

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](#) and submit the following information:

1. A written request approved by the governing body with authority to approve the request;
2. Include the proposed ordinance and any associated maps;
3. Include a detailed description of the proposed alternative standards that are not consistent with the model ordinance, together with documentation that the alternative standards are consistent with the purposes and scope of the model ordinance or the rules;
4. Describe the special circumstances that justify the use of alternative standards;
5. Describe the potential impacts to primary conservation areas and mitigation actions proposed to address the impacts;
6. Include 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; and

7. Include any other supporting information, maps, and documents that the local government considers necessary to explain the request to the commissioner.

The DNR will evaluate the request and issue a decision within 60 days of a complete request for flexibility.