

1.1 **Department of Natural Resources**  
1.2 **Proposed Permanent Rules Relating to Mississippi River Corridor Critical Area**

1.3 **6106.0010 POLICY.**

1.4 It is in the interest of present and future generations to preserve and enhance  
1.5 the natural, aesthetic, cultural, and historical values of the Mississippi River corridor  
1.6 within the Twin Cities metropolitan area and protect its environmentally sensitive  
1.7 areas. Accordingly, the commissioner does hereby provide standards and criteria for  
1.8 the preservation, protection, and management of the Mississippi River Corridor Critical  
1.9 Area, as authorized by Minnesota Statutes, chapters 116G, 394, 462, and 473, and by  
1.10 Executive Order 79-19.

1.11 **6106.0020 PURPOSE.**

1.12 In furtherance of the policies declared in Minnesota Statutes, chapters 116G, 394,  
1.13 462, and 473, and Executive Order 79-19, the commissioner provides the following  
1.14 minimum standards and criteria for the subdivision, use, and development of land within  
1.15 the Mississippi National River and Recreation Area, which is designated the Mississippi  
1.16 River Corridor Critical Area. The purposes of the minimum standards and criteria are to:

1.17 A. protect and preserve the Mississippi River and adjacent lands that the  
1.18 legislature finds to be unique and valuable state and regional resources for the benefit of  
1.19 the health, safety, and welfare of the citizens of the state, region, and nation;

1.20 B. prevent and mitigate irreversible damages to these state, regional, and  
1.21 national resources;

1.22 C. preserve and enhance the natural, aesthetic, cultural, and historical values of  
1.23 the Mississippi River and adjacent lands for public use and benefit;

1.24 D. protect and preserve the Mississippi River as an essential element in the  
1.25 national, state, and regional transportation, sewer and water, and recreational systems; and

2.1 E. protect and preserve the biological and ecological functions of the  
2.2 Mississippi River corridor.

2.3 **6106.0030 SCOPE.**

2.4 Subpart 1. **Applicability.** The standards and criteria for the Mississippi River  
2.5 Corridor Critical Area established in parts 6106.0010 to 6106.0150 pertain to public  
2.6 waters and to public and private lands within the river corridor boundary established by  
2.7 Executive Order 79-19.

2.8 Subp. 2. **Government actions.** The state and all local governments, including  
2.9 councils, commissions, boards, districts, departments, and other public authorities, shall  
2.10 exercise their powers so as to further the purposes of parts 6106.0010 to 6106.0150.

2.11 Subp. 3. **State land.** Land owned by the state and its agencies and subdivisions shall  
2.12 be administered according to parts 6106.0010 to 6106.0150.

2.13 Subp. 4. **Conflicting standards.** In case of a conflict between this chapter and any  
2.14 other rule, the more protective provision applies.

2.15 Subp. 5. **Local determination.**

2.16 A. Local governments may determine whether to administer the Minnesota  
2.17 statewide shoreland management standards in parts 6120.2500 to 6120.3900 within the  
2.18 Mississippi River Corridor Critical Area.

2.19 B. Local governments may determine whether to administer the Minnesota  
2.20 wild, scenic, and recreational river rules in parts 6105.0010 to 6105.0250 and 6105.0800  
2.21 to 6105.0960 within the Mississippi River Corridor Critical Area.

2.22 Subp. 6. **Superseding standards.** Specific standards found in this chapter supersede  
2.23 Executive Order 79-19 and parts 4410.8100 to 4410.9910 for management of the  
2.24 Mississippi River Corridor Critical Area.

3.1 **6106.0040 SEVERABILITY.**

3.2 Minnesota Statutes, section 645.20, applies to this chapter.

3.3 **6106.0050 DEFINITIONS.**

3.4 Subpart 1. **Scope of terms and measurement of distances.** For the purposes of  
3.5 parts 6106.0010 to 6106.0150, the terms used have the meaning given in this part. All  
3.6 distances, unless otherwise specified, are measured horizontally.

3.7 Subp. 2. **Access path.** "Access path" means an area designated to provide ingress  
3.8 and egress to public waters.

3.9 Subp. 3. **Accessory structure.** "Accessory structure" means a building, structure, or  
3.10 improvement subordinate to and on the same lot as the principal structure or use, including  
3.11 sheds, storage shelters, gazebos, hot tubs, swimming pools, pole buildings, detached  
3.12 garages, decks, patios, and other similar structures.

3.13 Subp. 4. **Adjacent.** "Adjacent" means having a boundary that physically touches  
3.14 or adjoins.

3.15 Subp. 5. **Aggregate extraction.** "Aggregate extraction" means removal of stone,  
3.16 sand, gravel, or other material from the land for commercial, industrial, or governmental  
3.17 purposes.

3.18 Subp. 6. **Aggregate mining.** "Aggregate mining" means construction,  
3.19 reconstruction, repair, relocation, expansion, or removal of any facility for the extraction,  
3.20 stockpiling, storage, disposal, or reclamation of nonmetallic minerals. Aggregate mining  
3.21 does not include ancillary facilities such as access roads, bridges, culverts, and water level  
3.22 control structures. For purposes of this subpart, "facility" includes all mine pits, quarries,  
3.23 stockpiles, basins, and any structures that drain or divert public waters to allow mining.

3.24 Subp. 7. **Agricultural use.** "Agricultural use" has the meaning given under  
3.25 Minnesota Statutes, chapter 40A.

4.1 Subp. 8. **Barge fleeting.** "Barge fleeting" means temporarily parking and securing  
4.2 barges on the river, on or off channel, while tows are assembled or broken up.

4.3 Subp. 9. **Bioengineering.** "Bioengineering" means use of living and nonliving  
4.4 plant materials, in combination with natural and synthetic support materials, for slope  
4.5 stabilization, erosion reduction, and vegetative establishment.

4.6 Subp. 10. **Bluff.** "Bluff" means a natural topographic feature having all of the  
4.7 following characteristics:

4.8 A. a slope that rises at least 25 feet above the ordinary high water level or  
4.9 toe of the bluff; and

4.10 B. the grade of the slope from the ordinary high water level or toe of the bluff to  
4.11 the top of the bluff averages 30 percent or greater.

4.12 Subp. 11. **Bluff impact zone.** "Bluff impact zone" means land on and within 20  
4.13 feet of the bluff.

4.14 Subp. 12. **Bluffline.** "Bluffline" means a line delineating the top of the bluff. More  
4.15 than one bluffline may be encountered proceeding landward from the river.

4.16 Subp. 13. **Buffer.** "Buffer" means land that is used to protect adjacent lands and  
4.17 public waters from development and more intensive land uses. The land is kept in a  
4.18 natural state that provides ecological services such as filtering runoff, controlling nutrient  
4.19 movement, and protecting fish and wildlife habitat. In areas of agricultural use, the land is  
4.20 used for less intensive agricultural purposes.

4.21 Subp. 14. **Buildable area.** "Buildable area" means the area upon which structures  
4.22 may be placed on a lot or parcel of land and excludes areas needed to meet setback  
4.23 requirements, rights-of-way, bluff impact zones, slope preservation zones, historic sites,  
4.24 wetlands, designated floodways, land below the ordinary high water level of public  
4.25 waters, and other unbuildable areas.

5.1 Subp. 15. **Certificate of compliance.** "Certificate of compliance" means a document,  
5.2 written after a compliance inspection, certifying that development is in compliance with  
5.3 applicable requirements at the time of the inspection.

5.4 Subp. 16. **Commissioner.** "Commissioner" means the commissioner of natural  
5.5 resources.

5.6 Subp. 17. **Conditional use.** "Conditional use" has the meaning given under  
5.7 Minnesota Statutes, chapters 394 and 462.

5.8 Subp. 18. **Conservation easement.** "Conservation easement" has the meaning given  
5.9 under Minnesota Statutes, chapter 84C.

5.10 Subp. 19. **Conservation subdivision.** "Conservation subdivision" means a pattern  
5.11 of subdivision that is characterized by the grouping of lots within a portion of a parcel,  
5.12 where the remaining portion of the parcel is permanently protected as open space. Site  
5.13 designs incorporate standards for low impact development.

5.14 Subp. 20. **Conventional subdivision.** "Conventional subdivision" means a pattern  
5.15 of subdivision that is characterized by lots that are spread regularly throughout a parcel  
5.16 in a lot and block design.

5.17 Subp. 21. **Deck.** "Deck" means a horizontal, unenclosed, aboveground level  
5.18 structure, with or without attached railings, seats, trellises, or other features, attached or  
5.19 functionally related to a principal use or site.

5.20 Subp. 22. **Developer.** "Developer" has the meaning given under Minnesota Statutes,  
5.21 section 116G.03.

5.22 Subp. 23. **Development.** "Development" has the meaning given under Minnesota  
5.23 Statutes, section 116G.03.

5.24 Subp. 24. **Discretionary action.** "Discretionary action" means an action related  
5.25 to land use that requires a public hearing, such as preliminary subdivision proposals,

6.1 final subdivision plats, planned unit developments, conditional use permits, interim use  
6.2 permits, variances, appeals, and rezonings.

6.3 Subp. 25. **Dock.** "Dock" has the meaning given under chapter 6115.

6.4 Subp. 26. **Dwelling unit.** "Dwelling unit" means a structure or portion of a structure  
6.5 or other shelter designed as short- or long-term living quarters for one or more persons,  
6.6 including rental or timeshare accommodations such as motels, hotels, and resort rooms  
6.7 and cabins.

6.8 Subp. 27. **Electric power facilities.** "Electric power facilities" means equipment and  
6.9 associated facilities for generating electric power or devices for converting wind energy to  
6.10 electrical energy as identified and defined under Minnesota Statutes, chapter 216.

6.11 Subp. 28. **Essential services.** "Essential services" means underground or overhead  
6.12 gas, electrical, communications, steam, or water distribution, collection, supply, or  
6.13 disposal systems. Essential services include poles, wires, mains, drains, pipes, conduits,  
6.14 cables, fire alarm boxes, traffic signals, hydrants, or other similar equipment and  
6.15 accessories in conjunction with the systems, but do not include buildings, wastewater  
6.16 treatment works as defined in Minnesota Statutes, chapter 115, or electrical generation  
6.17 and transmission services.

6.18 Subp. 29. **Feedlot.** "Feedlot" has the meaning given for animal feedlots under  
6.19 chapter 7020.

6.20 Subp. 30. **Floodplain.** "Floodplain" has the meaning given under chapter 6120.

6.21 Subp. 31. **Historic site.** "Historic site" means an archaeological site, standing  
6.22 structure, site, district, or other property that is:

6.23 A. listed in the National Register of Historic Places or the State Register of  
6.24 Historic Sites or locally designated as a historic site;

7.1 B. determined to meet the criteria for eligibility to the National Register of  
7.2 Historic Places or the State Register of Historic Sites after review by the state archeologist  
7.3 or the director of the Minnesota Historical Society; or

7.4 C. an unplatted cemetery that falls under the provisions of Minnesota Statutes,  
7.5 chapter 307.

7.6 Subp. 32. **Impervious surface.** "Impervious surface" means a constructed hard  
7.7 surface that either prevents or retards the entry of water into the soil and causes water to  
7.8 run off the surface in greater quantities and at an increased rate of flow than prior to  
7.9 development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage  
7.10 areas, and driveways, including those with concrete, asphalt, or gravel surfaces, and  
7.11 riprap and other hard armoring.

