Please check for the latest version on the DNR's MRCCA webpages.

Please contact your [Area Hydrologist](#) with any questions on this model ordinance.

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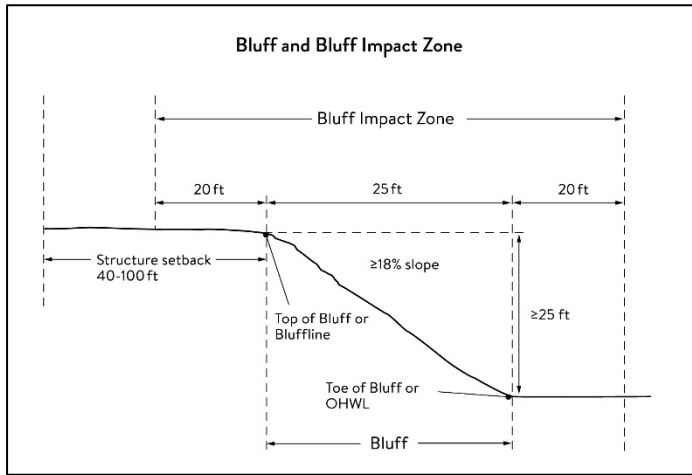
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Ordinance Language	Commentary
<p>1.0 AUTHORITY, INTENT AND PURPOSE</p> <p>1.1 Statutory Authorization. This Mississippi River Corridor Critical Area (MRCCA) (<i>section, chapter or article</i>) is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 and 473.</p> <p>1.2 Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.</p> <p>2.0 GENERAL PROVISIONS AND DEFINITIONS</p> <p>2.1 Jurisdiction. The provisions of this (<i>section, chapter or article</i>) apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519 and shown on the zoning map (<i>insert reference citation</i>).</p> <p>2.2 Enforcement. The (<i>insert name of local government or designated official</i>) is responsible for the administration and enforcement of this (<i>section, chapter or article</i>). Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this (<i>section, chapter or article</i>) can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.2.</p> <p>2.3 Severability. If any section, clause, provision, or portion of this (<i>section, chapter or article</i>) is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this (<i>section, chapter or article</i>) shall not be affected thereby.</p> <p>2.4 Abrogation and Greater Restrictions. It is not intended by this (<i>section, chapter or article</i>) to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this (<i>section, chapter or article</i>) imposes greater restrictions, the provisions of this (<i>section, chapter or article</i>) shall prevail. All other (<i>sections, chapters or articles</i>) inconsistent with this (<i>section, chapter or article</i>) are hereby repealed to the extent of the inconsistency only.</p> <p>2.5 Underlying Zoning. Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.</p> <p>2.6 Definitions. Unless specifically defined below, words or phrases used in this (<i>section, chapter or article</i>) shall be interpreted to give them the same meaning they have in common usage and to give this (<i>section, chapter or</i></p>	<p>1.1. Ensures that LGU authority to administer and enforce the ordinance is connected to state regulatory policy.</p> <p>1.2. Reinforces the responsibility of local governments to regulate the MRCCA in their jurisdiction.</p> <p>2.2 – 2.4. If these provisions are already included in the zoning ordinance, they are not needed.</p> <p>2.6. These definitions are the minimum necessary for a compliant ordinance. Some definitions may not be</p>

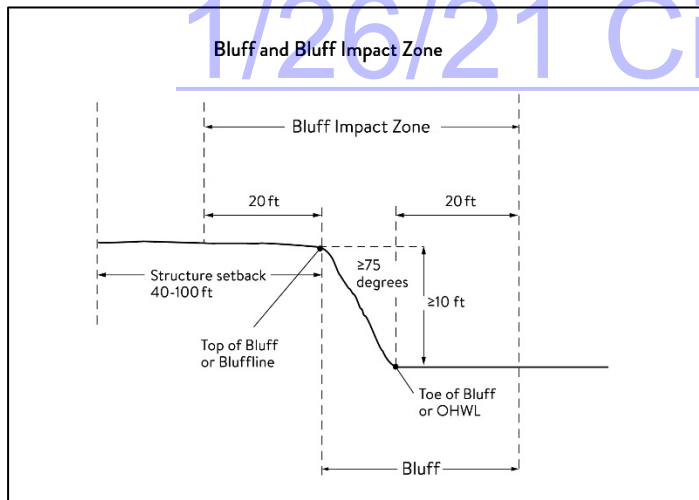
Ordinance Language	Commentary
<p><i>article</i>) its most reasonable application. For the purpose of this (<i>section, chapter or article</i>), the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.</p> <p>2.611 Access path. An area designated to provide ingress and egress to public waters.</p> <p>2.612 Adjacent. Having a boundary that physically touches or adjoins.</p> <p>2.613 Agricultural use. A use having the meaning given under Minnesota Statutes, section 40A.02.</p> <p>2.614 Alternative design. Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.</p> <p>2.615 Barge fleeting. Temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.</p> <p>2.616 Biological and ecological functions. The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.</p> <p>2.617 Bluff. A natural topographic feature having:</p> <p>A. A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:</p> <p style="margin-left: 40px;">a. Where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or</p> <p style="margin-left: 40px;">b. Where the slope begins below the ordinary high water level, from the ordinary high water level to the top of the slope. See Figure 1; or</p> <p>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 a slope of 75 degrees or greater. See Figure 2.</p> <p style="text-align: center;">OR</p> <p>2.617 Bluff. A natural topographic feature having:</p> <p>A. A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, from the toe of the slope to the top of the slope. Where the slope begins below the ordinary high water level, the ordinary high water level is the toe of the slope. See Figure 1; or</p>	<p><i>needed if a given feature or land use is not present or not allowed in the community.</i></p> <p>2.617. Bluffs are anywhere in the MRCCA, not just abutting the water. The DNR’s bluff mapping tool, a GIS extension, is available for download from the Minnesota Geospatial Commons. This tool helps to identify bluffs for general mapping and planning purposes.</p> <p>2.617. Optional. This alternative “part A” bluff definition is more concise, direct and may be more clear than the definition as worded in rules. The alternative definition does not change the specification of what a bluff is, only how it is worded. The wording of “part B” is unchanged.</p>

Figure 1. Bluff and Bluff Impact Zone



- 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 a slope of 75 degrees or greater. See Figure 2.

Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



Ordinance Language	Commentary
<p>2.618 Bluff impact zone. A bluff and land located within 20 feet of the bluff. See Figures 1 and 2.</p> <p>2.619 Bluffline. A line delineating the top of the bluff. More than one bluffline may be encountered proceeding landward from the river. See Figures 1 and 2.</p> <p>2.620 Bluff, Toe of. A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.</p> <p>2.621 Bluff, Top of. A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.</p> <p>2.622 Buildable area. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.</p> <p>2.623 Building. A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.</p> <p>2.624 Certificate of compliance. A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.</p> <p>2.625 Commissioner. The commissioner of the Minnesota Department of Natural Resources.</p> <p>2.626 Conditional use. A use having the meaning given under Minnesota Statutes, chapters 394 and 462.</p> <p>2.627 Conservation design. A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.</p> <p>2.628 Conventional subdivision. A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.</p> <p>2.629 Deck. A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.</p> <p>2.630 Developer. Having the meaning given under Minnesota Statutes, section 116G.03.</p> <p>2.631 Development. Having the meaning given under Minnesota Statutes, section 116G.03.</p> <p>2.632 Discretionary action. An action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.</p>	

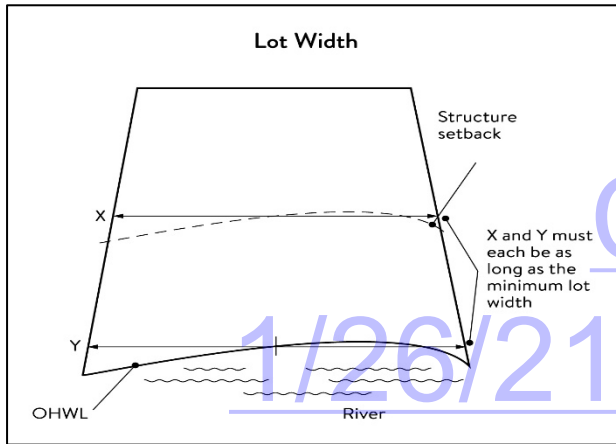
Ordinance Language	Commentary
<p>2.633 Dock. Having the meaning given under Minnesota Rules, chapter 6115.</p> <p>2.634 Electric power facilities. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, section 216E.</p> <p>2.635 Essential services. Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services does not include buildings, treatment works as defined in Minnesota Statutes, chapter 115.01, electric power facilities or transmission services.</p> <p>2.636 Feedlot. Having the meaning given for animal feedlots under Minnesota Rules chapter 7020.</p> <p>2.637 Floodplain. Having the meaning given the meaning given under Minnesota Rules chapter 6120.</p> <p>2.638 Fully reconstructs. The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.</p> <p>2.639 Hard-surface trail. A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.</p> <p>2.640 Historic property. An archaeological site, standing structure, site, district, or other property that is:</p> <ul style="list-style-type: none"> A. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, section 471; B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or C. An unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307, in consultation with the Office of the State Archaeologist. <p>2.641 Impervious surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.</p> <p>2.642 Intensive vegetation clearing. The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.</p> <p>2.643 Interim use. A use having the meaning given under Minnesota Statutes, section 394 and 462.</p>	

Ordinance Language

Commentary

- 2.644 **Land alteration.** An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.
- 2.645 **Local government.** Counties, cities, and townships.
- 2.646 **Local park agencies.** The Minneapolis Park and Recreation Board and the Three Rivers Park District.
- 2.647 **Lot.** Having the meaning given under Minnesota Rules chapter [6120](#).
- 2.648 **Lot width.** The shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 3.

Figure 3. Lot Width



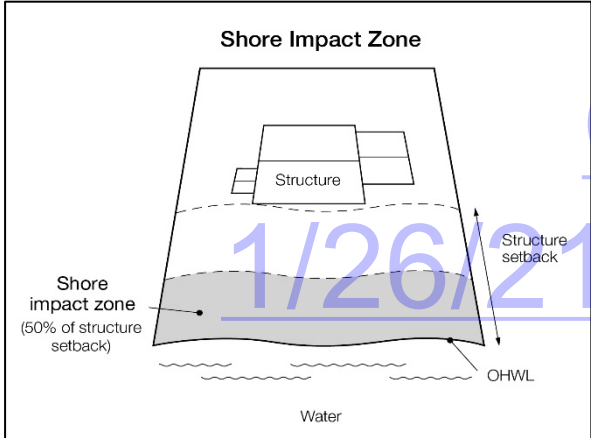
- 2.649 **Marina.** Having the meaning given under Minnesota Rules chapter [6115](#).
- 2.650 **Mississippi River Corridor Critical Area (MRCCA).** The area within the River Corridor Boundary (See Section [2.680](#)).
- 2.651 **Mississippi River Corridor Critical Area (MRCCA) Plan.** A chapter or other element in the (*insert name of jurisdiction*) comprehensive plan.
- 2.652 **Mooring facility.** Having the meaning given under Minnesota Rules chapter [6115.0170](#).
- 2.653 **Native plant community.** A plant community that has been identified as part of the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

2.650. Optional definition to clarify the "MRCCA" term used throughout document.

2.651. Optional definition to clarify the "MRCCA Plan" term used throughout document.

Ordinance Language	Commentary
<p>2.654 Natural-surface trail. A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.</p> <p>2.655 Natural vegetation. Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.</p> <p>2.656 Nonconformity. Having the meaning given under Minnesota Statutes, section 394.22.</p> <p>2.657 Nonmetallic mining. Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, “facility” includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.</p> <p>2.658 Off-premise advertising signs. Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.</p> <p>2.659 Ordinary high water level (OHWL). Having the meaning given under Minnesota Statutes, section 103G.005.</p> <p>2.660 Overlay district. A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.</p> <p>2.661 Parcel. Having the meaning given under Minnesota Statutes, section 116G.03.</p> <p>2.662 Patio. A constructed hard surface located at ground level with no railings and open to the sky.</p> <p>2.663 Picnic shelter. A roofed structure open on all sides, accessory to a recreational use.</p> <p>2.664 Planned unit development. A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.</p> <p>2.665 Plat. Having the meaning given under Minnesota Statutes, sections 505 and 515B.</p> <p>2.666 Port. A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, section 458.</p>	

Ordinance Language	Commentary
<p>2.667 Primary conservation areas. Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.</p> <p>2.668 Private facilities. Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.</p> <p>2.669 Professional engineer. An engineer licensed to practice in Minnesota.</p> <p>2.670 Public facilities. Public utilities, public transportation facilities, and public recreational facilities.</p> <p>2.671 Public recreation facilities. Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.</p> <p>2.672 Public river corridor views. Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.</p> <p>2.673 Public transportation facilities. All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.</p> <p>2.674 Public utilities. Electric power facilities, essential services, and transmission services.</p> <p>2.675 Public waters. Having the meaning given under Minnesota Statutes, section 103G.005.</p> <p>2.676 Readily visible. Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.</p> <p>2.677 Resource agency. A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.</p> <p>2.678 Retaining wall. A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.</p> <p>2.679 Rock Riprap. Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.</p> <p>2.680 River corridor boundary. The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.</p>	<p>2.679. This definition has been modified to be consistent with public waters rules. The MRCCA rule definition for riprap defines riprap as “coarse stones, boulders, cobbles, and broken rock, concrete, and bricks...” This material is not consistent with Minnesota Rules, 6115.0215 Subp. 4E and 6115.0216 Subp. 2 and has been replaced with “natural coarse</p>

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<p>2.681 River-dependent use. The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.</p> <p>2.682 Selective vegetation removal. The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.</p> <p>2.683 Setback. A separation distance measured horizontally.</p> <p>2.684 Shore impact zone. Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level. See Figure 4.</p> <p>Figure 4. Shore Impact Zone</p>  <p>The diagram, titled "Shore Impact Zone", shows a trapezoidal area representing the zone. At the bottom, a wavy line labeled "Water" is shown. A dashed line labeled "OHWL" (Ordinary High Water Level) runs parallel to the water. A solid line labeled "Structure setback" runs parallel to the OHWL. A shaded area between the OHWL and the Structure setback line is labeled "Shore impact zone (50% of structure setback)". A building labeled "Structure" is shown within the setback area.</p> <p>2.685 Shoreline facilities. Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.</p> <p>2.686 Special purpose units of government. The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minnesota Statutes, chapter 103B, watershed districts</p>	<p><i>rock” in order to be consistent with the pre-existing public waters rules.</i></p>

