



## Homeowner's Guide to the Proposed MRCCA Rules

### Purpose

The purpose of this guide is to familiarize homeowners in the Mississippi River Corridor Critical Area (MRCCA) with the proposed rules. This guide focuses on those rule provisions most likely to affect homeowners. It is intended to be used with the "[MRCCA Overview](#)" document, which explains the MRCCA and its history, and with the Statement of Need and Reasonableness (or SONAR). This guide summarizes the proposed rule provisions and explains how the proposed rules differ from the existing MRCCA regulations.

### Background on Local Control

Property owners have been subject to MRCCA regulations since the MRCCA was established by Executive Order in the 1970s. Since that time, MRCCA regulations have been implemented through local plans and zoning ordinances. The proposed rules will update the MRCCA regulations, which will then be implemented through updates to these local plans and zoning ordinances. The DNR and Metropolitan Council both review local plans and ordinances for consistency with MRCCA regulations, with the DNR having final approval authority. The proposed rules will not change these inter-governmental relationships.

### Districts (part 6106.0100)

**What are districts?** Resources are currently protected through the use of four districts established in the Executive Order. The working draft rules propose six districts that better reflect the existing character and development along the river and recognize planned future development.

**In which district is my property located?** Most residential neighborhoods are located in the proposed CA-ROS, CA-RN and CA-SR Districts. To find which district applies to your property under existing regulations and under the proposed rules, [please click here](#).

### Dimensional Standards (part 6106.0120)

**What standards apply to my property?** Standards for building height and setbacks from the river and bluffline (the top of an 18% slopes) are regulated by district. The setback provisions are intended to keep buildings and other development activity away from sensitive shoreline areas and areas prone to soil erosion and slope failure. Sediment is a pollutant and it also carries nutrients and other pollutants into the river, which reduces water clarity and water quality.

**Will the standards change for my property?** Building height and setbacks are currently regulated by local zoning ordinances and will not change for most homeowners. Tables 1 and 2 on the following page outline the standards currently contained in most local ordinances, as well as those in the proposed rules.



**Table 1: Existing Regulations - Executive Order 79-19\***

	Rural Open Space	Urban Developed	Urban Diversified	Urban Open Space
<b>Height</b>	35'	35'	Underlying zoning	35'
<b>River Setback</b>	200'	100'	Underlying zoning	100'
<b>Bluff Setback</b>	100'	40'	40'	40'

\* These minimum standards are implemented through local zoning ordinances. Actual standards may differ across communities. Check your community’s ordinance to verify the standards that apply to your property.

**Table 2: Proposed Rules**

	CA-ROS	CA-RN	CA-RTC	CA-SR	CA-UM	CA-UC
<b>Height</b>	35'	35'	48'*	Underlying zoning	65'*	Underlying zoning
<b>River Setback</b>	200'	100'	75'	NA	50'	Underlying zoning
<b>Bluff Setback</b>	100'	40'	40'	40'	40'	40'

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

### Expansion of Nonconforming Structures (part 6106.0080, Subp. 3)

Legal nonconforming structures are structures that were lawfully permitted when they were built. However, when zoning standards change, these lawfully established structures that do not conform to the new standards become legally nonconforming or “grandfathered.” The ability to expand these structures is unclear in the existing MRCCA regulations and has raised concern among some homeowners. To address this, the proposed rules clarify that local governments may allow the lateral expansion of legally nonconforming principal structures, as long as they do not expand further into required setbacks from the bluffline and from the river. For additional information on nonconformities, refer to [“Nonconformities Guide”](#).

### Vegetation & Land Alteration Standards (part 6106.0150)

#### **Why do we need rules on vegetation and land alteration?**

Vegetation stabilizes soil and helps to slow, absorb, and filter stormwater before it runs into the river. Land alteration in areas near water and on steep slopes increases the risk of soil erosion and the movement of sediment into water. Retaining and/or restoring deep-rooted vegetation along the river’s edge and on steep slopes, and preventing erosion during development, are important strategies for protecting water quality, as well as the unique natural character and animal habitat along the corridor.