7.12 Subp. 33. **Intensive vegetation clearing.** "Intensive vegetation clearing" means  
7.13 removal of trees or shrubs in a contiguous patch, strip, row, or block.

7.14 Subp. 34. **Interim use.** "Interim use" has the meaning given under Minnesota  
7.15 Statutes, chapters 394 and 462.

7.16 Subp. 35. **Land alteration.** "Land alteration" means an activity that exposes the soil  
7.17 or changes the topography, drainage, or cross section of the land, excluding gardening or  
7.18 similar minor soil disturbances.

7.19 Subp. 36. **Local government.** "Local government" means counties, municipalities,  
7.20 and townships and all agencies, boards, commissions, councils, and departments thereof.

7.21 Subp. 37. **Lot.** "Lot" has the meaning given under chapter 6120.

7.22 Subp. 38. **Lot width.** "Lot width" means the shortest distance between lot lines  
7.23 measured at both the ordinary high water level and at the required structure setback from  
7.24 the ordinary high water level for riparian lots. For nonriparian lots, the lot width is the

8.1 shortest distance between side lot lines as measured at the midpoint of the longest axis  
8.2 of the lot.

8.3 Subp. 39. **Marina.** "Marina" has the meaning given under chapter 6115.

8.4 Subp. 40. **Metropolitan urban service area.** "Metropolitan urban service area"  
8.5 means the area in which the Metropolitan Council ensures that regional services and  
8.6 facilities under the council's jurisdiction are provided.

8.7 Subp. 41. **Mooring facility.** "Mooring facility" has the meaning given under chapter  
8.8 6115.

8.9 Subp. 42. **Native plant.** "Native plant" means a plant that is indigenous to a  
8.10 particular region. In Minnesota, a plant is considered native if the plant occurred in the  
8.11 state at the time of the public land survey, from 1847 to 1907.

8.12 Subp. 43. **Natural state.** "Natural state" means that the condition, composition, and  
8.13 diversity of the plant community is substantially unaltered by humans or that restoration  
8.14 has been consistent with the commissioner's guidelines or the local government's approved  
8.15 plan.

8.16 Subp. 44. **Nonconformity.** "Nonconformity" has the meaning given under  
8.17 Minnesota Statutes, chapters 394 and 462.

8.18 Subp. 45. **Nonriparian lot.** "Nonriparian lot" means a lot that does not abut public  
8.19 waters.

8.20 Subp. 46. **Off-premise advertising signs.** "Off-premise advertising signs" means  
8.21 those signs that direct attention to a product, service, business, or entertainment venue that  
8.22 is not exclusively related to the premises where the sign is located.

8.23 Subp. 47. **Ordinary high water level.** "Ordinary high water level" has the meaning  
8.24 given under Minnesota Statutes, section 103G.005.

9.1 Subp. 48. **Parcel.** "Parcel" means a quantity of land capable of being described with  
9.2 such definiteness that its location and boundaries may be established, which is designated  
9.3 by its owner or developer as land to be used or developed as a unit or which has been  
9.4 used or developed as a unit.

9.5 Subp. 49. **Patio.** "Patio" means a constructed hard surface located at ground level.

9.6 Subp. 50. **Planned unit development.** "Planned unit development" means a method  
9.7 of land use or development characterized by a unified site design for a number of dwelling  
9.8 units or dwelling sites on a parcel and by a mix of structure types and land uses. Planned  
9.9 unit development includes any conversion of existing structures and land uses that utilize  
9.10 this method of development.

9.11 Subp. 51. **Plat.** "Plat" has the meaning given under Minnesota Statutes, chapters  
9.12 505 and 515B.

9.13 Subp. 52. **Port.** "Port" means a water transportation complex established and  
9.14 operated under the jurisdiction of a port authority according to Minnesota Statutes, chapter  
9.15 458.

9.16 Subp. 53. **Primary conservation areas.** "Primary conservation areas" means key  
9.17 resources and features according to Minnesota Statutes, section 116G.15, subdivision 4,  
9.18 paragraph (b), and includes shore impact zones, bluff impact zones, slope preservation  
9.19 zones, floodplains, wetlands, gorges, areas of confluence with key tributaries, natural  
9.20 drainage routes, unstable soils and bedrock, significant existing vegetative stands, tree  
9.21 canopies, native plant communities, scenic views and vistas, cultural and historic sites and  
9.22 structures, and publicly owned parks, trails, and open spaces.

9.23 Subp. 54. **Professional engineer.** "Professional engineer" means an engineer  
9.24 licensed to practice in Minnesota.

10.1 Subp. 55. **Project area.** "Project area" means a parcel in its entirety as proposed for  
10.2 development.

10.3 Subp. 56. **Public recreational facilities.** "Public recreational facilities" means  
10.4 recreational facilities provided by the state or a local government or dedicated to public  
10.5 use, including scenic overlooks, observation platforms, trails, docks, fishing piers, picnic  
10.6 shelters, water access ramps, and other similar water-oriented public facilities used for  
10.7 recreation. Public recreational facilities do not include buildings.

10.8 Subp. 57. **Public safety facilities.** "Public safety facilities" means hydrants, fire  
10.9 alarm boxes, street lights, railway crossing signals, navigational structures and other  
10.10 aviation safety facilities, and similar facilities and accessories, but does not include  
10.11 buildings.

10.12 Subp. 58. **Public transportation facilities.** "Public transportation facilities" means  
10.13 all transportation facilities provided by the state or a local government or dedicated to  
10.14 public use, such as roadways, transit facilities, railroads, and bikeways.

10.15 Subp. 59. **Public utilities.** "Public utilities" means electric power facilities, essential  
10.16 services, and transmission services.

10.17 Subp. 60. **Public waters.** "Public waters" has the meaning given under Minnesota  
10.18 Statutes, section 103G.005.

10.19 Subp. 61. **Readily visible.** "Readily visible" means development is easily seen from  
10.20 the ordinary high water level of the opposite shore during summer months. This occurs  
10.21 when the river user first looks up at the surrounding landscape and sees the development  
10.22 without having to look hard or long or use any magnification devices.

10.23 Subp. 62. **Resource agency.** "Resource agency" means .....

10.24 Subp. 63. **Retaining walls.** "Retaining walls" means vertical or nearly vertical  
10.25 structures constructed of mortar and rubble masonry, rock, or stone regardless of size,

11.1 vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured  
11.2 concrete, concrete blocks, or other durable materials.

11.3 Subp. 64. **Riparian lot.** "Riparian lot" means a lot that abuts public waters.

11.4 Subp. 65. **Riprap.** "Riprap" means coarse stones, boulders, cobbles, broken rock or  
11.5 concrete, or brick materials placed or constructed to create an irregular surface against  
11.6 the slope of the existing bank of a public water and other steep slopes, very steep slopes,  
11.7 or bluffs.

11.8 Subp. 66. **River-dependent commercial and industrial use.** "River-dependent  
11.9 commercial and industrial use" means use of land for commercial or industrial purposes,  
11.10 where access to and use of a surface water feature is an integral part of the normal  
11.11 conductance of business, such as barge facilities, ports, and marinas.

11.12 Subp. 67. **Setback.** "Setback" means a separation distance measured horizontally.

11.13 Subp. 68. **Shore impact zone.** "Shore impact zone" means land located between  
11.14 the ordinary high water level of public waters and a line parallel to it at a setback of 50  
11.15 percent of the required structure setback or 50 feet landward of the ordinary high water  
11.16 level in areas of agricultural use.

11.17 Subp. 69. **Shoreline facilities.** "Shoreline facilities" means facilities that require a  
11.18 location adjoining public waters for ingress and egress, loading and unloading, and public  
11.19 water intake and outflow, such as barge facilities, port facilities, commodity loading and  
11.20 unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities  
11.21 for patrons, and water access ramps. Structures that would be enhanced by a shoreline  
11.22 location, but do not require a location adjoining public waters as part of their function, are  
11.23 not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

11.24 Subp. 70. **Shoreline recreational use area.** "Shoreline recreational use area" means  
11.25 the area within the shore impact zone where vegetation in a natural state need not exist.

12.1 Subp. 71. **Slope preservation zone.** "Slope preservation zone" means land on and  
12.2 within 20 feet of a very steep slope.

12.3 Subp. 72. **Steep slope.** "Steep slope" means a natural topographic feature with  
12.4 an average slope of 12 to 18 percent, measured over a horizontal distance equal to or  
12.5 greater than 50 feet.

12.6 Subp. 73. **Storm water.** "Storm water" has the meaning given under chapter 7090.

12.7 Subp. 74. **Structure.** "Structure" means a building, sign, or appurtenance thereto,  
12.8 except for aerial or underground utility lines, such as sewer, electric, telephone, telegraph,  
12.9 or gas lines, including towers, poles, and other supporting appurtenances.

12.10 Subp. 75. **Subdivision.** "Subdivision" has the meaning given under Minnesota  
12.11 Statutes, chapter 462.

12.12 Subp. 76. **Subsurface sewage treatment system.** "Subsurface sewage treatment  
12.13 system" has the meaning given under chapter 7080.

12.14 Subp. 77. **Suitable area.** "Suitable area" means the area remaining on a lot or parcel  
12.15 of land after shore impact zones, bluff impact zones, slope preservation zones, roads and  
12.16 rights-of-way, historic sites, wetlands, designated floodways, and land below the ordinary  
12.17 high water level are excluded.

12.18 Subp. 78. **Toe of the bluff.** "Toe of the bluff," as associated with a bluff, means the  
12.19 lower point of the lowest horizontal ten-foot segment with an average slope exceeding  
12.20 18 percent.

12.21 Subp. 79. **Toe of the slope.** "Toe of the slope" means the lower point of the lowest  
12.22 horizontal ten-foot segment with an average slope exceeding 18 percent.

12.23 Subp. 80. **Top of the bluff.** "Top of the bluff," as associated with a bluff, means the  
12.24 higher point of the highest horizontal ten-foot segment with an average slope exceeding  
12.25 18 percent.

13.1 Subp. 81. **Top of the slope.** "Top of the slope" means the higher point of the highest  
13.2 horizontal ten-foot segment with an average slope exceeding 18 percent.

13.3 Subp. 82. **Transmission services.** "Transmission services" means:

13.4 A. electric power lines, cables, pipelines, or conduits that are:

13.5 (1) used to transport large blocks of power between two points, as identified  
13.6 and defined under Minnesota Statutes, chapter 216; and

13.7 (2) for mains or pipelines for gas, liquids, or solids in suspension, used to  
13.8 transport large amounts of gas, liquids, or solids in suspension between two points; and

13.9 B. telecommunication lines, cables, pipelines, or conduits.

13.10 Subp. 83. **Variance.** "Variance" has the meaning given under Minnesota Statutes,  
13.11 chapters 394 and 462.

13.12 Subp. 84. **Very steep slope.** "Very steep slope" means a natural topographic feature  
13.13 having all of the following characteristics:

13.14 A. the slope rises at least ten feet above the ordinary high water level or toe of  
13.15 the slope; and

13.16 B. the grade of the slope from the ordinary high water level or toe of the slope  
13.17 to the top of the slope averages 18 percent or greater.