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<p>established under Minnesota Statutes, chapter 103D, and any other unit of government other than local government or a state or regional agency.</p> <p>2.687 State or regional agency. The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council and other state agencies.</p> <p>2.688 Steep slope. 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.</p> <p>2.689 Storm water management facilities. Facilities for the collection, conveyance, treatment, or disposal of storm water.</p> <p>2.690 Structure. A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.</p> <p>2.691 Subdivision. Having the meaning given under Minnesota Statutes, section 462.352.</p> <p>2.692 Subsurface sewage treatment system. Having the meaning given under Minnesota Rules, part 7080.1100.</p> <p>2.693 Transmission services.</p> <p style="margin-left: 20px;">A. Electric power lines, cables, pipelines, or conduits that are:</p> <p style="margin-left: 40px;">(1) used to transport power between two points, as identified and defined under Minnesota Statutes, section 216E.01, subdivision 4; or</p> <p style="margin-left: 40px;">(2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and</p> <p style="margin-left: 20px;">B. Telecommunication lines, cables, pipelines, or conduits.</p> <p>2.694 Treeline. The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.</p> <p>2.695 Twin Cities Metropolitan area. The area over which the Metropolitan Council has jurisdiction according to Minnesota Statutes, section 473.121 subdivision 2.</p> <p>2.696 Variance. Having the meaning given under Minnesota Statutes, section 394.22.</p> <p>2.697 Water access ramp. A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.</p>	

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<p>2.698 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 public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.</p> <p>2.699 Water quality impact zone. Land within the shore impact zone or within 50 feet of the boundary of a public water, wetland, or natural drainage way, whichever is greater.</p> <p>2.670 Wetland. Having the meaning given under Minnesota Statutes, section 103G.005.</p> <p>2.671 Wharf. Having the meaning given under Minnesota Rules, part 6115.0170.</p> <p>3.0 ADMINISTRATION</p> <p>3.1 Purpose. The purpose of this Section is to identify administrative provisions to ensure this <i>(section, chapter, or article)</i> is administered consistent with its purpose.</p> <p>3.2 Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with Section 9.0 and land alterations consistent with Section 10.0.</p> <p>3.3 Variances. Variances to the requirements under this <i>(section, chapter, or article)</i> may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the <i>(zoning authority, governing body, or other appropriate term)</i> shall:</p> <p>3.31 Evaluate the impacts to these resources. and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.5 and</p> <p>3.32 Make written findings that the variance is consistent with the purpose of this <i>(section, chapter, or article)</i>, as follows.</p> <p>A. The extent, location and intensity of the variance will be in substantial compliance with the MRCCA Plan;</p> <p>B. The variance is consistent with the character and management purpose of the MRCCA district in which it is located;</p> <p>C. The variance will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and</p> <p>D. The variance will not negatively impact (other MRCCA plan-identified resources).</p>	<p>3.2. <i>Cities and Townships delegating vegetation and land alteration permitting to another entity may wish to make that arrangement clear here or elsewhere in this administrative section.</i></p> <p>3.3. <i>PRCV impact assessments for variances and conditional uses should review the MRCCA Plan for how PRCVs are visually shown or identified, why they are important and what changes would enhance or degrade them. Impacts will vary depending on the Plan's description of them and the project's size, height, & location. Public hearing comments will be an important source of information in determining impacts and mitigation.</i></p> <p>3.31. <i>Optional. Including a reference to optional Section 3.5 provides the zoning authority with a list of mitigation ideas to consider for specific applications.</i></p> <p>3.32. <i>Determining consistency with the purpose of this MRCCA section, chapter, or article, is variance criteria that must be evaluated <u>in addition to</u> the practical difficulties criteria in MS 462.357 Subd 6.</i></p> <p>3.32.A-D. <i>Optional. These findings provide clarity on what it means to find that a variance is consistent with the purpose of this section, chapter, or article (as required by rule) and help strengthen protections for PCAs and PRCVs in variance reviews.</i></p> <p>3.4. <i>The conditional uses required under this section include: allowing heights to exceed those specified in the UM and RTC districts, wireless communication towers, and nonmetallic mining.</i></p>

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<p>3.4 Conditional and interim use permits. All conditional and interim uses, required under this <i>(section, chapter or article)</i>, must comply with Minnesota Statutes, section 462.3595 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the <i>(zoning authority, governing body, or other appropriate term)</i> shall:</p> <p>3.41 Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.5; and</p> <p>3.42 Make written findings that the conditional use is consistent with the purpose of this <i>(section, chapter, or article)</i>, as follows.</p> <ul style="list-style-type: none"> A. The extent, location and intensity of the conditional use will be in substantial compliance with the MRCCA Plan; B. The conditional use is consistent with the character and management purpose of the MRCCA district in which it is located; C. The conditional use will not be detrimental to PCAs and PRCVs nor will it contribute to negative incremental impacts to PCAs and PRCVs when considered in the context of past, present and reasonable future actions; and D. The conditional use will not negatively impact (other MRCCA plan-identified resources). <p>3.5 Conditions of Approval. The <i>(zoning authority, governing body, or other appropriate term)</i> shall evaluate the impacts to PCAs, PRCVs, and other resources identified in the MRCCA Plan, and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts. Mitigation may include:</p> <ul style="list-style-type: none"> A. Restoration of vegetation identified as “vegetation restoration priorities” identified in the MRCCA plan. B. Preservation of existing vegetation; C. Stormwater runoff management; D. Reducing impervious surface; E. Increasing structure setbacks; F. Wetland and drainageway restoration and/or preservation; and G. And other conservation measures. 	<p>3.41. <i>Optional. Including a reference to optional Section 3.5 provides the zoning authority with a list of mitigation ideas to consider for specific applications.</i></p> <p>3.42.A-D. <i>Optional. Rules do not require findings for conditional uses. These findings help strengthen protection for PCAs and PRCVs in reviewing conditional use applications by providing clarity on what it means to find that the conditional use is consistent with the purpose of this section, chapter, or article.</i></p> <p>3.5. <i>Optional. This list of mitigation ideas can help the zoning authority make decisions on appropriate mitigation that will reduce impacts from approved variances and conditional uses.</i></p>

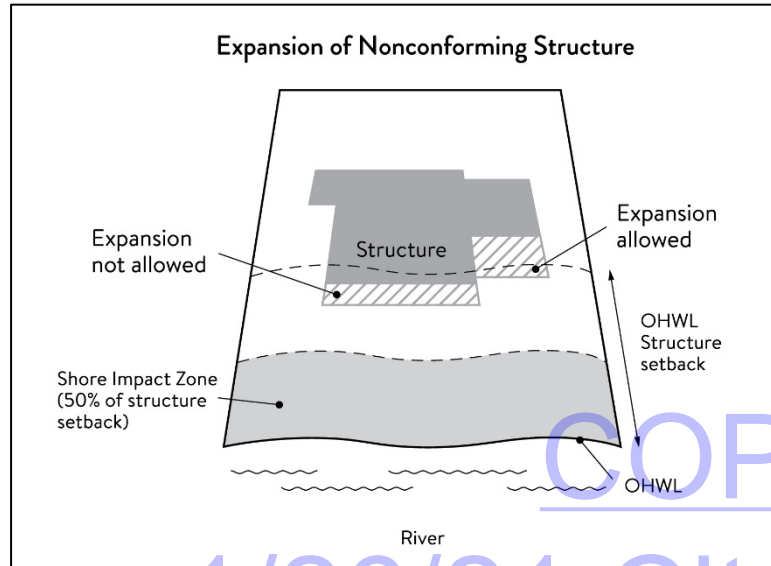
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<p>3.6 Application materials. Applications for permits and discretionary actions required under this (<i>section, chapter or article</i>) must submit the following information unless the (<i>insert designated official</i>) determines that the information is not needed.</p> <p>3.61 A detailed project description; and</p> <p>3.62 Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:</p> <ul style="list-style-type: none"> A. Primary conservation areas; B. Public river corridor views; C. Buildable area; D. Existing and proposed topography and drainage patterns; E. Proposed storm water and erosion and sediment control practices; F. Existing and proposed vegetation to be removed and established; G. Ordinary high water level, blufflines, and all required setbacks; H. Existing and proposed structures; I. Existing and proposed impervious surfaces; and J. Existing and proposed subsurface sewage treatment systems. 	<p>3.62.A. Please see the DNR-developed online mapper for locating PCAs by parcel.</p>
<p>3.7 Nonconformities.</p> <p>3.71 All legally established nonconformities as of the date of this ordinance may continue consistent with 462.357 Subd. 1e .</p> <p>3.72 New structures erected in conformance with the setback averaging provisions of Section 6.34 are conforming structures.</p> <p>3.73 Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.</p> <p>3.74 Legally nonconforming principal structures that do not meet the setback requirements of Section 6.3 may be expanded laterally provided that:</p> <ul style="list-style-type: none"> A. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and 	<p>3.74 Optional. LGUs may choose <u>to not include</u> this provision as a higher standard.</p>

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- B. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 5. Expansion of Nonconforming Structure



3.8 Notifications.

- 3.81 Amendments to this (section, chapter, or article) and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B – I.
- 3.82 Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, **master plans**, and PUDs, must be sent to the following entities at least **thirty (30) ~~ten (10)~~** days prior to the hearing:
 - A. The Commissioner in a format prescribed by the DNR;
 - B. National Park Service; and
 - C. where building heights exceed the height limits specified in Section 6.2 as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

3.81 DNR's preferred notification method is via email to the appropriate DNR [Area Hydrologist](#).

3.82. Optional. Increasing the lead time for the DNR, NPS and adjoining local governments will increase the chance of getting substantive feedback available for consideration at the public hearing.

3.84 Changes to district boundaries must be supported by approved changes in the MRCCA Plan.

3.85. Optional. Local governments will get better feedback and fewer surprises by engaging the DNR

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<p>3.83 Notice of final decisions for actions in Section 3.71, including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.</p> <p>3.84 Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, Subp. 9, Item C.</p> <p>3.85 The DNR will be notified at time of application submittal of master plans, PUDs, preliminary, and final plats</p> <p>3.9 Accommodating disabilities. Reasonable accommodations for 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 Minnesota Rules, chapter 1341, must:</p> <p>3.91 Comply with Sections 6.0 to 12.0; or</p> <p>3.92 If Sections 6.0 to 12.0 cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:</p> <p>A. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and</p> <p>B. Upon expiration of the permit, the ramp or other facilities must be removed.</p>	<p><i>earlier in the review process for large projects with potential impacts to PCAs and PRCVs</i></p> <p><i>3.9. This provision has been revised from rules to allow use of an administrative permit instead of an IUP for accommodating disabilities to ensure that “reasonable accommodations” consistent with the federal ADA and Fair Housing Act can be made.</i></p>
<p>4.0 MRCCA DISTRICTS</p> <p>4.1 Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River’s resources and features consistent with the natural and built character of each district.</p> <p>4.2 District description and management purpose. The MRCCA within the (<i>City or Town</i>) is divided into the following MRCCA Districts:</p> <p>4.21 Rural and Open Space (ROS).</p> <p>A. Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.</p> <p>B. Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.</p>	<p><i>4.2 Include only those districts in the city or town.</i></p>

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<p>4.22 River Neighborhood (RN).</p> <p>A. Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.</p> <p>B. Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.</p> <p>4.23 River Towns and Crossings (RTC).</p> <p>A. Description. The RTC District is characterized by historic downtown areas and limited nodes of intense development at specific river crossings, as well as institutional campuses that predate designation of the MRCCA, and that include taller buildings.</p> <p>B. Management purpose. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.</p> <p>4.24 Separated from River (SR).</p> <p>A. Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.</p> <p>B. Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The RTC district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.</p>	

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<p>4.25 Urban Mixed (UM).</p> <p>A. Description. The UM District includes large areas of highly urbanized mixed use that are a part of the urban fabric of the river corridor, including institutional, commercial, industrial, and residential areas and parks and open space.</p> <p>B. Management purpose. The UM District must be managed in a manner that allows for future growth and potential transition of intensely developed areas that does not negatively affect public river corridor views and that protects bluffs and floodplains. Restoring and enhancing bluff and shoreline habitat, minimizing erosion and flow of untreated storm water into the river, and providing public access to and public views of the river are priorities in the district.</p> <p>4.26 Urban Core (UC).</p> <p>A. Description. The UC District includes downtown.</p> <p>B. Management purpose. The UC District must be managed with the greatest flexibility to protect commercial, industrial, and other high-intensity urban uses, while minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the river. Providing public access to and public views of the river are priorities in the district.</p> <p>4.3 MRCCA district map. The locations and boundaries of the MRCCA districts established by this (section, chapter, or article) are shown on (insert name of MRCCA Overlay District map) which is incorporated herein by reference. The district boundary lines are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.</p>	<p>4.3 Include a link to the city/town website or DNR website containing the map to make it easier for property owners to find the district for their property.</p> <p>5.0. The uses and their special conditions in this section must be in the ordinance if the use is allowed. If not, the provision may be excluded from this section, but it should be clear in the ordinance that such uses are prohibited.</p>
<p>5.0 SPECIAL LAND USE PROVISIONS</p> <p>5.1 Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.</p> <p>5.2 Underlying zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:</p> <p>5.21 Agricultural use. Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.</p> <p>5.22 Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.</p>	<p>5.24. Optional. Consider prohibiting mining within the OHWL structure setback. Screening of mining operation is possible if the operation is setback from</p>

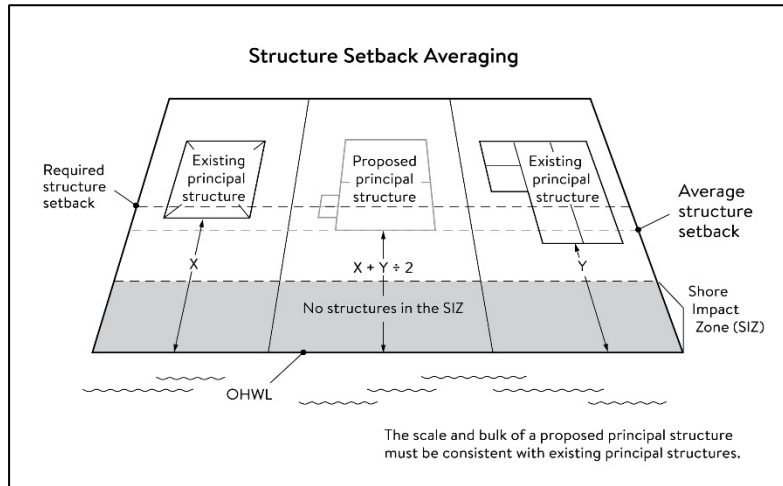
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<p>5.23 Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.</p> <p>5.24 Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:</p> <ul style="list-style-type: none"> A. New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL; B. Processing machinery must be located consistent with setback standards for structures as provided in Section 6.3; C. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation; D. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area; E. A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must: <ul style="list-style-type: none"> (1) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters; F. Explain where staged reclamation may occur at certain points during the life of the site; G. Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and H. Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and I. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance. <p>5.25 River-dependent uses. River-dependent uses must comply with the following design standards:</p> <ul style="list-style-type: none"> A. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 12.0, must meet the dimensional and performance standards in 	<p><i>the water. This will enhance recreational use of the River.</i></p>

