

Mississippi River Corridor Critical Area (MRCCA) Program – Flexibility Requests

Local governments may request DNR approval of zoning regulations that are not consistent with the MRCCA rules under [Minn. Rule 6106.0070 Subp. 6](#), for the following situations:

1. Areas where existing urban, residential, commercial, or industrial development patterns have been in place since before the designation of the Mississippi River Corridor Critical Area and where the majority of the development does not meet the minimum state standards;
2. Areas managed under other water and related land resource management programs authorized by state or federal legislation with goals compatible with this chapter;
3. Existing or planned wastewater, storm water, water supply, or utility facilities and similar physical or infrastructural constraints make the use of particular minimum standards impractical; and
4. Areas where detailed modeling of visual, physical, or other resource impacts has been completed as part of a public planning process.

Local governments requesting flexibility should do so in [Step 2 of the MRCCA Ordinance Review Process](#) and submit the following information to the DNR:

1. A written request approved by the governing body (city council or town board) with authority to approve the request.
2. The proposed ordinance showing proposed alternative standards as mark-ups using “Track Changes” in Word, and any associated maps showing where the proposed standards would apply.
3. A detailed description of the proposed alternative standards that are not consistent with the model ordinance, and an explanation (with documentation) of why the alternative standards are consistent with the purposes and scope of the model ordinance or the rules.
4. A description of the special circumstances that justify the use of alternative standards.
5. A description of the potential impacts to primary conservation areas and mitigation actions proposed to address the impacts.

6. Documentation of any input from adjoining local governments, including those with overlapping jurisdiction and those across the river, and from other potentially affected interests, including community members
 - Consider using the approach for gathering feedback from “adjacent and affected communities” on comprehensive plans used by the Metropolitan Council. A two-week response time is sufficient for gathering input.
 - Ensure that all communications gathering input also includes a link to the [DNR website listing communities requesting flexibility](#) and describing the approval process.
7. Any other supporting information, maps, and documents that the local government considers necessary to explain the request to the commissioner.

Within 60 days of receiving the request, the DNR will:

1. Make the request publicly available on its [website](#).
2. Evaluate the request based on:
 - a. The extent that the proposed alternative standards satisfy the purposes of [Minn. Statutes 116G.15, Subdivision 1](#), and the purpose of Minn. R, chapter 6106.
 - b. The likely impact of the proposed alternative standards on primary conservation areas and public river corridor views.
 - c. Comments from adjoining local governments and other potentially affected interests
 - d. Proposed mitigation measures and commitment to mitigate any adverse impacts from the proposed alternative standards by the local government.
3. Approve or deny the request, in writing, to the local government, and suggest any alternative solutions or regulatory approaches that would be granted flexibility.