13.18 Subp. 85. **Water access ramp.** "Water access ramp" means a ramp, road, or other  
13.19 conveyance that allows launching and removal of a boat with a vehicle and trailer.

13.20 Subp. 86. **Water-oriented accessory structure.** "Water-oriented accessory  
13.21 structure" means a small building or other improvement, except stairways, fences, docks,  
13.22 and retaining walls, that, because of the relationship of its use to public waters, reasonably  
13.23 needs to be located closer to public waters than the normal structure setback. Examples  
13.24 include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

14.1 Subp. 87. **Wetlands.** "Wetlands" has the meaning given under Minnesota Statutes,  
14.2 section 103G.005.

14.3 Subp. 88. **Wharf.** "Wharf" has the meaning given under chapter 6115.

14.4 **6106.0060 ADMINISTRATION.**

14.5 Subpart 1. **Terms and time frames.** For the purposes of this part:

14.6 A. the terms "plan," "ordinance," and "plan and ordinance" mean Mississippi  
14.7 River Corridor Critical Area plans and ordinances, and updates or amendments thereto,  
14.8 prepared to implement parts 6106.0010 to 6106.0150;

14.9 B. if plans and ordinances prepared under item A refer to underlying land  
14.10 use or zoning, then the underlying land use and zoning documents must be submitted  
14.11 and considered in combination with these plans and ordinances, and together must  
14.12 substantially comply with parts 6106.0010 to 6106.0150; and

14.13 C. time frames are measured in calendar days.

14.14 Subp. 2. **Responsibilities and authorities.** The standards and criteria for the  
14.15 Mississippi River Corridor Critical Area established in parts 6106.0010 to 6106.0150  
14.16 must be adhered to by:

14.17 A. the commissioner for reviewing and approving plans and ordinances and  
14.18 reviewing discretionary actions;

14.19 B. the Metropolitan Council for reviewing plans and ordinances;

14.20 C. local governments when preparing, updating, or amending plans and  
14.21 ordinances and reviewing and approving discretionary actions; and

14.22 D. state and regional agencies for permit regulation and plan development  
14.23 within an agency's jurisdiction.

15.1 Subp. 3. **Substantial compliance.** Local governments within the Mississippi  
15.2 River Corridor Critical Area shall adopt, administer, and enforce plans and ordinances  
15.3 in substantial compliance with parts 6106.0010 to 6106.0150. Plans and ordinances  
15.4 must be submitted to the Metropolitan Council for review and must be approved by the  
15.5 commissioner before they are adopted as provided under subpart 11.

15.6 Subp. 4. **Greater restrictions.** Nothing in parts 6106.0010 to 6106.1050 shall be  
15.7 construed as prohibiting or discouraging a local government from adopting and enforcing  
15.8 plans and ordinances that are more restrictive than parts 6106.0010 to 6106.0150.

15.9 Subp. 5. **Adoption schedule.**

15.10 A. In consultation with the Metropolitan Council, the commissioner shall  
15.11 prepare a notification schedule for local governments to prepare or amend plans and  
15.12 ordinances.

15.13 B. Within the time frames provided under subpart 11, local governments must  
15.14 prepare or amend plans and ordinances to substantially comply with parts 6106.0010  
15.15 to 6106.0150.

15.16 C. All plans and ordinances adopted by local governments pursuant to  
15.17 Executive Order 79-19 and chapters 6105 and 6120 that are in existence on the effective  
15.18 date of this chapter remain in effect and shall be enforced until plans and ordinances are  
15.19 amended in substantial compliance with parts 6106.0010 to 6106.0150, approved by the  
15.20 commissioner, and adopted by the local government as provided under subpart 11.

15.21 D. Where a local government has not adopted plans and ordinances,  
15.22 development shall continue to be governed by the interim development regulations in  
15.23 Executive Order 79-19, until such time as plans and ordinances that substantially comply  
15.24 with parts 6106.0010 to 6106.0150 are approved by the commissioner and adopted by the  
15.25 local government as provided under subpart 11.

16.1 E. The adoption of plans and ordinances in substantial compliance with parts  
16.2 6106.0010 to 6106.0150 do not in any way limit or modify the rights of a person to  
16.3 complete a development that is authorized as provided under Minnesota Statutes, section  
16.4 116G.13.

16.5 Subp. 6. Duties of commissioner.

16.6 A. The commissioner must consult with the United States Army Corps of  
16.7 Engineers, National Park Service, Metropolitan Council, and other agencies and local  
16.8 governments to ensure that the Mississippi River Corridor Critical Area is managed as a  
16.9 multipurpose resource in a way that:

16.10 (1) conserves the scenic, environmental, recreational, mineral, economic,  
16.11 cultural, and historic resources and functions of the river corridor;

16.12 (2) maintains the river channel for transportation by providing and  
16.13 maintaining barging and fleeting areas in appropriate locations consistent with the  
16.14 character of the Mississippi River and riverfront;

16.15 (3) provides for the continuation and development of a variety of urban  
16.16 areas, including industrial, commercial, and residential uses, where appropriate, within the  
16.17 Mississippi River Corridor Critical Area;

16.18 (4) utilizes certain reaches of the river as a source of water supply and as a  
16.19 receiving water for properly treated sewage, storm water, and industrial waste effluents;  
16.20 and

16.21 (5) protects and preserves the biological and ecological functions of the  
16.22 Mississippi River Corridor Critical Area.

16.23 B. The commissioner shall provide advice and assistance to local governments  
16.24 and agencies in the Mississippi River Corridor Critical Area during the development,

17.1 adoption, administration, and enforcement of plans and ordinances, consistent with the  
17.2 purposes in part 6106.0020, and specifically shall:

17.3 (1) develop model ordinances;

17.4 (2) review and approve final draft plans and ordinances before adoption by  
17.5 a local government as provided under subpart 11. If requested by a local government, the  
17.6 commissioner shall review preliminary draft plans and ordinances and provide comments  
17.7 to assist the local government in complying with parts 6106.0010 to 6106.0150; and

17.8 (3) consult with agencies identified in subpart 10 to ensure that the agencies  
17.9 administer lands and programs under the agencies' jurisdictions consistent with parts  
17.10 6106.0010 to 6106.0150.

17.11 C. To aid in the fulfillment of the state's role to preserve and protect the  
17.12 Mississippi River Corridor Critical Area and to monitor the administration and  
17.13 enforcement of Mississippi River Corridor Critical Area ordinances, the commissioner  
17.14 may:

17.15 (1) review decisions concerning discretionary actions under Mississippi  
17.16 River Corridor Critical Area ordinances;

17.17 (2) evaluate local government actions and overall implementation and  
17.18 enforcement of Mississippi River Corridor Critical Area ordinances to ensure compliance  
17.19 with the state's minimum standards and criteria;

17.20 (3) periodically report to local governments on potential deficiencies and  
17.21 achievements;

17.22 (4) develop model plans;

17.23 (5) develop materials for local governments to use in educational and  
17.24 marketing efforts that encourage the use of best management practices specified in parts  
17.25 6106.0010 to 6106.0150;

18.1 (6) develop model mitigation measures or systems for common conditions  
18.2 for local governments to use as provided under subpart 17; and

18.3 (7) develop training programs for parts 6106.0010 to 6106.0150 and for the  
18.4 use of model ordinances.

18.5 D. If, after review, the commissioner determines that a local government has  
18.6 failed to adopt, administer, or enforce plans and ordinances in substantial compliance with  
18.7 parts 6106.0010 to 6106.0150, the commissioner may:

18.8 (1) adopt plans and ordinances for a local government that has failed to do  
18.9 so as provided under subpart 11, item G;

18.10 (2) appeal the actions of a local government to the courts as provided under  
18.11 Minnesota Statutes, chapters 116G, 394, and 462, as applicable;

18.12 (3) reduce or eliminate a local government's eligibility for grant programs  
18.13 administered by the commissioner; and

18.14 (4) initiate judicial proceedings to compel specific performance by a local  
18.15 government of any duty required under parts 6106.0010 to 6106.0150 or under any plans  
18.16 and ordinances adopted according to parts 6106.0010 to 6106.0150.

18.17 E. The commissioner may seek reimbursement from the local government for  
18.18 any costs incurred to implement item D, subitem (1).

18.19 Subp. 7. **Duties of Metropolitan Council.** The Metropolitan Council must:

18.20 A. incorporate the standards and criteria in parts 6106.0010 to 6106.0150 into  
18.21 the council's planning processes;

18.22 B. work with local governments and the commissioner to ensure that the  
18.23 standards and criteria in parts 6106.0010 to 6106.0150 are being adopted and implemented;

19.1 C. be the lead agency to coordinate the preparation, submission, review, and  
19.2 modification of plans and ordinances that are prepared by local governments as provided  
19.3 under subpart 11; and

19.4 D. provide written comments and recommendations to the commissioner on all  
19.5 proposed plans and ordinances submitted by local governments, within the time frames  
19.6 provided under subpart 11, item B.

19.7 Subp. 8. **Duties of local governments.** Local governments must:

19.8 A. prepare or amend plans and ordinances to meet or exceed the minimum  
19.9 standards and criteria in parts 6106.0010 to 6106.0150 and as provided under subpart 11;

19.10 B. submit proposed plans and ordinances that affect lands within the boundaries  
19.11 of the Mississippi River Corridor Critical Area to the Metropolitan Council for review  
19.12 and subsequent review and approval by the commissioner, before adoption as provided  
19.13 under subpart 11;

19.14 C. adopt, administer, and enforce plans and ordinances as provided under  
19.15 subpart 3;

19.16 D. send notice of public hearings to consider plans and ordinances and  
19.17 development requiring discretionary action affecting lands within the boundaries of the  
19.18 Mississippi River Corridor Critical Area to the following parties so that the parties receive  
19.19 the notice at least ten days before the public hearing:

19.20 (1) the commissioner, in a format prescribed by the commissioner. Notices  
19.21 to the commissioner for discretionary actions must also include a copy of the completed  
19.22 application, the site plan as provided under subpart 13, and any other relevant information;

19.23 (2) the National Park Service; and

19.24 (3) adjoining local governments, including those with overlapping  
19.25 jurisdiction and those across the river; and

20.1 E. send notice of final decisions for actions under item D, including findings  
20.2 of fact, within ten days following the final decision, to those parties listed under and in  
20.3 the manner prescribed by item D.

20.4 Subp. 9. Duties of townships and counties.

20.5 A. According to subpart 8, townships must prepare or amend plans and  
20.6 ordinances in substantial compliance with parts 6106.0010 to 6106.0150, under the  
20.7 authority of Minnesota Statutes, chapters 394, 462, and 473.

20.8 B. According to subpart 8, counties must prepare or amend plans, and may  
20.9 prepare ordinances in substantial compliance with parts 6106.0010 to 6016.0150, under  
20.10 the authority of Minnesota Statutes, chapters 394 and 473. If a county has adopted  
20.11 ordinances under this part:

20.12 (1) a township's plan and ordinances must be consistent with or more  
20.13 restrictive than the plan and ordinances adopted by the county in which the township is  
20.14 located as provided under Minnesota Statutes, chapter 394;

20.15 (2) a township must provide for administration and enforcement of  
20.16 Mississippi River Corridor Critical Area ordinances in a manner that is at least as effective  
20.17 as the respective county's implementation; and

20.18 (3) a township may adopt a county's ordinances by reference.