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<p>this (<i>section, chapter, or article</i>), must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;</p> <p>B. Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:</p> <p>(1) be designed in a compact fashion so as to minimize the shoreline area affected; and</p> <p>(2) minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and</p> <p>C. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.</p> <p>5.26 Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:</p> <p>A. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;</p> <p>B. The tower must not be located in a bluff or shore impact zone; and</p> <p>C. Placement of the tower must minimize impacts on public river corridor views.</p> <p>D. Comply with the general design standards in Section 8.2.</p>	<p>5.26. The word "facilities" is replaced with "towers" to improve consistency throughout this provision.</p>
<p>6.0 STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE</p> <p>6.1 Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.</p> <p>6.2 Structure height. Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.</p> <p>6.21 Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.</p> <p>A. ROS District: 35 feet (or lower).</p> <p>B. RN District: 35 feet.</p> <p>C. RTC District: 48 feet (or lower), provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimizes interference with public river corridor views. Structures over 48 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23.</p>	<p>6.21. Optional. Reduce the maximum heights allowed by right in any district and implement a maximum height allowed through a CUP in the RTC and UM District. This will reduce the heights requested by developers and provide better protection of scenic resources. These changes will also provide more opportunities to add conditions or require mitigation, especially in redevelopment areas.</p> <p>6.21 Optional. Replace the vague tiering and priority language in the RTC, UM, and UC Districts with specific height standards based on distance from the river that would be zoned/mapped through additional zoning districts (e.g. RTC-1, RTC-2, etc.). For each district further from the river, a maximum height allowed by CUP would be increased.</p>

Ordinance Language	Commentary
<p>D. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.</p> <p>E. UM District: 65 feet, provided tiering of structures away from the Mississippi River and from blufflines is given priority, with lower structure heights closer to the river and blufflines, and that structure design and placement minimize interference with public river corridor views. Structures over 65 feet (or lower) and up to (fill in a max. height) are allowed as a conditional use according to Section 6.23.</p> <p>F. UC District: Height is determined by underlying zoning, provided tiering of structures away from the Mississippi River and blufflines is given priority, with lower structure heights closer to the river and blufflines, and structure design and placement minimize interference with public river corridor views.</p> <p>6.22 Height is measured on the side of the structure facing the Mississippi River.</p> <p>6.23 In addition to the conditional use permit requirements of Section 3.4, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:</p> <p>A. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;</p> <p>B. Determination that the proposed structure meets the required bluff and OHWL setbacks;</p> <p>C. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:</p> <p>(1) Placing the long axis of the building perpendicular to the river;</p> <p>(2) Stepping back of portions of the facade;</p> <p>(3) Lowering the roof pitch or use of a flat roof;</p> <p>(4) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;</p> <p>(5) Narrowing the profile of upper floors of the building; or</p> <p>(6) Increasing the setbacks of the building from the Mississippi River or blufflines;</p> <p>(7) Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and</p> <p>(8) Opportunities for creation or enhancement of public river corridor views.</p>	<p><i>6.22 Communities may wish to cross reference their building height definition in their ordinance for compatibility with this provision.</i></p> <p><i>6.23 LGUs may want to use visual analysis tools to help understand and communicate visual impacts during project review and approval. See DNR guidance for PRCV Viewshed Analysis, using Google Earth and Sketch up, which are freely available visual assessment tools.</i></p> <p><i>6.23.B. Optional. This standard would link CUP approval with conformance to bluff setback standards.</i></p> <p><i>6.23.C. 3&4. Optional. These additional techniques can help reduce visual impacts in certain situations.</i></p> <p><i>6.3. Local governments may apply stricter standards than those listed here. Increasing structure setbacks can help reduce the risk of erosion in near shore and bluff areas and enhance the aesthetic character of</i></p>

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<p>6.3 Structure and impervious surface placement.</p> <p>6.31 Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 12.0.</p> <p>6.32 Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 12.0.</p> <p>A. ROS District: 200 feet from the Mississippi River and 150 feet from the Minnesota and Vermillion Rivers.</p> <p>B. RN District: 100 feet from the Mississippi River and 75 feet from the Rum and Vermillion Rivers.</p> <p>C. RTC District: 75 feet from the Mississippi, Crow, and Rum Rivers.</p> <p>D. SR District: 75 feet from the Vermillion River.</p> <p>E. UM District: 50 feet from the Mississippi River.</p> <p>F. UC District: Setbacks are determined by underlying zoning.</p> <p>6.33 Structures and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 12.0:</p> <p>A. ROS District: 100 feet.</p> <p>B. RN District: 40 feet.</p> <p>C. RTC District: 40 feet.</p> <p>D. SR District: 40 feet.</p> <p>E. UM District: 40 feet.</p> <p>F. UC District: 40 feet.</p> <p>6.34 Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under Sections 6.32 and 6.33 are consistent with adjoining development. See Figure 6.</p>	<p><i>the river. Larger setbacks also allow room for larger riparian buffers.</i></p>

Figure 6. Structure Setback Averaging



6.41. This provision only applies in the ROS district.

6.35 Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

6.4 Lot size and buildable area.

6.41 The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.

6.42 All new lots must have adequate buildable area to comply with the setback requirements of Sections 6.32 and 6.33 so as to not require variances to use the lots for their intended purpose.

7.0 PERFORMANCE STANDARDS FOR PRIVATE FACILITIES

7.1 **Purpose.** To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

7.2 **General design standards.** All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 9.0 and 10.0.

7.3 **Private roads, driveways, and parking areas.** Except as provided in Section 12.0, private roads, driveways and parking areas must:

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<p>7.31 Be designed to take advantage of natural vegetation and topography so that they are not readily visible;</p> <p>7.32 Comply with structure setback requirements according to Section 6.3; and</p> <p>7.33 Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 12.0 and designed consistent with Section 8.2.</p> <p>7.4 Private water access and viewing facilities.</p> <p>7.41 Private access paths must be no more than:</p> <ul style="list-style-type: none"> A. Eight feet wide, if placed within the shore impact zone; and B. Four feet wide, if placed within the bluff impact zone. <p>7.42 Private water access ramps must:</p> <ul style="list-style-type: none"> A. Comply with Minnesota Rules, chapters 6115.0210 and 6280.0250; and B. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities. <p>7.43 Design and construction of private stairways, lifts, and landings are subject to the following standards:</p> <ul style="list-style-type: none"> A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by (insert name of LGU permit or approval type); B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by (insert name of LGU permit or approval type); C. Canopies or roofs are prohibited on stairways, lifts, or landings; D. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and E. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 7.43 A. – D, and as provided under Section 3.9. <p>7.45 One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:</p> <ul style="list-style-type: none"> A. not exceed 12 feet in height; 	<p>7.42.B. This publication is available as a hard copy from the US Fish & Wildlife Services Conservation Library or by purchase from States Organization for Boating Access (SOBA) for \$55.</p> <p>7.5. <i>Optional. Eliminate this provisions and prohibit decks and patios within the structure setback.</i></p>

Ordinance Language

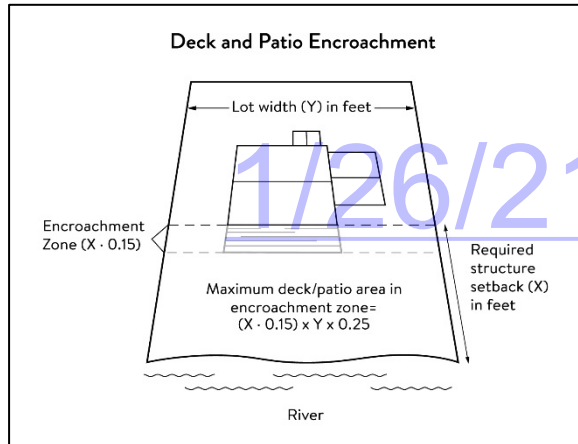
Commentary

- B. not exceed 120 square feet in area; and
- C. be placed a minimum of 10 feet from the ordinary high water level.

7.5 **Decks and patios in setback areas.** Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 9.0 and 10.0, provided that:

- 7.51 The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;
- 7.52 the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula:
[required setback depth (feet) x 0.15 x lot width (feet) = maximum total area]
- 7.53 The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. Deck and Patio Encroachment



7.6 **Off-premise and directional signs.**

- 7.61 Off-premise advertising signs must:
 - A. Meet required structure placement and height standards in Sections 6.2 and 6.3.
 - B. Not be readily visible
- 7.62 Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

7.6. If local governments choose to allow off-premise signs and signs in the shore impact zone, these provision must be included. If not, LGUs must exclude them.

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<p>A. They must be consistent with Minnesota Statutes, section 86B.115.</p> <p>B. Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.</p> <p>C. Be no greater than ten feet in height and 32 square feet in surface area; and</p> <p>D. If illuminated, the lighting must be shielded to prevent illumination out across the river or to the sky.</p> <p>7.7 Fences. Fences between principal structures and the river are allowed provided that fences are:</p> <p>7.71 Not higher than six feet.</p> <p>7.72 Not located within 40 feet of slopes greater than 12%.</p> <p>7.73 Not located in the regulatory floodplain.</p> <p>8.0 PERFORMANCE STANDARDS FOR PUBLIC FACILITIES</p> <p>8.1 Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.</p> <p>8.2 General design standards. All public facilities must be designed and constructed to:</p> <p>8.21 Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;</p> <p>8.22 Comply with the structure placement and height standards in Section 6.0, except as provided in Section 12.0;</p> <p>8.23 Be consistent with the vegetation management standards in Section 9.0 and the land alteration and storm water management standards in Section 10.0, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;</p> <p>8.24 Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and</p> <p>8.25 Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not spawning or nesting.</p> <p>8.3 Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:</p>	<p>7.61.B. Note that the term “readily visible” is defined in the definitions section.</p> <p>7.62. This language may conflict with supreme court decisions regarding free speech and the first amendment. The provision is intended to prohibit nonessential signs in the shore impact zone to limit the impact on scenic views while allowing directional signage. If LGUs want to allow such signs and are uncomfortable with this language, they should propose alternative language. If LGUs do not want signs in the SIZ, then this language should be eliminated and replaced with language prohibiting nonessential signs in the SIZ.</p> <p>7.7. Optional. Language regulating fences in the SIZ will protect river views and may minimize neighbor conflicts over fences and views to the river.</p> <p>8.21. Optional. Added text provides administrative clarity that views from the river are important to protect.</p>

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<p>8.31 Vegetation currently in a natural state must be maintained to the extent feasible;</p> <p>8.32 Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and</p> <p>8.33 Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical’s use.</p> <p>8.4 Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245.</p> <p>8.5 Public utilities. Public utilities must comply with the following standards:</p> <p>8.51 High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter 216E, 216F, and 216G respectively; and</p> <p>8.52 If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river be hidden from view and follow other existing right of ways as much as practicable.</p> <p>8.53 The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.</p> <p>8.54 Wireless communication facilities, according to Section 5.26.</p> <p>8.6 Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 6.0. Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:</p> <p>8.61 Providing scenic overlooks for motorists, bicyclists, and pedestrians;</p> <p>8.62 Providing safe pedestrian crossings and facilities along the river corridor;</p> <p>8.63 Providing access to the riverfront in public ownership; and</p> <p>8.64 Allowing for use of the land between the river and the transportation facility.</p> <p>8.7 Public recreational facilities. Where such facilities intersect or abut two or more MRCCA districts, the least restrictive dimensional standards apply. Public transportation facilities must be designed and constructed to give priority to:</p> <p>8.71 Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 6.0, except as provided in Section 12.0;</p> <p>8.72 Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and</p>	<p>8.5. There are situations where local governments have jurisdiction for approving transmission projects. See 216E.05 Subd. 1. In those cases, the local government would apply these standards in reviewing and approving the transmission application 8.52. Optional. Added text provides administrative clarity that views from the river are important to protect when local governments have approval authority.</p>

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<p>construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.</p> <p>8.73 Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines.</p> <p>A. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.</p> <p>B. Trails, paths, and viewing areas must be designed and constructed to minimize:</p> <ol style="list-style-type: none"> (1) Visibility from the river; (2) Visual impacts on public river corridor views; and (3) Disturbance to and fragmentation of primary conservation areas. <p>8.74 Public water access facilities must comply with the following requirements:</p> <p>A. Watercraft access ramps must comply with Minnesota Rules chapters 6115.0210 and 6280.0250; and</p> <p>B. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.</p> <p>8.75 Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.</p> <p>8.76 Public stairways, lifts, and landings must be designed as provided in Section 7.43.</p>	<p><i>8.73. Contact the DNR Parks and Trails Division at 651-259-5600 to get the password to download a free copy.</i></p> <p><i>8.73.A. While this is an accessibility concern, there is no requirement to make all places accessible. Most hiking trails are not accessible. The impacts to bluffs with slopes over 30% to build accessible trails would result in enormous grading changes and vegetation removal.</i></p> <p><i>8.74.B. This publication is available as a hard copy from the US Fish & Wildlife Services Conservation Library or by purchase from States Organization for Boating Access (SOBA) for \$55.</i></p>
<p>9.0 VEGETATION MANAGEMENT</p>	
<p>9.1 Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.</p>	
<p>9.2 Applicability. This section applies to:</p>	
<p>9.21 Shore impact zones;</p>	
<p>9.22 Areas within 50 feet of a wetland or natural drainage way;</p>	
<p>9.23 Bluff impact zones;</p>	<p><i>9.2 LGUs are not allowed to restrict the height of ground cover vegetation in these "designated" areas such as through nuisance weed control ordinances. If</i></p>

Ordinance Language	Commentary
<p>9.24 Areas of native plant communities; and</p> <p>9.25 Significant existing vegetative stands identified in the MRCCA plan.</p> <p>9.3 Activities allowed without a vegetation permit.</p> <p>9.31 Maintenance of existing lawns, landscaping and gardens;</p> <p>9.32 Removal of vegetation in emergency situations as determined by <i>(insert name of LGU)</i>;</p> <p>9.33 Right-of-way maintenance for public facilities meeting the standards Section 8.3;</p> <p>9.34 Agricultural and forestry activities meeting the standards of Sections 5.21 and 5.23;</p> <p>9.35 Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including:</p> <p>A. Vegetation that is dead, diseased, dying, or hazardous;</p> <p>B. To prevent the spread of diseases or insect pests;</p> <p>C. Individual trees and shrubs; and</p> <p>D. Removal of invasive non-native species.</p> <p>9.4 Activities allowed with a vegetation permit.</p> <p>9.41 The following intensive vegetation clearing activities are allowed with a vegetation permit:</p> <p>A. Clearing of vegetation that is dead, diseased, dying, or hazardous;</p> <p>B. Clearing to prevent the spread of diseases or insect pests;</p> <p>C. Clearing to remove invasive non-native species.</p> <p>D. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by <i>(insert name of LGU or name of resource agency)</i>.</p> <p>E. The minimum necessary for development that is allowed with a building permit or as an exemption under Section 12.0.</p> <p>9.42 Conditions of vegetation permit approval:</p> <p>A. Development is sited to minimize removal of or disturbance to natural vegetation;</p> <p>B. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer or <i>(insert name of resource agency, if someone other than professional engineer is desired)</i>;</p>	<p><i>such ordinance provisions exist, LGUs must amend them so they do not apply to these designated areas.</i></p> <p><i>9.35.C. This provides clarity that removing individual trees and shrubs is allowed under the rules.</i></p> <p><i>9.4 LGUs must develop a new or use an existing permit process consistent with 6106.0150 Subp. 4. LGUs must submit documentation to the DNR verifying a process and administrative forms and procedures as part of ordinance review and approval process. LGUs have the authority to approve, approve with conditions or deny a vegetation permit application.</i></p>