#### **What is wrong with the existing regulations?**

Existing MRCCA regulations for vegetation removal and land alteration activities are vague and unclear on what homeowners can and can’t do. The proposed changes provide clarity for homeowners. The biggest change is that homeowners would need to obtain a permit from the local government for intensive vegetation clearing and some land alteration activities in sensitive areas (primarily along the river’s edge and on bluffs) that exceed certain thresholds that pose risks. The purpose of requiring a permit is to connect property owners with a qualified person who can guide these activities to minimize negative impacts to water quality, slope stability, and habitat.

## When and in which areas would a permit be required for vegetation removal?

The proposed rules regulate vegetation only in the following areas:

- Shore impact zone - 50% of the required structure setback from the river
- Areas within 50 feet of a wetland or natural drainage way
- Bluff impact zone - areas on and within 20 feet of slopes averaging 18% or greater
- Areas of native plant communities anywhere in the MRCCA
- Other areas of significant vegetation stands identified in local government plans

In these areas, a permit would not be required for *selective vegetation removal*, only for *intensive vegetation clearing*.

*Selective vegetation removal* is 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. *Intensive vegetation clearing* is the removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block. For example, no permit would be required for the removal of a single tree or shrub, or for any of the following activities if they involve *selective vegetation removal*:

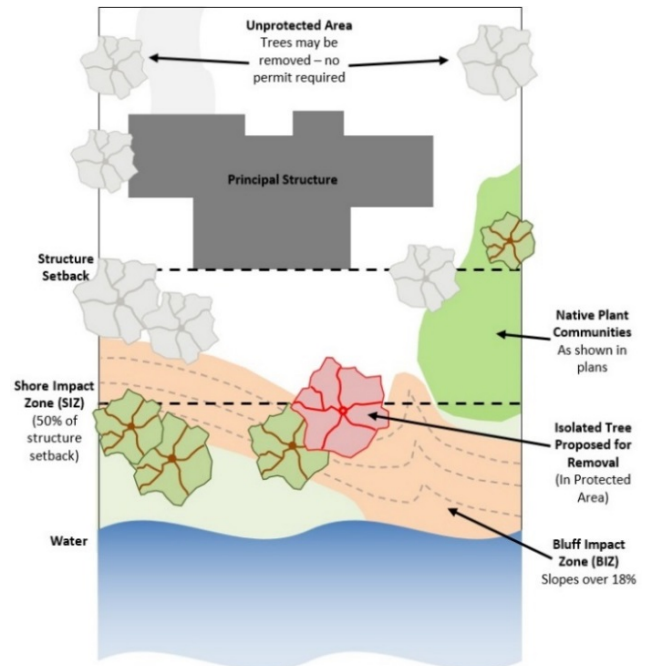
- Maintenance of existing lawns, landscaping, and gardens
- Removal of vegetation that is dead, diseased, dying, or hazardous
- Removal to prevent the spread of diseases or insect pests
- Removal of invasive non-native species

If any of these activities involves *intensive vegetation clearing*, then a local government permit would be required. In these cases, the permit would carry conditions. For example, the intensive clearing of native plant communities would require replacement with vegetation similar to the habitat, slope stabilization, and stormwater retention values of the removed native plant communities. Another example would require the planting of deep-rooted vegetation on any highly erodible soils or slopes that are disturbed. Local governments would also require a restoration plan for violations.