20.19 Subp. 10. Duties of other agencies. An agency owning and managing lands  
20.20 within the Mississippi River Corridor Critical Area shall manage the lands under the  
20.21 agency's ownership consistent with parts 6106.0010 to 6106.0150. For purposes of  
20.22 this subpart, "agency" means the Metropolitan Airports Commission, University of  
20.23 Minnesota, National Park Service, United States Army Corps of Engineers, Department of  
20.24 Natural Resources, Metropolitan Council, Minneapolis Park and Recreation Board, Three  
20.25 Rivers Park District, Department of Transportation, Anoka-Ramsey Community College,

21.1 watershed management organizations as established under Minnesota Statutes, chapter  
21.2 103B, watershed districts as established under Minnesota Statutes, chapter 103D, or any  
21.3 other federal, state, or local general or special purpose unit of government.

21.4 **Subp. 11. Preparation, review, approval, and adoption of plans and ordinances.**

21.5 A. Within one year of notification from the commissioner under subpart 5, local  
21.6 governments must prepare or amend plans and ordinances and formally submit a draft  
21.7 of these documents to the Metropolitan Council and the commissioner for review. Local  
21.8 governments may propose ordinance standards that are not in strict conformity with parts  
21.9 6106.0010 to 6106.0150 as provided under items J and K. Local governments may submit  
21.10 preliminary draft plans and ordinances to the commissioner for informal review prior to  
21.11 formal submission to the Metropolitan Council. Upon a formal written request from the  
21.12 local government, the commissioner may grant an appropriate extension of time when  
21.13 the commissioner determines that the local government is making a good faith effort  
21.14 to meet the submittal deadline.

21.15 B. Within 45 days of receiving draft plans and ordinances from local  
21.16 governments as provided under item A, the Metropolitan Council must review the  
21.17 draft plans and ordinances for consistency with regional objectives, parts 6106.0010 to  
21.18 6106.0150, and Minnesota Statutes, chapter 116G; submit the council's written evaluation,  
21.19 copies of the draft plans and ordinances reviewed, and any other relevant materials to the  
21.20 commissioner; and provide a copy of the submission to the National Park Service. Upon a  
21.21 formal written request from the Metropolitan Council, the commissioner may grant an  
21.22 appropriate extension of time when the commissioner determines that the Metropolitan  
21.23 Council requires more time for review.

21.24 C. Within 45 days of receiving a written evaluation of draft plans and  
21.25 ordinances from the Metropolitan Council as provided under item B, or revised draft  
21.26 plans and ordinances as provided under item D, the commissioner must review the draft

22.1 plans and ordinances to determine their consistency with parts 6106.0010 to 6106.0150  
22.2 and Minnesota Statutes, chapter 116G. Upon completing the review, the commissioner  
22.3 must take one of the following two actions and provide a copy of the decision to the  
22.4 Metropolitan Council and the National Park Service:

22.5 (1) approve the draft plans and ordinances by written decision and notify  
22.6 the local government; or

22.7 (2) return the draft plans and ordinances to the local government for  
22.8 modification, with a written explanation of the need for modification as provided under  
22.9 item D.

22.10 D. When the commissioner returns a draft plan and ordinances to the local  
22.11 government for modification, the commissioner must provide a written explanation of  
22.12 the deficiencies of the draft plan and ordinances that need to be corrected by the local  
22.13 government before the commissioner can approve the draft plan and ordinances. Within 60  
22.14 days of the receipt of the commissioner's written explanation, the local government must  
22.15 revise the draft plan and ordinances consistent with the instructions of the commissioner  
22.16 and resubmit the revised draft plan and ordinances to the commissioner. If requested by  
22.17 the local government or the Metropolitan Council, a final revision need not be made until a  
22.18 formal meeting has been held with the commissioner on the draft plan and ordinances. If,  
22.19 in the opinion of the commissioner, the local government is making a good faith effort to  
22.20 complete the modifications in a timely manner, the commissioner may grant an appropriate  
22.21 extension of time. Upon receiving the revised draft plan and ordinances from the local  
22.22 government, the commissioner shall conduct the review as provided under item C.

22.23 E. Within 45 days of receiving the commissioner's approval of a draft plan and  
22.24 ordinances, the local government must adopt the commissioner-approved draft plan and  
22.25 ordinances and submit a copy of the final adopted plan and ordinances, with evidence of  
22.26 adoption, to the commissioner, the Metropolitan Council, and the National Park Service.

23.1 Plans and ordinances prepared according to this part become effective when adopted by  
23.2 the local government or upon such date as the commissioner may provide in the written  
23.3 order adopting the plans and ordinances as provided under item G.

23.4 F. Local governments must enact, for lands within the Mississippi River  
23.5 Corridor Critical Area, only those plans and ordinances that have the written approval of  
23.6 the commissioner. Once in effect, the local government must implement and enforce the  
23.7 commissioner-approved plans and ordinances.

23.8 G. If a local government fails to prepare and submit a draft plan and ordinances  
23.9 within one year of notification as provided under item A, fails to incorporate modifications  
23.10 that are acceptable to the commissioner as provided under item D, or fails to adopt  
23.11 commissioner-approved plans or ordinances as provided under item E, the commissioner  
23.12 must:

23.13 (1) prepare plans and ordinances in substantial compliance with parts  
23.14 6106.0010 to 6106.0150 within 90 days of the deadline for preparation or adoption of  
23.15 plans and ordinances as provided under items A to E or the end date of an extension of  
23.16 time approved by the commissioner as provided under item D;

23.17 (2) conduct a public hearing as provided by Minnesota Statutes, chapter 14,  
23.18 and other statutes as applicable;

23.19 (3) within 60 days of the conclusion of the public hearing, adopt the plans  
23.20 and ordinances for the local government's portion of the Mississippi River Corridor  
23.21 Critical Area by written order; and

23.22 (4) give notice of the adopted plans and ordinances to the affected local  
23.23 government, the Metropolitan Council, and the National Park Service.

23.24 H. Plans and ordinances that have been adopted by the commissioner apply  
23.25 and have the same effect as if adopted by the local government and shall be administered

24.1 and enforced by the local government. At any time after the preparation and adoption of  
24.2 plans and ordinances by the commissioner, a local government may prepare or amend  
24.3 plans and ordinances according to parts 6106.0010 to 6106.0150. When the plans and  
24.4 ordinances are approved by the commissioner, they supersede the plans and ordinances  
24.5 adopted by the commissioner.

24.6 I. Local governments may update or amend plans and ordinances that have  
24.7 been approved by the commissioner by resubmitting the plans and ordinances with the  
24.8 recommended changes to the commissioner for consideration. Updates and amendments  
24.9 to plans and ordinances become effective only upon approval by the commissioner  
24.10 in the same manner as for approval of the original plans and ordinances as provided  
24.11 under this subpart.

24.12 J. Local governments may, under special circumstances and with the  
24.13 commissioner's prior approval, adopt ordinances that are not in strict conformity with  
24.14 parts 6106.0010 to 6106.0150, if the purposes of Minnesota Statutes, section 116G.15, are  
24.15 satisfied. A local government must request the commissioner's consideration of alternative  
24.16 standards and obtain the commissioner's approval before formal submittal of draft  
24.17 ordinances to the Metropolitan Council as provided under item A. A local government  
24.18 requesting ordinance flexibility must submit the following items to the commissioner:

24.19 (1) a detailed description of the proposed alternative standards that are not  
24.20 in strict conformity with parts 6106.0010 to 6106.0150;

24.21 (2) a demonstration that the alternative standards are consistent with the  
24.22 policies, purposes, and scope of this chapter according to parts 6106.0010 to 6106.0030;

24.23 (3) a description of the special circumstances that justify the use of  
24.24 alternative standards;

25.1                   (4) input from adjoining local governments, including those with  
25.2 overlapping jurisdiction and those across the river, and the public potentially affected  
25.3 by the alternative standards; and

25.4                   (5) supporting information, maps, and documents, as appropriate, to  
25.5 explain the request to the commissioner.

25.6                   K. Upon receiving a complete request for ordinance flexibility as provided in  
25.7 item J, the commissioner must:

25.8                   (1) acknowledge, in writing, receipt of the request and, within 60 days of  
25.9 receipt of the complete request, issue a written decision approving or denying the request.  
25.10 The commissioner and the local government requesting ordinance flexibility may mutually  
25.11 agree to an extension of the 60-day response requirement; and

25.12                   (2) state in writing to the local government the reasons for the approval  
25.13 or denial and, as appropriate, suggest alternative solutions or regulatory approaches that  
25.14 would be acceptable to the commissioner.

25.15                   Subp. 12. Plans.

25.16                   A. Local governments must prepare a plan to identify and protect  
25.17 environmentally sensitive areas within the Mississippi River Corridor Critical Area and to  
25.18 further the purposes identified in part 6106.0020 and Minnesota Statutes, chapter 116G.  
25.19 The plan must be a component of the local government's comprehensive plan prepared  
25.20 according to Minnesota Statutes, chapter 473.

25.21                   B. Plans must contain provisions to:

25.22                   (1) protect the resources and features identified in Minnesota Statutes,  
25.23 section 116G.15, subdivision 4, paragraph (b);

25.24                   (2) provide for screening existing development that constitutes a visual  
25.25 intrusion, whenever appropriate;

26.1                   (3) ensure that development requiring urban services not be permitted  
26.2 outside the metropolitan urban service area boundary as established by the Metropolitan  
26.3 Council;

26.4                   (4) minimize potential conflict of water surface uses as provided under  
26.5 Minnesota Statutes, chapter 86B;

26.6                   (5) provide for commercial barge terminals, barge fleeting, and recreational  
26.7 marinas, where appropriate and if applicable;

26.8                   (6) provide for future commercial and industrial uses that require water  
26.9 access;

26.10                  (7) maximize the creation and maintenance of open space and recreation  
26.11 facilities, including parks, scenic overlooks, natural areas, islands, and wildlife areas;

26.12                  (8) identify potential trail locations; and

26.13                  (9) provide for transportation and public utility development in a manner  
26.14 consistent with parts 6106.0010 to 6106.0150.

26.15                  C. Plans must be updated periodically on the same schedule as other  
26.16 comprehensive plan elements according to Minnesota Statutes, chapter 473.

26.17                  Subp. 13. **Site plans.**

26.18                  A. Site plans are required for development within the Mississippi River  
26.19 Corridor Critical Area that requires discretionary action or that requires a permit under  
26.20 parts 6106.0010 to 6106.0150.