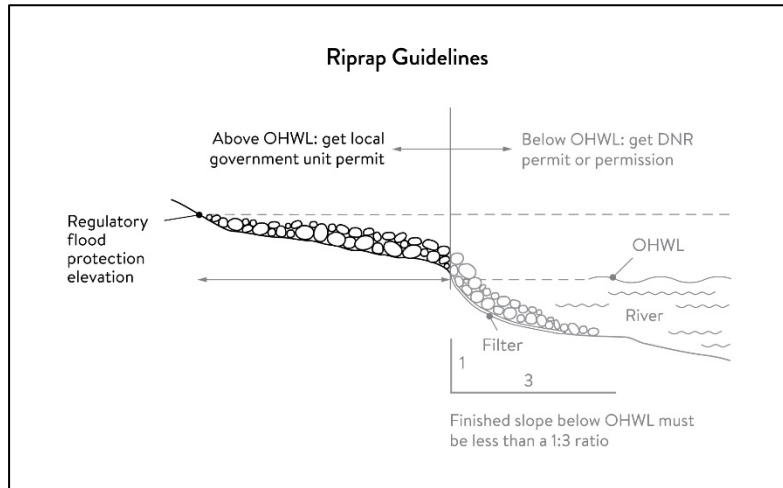
Ordinance Language	Commentary
<p>C. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;</p> <p>D. Any native plant communities removed are replaced with vegetation that provides equivalent biological and ecological functions consistent with an approved vegetation restoration plan as provided in Section 9.62. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;</p> <p>E. All other vegetation removed is restored with natural vegetation to the greatest extent practicable consistent with an approved vegetation restoration plan as provided in Section 9.62. Priorities for replacement are the same as under Section 9.42.D;</p> <p>F. Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;</p> <p>G. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time;</p> <p>H. Areas of vegetation restoration priorities identified in the MRCCA plan are restored, if applicable; and</p> <p>I. Any other condition determined necessary to achieve the purpose of this section.</p> <p>9.5 Prohibited activities. All other intensive vegetation clearing is prohibited.</p> <p>9.6 Vegetation restoration plan.</p> <p>9.61 Development of a vegetation restoration plan and reestablishment of natural vegetation is required:</p> <p>A. As a condition of a vegetation permit issued under Section 9.42, items D and E;</p> <p>B. Upon failure to comply with any provisions in this section; or</p> <p>C. As part of the planning process for subdivisions as provided in Section 11.0.</p> <p>9.62 The vegetation restoration plan must satisfy the application submittal requirements in 3.6, and:</p> <p>A. Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines;</p> <p>B. Be prepared by a qualified individual; and</p>	<p>9.42. H. <i>Optional. This condition implements a required implementation action in the approved MRCCA plan. The action calls for establishing a vegetation permitting process that includes permit review procedures to ensure consideration of restoration priorities identified in the plan in permit issuance and conditions requiring vegetation restoration for those priority areas.</i></p>

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<p data-bbox="296 159 1440 220">C. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.</p> <p data-bbox="226 245 1409 306">9. 63 A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.</p> <p data-bbox="107 386 957 412">10.0 LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT</p> <p data-bbox="155 443 1415 505">10.1 Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.</p> <p data-bbox="155 527 474 553">10.2 Land alteration permit.</p> <p data-bbox="226 578 1425 639">10.21 Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by permit.</p> <ul style="list-style-type: none"> <li data-bbox="296 664 831 690">A. Erosion control consistent with Section 10.6; <li data-bbox="296 714 1377 740">B. The minimum necessary for development that is allowed as an exception under Section 12; and <li data-bbox="296 764 978 790">C. Repair and maintenance of existing buildings and facilities. <p data-bbox="226 815 1430 876">10.22 Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.</p> <p data-bbox="155 901 936 927">10.3 Rock riprap, retaining walls, and other erosion control structures.</p> <p data-bbox="226 951 1440 1049">10.31 Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner. See Figure 8.</p>	<p data-bbox="1478 159 2007 211">9.62. LGUs could consider identifying what a qualified professional means in different situations.</p> <p data-bbox="1478 1089 1982 1141">10.22. Optional. LGUs may increase the distance or area where a land alteration permit is required.</p>

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Figure 8. Riprap Guidelines



10.32 Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 10.6 provided that:

- A. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
- B. The structures are used only to correct an established erosion problem as determined by the (insert name of LGU and/or resource agency).
- C. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:
 - (1) Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and
 - (2) Riprap must not exceed the height of the regulatory flood protection elevation.

10.33 Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration under Section 10.2.

10.4 Stormwater management.

10.41 In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

10.41. Optional. Could add the bluff setback to this standard to increase the area in which stormwater treatment facilities would not be allowed.

Ordinance Language	Commentary
<p>A. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;</p> <p>B. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;</p> <p>C. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and</p> <p>D. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.</p> <p>10.42 In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 12.0, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a storm water permit or approved storm water plan. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.</p> <p>10.43 In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.</p> <p>10.5 Development on steep slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:</p> <p>10.21 The development can be accomplished without increasing erosion or storm water runoff;</p> <p>10.22 The soil types and geology are suitable for the proposed development; and</p> <p>10.23 Vegetation is managed according to the requirements of Section 9.0.</p> <p>10.6 Conditions of land alteration permit approval.</p> <p>10.61 Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;</p> <p>10.62 Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;</p> <p>10.63 Construction activity is phased when possible;</p> <p>10.64 All erosion and sediment controls are installed before starting any land disturbance activity;</p> <p>10.65 Erosion and sediment controls are maintained to ensure effective operation;</p> <p>10.66 The proposed work is consistent with the vegetation standards in Section 9.0; and</p> <p>10.67 Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.</p>	<p><i>10.42 Local governments must review and approve storm water permits/plans using the same standard used in their MS4 permit for post construction storm water management, or if no MS4 permit, then compliance with the current NPDES program permit for construction storm water.</i></p>

Ordinance Language	Commentary
<p>E. Placement of essential services; and</p> <p>F. Activities involving river-dependent commercial and industrial uses.</p> <p>11.3 Application materials. Project information listed in Section 3.6 must be submitted for all proposed developments.</p> <p>11.4 Design standards.</p> <p>11.41 Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:</p> <p>A. CA-ROS District: 50%;</p> <p>B. CA-RN District: 20%;</p> <p>C. CA-RTC, CA-UM, and CA-UC Districts: 10%; and</p> <p>D. CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.</p> <p>11.42 If the primary conservation areas exceed the amounts specified in Section 11.41, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.</p> <p>11.43 If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to Section 9.62.</p> <p>11.44 If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 9.62 and the area must be set aside and designated as protected open space.</p> <p>11.45 Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.</p> <p>11.46 Land dedicated under (insert LGU ordinance citation) for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.</p> <p>11.47 Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.</p> <p>11.5 Permanent protection of designated open space.</p> <p>11.51 Designated open space areas must be protected through one or more of the following methods:</p> <p>A. Public acquisition by a government entity for conservation purposes;</p>	<p><i>11.3. Local governments must provide for pre-project review of all proposed subdivisions, redevelopments, and planned unit developments.</i></p> <p><i>11.41.C. Optional. Increase set aside percentage in all district. As land in these districts gets redeveloped, it will be important to ensure PCAs and land is set aside for future parks and open space, especially for urban areas where there is greater density and opportunities to work and play along the river.</i></p> <p><i>11.46 This ordinance citation refers to LGU "park" dedication or in-lieu fee provisions adopted under Minnesota Statutes, section 462.358, subdivision 2b. If LGU has not adopted such provisions this section may be omitted.</i></p>

Ordinance Language	Commentary																														
<p>B. A permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;</p> <p>C. A deed restriction; and</p> <p>D. Other arrangements that achieve an equivalent degree of protection.</p> <p>11.52 Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.</p> <p>11.6 Alternative design standards.</p> <p>12.0 EXEMPTIONS</p> <p>12.1 Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes 116G.15 Subd. 4.</p> <p>12.2 Applicability.</p> <p>12.21 Uses and activities not specifically exempted must comply with this (<i>section, chapter, or article</i>). Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 9 and 10.</p> <p>12.22 Uses and activities in Section 12.3 are categorized as:</p> <p>A. Exempt – E. This means that the use or activity is allowed;</p> <p>B. Exempt if no alternative - (E). This means that the use or activity is allowed only if no alternatives exist; and</p> <p>C. Not exempt - N. This means that a use or activity is not exempt and must meet the standards of this ordinance.</p> <p>12.3 Use and activity exemptions classification.</p> <p>12.31 General uses and activities.</p>	<p>11.6 The MRCCA rules state that local ordinances must contain provisions, including incentives, for alternative design methods that achieve better protection or restoration of PCAs. Local governments must develop provisions that achieve additional protections for or restoration of primary conservation areas. These should address PCA resources specific to the community and unique opportunities for their protection or restoration within the type of development or redevelopment that is likely to happen in the community. The DNR will consider a wide variety of provisions to meet this requirement. Some ideas include:</p> <ul style="list-style-type: none"> • Protection and restoration of continuous vegetation – preventing the fragmentation of vegetation and habitat by individual lots, especially along the river and natural drainage areas and protecting it as common open space. • Density bonus and smaller lots in return for protection of open space beyond the minimum identified in 11.41. • Use of conservation design or transfer of development rights in return for protection of open space beyond the minimum identified in 11.41. • Other zoning and site design techniques. 																														
<table border="1"> <thead> <tr> <th data-bbox="111 1177 714 1242">Use or Activity</th> <th data-bbox="724 1177 808 1242">Set backs</th> <th data-bbox="819 1177 913 1242">Height Limits</th> <th data-bbox="924 1177 987 1242">SIZ</th> <th data-bbox="997 1177 1060 1242">BIZ</th> <th data-bbox="1071 1177 1455 1242">Applicable standards with which the use or activity must comply</th> </tr> </thead> <tbody> <tr> <td data-bbox="111 1250 714 1339">Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)</td> <td data-bbox="724 1250 808 1339">N</td> <td data-bbox="819 1250 913 1339">E</td> <td data-bbox="924 1250 987 1339">N</td> <td data-bbox="997 1250 1060 1339">N</td> <td data-bbox="1071 1250 1455 1339">Structure design and placement must minimize interference with public river corridor views.</td> </tr> <tr> <td data-bbox="111 1347 714 1372">Barns, silos, and farm structures</td> <td data-bbox="724 1347 808 1372">N</td> <td data-bbox="819 1347 913 1372">E</td> <td data-bbox="924 1347 987 1372">N</td> <td data-bbox="997 1347 1060 1372">N</td> <td data-bbox="1071 1347 1455 1372"></td> </tr> <tr> <td data-bbox="111 1380 714 1404">Bridges and bridge approach roadways</td> <td data-bbox="724 1380 808 1404">E</td> <td data-bbox="819 1380 913 1404">E</td> <td data-bbox="924 1380 987 1404">E</td> <td data-bbox="997 1380 1060 1404">(E)</td> <td data-bbox="1071 1380 1455 1404">Section 8</td> </tr> <tr> <td data-bbox="111 1412 714 1437">Wireless communication towers</td> <td data-bbox="724 1412 808 1437">E</td> <td data-bbox="819 1412 913 1437">E</td> <td data-bbox="924 1412 987 1437">N</td> <td data-bbox="997 1412 1060 1437">N</td> <td data-bbox="1071 1412 1455 1437">Section 5.26</td> </tr> </tbody> </table>	Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply	Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers)	N	E	N	N	Structure design and placement must minimize interference with public river corridor views.	Barns, silos, and farm structures	N	E	N	N		Bridges and bridge approach roadways	E	E	E	(E)	Section 8	Wireless communication towers	E	E	N	N	Section 5.26	
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Barns, silos, and farm structures	N	E	N	N																											
Bridges and bridge approach roadways	E	E	E	(E)	Section 8																										
Wireless communication towers	E	E	N	N	Section 5.26																										

Ordinance Language						Commentary
Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment	N	E	N	N		
Historic properties and contributing properties in historic districts	E	E	E	E	Exemptions do not apply to additions or site alterations	
Buildings and structures on the face of or abutting the bluff in the CA-UC district of St. Paul, between Chestnut Street and Highway 52.	E	n/a	n/a	E	Height in CA-UC district is governed by underlying zoning	
12.32 Public utilities.						
Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply	
Electrical power facilities	E	E	E	(E)	Section 8	
Essential services (other than storm water facilities)	E	E	E	(E)	Section 8	
Storm water facilities	E	N	E	(E)	Section 10	
Wastewater treatment	E	N	E	N	Section 8	
Public transportation facilities	E	N	(E)	(E)	Section 8	
12.33 Public recreational facilities.						
Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply	
Accessory structures, such as monuments, flagpoles, light standards, and similar park features	E	E	(E)	(E)	Section 8; within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures.	
Picnic shelters and other open-sided structures	E	N	(E)	N	Section 8	
Parking lots	(E)	N	(E)	(E)	Section 8; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff	
Roads and driveways	(E)	N	(E)	(E)	Section 8	
Natural-surfaced trails, access paths, and viewing areas	E	N	E	E	Section 8	
Hard-surfaced trails and viewing platforms	E	N	E	(E)	Section 8; within BIZ, only on slopes averaging less than 30%	

Ordinance Language						Commentary
Water access ramps	E	N	E	(E)	Section 8	
Public signs and kiosks for interpretive or directional purposes	E	N	E	(E)	Section 8	
12.34 River-dependent uses.						
Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply	
Shoreline facilities	E	N ¹	E	(E)	Section 5.25. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility	
Private roads and conveyance structures serving river-dependent uses	E	N ¹	E	(E)	Section 5.25	
12.35 Private residential and commercial water access and use facilities.						
Use or Activity	Set backs	Height Limits	SIZ	BIZ	Applicable standards with which the use or activity must comply	
Private roads serving 3 or more lots	(E)	N	N	(E)	Section 7; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas	
Access paths	E	N	E	E	Section 7	
Water access ramps	E	N	E	N	Section 7	
Stairways, lifts, and landings	E	N	E	E	Section 7	
Water-oriented accessory structures	E	N	E	N	Section 7	
Patios and decks	E	N	N	N	Section 7.5	

¹ River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.