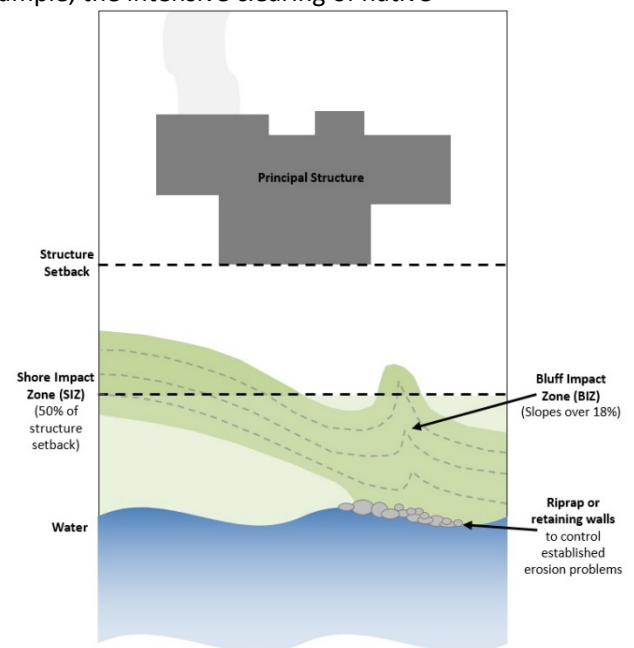
## When and in which areas would a permit be required for land alteration?

A permit would be required for 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.

Land alteration would be prohibited in the bluff impact zone, except for erosion control projects and repair and maintenance of existing structures. These exceptions would be guided through a local permit, and would be required to use temporary and



The proposed rules only regulate vegetation in the SIZ, BIZ, and areas of native plant communities. Vegetation outside these areas (shown in grey) is not regulated under the proposed rules. Isolated trees may be removed in protected areas without a permit.



Permits for land alterations are required in the SIZ, BIZ, and for riprap, retaining walls, or other erosion control structures.

permanent erosion and sediment control measures sufficient to retain sediment onsite. Local governments would have the authority to attach conditions to the permit to minimize environmental impacts.

### ***What if I need riprap or retaining walls?***

The construction or replacement of riprap, retaining walls, or other erosion control structures would be allowed by local government permit within:

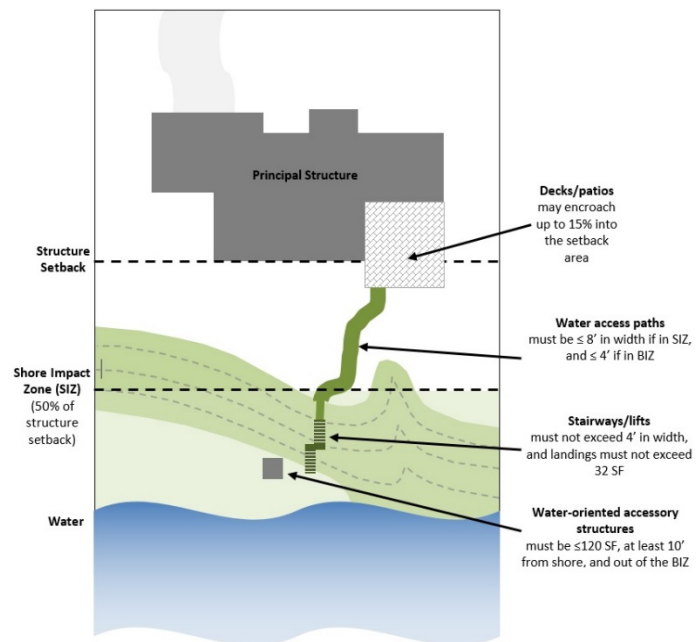
- The shore impact zone or within 50 feet of a public water, wetland, or natural drainage way, whichever is greater
- The bluff impact zone

Riprap, retaining walls or other erosion control structures would only be allowed to correct an established erosion problem as determined by the local government. Size of structures is limited to that needed to control the erosion problem. The construction of structures below the ordinary high water level would continue to require a DNR permit or approval.

### **River Access on Riparian Lots (part 6106.0140)**

The existing MRCCA regulations do not address river access such as access paths and stairways, water-oriented structures and patios and decks. The proposed rules include the following:

- Driveways or parking areas must meet structure setbacks and cannot be placed in the shore or bluff impact zones.
- No impervious surfaces are not allowed within the shore or bluff impact zones except for:
  - Access paths no greater than eight feet wide in the shore impact zone and four feet in the bluff impact zone.
  - Stairways and lifts no greater than four feet wide - landings may be up to 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.



Specifications for facilities on residential lots.