26.21                  B. In addition to local requirements, site plans must include, at a minimum:

26.22                   (1) a detailed description of the project, including how the project complies  
26.23 with the plans and ordinances adopted under this part; and

- 27.1                   (2) scaled mapping, dimensional renderings, plans, maintenance  
27.2 agreements, and other materials that identify and describe the following and demonstrate  
27.3 compliance with plans and ordinances, as applicable:
- 27.4                   (a) primary conservation areas;  
27.5                   (b) buildable area and suitable area;  
27.6                   (c) existing and proposed topography and drainage patterns;  
27.7                   (d) proposed storm water and erosion and sediment control practices;  
27.8                   (e) existing and proposed vegetation to be removed and established;  
27.9                   (f) ordinary high water level, blufflines, and all required setbacks;  
27.10                  (g) existing and proposed structures;  
27.11                  (h) existing and proposed impervious surfaces; and  
27.12                  (i) existing and proposed subsurface sewage treatment systems.

27.13                  Subp. 14. **Nonconformities.**

27.14                  A. Notwithstanding item B, nonconformities are regulated by local government  
27.15 consistent with Minnesota Statutes, chapters 394 and 462.

27.16                  B. Expansion of nonconforming structures may be permitted if the expansion  
27.17 does not increase the degree of nonconformity and provided that any expansion of a  
27.18 nonconforming structure that increases the horizontal or vertical riverward structure face  
27.19 are not allowed unless it can be demonstrated that the expansion will not be readily visible.

27.20                  Subp. 15. **Conditional and interim use permits.**

27.21                  A. In addition to meeting the requirements of Minnesota Statutes, chapters 394  
27.22 and 462, local ordinances must incorporate standards for the review of conditional and  
27.23 interim use permits required by parts 6106.0090 to 6106.0150. Local government review

28.1 must evaluate potential impacts on the resources and features identified in Minnesota  
28.2 Statutes, section 116G.15, subdivision 4, paragraph (b).

28.3 B. When evaluation and assessment identify an impact under item A, then the  
28.4 issuance of a conditional or interim use permit must include conditions for mitigation  
28.5 according to subpart 17.

28.6 C. Interim use permits must require compliance with plans and ordinances  
28.7 adopted under this part.

28.8 Subp. 16. **VariANCES.**

28.9 A. A local government shall consider variances consistent with Minnesota  
28.10 Statutes, chapters 394 and 462.

28.11 B. VariANCES must require mitigation as provided under subpart 17.

28.12 Subp. 17. **Mitigation.**

28.13 A. Mitigation is required for:

28.14 (1) a variance granted to ordinances adopted under this part; and

28.15 (2) a conditional or interim use permit granted pursuant to ordinances  
28.16 adopted under parts 6106.0090 to 6106.0150.

28.17 B. Mitigation must be proportional to the impact of the project on the resources  
28.18 and features identified in Minnesota Statutes, section 116G.15, subdivision 4, paragraph  
28.19 (b).

28.20 C. Mitigation must include one or more of the following measures as  
28.21 determined necessary by the local government:

28.22 (1) increased setbacks from the ordinary high water level and blufflines;

28.23 (2) voluntary dedication of public access or trails;

29.1 (3) modifications to structure or facility design or location to minimize  
29.2 the impact;

29.3 (4) voluntary conservation easements to protect the shore impact zone,  
29.4 bluff impact zone, slope preservation zone, or other buffers;

29.5 (5) restoration of native vegetation on the site;

29.6 (6) limiting storm water runoff and directing it away from bluffs, steep  
29.7 slopes, and very steep slopes;

29.8 (7) restoration of areas within the shore impact zone, bluff impact zone,  
29.9 slope preservation zone, wetlands, floodplains, or buffers to a natural state;

29.10 (8) use of low-impact development storm water management as provided  
29.11 under Minnesota Statutes, section 115.03, subdivision 5c, to manage the rate and volume  
29.12 of storm water runoff to predevelopment conditions;

29.13 (9) voluntary removal of nonconforming structures or impervious surfaces  
29.14 that do not comply with plans and ordinances adopted under this part;

29.15 (10) use of techniques to reduce visual impact;

29.16 (11) voluntary connection to a public sewer; or

29.17 (12) other conditions considered necessary by the local unit of government.

29.18 Subp. 18. **Accommodating disabilities.** Ramps or other facilities to provide persons  
29.19 with disabilities reasonable access to their property, as required by the federal Americans  
29.20 with Disabilities Act and the federal Fair Housing Act and as provided by chapter 1341,  
29.21 are allowed by interim use permit, subject to the following standards:

29.22 A. parts 6106.0100 to 6106.0140 must be complied with to the maximum  
29.23 extent practicable; and

30.1 B. the interim use permit expires and the ramp or other facilities must be  
30.2 removed once the property is no longer primarily used by persons with disabilities.

30.3 **6106.0070 INCORPORATIONS BY REFERENCE.**

30.4 For purposes of parts 6106.0010 to 6106.0150, the following documents are  
30.5 incorporated by reference, are subject to frequent change, and are available through the  
30.6 Minitex interlibrary loan system:

30.7 A. The Minnesota Stormwater Manual, Minnesota Pollution Control Agency  
30.8 (2005 and as subsequently amended);

30.9 B. Protecting Water Quality in Urban Areas, Minnesota Pollution Control  
30.10 Agency (2000 and as subsequently amended);

30.11 C. Conserving Wooded Areas in Developing Communities: Best Management  
30.12 Practices in Minnesota; Minnesota Department of Natural Resources (2000 and as  
30.13 subsequently amended);

30.14 D. Design Handbook for Recreational Boating and Fishing Facilities, State  
30.15 Organization for Boating Access (2006 and as subsequently amended);

30.16 E. Trail Planning, Design, and Development Guidelines, Minnesota Department  
30.17 of Natural Resources (2007 and as subsequently amended); and

30.18 F. Mississippi River Corridor Critical Area District Map, Minnesota Department  
30.19 of Natural Resources (2011 and as subsequently amended).

30.20 **6106.0080 DISTRICTS.**

30.21 Subpart 1. Establishment of districts. For purposes of parts 6106.0010 to  
30.22 6106.0150, seven districts are established, as described in this part. It is intended that all  
30.23 districts protect and enhance the resources and features identified in Minnesota Statutes,  
30.24 section 116G.15.

31.1 Subp. 2. CA-1 district.

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

31.5 B. The CA-1 district shall be managed to conserve existing and potential  
31.6 recreational, scenic, natural, and historic resources for the use and enjoyment of the  
31.7 surrounding region. Natural shorelines, bluffs, steep slopes, and very steep slopes shall be  
31.8 protected and enhanced. Providing public access to and views of the river is a priority  
31.9 in the district.

31.10 Subp. 3. CA-2 district.

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

31.15 B. The CA-2 district shall be managed to sustain the rural character and to  
31.16 protect and enhance existing scenic, natural, and historic areas.

31.17 Subp. 4. CA-3 district.

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

31.22 B. The CA-3 district shall be managed to protect the scenic and natural values  
31.23 of the river corridor within the context of existing development. In public park lands,  
31.24 enhancing natural shorelines, bluffs, steep slopes, and very steep slopes, and providing  
31.25 public access to and views of the river are priorities.

32.1 Subp. 5. CA-4 district.

32.2 A. The CA-4 district includes historic downtown areas where the developed  
32.3 landscape extends to the shoreline, as well as limited areas of high density development  
32.4 near river crossings designated urban open space in Executive order 79-19. These areas  
32.5 feature predominantly mixed uses and small, developed lots.

32.6 B. The CA-4 district shall be managed in a manner that allows for growth  
32.7 consistent with the existing and planned development in historic downtowns and at  
32.8 river crossings. Providing public access to and public views of the river is a priority  
32.9 in the district.

32.10 Subp. 6. CA-5 district.

32.11 A. The CA-5 district includes nonriparian lots separated from the river by  
32.12 distance, development, or a transportation corridor. The land in this district is not readily  
32.13 visible from the river.

32.14 B. The CA-5 district provides flexibility in managing development without  
32.15 negatively affecting the key resources and features of the river corridor.

32.16 Subp. 7. CA-6 district.

32.17 A. The CA-6 district includes highly urbanized, mixed-use areas that are a  
32.18 part of the urban fabric of the river corridor, including publicly owned existing and  
32.19 planned future park lands designated urban diversified in Executive Order 79-19, public  
32.20 institutions, and commercial and industrial areas.

32.21 B. The CA-6 district shall be managed in a manner that allows for future growth  
32.22 and potential transition of intensely developed areas. Providing public access to and  
32.23 public views of the river is a priority in the district.

32.24 Subp. 8. CA-7 district.

32.25 A. The CA-7 district includes the urban cores of Minneapolis and St. Paul.

33.1 B. The CA-7 district shall be managed with the greatest flexibility. Providing  
33.2 public access to and public views of the river is a priority in the district.

33.3 Subp. 9. District boundaries.

33.4 A. The physical boundaries of each district are laid out in the Mississippi River  
33.5 Corridor Critical Area District Map, incorporated by reference under part 6106.0070. The  
33.6 commissioner shall maintain the map and may amend the map as provided in item B.

33.7 B. The boundaries of a district established under item A may be amended  
33.8 according to subitems (1) to (4).

33.9 (1) A local government or the Metropolitan Council must submit a formal  
33.10 written request to the commissioner requesting a district boundary amendment. The  
33.11 request must:

33.12 (a) be approved by the appropriate governing body;

33.13 (b) identify proposed changes to plans and ordinances and new  
33.14 evidence to justify the proposed changes since parts 6106.0010 to 6106.0150 were adopted;

33.15 (c) be consistent with local, regional, state, and federal plans;

33.16 (d) address potential impacts to key resources and features identified  
33.17 in Minnesota Statutes, section 116G.15, subdivision 4, paragraph (b); and

33.18 (e) contain a summary of feedback from affected parties as provided  
33.19 under subitem (2).

33.20 (2) The local government or the Metropolitan Council requesting  
33.21 the district boundary amendment must give notice of the proposed district boundary  
33.22 amendment to adjoining or overlapping local governments, the Metropolitan Council, the  
33.23 commissioner, the National Park Service, and property owners in the area directly affected  
33.24 by the proposed district boundary amendment and publish notice in an official newspaper  
33.25 of general circulation in the area.

34.1 (3) Upon receiving a complete request for a district boundary amendment  
34.2 as provided under subitem (1), the commissioner has 60 days to approve or deny the  
34.3 request or return the request for modification.

34.4 (4) The commissioner must consider the request and all items submitted  
34.5 under subitem (1) and must, by written decision, approve or deny the request or return the  
34.6 request for modification. The decision must include findings that address the consistency  
34.7 of the proposed district boundary amendment with the purposes of parts 6106.0010  
34.8 to 6106.0150.

34.9 C. This subpart does not apply to the river corridor boundary established by  
34.10 Executive Order 79-19.

34.11 **6106.0090 USES.**

34.12 Subpart 1. **Underlying zoning.** Uses permissible within the Mississippi River  
34.13 Corridor Critical Area shall generally be guided by the local government's underlying  
34.14 zoning, with additional provisions for certain uses as specified by this part.

34.15 Subp. 2. **Agricultural use.** Where agricultural use is allowed by the local  
34.16 government, perennial ground cover is required within 50 feet of the ordinary high  
34.17 water level and within the bluff impact zone. Within the slope preservation zone, a local  
34.18 government may allow row crops subject to a conservation plan approved by the soil and  
34.19 water conservation district board.