Ordinance Language						Commentary
Directional signs for watercraft (private)	E	N	E	N	Section 7.6; exemption does not apply to off-premise advertising signs	
Temporary storage of docks, boats, and other equipment during the winter months	E	N	E	N		
Erosion control structures, such as rock riprap and retaining walls	E	N	E	(E)	Sections 10.3, 10.5 and 10.6	
Flood control structures	E	N	E	(E)	Section 10	

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Chapter 06: Mississippi River Corridor Critical Area Plan (MRCCA)

1/26/21 City Council



Introduction

Designated by Governor’s Executive Order in the 1970s, the Mississippi River Corridor Critical Area (MRCCA) is a land corridor along the Mississippi River in the Twin Cities Metropolitan Area governed by special land planning requirements and land development regulations. These regulations, which are implemented through local MRCCA plans and ordinances, protect and preserve the natural, scenic, recreational, and transportation resources of this section of the Mississippi River. The MRCCA comprises 72 miles of river and 54,000 acres of surrounding land in 30 local jurisdictions.

Ramsey adopted its first Critical Area Plan in 1980. Ramsey adopted its first Critical Area Ordinance in 1985, and has processed several amendments since that date.

Ramsey has ensured that plan preparation has included extensive public engagement. In 2013, Ramsey hosted a series of public workshops on the topic, and maintains a contact database. With the 2040 Comprehensive Plan update that included the updating of the MRCCA plan, the City has conducted the most extensive public engagement process to date for any of its Comprehensive Plan updates. Community engagement included both online and in person activities resulting in feedback from a wide variety of stakeholders, many of which had likely not previously participated in community planning efforts.

In 1988, the U.S. Congress established the Mississippi River and Recreation Area (MNRRA), a unit of the National Park System. The MNRRA shares the same boundary as the MRCCA, and the park’s Comprehensive Management Plan (CMP), signed by the Governor and Secretary of the Interior, incorporates by reference the MRCCA program for land use management. Rather than institute a separate layer of federal regulations, the MNRRA largely relies on the MRCCA to manage land use within the park. This reliance establishes a unique partnership and framework for land use management amongst the local, state, and federal governments to protect the intrinsic resources of the Mississippi River Corridor.

Comprehensive Plan Strategic Imperatives

- A Balance of Rural Character and Urban Growth
- An Active Community (Parks, Recreation, and Open Space)
- A Connected Community (Transportation)
- A Positive Learning Environment

Initiatives for the Critical Area

- Protect and Restore Significant Ecological Resources
- Improve Water Quality
- Maintain and Improve Recreation Opportunities along and adjacent to the Mississippi River
- Improve Access to the Mississippi River
- Communicate the Benefits of Protection of Ecological Resources



Progress on MRCCA goals

The City of Ramsey has accomplished many goals described in previously approved plans including the Critical Area Plan.

1. Pearson Place Residential Development – a 12 unit large lot subdivision which is serviced by an extension of Bowers Drive was recently approved by the City. The City maintained large lot standards to improve pretreatment of runoff prior to flowing down to the Mississippi River.
2. Connexus Solar Garden – Connexus Energy recently developed a solar garden near the intersection of Riverdale Dr NW and Llama St NW. The solar garden had native pollinator plants established as ground cover providing additional water treatment benefits as well as increased habitat for area wildlife.
3. Riverwalk Village – a 14 unit single family residential development on the southeastern edge of the City will result in the removal of a former landfill and will have stormwater ponds constructed for additional pretreatment of runoff. The project received Tax Base Revitalization Account (TBRA) funds from the Metropolitan Council to assist with the clean up costs.

Mississippi River Corridor Critical Area Districts

The City is not currently aware of any conflicts with future land use designations and the established purpose of the MRCCA districts.

River Neighborhood (CA-RN)

The river neighborhood district is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

The river neighborhood district must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline habitat vegetation are priorities in the district.

Rural Open Space (CA-ROS)

The rural and open space district is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

The rural open space district must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.



Separated From River (CA-SR)

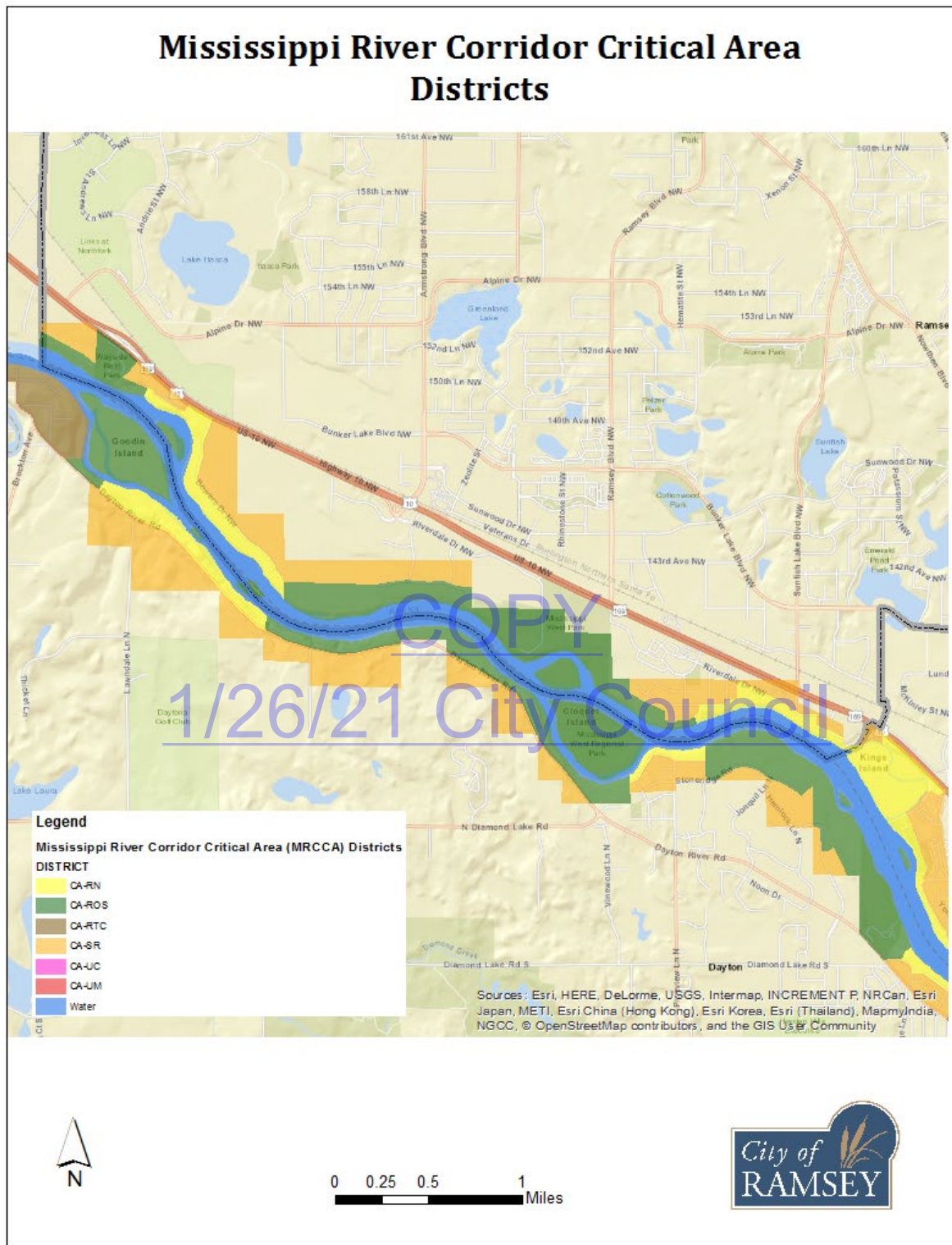
The separated from river district is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

The CA-SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district.

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Figure 33: Mississippi River Corridor Critical Area Districts



Primary Conservation Areas

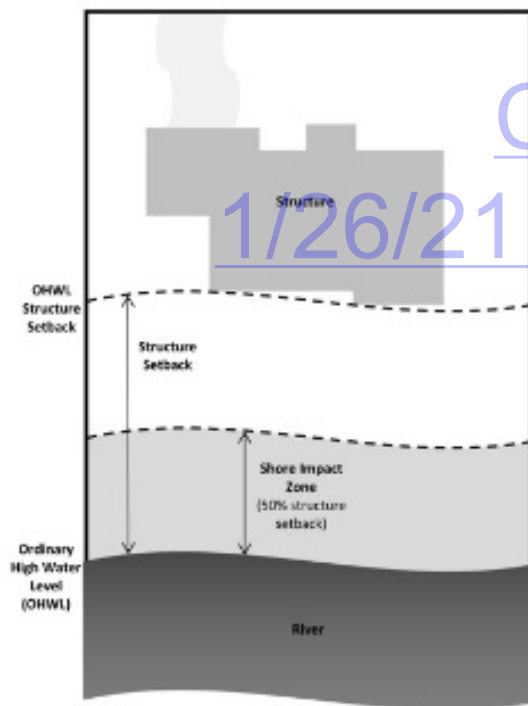
"Primary conservation areas" means key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

General Overview and Description

The City recognizes bluffs, wetlands, floodplains, natural drainage routes, bluff impact zones, cultural and historic properties, unstable soils and bedrock, as well as shore impact zones and DNR identified native plant communities as primary conservation areas (PCAs) within the MRCCA boundary in the City. These areas are shown on Figures 34, 35, 36, 37, 38, and 39. The City will strive to protect these areas from public and private development and land use activities.

Shore Impact Zones

"Shore impact zone" means land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for areas in agricultural use, 50 feet landward of the ordinary high water level.



Floodplains and Wetlands

"Floodplain" means the areas adjoining a watercourse which has been or hereafter may be covered by the regional flood.

Confluence with Key Tributaries

There are no confluences with key tributaries within Ramsey.

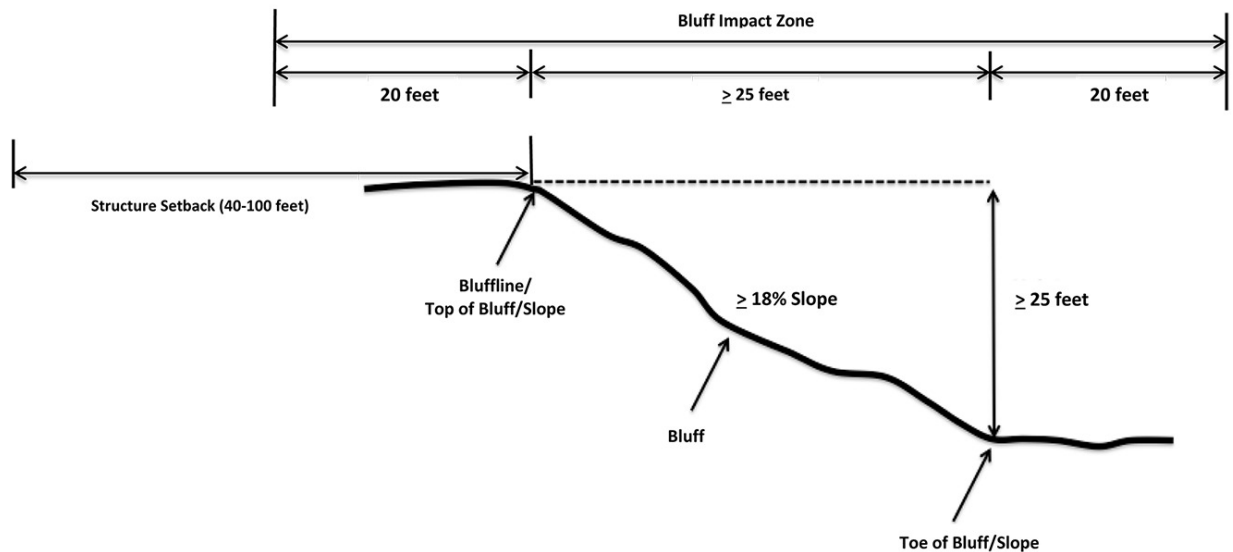


Natural Drainage Areas

The Critical Area Plan includes mapping of natural drainage areas that impact the Mississippi River.

Bluff Impact Zone

"Bluff impact zone" means the bluff and land within 20 feet of the bluff.



Native Plant Communities and Significant Existing Vegetative Stands

"Native plant community" means a plant community that has been identified as part of the Minnesota biological survey or biological survey issued or adopted by a local, state, or federal agency. Significant existing vegetation stands refers to vegetation considered 'significant'. The plant communities are significant based on their state of being largely intact and connected and contain a sufficient representation of the original native plant community. This vegetation provides high ecological value in addition to the water quality and scenic values of "natural vegetation".

Cultural & Historic Properties

"Historic property" means an archaeological site, standing structure, site, district, or other property that is:

- Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, chapter 471;
- Determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places; or
- An unplatted cemetery that falls under the provisions of Minnesota Statutes, chapter 307, in consultation with the Office of the State Archeologist.

One area of cultural and historic significance is located in the corridor. It does not meet the definition above. The location of the first settlement in Ramsey is located within the corridor, originally known as Itasca Village. There are no remaining structures or assets from this original settlement.



Gorges

There are no gorges located in Ramsey.

Unstable Soils and Bedrock

There are significant areas of shoreline erosion located along Ramsey's Mississippi River Shoreline. This erosion is documented through a 2016 Anoka Conservation District Survey. The results of said survey are incorporated into this document by reference. Ramsey will be utilizing this information for education, outreach, and funding purposes to restore priority areas from further erosion.

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Figure 34: Shore Impact Zone Map

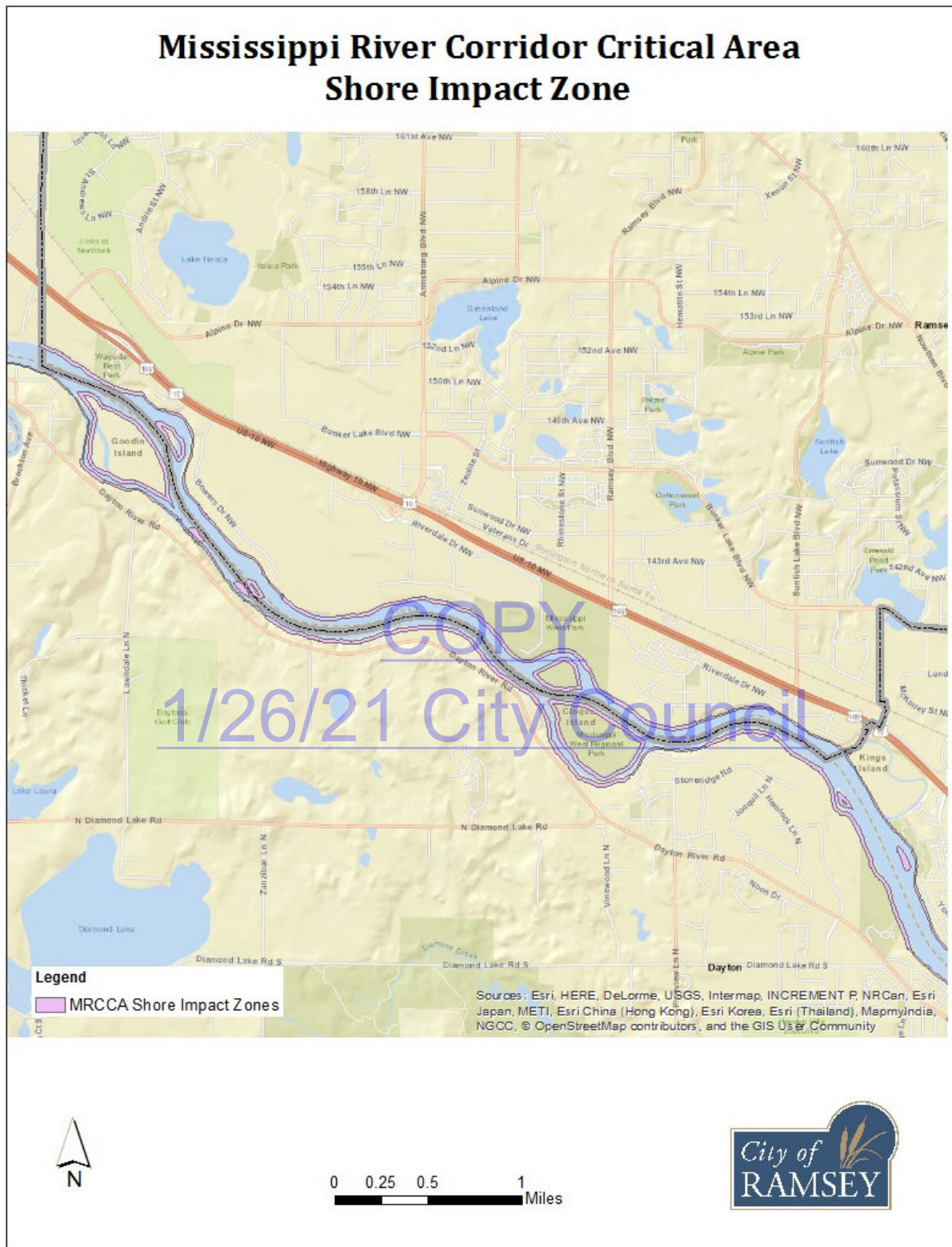


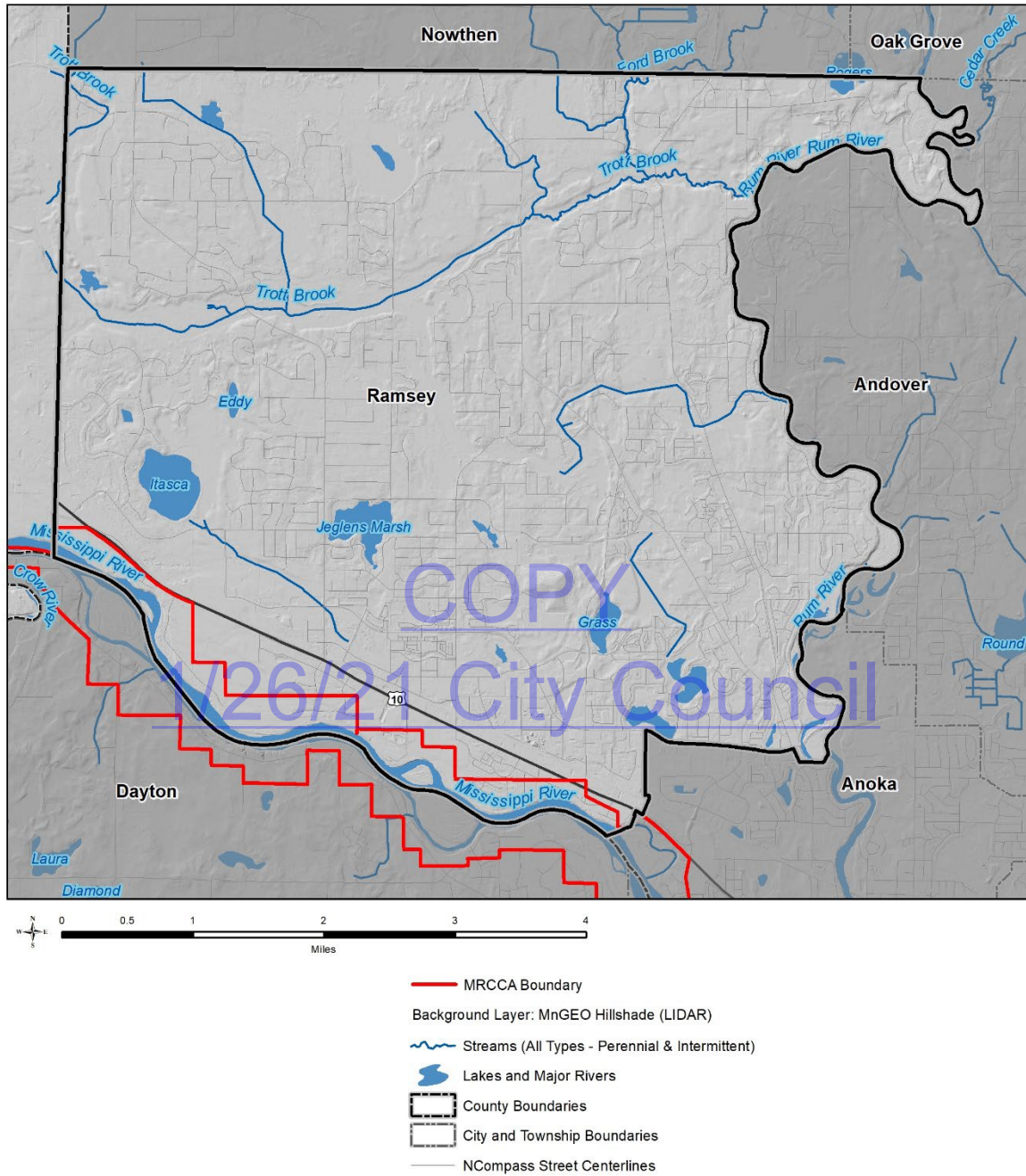
Figure 35: Floodplains and Wetland

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Figure 36: Natural Drainage Areas

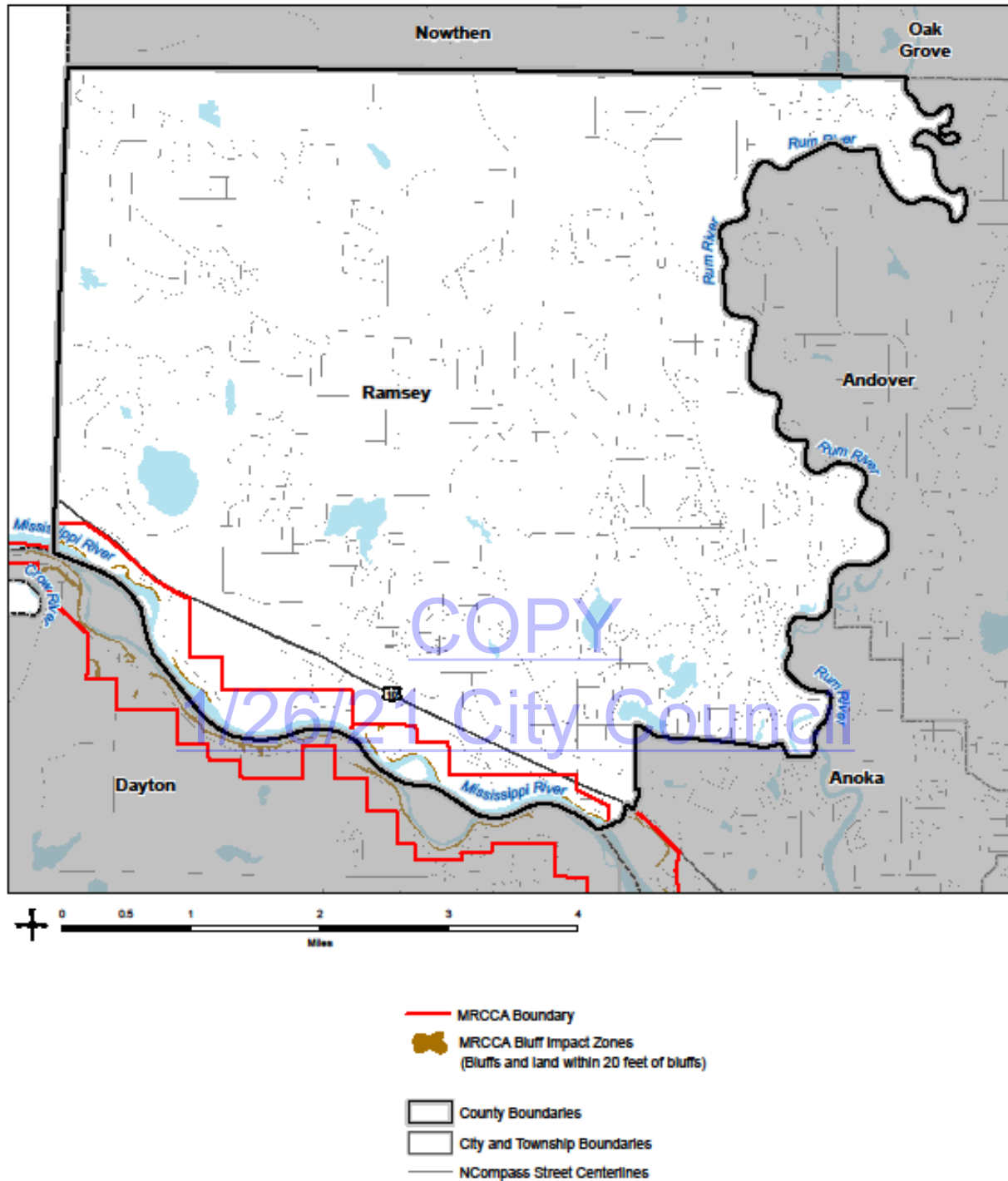
**Mississippi River Corridor Critical Area - Major Natural Drainage Routes
City of Ramsey, Anoka County**



The Mississippi River serves as the only natural drainage route within the MRCCA within the City's municipal boundary.



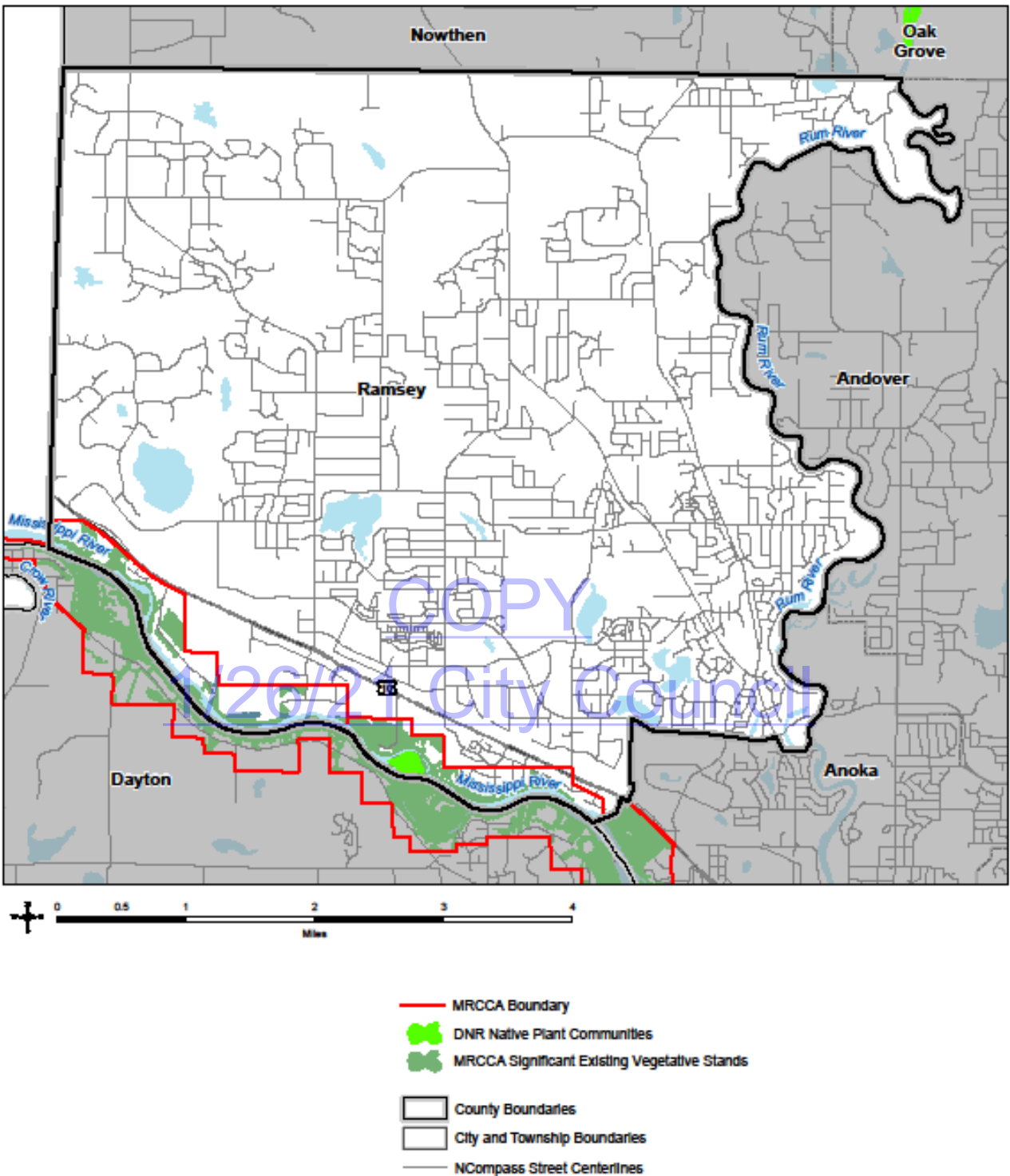
Figure 37: Bluffs and Bluff Impact Zones



Bluffs are located on both the City of Ramsey as well as City of Dayton sides of the river. These bluffs are visible from the adjacent communities and provide valuable scenic views due to the bluffs themselves as well as the vegetation which exists along the bluffs. These views are of scenic value to those on land as well as river users.



Figure 38: Native Plant Communities & Significant Existing Vegetative Stands



Public River Corridor Views

General Overview

The City of Ramsey is fortunate to have the Mississippi West Regional Park from which residents and visitors can view the Mississippi River. The location of this park is shown on Map 39. A key component of the Critical Area Plan is to when possible to improve access to public river corridor views and protect the views of bluffs from the river.

Views Toward River from Public Places (PRCV)

Two views were identified by Staff as being key public river corridor views (PRCVs) which are showing below as well as the location of the PRCV mapped with the direction of the view included.