34.20 Subp. 3. **Feedlots.** New animal feedlots and manure storage areas are prohibited.  
34.21 Existing animal feedlots and manure storage areas must conform to the standards in  
34.22 chapter 7020.

34.23 Subp. 4. **Forestry.** Where forestry is allowed by the local government, tree  
34.24 harvesting and biomass harvesting within woodlands, and associated reforestation, must  
34.25 be conducted consistent with recommended practices in Conserving Wooded Areas in

35.1 Developing Communities, Best Management Practices in Minnesota, incorporated by  
35.2 reference under part 6106.0070.

35.3 Subp. 5. **Aggregate mining and extraction.** If allowed by the local government,  
35.4 aggregate mining and extraction requires a conditional use permit or interim use permit  
35.5 issued by the local government, subject to the following:

35.6 A. new aggregate mining and extraction are prohibited within the shore impact  
35.7 zone, slope preservation zone, bluff impact zone, and within 40 feet of the bluffline;

35.8 B. processing machinery must be located consistent with setback standards for  
35.9 structures as provided in part 6106.0100;

35.10 C. only one barge loading area, which shall be limited to the minimum size  
35.11 practicable, is permitted for each mining or extraction operation;

35.12 D. new and, where practicable, existing aggregate mining and extraction  
35.13 operations must not be readily visible and must be screened by establishing and  
35.14 maintaining natural screening devices. The unscreened boundaries of aggregate mining  
35.15 and extraction areas are limited to only the barge loading area;

35.16 E. a site management plan must be developed by the operator and approved by  
35.17 the local government before new aggregate mining and extraction commence. Operations  
35.18 must be consistent with the site plan throughout the duration of operations at the site.

35.19 The site management plan must:

35.20 (1) describe how the site will be developed over time with an emphasis on  
35.21 minimizing environmental risk to public waters;

35.22 (2) explain where staged reclamation may occur at certain points during the  
35.23 life of the site; and

35.24 (3) address dust, noise, storm water management, possible pollutant  
35.25 discharges, days and hours of operation, duration of operation, any anticipated vegetation

36.1 and topographic alterations outside the pit, and reclamation plans consistent with the  
36.2 stated end use for the land; and

36.3 F. existing and new aggregate mining and extraction operations must submit  
36.4 land reclamation and reforestation plans to the local government compatible with the  
36.5 purposes of parts 6106.0010 to 6106.0150.

36.6 Subp. 6. River-dependent uses. By the nature of their use, river-dependent uses,  
36.7 such as river-dependent commercial and industrial uses, water supply facilities, wastewater  
36.8 treatment facilities, storm water facilities, and hydropower facilities, cannot comply with  
36.9 all shoreline setback standards under part 6106.0100, but must comply with items A to C.

36.10 A. Parking areas and structures, except shoreline facilities, must meet the  
36.11 dimensional and performance standards in parts 6106.0010 to 6106.0150 and must be  
36.12 designed to incorporate topographic and vegetative screening.

36.13 B. Shoreline facilities must comply with chapter 6115 and must:

36.14 (1) be designed in a compact fashion so as to minimize the shoreline area  
36.15 affected; and

36.16 (2) minimize the surface area occupied in relation to the number of  
36.17 watercraft or barges to be served.

36.18 C. The placement of dredged material is allowed subject to existing federal and  
36.19 state permit requirements and agreements.

36.20 **6106.0100 DIMENSIONAL STANDARDS.**

36.21 **Subpart 1. Structure height.**

36.22 A. Structures, including accessory structures, must be no taller than the heights  
36.23 specified for each district:

36.24 (1) CA-1: 25 feet;

37.1 (2) CA-2: 35 feet;

37.2 (3) CA-3: 35 feet;

37.3 (4) CA-4: 48 feet;

37.4 (5) CA-5: height is determined by the local government's underlying  
37.5 zoning, provided the structure does not protrude above the treeline or height of existing  
37.6 surrounding development as viewed from the ordinary high water level of the opposite  
37.7 shore;

37.8 (6) CA-6: 65 feet, provided tiering of structures away from the Mississippi  
37.9 River and from blufflines is considered, with lower structure heights closer to the river and  
37.10 blufflines, and structure design and placement minimize interference with views:

37.11 (a) to the Mississippi River from public park land; and

37.12 (b) to bluffs from the ordinary high water level of the opposite shore;

37.13 and

37.14 (7) CA-7: height is determined by the local government's underlying  
37.15 zoning, provided tiering of structures away from the Mississippi River and blufflines is  
37.16 considered, with lower structure heights closer to the river and blufflines, and structure  
37.17 design and placement minimize interference with views:

37.18 (a) to the Mississippi River from public park land; and

37.19 (b) to bluffs from the ordinary high water level of the opposite shore.

37.20 B. For the purposes of this subpart, height must be measured on the side of the  
37.21 structure facing the Mississippi River, and:

37.22 (1) for buildings, height must be measured from the lowest adjacent grade  
37.23 to the highest point of a flat or mansard roof or the average height between the eaves and  
37.24 highest ridge for pitched, hip, or gambrel roofs; and

38.1                   (2) for nonbuilding structures, height must be measured from the lowest  
38.2 adjacent grade to the highest point of the structure.

38.3                   C. Item A does not apply to:

38.4                   (1) industrial structures, barge facilities, terminal facilities, wastewater  
38.5 treatment facilities, elevators, and refineries that need to be taller for operational reasons,  
38.6 subject to performance standards to reduce visual impacts as determined necessary by the  
38.7 local government;

38.8                   (2) barns, silos, and similar farm structures;

38.9                   (3) bridges, bridge approach roadways, and public utilities, except cellular  
38.10 telephone towers as provided under subitem (7), according to part 6106.0110;

38.11                   (4) historic sites;

38.12                   (5) public safety facilities;

38.13                   (6) chimneys, church spires, flag poles, mechanical service stacks, public  
38.14 monuments, ventilation equipment, and similar equipment; and

38.15                   (7) cellular telephone towers with a conditional use permit or interim  
38.16 use permit, provided:

38.17                   (a) the tower is not located in the bluff impact zone, shore impact  
38.18 zone, or slope preservation zone;

38.19                   (b) the tower creates minimal interference with views to the river from  
38.20 public park land and to bluffs from the ordinary high water level of the opposite shore; and

38.21                   (c) the applicant demonstrates that functional coverage cannot be  
38.22 provided through colocation, a tower at a lower height, or a tower at a location outside the  
38.23 Mississippi River Corridor Critical Area.

38.24                   Subp. 2. Setbacks.

39.1 A. Structures, including accessory structures, and impervious surfaces must  
39.2 meet the following setback requirement from the ordinary high water level of the  
39.3 Mississippi River and other waters within the Mississippi River Corridor Critical Area, as  
39.4 specified for each district:

39.5 (1) CA-1: 200 feet from the Mississippi River and 150 feet from the  
39.6 Minnesota and Vermillion Rivers;

39.7 (2) CA-2: 200 feet from the Mississippi River and 150 feet from the  
39.8 Vermillion River;

39.9 (3) CA-3: 100 feet from the Mississippi River and 75 feet from the Rum  
39.10 River;

39.11 (4) CA-4: 75 feet from the Mississippi River and 75 feet from the Crow  
39.12 River;

39.13 (5) CA-5: 75 feet from the Vermillion River;

39.14 (6) CA-6: 50 feet from the Mississippi and Rum Rivers;

39.15 (7) CA-7: 50 feet from the Mississippi River; and

39.16 (8) all other public waters within the Mississippi River Corridor Critical  
39.17 Area are subject to underlying zoning.

39.18 B. Structures, including accessory structures, and impervious surfaces must  
39.19 meet the following setback requirements from the bluffline as specified for each district:

39.20 (1) CA-1: 100 feet;

39.21 (2) CA-2: 100 feet;

39.22 (3) CA-3: 40 feet;

39.23 (4) CA-4: 40 feet;

39.24 (5) CA-5: 40 feet;

40.1 (6) CA-6: 40 feet; and

40.2 (7) CA-7: 40 feet.

40.3 C. Items A and B do not apply to:

40.4 (1) public bridges and approaches, railroad sidings, and public and private  
40.5 roadways serving river-dependent uses according to part 6106.0110;

40.6 (2) public recreational facilities according to parts 6106.0110 and  
40.7 6106.0120, except picnic shelters are prohibited in the bluff impact zone, the shore impact  
40.8 zone, and the slope preservation zone;

40.9 (3) aboveground pumping stations for sewer lines, if the stations are not  
40.10 readily visible;

40.11 (4) historic sites;

40.12 (5) one water-oriented accessory structure for each riparian lot less than 300  
40.13 feet in width at the ordinary high water level, with one additional water-oriented accessory  
40.14 structure allowed per each additional 300 feet of shoreline on the same lot, except that  
40.15 structures are prohibited in the bluff impact zone and the slope preservation zone;

40.16 (6) public safety facilities and airfield pavements;

40.17 (7) shoreline facilities according to part 6106.0110;

40.18 (8) rock riprap and retaining walls according to part 6106.0140;

40.19 (9) flood control structures and public storm water facilities;

40.20 (10) public transportation facilities according to part 6106.0110, subpart 2;

40.21 (11) restoration projects sponsored and approved by a resource agency  
40.22 or the local government;

40.23 (12) one access path according to part 6106.0110;

41.1 (13) stairways, lifts, and landings according to part 6106.0110, subpart 3;

41.2 (14) directional signs for watercraft as provided under part 6106.0110,  
41.3 subpart 4; and

41.4 (15) public signs, such as directional, interpretive, educational, safety, or  
41.5 handicapped designation signs.

41.6 D. Where principal structures exist on the adjoining lots on both sides of a  
41.7 proposed building site, the setback may be altered to conform to the adjoining setbacks,  
41.8 provided that the new structure's height, area, and width riverward or bluffward of the  
41.9 setbacks required under items A and B are compatible with adjoining development. No  
41.10 structures or impervious surfaces are allowed within the bluff impact zone, shore impact  
41.11 zone, or slope preservation zone, unless specified in the exceptions under item C and  
41.12 part 6106.0120.

41.13 E. Subsurface sewage treatment systems, including the septic tank and  
41.14 absorption area, must be located at least 75 feet from the ordinary high water level of  
41.15 the Mississippi River and all other public waters within the Mississippi River Corridor  
41.16 Critical Area.

41.17 Subp. 3. Lot area and width.

41.18 A. Lot area and width for conventional subdivisions and commercial and  
41.19 industrial lots are determined as specified for each district:

41.20 (1) CA-1 and CA-3 to CA-7: lot area and width is determined by  
41.21 underlying zoning; and

41.22 (2) CA-2: minimum width of 200 feet and minimum area of two acres.  
41.23 Lot area and width may be smaller for conservation subdivisions and planned unit  
41.24 developments as provided under part 6106.0150, subpart 2.

42.1 B. Lots must have adequate buildable area to comply with parts 6106.0010  
42.2 to 6106.0150.

42.3 C. Lots of record in the office of the county recorder on the date of enactment of  
42.4 ordinances adopted under parts 6106.0010 to 6106.0150 that do not meet the requirements  
42.5 of this subpart may be allowed as building sites without variances from lot size  
42.6 requirements if the requirements of Minnesota Statutes, section 394.36 or 462.357, are met.