PRCV View 1

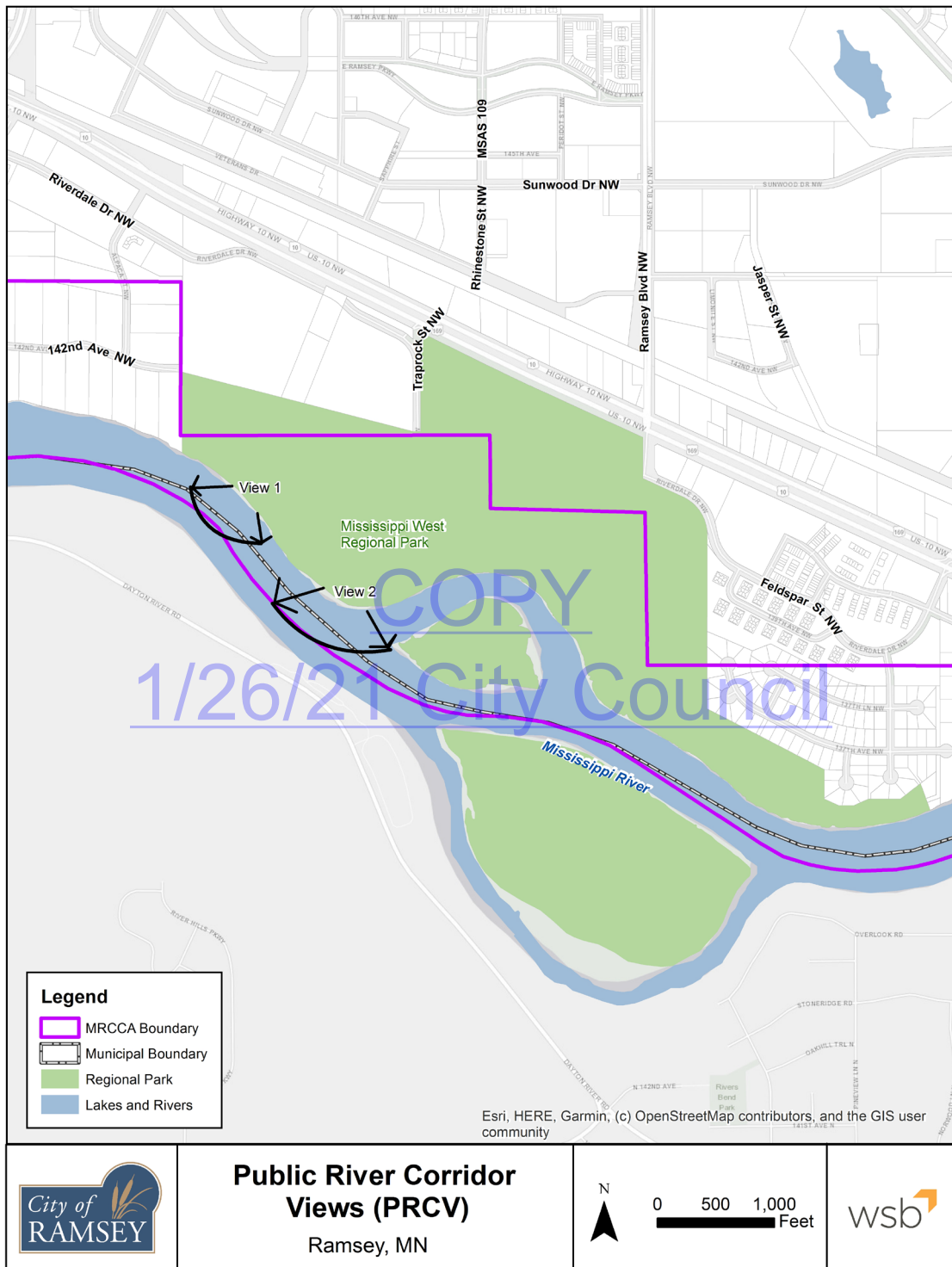


PRCV View 2

View 1 and 2 are deemed important PRCV's due to their direct pedestrian (view 1) and vehicular (view 2) access to the waterfront as well as existing dense vegetation at both sites. Loss of vegetation at either site may result in erosion that could reduce water quality in the area and thus degrade the overall aesthetic of the area.



Figure 39: Public River Corridor View Location



Priorities for Restoration

Ramsey's priority for restoration within the Corridor is protecting the Corridor from significant erosion as identified by the 2017 Anoka Conservation District Mississippi River Shoreline Inventory for Ramsey.

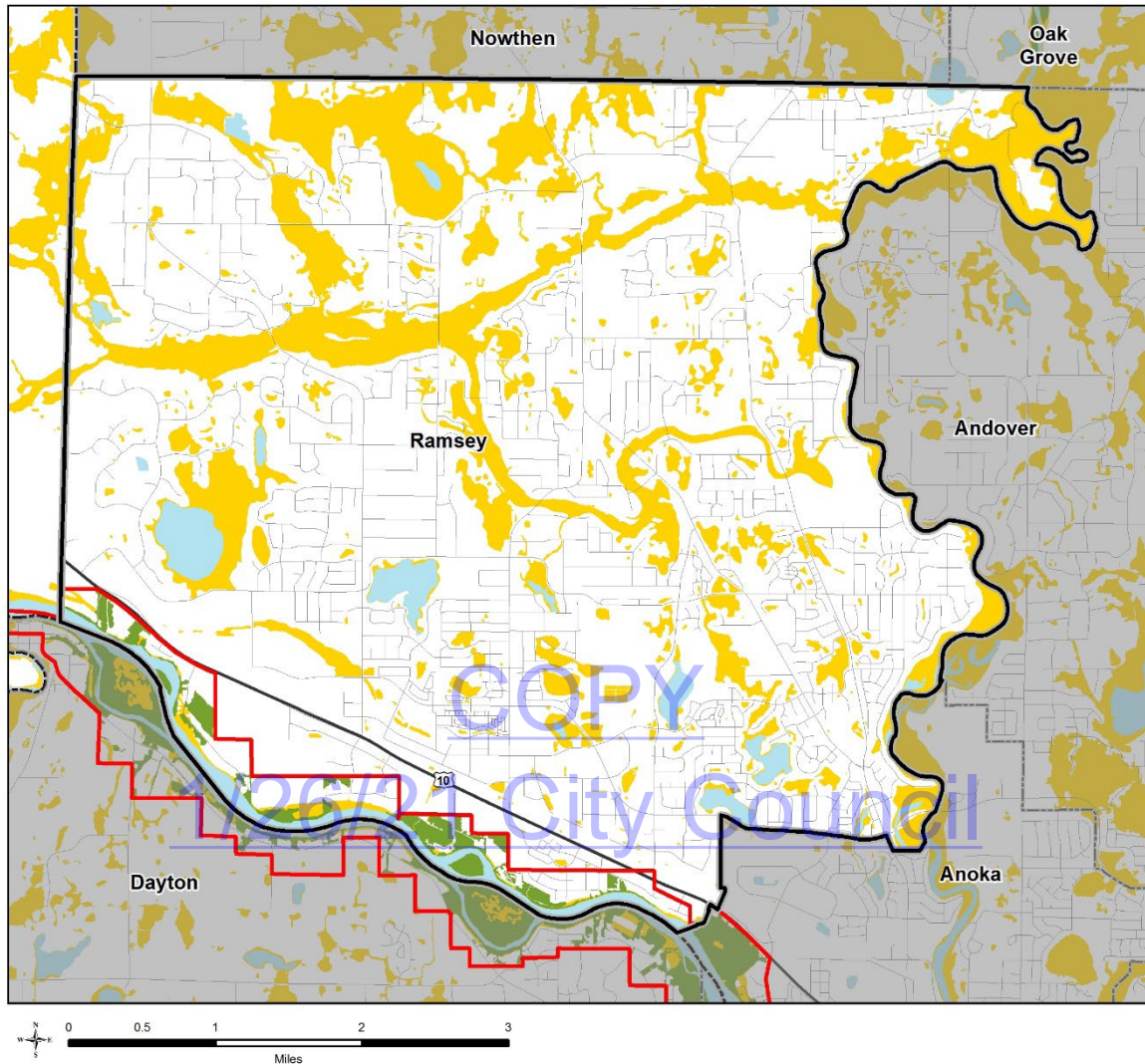
The City will work to make available the location of natural vegetation restoration priorities and the relevant ordinance requirements that apply to their property for project planning and permitting.

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Figure 40: Vegetation Restoration Priorities

**Mississippi River Corridor Critical Area - Vegetation Restoration Priorities
City of Ramsey, Anoka County**

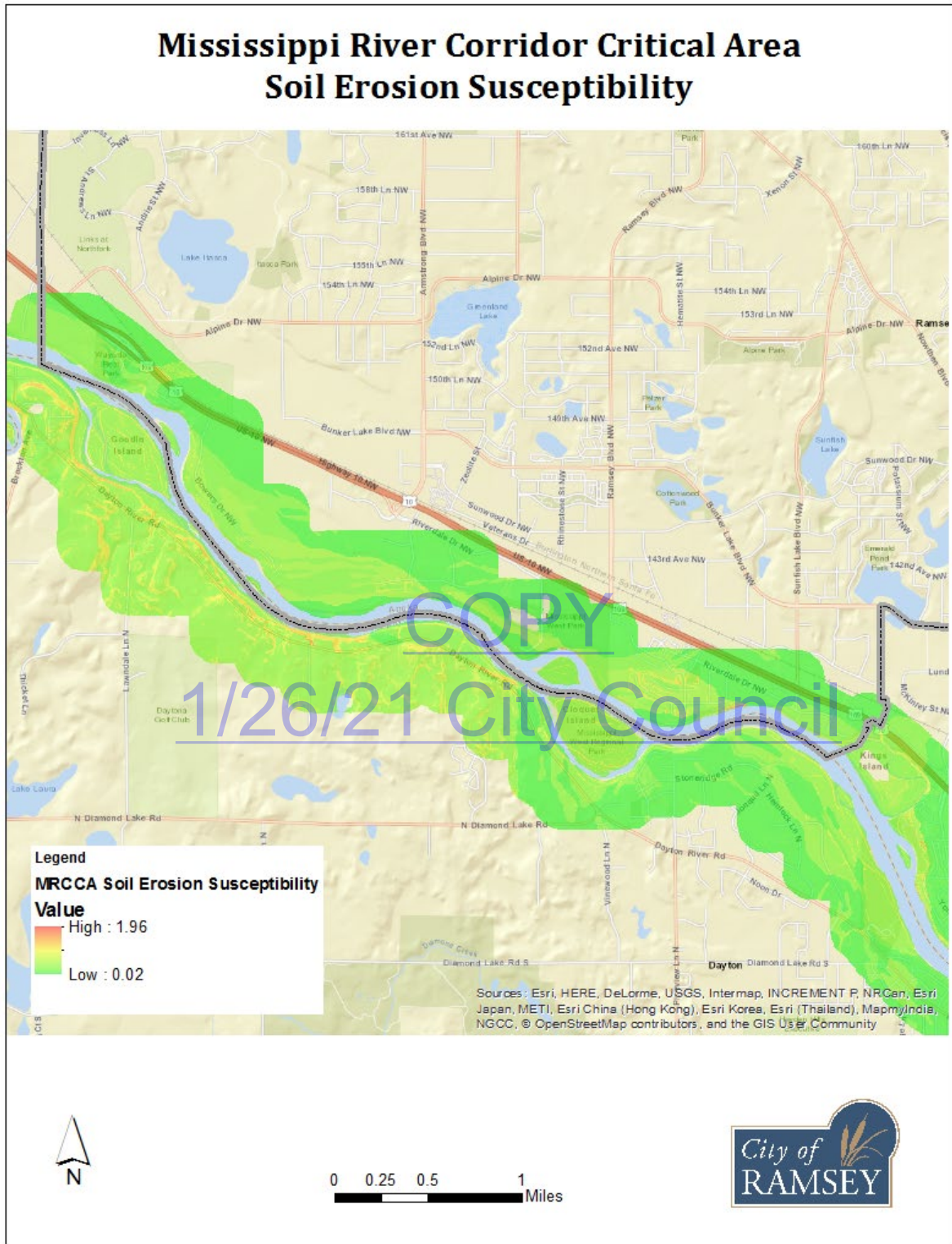


- MRCCA Boundary
- DNR Native Plant Communities & Significant Existing Vegetative Stands
- Vegetation Restoration Priorities (Bluff and shore impact zones, floodplains and wetlands not already covered by native plant communities and significant existing vegetative stands)
- County Boundaries
- City and Township Boundaries
- NCompass Street Centerlines

Vegetation restoration priorities are shore and bluff impact zones, floodplains and wetland that do not have native or natural vegetation cover and are susceptible to erosion or degradation because they are not stabilized with high quality vegetation. Restoration priorities are composed of both vegetation establishment as well as erosion and bank stabilization.



Figure 41: Soil Erosion Susceptibility



Those areas with higher erosion susceptibility are of increased importance for vegetation restoration and bank and slope stabilization as the likelihood of damage is higher due to the increase susceptibility of soil erosion in these areas.



Surface Water Uses

Surface water Uses can have negative impacts on riverbank erosion. The City is aware that recreational boat uses have known impacts on the Coon Rapids Dam Pool. The City does not currently regulate any surface water use under Chapter 86B (MR 6110.3000 – 6110.3800).

Open Space & Recreational Facilities

Existing Recreation Facilities

The Mississippi River Trail, Mississippi West Regional Park, and Riverdale Park are currently located within the Corridor.

Future Recreation Facilities

The future Mississippi West Regional Park is located within the Corridor. In addition, the future alignment of Central Anoka County Regional Trail connects to the Corridor. A future component of the Central Anoka County Regional Trail is a grade-separated pedestrian crossing over the BNSF/Northstar Commuter Rail Corridor and U.S. Highway 10, known as the Mississippi Skyway.

Water-Oriented Land Uses

Water oriented land uses are land uses on land riparian to the river that need to be there because they are water-oriented, such as a marina or restaurant with views of the river. As such, a boat launch classifies as a water-oriented land use.