42.7 **6106.0110 GENERAL DEVELOPMENT STANDARDS.**

42.8 **Subpart 1. Private roads, driveways, parking areas, and water access facilities.**

42.9 A. Private roads, driveways, and parking areas must:

42.10 (1) be designed and constructed:

42.11 (a) to take advantage of natural vegetation and topography to achieve  
42.12 maximum screening from view so that they are not readily visible; and

42.13 (b) according to applicable standards under part 6106.0140;

42.14 (2) comply with structure setback requirements according to part  
42.15 6106.0100; and

42.16 (3) not be placed within the slope preservation zone, bluff impact zone, or  
42.17 shore impact zone according to part 6106.0120.

42.18 B. A local government may allow private water access facilities, including  
42.19 private water access ramps, access paths, and stairway, lifts, and landings, subject to the  
42.20 following requirements:

42.21 (1) the watercraft access ramp must comply with chapters 6115 and 6280;

42.22 (2) an access path must comply with land alteration and storm water  
42.23 management requirements in part 6106.0140, and:

43.1 (a) if placed within the shore impact zone, an access path must be no  
43.2 more than eight feet wide; and

43.3 (b) if placed within the bluff impact zone or slope preservation zone,  
43.4 an access path must be no more than four feet wide;

43.5 (3) stairways, lifts, and landings must comply with subpart 3; and

43.6 (4) all water access facilities must be designed and constructed consistent  
43.7 with the applicable standards in the Design Handbook for Recreational Boating and  
43.8 Fishing Facilities, incorporated by reference under part 6106.0070.

43.9 Subp. 2. Public transportation facilities, public recreational facilities, and public  
43.10 utilities.

43.11 A. Public transportation facilities, public recreational facilities, and public  
43.12 utilities must be designed and constructed to:

43.13 (1) not be readily visible when reasonable and consistent with the purpose  
43.14 of the facility;

43.15 (2) comply with the dimensional standards and requirements in parts  
43.16 6106.0100 and 6106.0120, unless no reasonable alternative exists;

43.17 (3) comply with the land alteration and storm water management  
43.18 requirements in part 6106.0140;

43.19 (4) avoid primary conservation areas, unless no reasonable alternative  
43.20 exists. If no reasonable alternative exists, then design and construction must minimize  
43.21 impacts to the greatest extent practicable;

43.22 (5) minimize disturbance of spawning and nesting times by scheduling  
43.23 construction to be undertaken at times when local fish and wildlife are not spawning or  
43.24 nesting, respectively; and

44.1 (6) comply with items B to G.

44.2 B. A local government may allow public water access facilities, including a  
44.3 public water access ramp, access paths, water-oriented parking areas, and stairways, lifts,  
44.4 and landings, subject to the following requirements:

44.5 (1) a watercraft access ramp must comply with chapters 6115 and 6280;

44.6 (2) access paths must comply with the land alteration and storm water  
44.7 management requirements in part 6105.0140;

44.8 (3) water-oriented parking areas and approach roads must not be placed in  
44.9 the bluff impact zone, shore impact zone, or slope preservation zone if other reasonable  
44.10 placement alternatives exist;

44.11 (4) stairways, lifts, and landings must comply with subpart 3; and

44.12 (5) public water access facilities must be designed and constructed  
44.13 consistent with the standards in the Design Handbook for Recreational Boating and  
44.14 Fishing Facilities, incorporated by reference under part 6106.0070.

44.15 C. Trails providing access to or views of the Mississippi River may be placed  
44.16 within the bluff impact zone, shore impact zone, or slope preservation zone if design,  
44.17 construction, and maintenance methods are consistent with the best management practice  
44.18 standards in Trail Planning Design and Development Guidelines, incorporated by reference  
44.19 under part 6106.0070. Trails and viewing areas must be designed and constructed:

44.20 (1) so as not to be readily visible; and

44.21 (2) to minimize fragmentation of significant existing vegetative stands, tree  
44.22 canopies, native plant communities, woodlands, and habitat.

44.23 D. Where public transportation facilities intersect or abut two or more of the  
44.24 districts established under part 6106.0080, the least restrictive standards apply. Public  
44.25 transportation facilities must be designed and constructed to give priority to:

- 45.1           (1) scenic overlooks for motorists;  
45.2           (2) safe pedestrian crossings and facilities along the river corridor;  
45.3           (3) access to the riverfront in public ownership; and  
45.4           (4) reasonable use of the land between the river and the transportation  
45.5 facility.

45.6           E. Right-of-way maintenance for public transportation facilities, public  
45.7 recreational facilities, and public utilities is subject to the following standards:

45.8           (1) vegetation currently in a natural state must be maintained, where  
45.9 reasonable and prudent;

45.10          (2) where vegetation in a natural state has been removed, native plants  
45.11 must be planted and maintained on the right-of-way; and

45.12          (3) chemical control of vegetation should be avoided when practicable, but  
45.13 when such methods are necessary, chemicals used and the manner of their use must be  
45.14 in accordance with the rules, regulations, and other requirements of all state and federal  
45.15 agencies with authority over the chemical's use.

45.16          F. Crossings of public waters or land controlled by the commissioner are subject  
45.17 to approval by the commissioner according to Minnesota Statutes, sections 84.415 and  
45.18 103G.245. The commissioner must give primary consideration to crossings that are  
45.19 proposed to be located within or adjoining existing rights-of-way for public transportation  
45.20 and public utilities.

45.21          G. Public utilities must comply with the following standards:

45.22          (1) high-voltage transmission lines, wind energy conversion systems  
45.23 greater than five megawatts, and pipelines are regulated according to Minnesota Statutes,  
45.24 chapters 216E, 216F, and 216G, respectively; and

46.1           (2) if overhead placement is necessary, utility crossings must be hidden  
46.2 from view as much as practicable. The appearance of structures must be as compatible as  
46.3 practicable with the surrounding area in a natural state with regard to height and width,  
46.4 materials used, and color.

46.5           Subp. 3. Stairways, lifts, and landings. Design and construction of stairways, lifts,  
46.6 and landings are subject to the following standards:

46.7           A. stairways and lifts must not exceed four feet in width on residential lots.  
46.8 Wider stairways may be used for commercial properties, public park lands, conservation  
46.9 subdivisions, and planned unit developments if approved by the local government;

46.10           B. landings for stairways and lifts on residential lots must not exceed 32 square  
46.11 feet in area. Landings larger than 32 square feet may be used for commercial properties,  
46.12 public park lands, conservation subdivisions, and planned unit developments if approved  
46.13 by the local government;

46.14           C. canopies or roofs are prohibited on stairways, lifts, or landings;

46.15           D. stairways, lifts, and landings must be located in the least readily visible  
46.16 portion of the lot whenever practicable; and

46.17           E. facilities such as ramps, lifts, or mobility paths for persons with physical  
46.18 disabilities are allowed for achieving access to shore areas according to items A to D and  
46.19 as provided under part 6106.0060, subpart 18.

46.20           Subp. 4. Signs. Placement of signs is guided by the local government's underlying  
46.21 zoning, with additional provisions as specified under this subpart:

46.22           A. The local government may allow off-premise advertising signs, provided  
46.23 that:

46.24           (1) the signs meet all required dimensional and performance standards of  
46.25 parts 6106.0010 to 6106.0150; and

47.1 (2) the signs are not readily visible.

47.2 B. The local government may allow directional signs for patrons arriving at a  
47.3 business by watercraft, provided that the signs:

47.4 (1) are consistent with Minnesota Statutes, chapter 86B;

47.5 (2) if located within the shore impact zone, convey only the location and  
47.6 name of the establishment and the general types of goods and services available;

47.7 (3) are no greater than ten feet in height and 32 square feet in surface  
47.8 area; and

47.9 (4) if illuminated, have lighting that is shielded to prevent illumination  
47.10 out across the river or to the sky.

47.11 **6106.0120 PROTECTION OF BLUFFS, STEEP SLOPES, AND VERY STEEP**  
47.12 **SLOPES.**

47.13 **Subpart 1. Bluff impact zone and slope preservation zone.**

47.14 A. No structures, impervious surfaces, land alteration, intensive vegetation  
47.15 clearing, or construction activities are allowed within the bluff impact zone or the slope  
47.16 preservation zone, except as provided in item B.

47.17 B. The following structures, impervious surfaces, and activities are exempt  
47.18 from item A:

47.19 (1) public bridges and approaches, railroad sidings, and public and private  
47.20 roadways serving river-dependent uses according to part 6106.0110;

47.21 (2) public recreational facilities according to part 6106.0110;

47.22 (3) aboveground pumping stations for sewer lines, if the stations are not  
47.23 readily visible;

47.24 (4) historic sites;

- 48.1 (5) public safety facilities and airfield pavements;
- 48.2 (6) shoreline facilities according to part 6106.0110, provided no reasonable
- 48.3 alternative exists;
- 48.4 (7) rock riprap and retaining walls according to part 6106.0140;
- 48.5 (8) public transportation facilities according to part 6106.0110, subpart 2;
- 48.6 (9) restoration projects sponsored and approved by a resource agency
- 48.7 or the local government;
- 48.8 (10) one access path, subject to part 6106.0110;
- 48.9 (11) stairways, lifts, and landings according to part 6106.0110, subpart 3;
- 48.10 (12) public signs, such as directional, interpretive, educational, safety, or
- 48.11 handicapped designation signs; and
- 48.12 (13) row cropping, subject to a conservation plan approved by the soil and
- 48.13 water conservation district board.

48.14 Subp. 2. **Development on steep slopes.** A local government may allow structures,

48.15 impervious surfaces, land alteration, intensive vegetation clearing, or construction

48.16 activities on steep slopes when the following conditions are met:

48.17 A. the applicant can demonstrate that the development can be accomplished

48.18 without increasing erosion or storm water runoff according to part 6106.0140;

48.19 B. the soil types and geology are suitable for the proposed development; and

48.20 C. vegetation is managed according to part 6106.0130.

48.21 **6106.0130 VEGETATION MANAGEMENT.**

48.22 Subpart 1. **Requirements.** Within shore impact zones, bluff impact zones, slope

48.23 preservation zones, wetlands, floodplains, significant existing vegetative stands, tree

49.1 canopies, and native plant communities, vegetation must be managed as provided in  
49.2 items A to F.

49.3 A. Existing vegetation in a natural state must be maintained.

49.4 B. Restoration of vegetation to a natural state is encouraged.

49.5 C. Intensive vegetation clearing is prohibited.

49.6 D. Screening of structures, vehicles, and other facilities as viewed from the  
49.7 ordinary high water level of the opposite shore during summer months must be maintained.

49.8 E. A local government may allow limited cutting, trimming, or clearing of trees,  
49.9 shrubs, understory, and groundcover vegetation for:

49.10 (1) the minimum necessary for development allowed as exceptions under  
49.11 parts 6106.0100 to 6106.0120;

49.12 (2) one shoreline recreational use area, subject to the following standards:

49.13 (a) for residential lots with a lot width less than 300 feet, only one  
49.14 shoreline recreational use area is allowed on each lot and the recreational use area must  
49.15 not exceed 25 feet in width and must not extend more than 25 feet landward from the  
49.16 ordinary high water level; and

49.17 (b) for conservation subdivisions, planned unit developments, and  
49.18 residential lots with a lot width 300 feet or greater, the shoreline recreational use area  
49.19 allowed by unit (a) may be increased by 25 feet in width for each 100 feet in lot width  
49.20 in excess of 300 feet, not to exceed 5,000 square feet in total area, with the depth of  
49.21 the shoreline recreational use area not exceeding 25 feet landward from the ordinary  
49.22 high water level;

49.23 (3) the removal of trees, limbs, or branches that are dead, dying, diseased,  
49.24 or infested, which removal is necessary to prevent spread of disease or infestation or

50.1 to address a safety hazard as determined by a forester, arborist, or other qualified local  
50.2 government representative;

50.3 (4) the removal of invasive, nonnative plants as determined necessary by a  
50.4 forester, arborist, or other qualified local representative;

50.5 (5) woodland or habitat management and restoration activities sponsored  
50.6 and approved by a resource agency or the local government;

50.7 (6) forest management activities sponsored and approved by a resource  
50.8 agency or the local government and pursuant to the forestry use standards in part  
50.9 6106.0090; and

50.10 (7) aviation safety facilities.

50.11 F. In areas cleared of vegetation under item E, subitems (3) and (4), vegetation  
50.12 in a natural state must be reestablished, either by allowing regeneration naturally or  
50.13 with plantings subject to a restoration plan approved by a resource agency or the local  
50.14 government.

50.15 Subp. 2. **Compliance; restoration.** Reestablishment of vegetation in a natural state  
50.16 according to items A to C is required upon failure to comply with subpart 1.

50.17 A. The local government must require a restoration plan that includes planting  
50.18 comparable species, composition, density, and diversity of vegetation in a natural state  
50.19 in the same area. All aspects of the plan must be maintained in perpetuity, and loss of  
50.20 plantings must be replaced in kind.

50.21 B. Open areas or lawns resulting from violations must be left unmowed or uncut  
50.22 and restored with vegetation in a natural state in the same area.

50.23 C. The local government must issue a certificate of compliance after it has  
50.24 determined that the restoration requirements of items A and B have been satisfied.

51.1 Subp. 3. **Education.** In cooperation with the commissioner and other resource  
51.2 agencies, local governments must implement an incentive, marketing, or educational  
51.3 program to encourage property owners to protect or restore vegetation in a natural state  
51.4 within the areas identified in subpart 1.

51.5 **6106.0140 LAND ALTERATION AND STORM WATER MANAGEMENT.**

51.6 Subpart 1. **Compliance with other plans and programs.** All development must:

51.7 A. be consistent with Minnesota Statutes, chapter 103B, and local water  
51.8 management plans completed under chapter 8410;

51.9 B. meet or exceed the wetland protection standards under chapter 8420; and

51.10 C. meet or exceed the floodplain management standards under chapter 6120.

51.11 Subp. 2. **Land alteration.**

51.12 A. Within the shore impact zone, grading, filling, and land disturbance activities  
51.13 involving a volume of more than ten cubic yards of material or affecting an area greater  
51.14 than 250 square feet require a permit from the local government and must comply with  
51.15 subpart 3, with the following exceptions:

51.16 (1) emergency situations as determined by the local government; and

51.17 (2) restoration projects sponsored or approved by a resource agency or the  
51.18 local government.

51.19 B. Within the bluff impact zone and slope preservation zone, grading, filling,  
51.20 and land disturbance activities are prohibited, with the following exceptions:

51.21 (1) aggregate mining and extraction subject to subpart 3 and as provided  
51.22 under part 6106.0090, subpart 5; and

51.23 (2) development allowed as exceptions under part 6106.0120, subpart 1,  
51.24 subject to subpart 3.

52.1 Subp. 3. Erosion and sediment control.

52.2 A. Temporary and permanent erosion and sediment control is required for any  
52.3 development that disturbs a total land surface area of 3,000 square feet or more.

52.4 B. Temporary and permanent erosion and sediment control measures must  
52.5 be consistent with Protecting Water Quality in Urban Areas Manual, incorporated by  
52.6 reference under part 6106.0070, and must comply with the standards provided in the  
52.7 National Pollution Discharge and Elimination System (NPDES) Program permit for  
52.8 construction storm water.

52.9 Subp. 4. Rock riprap and retaining walls.

52.10 A. Placement of riprap and retaining walls below the ordinary high water level  
52.11 requires a permit from the commissioner and must comply with chapter 6115.

52.12 B. Within shore impact zones, bluff impact zones, and slope preservation zones,  
52.13 a local government may allow by permit constructing or replacing retaining walls, riprap,  
52.14 or other impervious surfaces or using bioengineering techniques, provided the following  
52.15 standards are met:

52.16 (1) retaining walls, riprap, or other impervious surfaces must only be used  
52.17 for the correction of an established erosion problem that cannot be controlled through the  
52.18 use of vegetation, slope stabilization using mulch, a biomat, or similar bioengineering  
52.19 methods. This determination must be done by a professional engineer or person with  
52.20 certification in erosion control; and

52.21 (2) design, construction, and maintenance must be consistent with best  
52.22 management practices in Protecting Water Quality in Urban Areas Manual, incorporated  
52.23 by reference under part 6106.0070, or other appropriate resource agency manual.

52.24 Subp. 5. Storm water management.

53.1 A. All development must meet or exceed the standards in chapters 7050, 7053,  
53.2 and 7090, as well as the Metropolitan Council's current water resources management  
53.3 policy plan.

53.4 B. The impervious surface coverage limit is determined by underlying zoning.

53.5 C. Storm water practices must be designed to capture runoff generated from  
53.6 one inch of rainfall over new or reconstructed impervious surfaces. Where site conditions  
53.7 do not allow for infiltration, other volume reduction practices or filtration practices must  
53.8 be given priority. This item applies to any development that requires a permit from the  
53.9 local government that involves land alteration. Design, construction, and maintenance  
53.10 must be consistent with The Minnesota Stormwater Manual, incorporated by reference  
53.11 under part 6106.0070.

53.12 **6106.0150 SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS.**

53.13 **Subpart 1. General provisions.**

53.14 A. Subdivision and planned unit development proposals must be processed by  
53.15 local governments according to Minnesota Statutes, chapters 394, 462, 505, and 515B.

53.16 B. Local governments must require detailed site information and provide for  
53.17 preproject review of all proposed subdivisions and planned unit developments as provided  
53.18 under part 6106.0060, subpart 13.

53.19 C. The local government ordinances must contain provisions, including  
53.20 incentives, for conservation subdivisions and planned unit developments to protect  
53.21 primary conservation areas and open space.

53.22 **Subp. 2. Lot standards.**

53.23 A. Lot area and width standards must comply with part 6106.0100, subpart 3,  
53.24 except as provided under item B.

53.25 B. Smaller lot area and width is allowed:

54.1 (1) for conservation subdivisions and planned unit developments that  
54.2 provide greater protection or enhancement of open space, such as:

54.3 (a) increased distance between development and primary conservation  
54.4 areas and other areas identified for open space protection;

54.5 (b) decreased development density close to primary conservation areas  
54.6 and other areas identified for open space protection;

54.7 (c) use of minimum impact design;

54.8 (d) restoration of open space to native plant communities, wetlands,  
54.9 wildlife habitat, and other natural features;

54.10 (e) protection of open space greater than the minimum required by  
54.11 subpart 3; and

54.12 (f) other means as determined by the local government; and

54.13 (2) in the CA-5 district, when development density has been transferred  
54.14 from other districts to achieve open space protection as provided by subpart 3, item C.

54.15 Subp. 3. **Open space.** Local government ordinances must contain provisions for the  
54.16 protection, administration, and maintenance of open space as provided in items A to D.

54.17 A. Open space protection is required for all subdivisions creating three or more  
54.18 lots and for all planned unit developments, except for:

54.19 (1) minor boundary line corrections;

54.20 (2) resolutions of encroachments;

54.21 (3) additions to existing lots of record; and

54.22 (4) placement of essential services.

54.23 B. Open space must be protected through:

55.1           (1) a perpetual conservation easement, as provided in Minnesota Statutes,  
55.2 chapter 84C, the terms of which must meet the purposes of parts 6106.0010 to 6106.0150  
55.3 and must ensure long-term management of vegetation in a natural state, prohibit structures,  
55.4 and prohibit land alteration, except as needed to provide public recreational facilities  
55.5 and access to the river; or

55.6           (2) fee title ownership by a government entity for conservation purposes  
55.7 consistent with parts 6106.0010 to 6106.0150.

55.8           C. Areas to be protected as open space shall be determined as follows:

55.9           (1) in the CA-1 and CA-2 districts, a minimum of 50 percent of the total  
55.10 project area of the proposed subdivision or planned unit development must be protected as  
55.11 open space, subject to the following provisions:

55.12           (a) primary conservation areas must be the highest priority for  
55.13 protection;

55.14           (b) if the primary conservation areas exceed 50 percent of the total  
55.15 project area, then the local government must determine which primary conservation areas  
55.16 are to be protected as open space; and

55.17           (c) if the primary conservation areas constitute less than 50 percent  
55.18 of the total project area, then the local government must:

55.19           i. determine the location of the remaining balance of open space  
55.20 to be protected on the site; or

55.21           ii. accept cash in lieu of open space protection for the balance to  
55.22 be used only for purchasing land or conservation easements for open space, natural areas,  
55.23 and recreational areas within the Mississippi River Corridor Critical Area;

56.1           (2) in the CA-3, CA-4, CA-6, and CA-7 districts, only primary conservation  
56.2 areas, if they exist, must be protected as open space up to a maximum percentage of the  
56.3 total project area as provided in units (a) to (d):

56.4           (a) CA-3: 25 percent of the total project area;

56.5           (b) CA-4, CA-6, and CA-7: 15 percent of the total project area;

56.6           (c) if the primary conservation areas exceed the percentages provided  
56.7 by units (a) and (b), then the local government shall determine which primary conservation  
56.8 areas are to be protected as open space; and

56.9           (d) if the primary conservation areas do not meet the percentages  
56.10 provided by units (a) and (b), then only the existing primary conservation areas must  
56.11 be protected as open space. If no primary conservation areas exist, then no open space  
56.12 protection is required; and

56.13           (3) in the CA-5 district, underlying open space requirements apply, except  
56.14 that no open space is required if development density is transferred to the CA-5 district  
56.15 from other districts.

56.16           D. Open space must connect neighboring or abutting open space, natural areas,  
56.17 and recreational areas as much as possible to form an interconnected, corridorwide  
56.18 network.

56.19           Subp. 4 **Dedication.**

56.20           A. In the development of subdivisions creating three or more lots and planned  
56.21 unit developments, a developer must dedicate to the public a reasonable portion of land  
56.22 suitable for riverfront access or other lands in interest therein.

56.23           B. In the event of practical difficulties or physical impossibility, the developer  
56.24 must contribute an equivalent amount of cash to be used only for the acquisition of land

57.1 for parks, open space, storm water drainage areas, or other public services within the  
57.2 Mississippi River Corridor Critical Area.

57.3 C. The area dedicated may include area protected as open space under subpart 3.