Water-Oriented Use

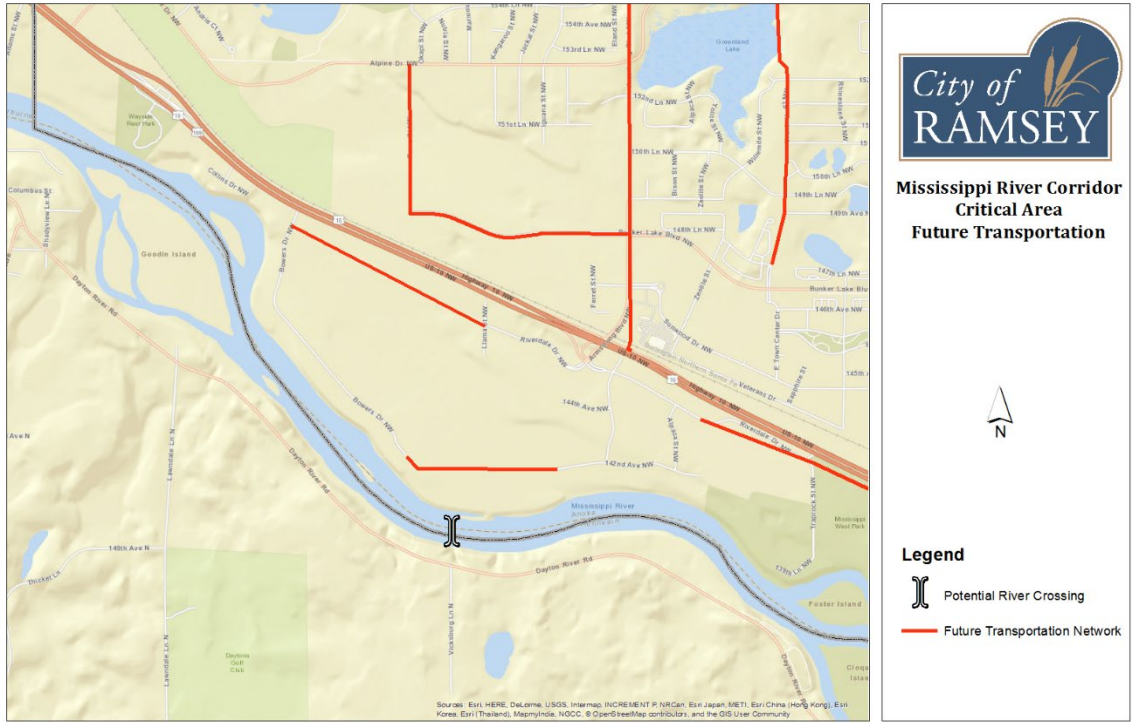
Currently there is a boat launch at the site of the planned Mississippi River West Regional Park. This is an important community asset for the purposes of public river access. The Mississippi West Regional Park will be a primary access to encourage interaction with the Mississippi River. There is also a future local park planned west of Mississippi West Regional Park. The location of this water-oriented use is identified as “view 2” on the Public River Corridor View figure.

Transportation & Public Utilities

An existing Connexus Energy Electric Transmission Line current crosses the Mississippi River connecting Ramsey and Dayton. Ramsey continues to plan for a future River Crossing between Ramsey and Dayton which is shown in Figure 23 in the Transportation chapter.

Figure 42: Mississippi River Bridge/Crossing





There are currently no electric power generating facilities installed within the MRCCA boundary. There is however a solar garden owned and operated by Connexus Energy just outside of the boundary. The City and will work with Connexus Energy to minimize the visual impact future transmission lines to the system would have on PCAs and PRCVs in the area. Solar power generating facilities are allowed as an accessory use in all city zoning districts. Ground mounted solar energy systems are required to comply with all building setbacks in the applicable zoning district. The height of ground mounted solar energy systems at maximum designed tilt shall not exceed the distance from the nearest property boundary or the maximum allowable building height for the applicable zoning district, whichever is more restrictive. Building mounted solar energy systems shall comply with the maximum allowable building height for the applicable zoning district. The limitations on height to be in conformance with height of other structures in the zoning district will limit the amount of impact a solar energy system could have on area PRCV's.

MRCCA Policies

Districts/Land Use

Policy 1: The City will implement the policies of the Critical Area by adopting the new MRCCA districts within our Zoning Code and amend the City's Zoning Map accordingly.

Policy 2: The City will protect native and existing vegetation during the development process and require restoration if any is removed by development. Priorities for restoration shall include stabilization of erodible soils, riparian buffers and bluffs or steep slopes visible from the river.

Policy 3: Identify and encourage connection of CA-SR district land to existing and planned parks and trails for Local Governing Units (LGUs) with developable land in CA-SR districts.



Policy 4: Encourage that land dedication requirements be used to acquire land suitable for public river access.

Policy 5: Guide land use and development consistent with management purpose of each district.

Policy 6: Amending existing or adopting new MRCCA ordinance overlay district compliant with the goals of the MRCCA Plan and Minnesota Rules, part 6106.0070, Subp. 5 – Content of Ordinances

Primary Conservation Areas

Policy 1: The City will encourage conservation subdivision design to protect Primary Conservation Areas.

Policy 2: Conservation Subdivision Design will be utilized to allow the clustering of lots in exchange for permanent protection of Primary Conservation Areas.

Policy 3: The City will continue its proactive approach to subdivision design by encouraging setbacks and adequate lot depth to preserve Primary Conservation Areas.

Policy 4: The City will support mitigation of impacts to PCAs through subdivisions/PUDs, variances, CUPs, and other permits.

Policy 5: The City will where possible and feasible restore previously removed native plant communities and natural vegetation in riparian areas a high priority during development.

Policy 6: The City will seek to establish permanent protection of PCAs through either public acquisition, conservation easement, or deed restrictions.

Policy 7: The City will seek to minimize impacts to PCAs from solar and wind generation facilities, public transportation facilities and public utilities.

Policy 8: The City will protect Primary Conservation Areas as shown and described within this MRCCA plan.

Public River Corridor Views

Policy 1: The City will strive to work with applicable partners, especially Anoka County Parks, to improve access to Public River Corridor Views.

Policy 2: When feasible, the City will protect and minimize impacts to PRCVs from public and private development activities.

Policy 3: The City will protect and minimize impacts to PRCVs from public and private vegetation management activities.

Policy 4: The City will protect PRCVs located within the community and identified by other communities adjacent or across the river.

Policy 5: The City will seek to minimize impacts on PRCVs from solar and wind generation facilities, public transportation facilities and public utilities.

Restoration Priorities

Policy 1: The City will continue to implement pilot demonstration projects and incentives to encourage restoration of priority areas.



Policy 2: The City will seek opportunities to restore vegetation to protect and enhance PRCVs identified in this plan.

Policy 3: The City will seek opportunities to restore vegetation in restoration priority areas identified in this plan through the CUP, variance, vegetation permit and subdivision/PUD processes.

Policy 4: The City will work to sustain and enhance ecological functions (habitat value) during vegetation restorations.

Policy 5: The City will require that proposed development sites be evaluated for erosion prevention and bank and slope stabilization issues and require restoration as part of the development process.

Surface Water Uses

Policy 1: The City will continue to support Anoka County's operation of a Boat Launch along Traprock Street.

Policy 2: The City recognizes the Mississippi River as a "working river" that is important to the economy of the Twin Cities metropolitan area and the Midwest.

Policy 3: The City does not currently regulate surface water use under Minn. Statute, Chapter 86B and does not intend to assume that responsibility.

Policy 4: Where applicable, the City will seek to balance commercial and recreational surface water uses.

Water Oriented Uses

Policy 1: The City will work to minimize potential conflicts of water-oriented uses with other land uses.

Policy 2: The City acknowledges the existing water oriented uses described in this MRCCA plan and will protect those uses within the MRCCA boundary.

Open Space & Recreation Facilities

Ramsey will continue to support planning and implementation for Mississippi West. Ramsey will continue to own and maintain Riverdale Park. Ramsey will continue to plan for a new municipal park along the Mississippi River between the Alpaca Estates and Bowers neighborhoods.

Transportation & Public Utilities

Ramsey will continue to support future planning for the future Mississippi River Crossing to the City of Dayton in Hennepin County.

Ramsey will continue to support Connexus Energy's electric transmission line across the Mississippi River to the City of Dayton.

Natural Resources Planning

Ramsey undertook two (2) comprehensive inventories in the mid-2000s; a Natural Resources Inventory (NRI) and a Wetland Inventory. Both of these data sets are referenced any time a new development is proposed. These data sets help inform Ramsey if there are significant and/or high value natural resources within a development site that may warrant greater protections. While both provide valuable insight, Ramsey acknowledges that both require periodic updates to ensure that the data is accurate and relevant. There has been no specific timeframe identified for updates



to either, but for this data to remain useful, they should be revisited no less than every ten (10) to fifteen (15) years. This may be useful as Ramsey continues to consider partnering with other agencies, especially as it relates to shoreline stabilization efforts.

City Code Amendments

In order to properly administer this amended plan, the City will need to make certain amendments to City Code. These amendments include but are not necessarily limited to the following.

- Establish General Land Use Review Procedures.
- Develop administrative procedures for shoreline stabilization.
- Establish a vegetation permitting process that includes permit review procedures to ensure consideration of restoration priorities identified in this plan in permit issuance, as well as standard conditions requiring vegetation restoration for those priority areas.
- Establish process for evaluating priorities for natural vegetation restoration, erosion prevention and bank and slope stabilization, or other restoration priorities identified in this plan in CUP, variances and subdivision/PUD processes.
- Develop visual analysis approach for CUPs for additional height in the RTC and UM districts (if applicable), as well as for proposed PUDs and variances.
- Develop a system for reviewing, tracking, and monitoring open space required as part of the subdivision process.

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Critical Area Implementation Plan

Strategy: Protect and Restore Significant Ecological Resources

- Update Zoning Code to reflect Amended Plan
- Establish a plan to reduce erosion, protect canopy coverage, protect significant vegetative areas, and encourage pollinator-friendly landscapes
- Ensure that information on the location of PRCVs is readily available to property owners to understand how PRCV-relevant ordinance requirements, such as vegetation management and land alteration permits, apply to their property for project planning and permitting.
- Actively communicate with other communities to protect views they have identified in your community that are valuable, and vice versa
- Establish procedures for processing applications with potential impacts to PRCVs including
 - Identifying the information that must be submitted and how it will be evaluated
 - Determining appropriate mitigation procedures/methods for variances and CUPs

Strategy: Improve Water Quality

- Establish a plan to reduce the amount of sediment and phosphorus entering the river.

Strategy: Maintain and Improve Recreation Opportunities along and adjacent to the Mississippi River

- Prioritize areas for acquisition to increase opportunities to access the river
- Coordinate jurisdictional planning efforts

Strategy: Improve Access to the Mississippi River

- Encourage creation, connection, and maintenance of open space, recreational facilities, including public access to the river
- Create and maintain access facilities for public access
- Complete the Central Anoka County Regional Trail Connection
- Update the Capital Improvement Program (CIP) to reflect the amended Plan
- Update Surface Water Use Regulations
- Provide Guidance to Private Property Owners for Private Accesses

Strategy: Communicate the Benefits of Protection of Ecological Resources

- Create Informational Packets that provide the location of PCAs and information for property owners to understand how PCA-relevant ordinance requirements, such as vegetation management and land alternation permits apply to their property for project planning and permitting
- Establish procedures and criteria for processing applications with potential impacts to PCA's including:
 - Identify what information must be submitted for projects within the MRCCA boundary and the way in which it will be evaluated
 - Determine appropriate mitigation procedures/methods for variances and CUPs
 - Establish evaluation criteria for protecting PCAs when a development site contains multiple types of PCAs and the total area of PCAs exceed the required set aside percentages



- Develop administrative procedures for integrating DNR and local permitting of riprap, walls and other hard armoring.
- Develop a Communications Plan
- Create a new Critical Area Webpage
- Create a Signage Package for Public Spaces
- Provide information on the location of natural vegetation restoration priorities to property owners to help them understand how relevant ordinance requirements apply to their property for project planning and permitting.

Strategy: Prioritize Areas of Preservation

- Focus efforts on stabilizing erosion at Mississippi West Regional Park
- Work collaboratively with owners of undeveloped land with shoreline to partner of preservation and flexibility in subdivision design

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MRCCA Standards Comparison

The following is a **sampling** of how key neighborhoods are impacted. This is not an exhaustive review.

Neighborhood General Comparison – Bulk Standards

- River Lots
 - Tungsten District (SE Ramsey)
 - No Change – designation remains the same (urban residential style)
 - Alpaca Estates (South Central Ramsey)
 - No Change – designation remains the same (rural residential style)
 - Bowers Drive
 - Changed to River Neighborhood – reflective of actual development pattern
 - Many lawful, nonconforming designations removed and are now simply conforming to code
- Non-River Lots
 - All lots without frontage on the shoreline now generally default to underlying zoning
 - Standards are generally reduced for non-riparian lots

Other Changes of Note

- Vegetative Management **standards** generally remain unchanged compared to Ramsey's current ordinance
- The Vegetation Management Permit is a new requirement
- The administrative provisions of the ordinance remain generally unchanged, but language updated to reflect current processes already used

General Note

Ramsey was fortunate to derive significant benefit from the revised rules as our ordinance already included most of the provisions. The benefit to Ramsey is in the change to the districts that better reflect existing development and future plans/vision. It is acknowledged that in other communities in the corridor, many of these standards are new and not included in existing regulations and can be seen as adding regulations. This is generally not the case for Ramsey.

Commissioner Anderson nay
Commissioner Peters aye
Commissioner Gengler aye
Commissioner VanScoy aye
Chairperson Bauer aye

Motion carried.

**6.03: Public Hearing: Consider Ordinance #21-02 Amending City Code Section 117-148
Entitled Mississippi River Corridor Critical Area**

Public Hearing

Chairperson Bauer called the public hearing to order at 8:06 p.m.

Presentation

Deputy City Administrator Gladhill presented the staff report stating that staff recommends adoption of the ordinance.

Councilmember Musgrove asked if staff has worked with other cities in this area and how those cities are adjusting to the changes.

Deputy City Administrator Gladhill noted that there were two attempts at rule making, noting that the first did not go well and the DNR took a step back and reevaluated. He stated that the second attempt was much more successful with community input. He stated that staff worked extensively with communities on the upper pool of the Coon Rapids Dam (Anoka, Dayton, Brooklyn Park and Coon Rapids). He stated that while there was frustration in the beginning, throughout the process there was improvement. He commented that Ramsey may be one of the first to bring forward the ordinance amendment, but all cities should have submitted their Comprehensive Plan and will be updating their ordinance as well.

Citizen Input

No comments.

Motion by Commissioner VanScoy, seconded by Commissioner Peters, to close the public hearing.

A roll call vote was performed:

Commissioner Peters aye
Commissioner Gengler aye
Commissioner Anderson aye
Commissioner VanScoy aye
Chairperson Bauer aye

Motion carried.

Chairperson Bauer closed the public hearing closed at 8:16 p.m.

Commission Business

Motion by Commissioner Gengler, seconded by Commissioner VanScoy, to recommend that City Council adopt Ordinance #21-02 amending City Code Section 117-148 (Mississippi River Corridor Critical Area).

Further discussion

Councilmember Musgrove asked if these changes could result in more project opportunities, such as riverbank stabilization and whether there would be additional funding opportunities for river property owners. Deputy City Administrator Gladhill stated that changing the zoning ordinance may not directly result in that action but having compliant regulations will assist. He advised of work that was done through the EPB that reviewed the condition of the shoreline and could result in additional funding opportunities for residents.

A roll call vote was performed:

Commissioner Gengler	aye
Commissioner Peters	aye
Commissioner Anderson	aye
Commissioner VanScoy	aye
Chairperson Bauer	aye

Motion carried.

6.04: Public Hearing: Consider Recommendations Related to Riverstone South; Case of Capstone Homes/Riverstone Development

- 1. Adopt Resolution #21-015 Approving Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential for Detached Townhome Section and Preliminary Plat for Riverstone South**
- 2. Adopt Ordinance #21-03 Approving Zoning Amendment from R-1 Residential (MUSA – 80) District to R-1 Residential (MUSA – 65) District, R-1 Residential MUSA – 50) District and R-2 Residential (Detached Townhome) District**

Public Hearing

Chairperson Bauer called the public hearing to order at 8:20 p.m.

Presentation