

**6105.0410 MARINAS.**

Subpart 1. **District location.** New marinas may only be allowed between the Boomsite Highway Wayside and Stillwater and downstream from the northern city limits of Stillwater in urban districts.

Exception: for rural districts downstream from Stillwater, where marina proposals have water permits pending and/or environmental assessments or impact statements have been ordered under the state or federal environmental impact statement process before the date of notice of hearing for these standards and criteria, the prohibition of marinas does not necessarily apply. These marina proposals may be permitted, modified, or denied on the basis of water permit hearings. This exception shall not be construed to limit or restrict any federal or state agency or court from basing a decision in any permit proceeding on the intent and purposes of the National Wild and Scenic Rivers Act (Public Law 92-560); Minnesota Statutes, section 103F.351, subdivisions 3 to 5; and any other applicable state or federal statutes and regulations.

Subp. 2. **Design standards.** New marinas or marina expansions may be permitted only if they are in the public interest, their size does not exceed the resource limitations of the site, and their design involves utilization of existing harbors in the watercourse or construction of harbors landward of the watercourse.

The design of a marina shall allow for screening between the harbor and the main channel of the watercourse so as to make marina facilities visually inconspicuous in summer months as viewed from the river.

An alternative to use of the water surface for new marinas or marina expansions could be the provision of drydocking facilities for the storage of boats during the open-water season.

Subp. 3. **Permit requirements.** No construction or development associated with a marina shall begin until all of the following authorizations have been obtained by the applicant:

A. Land authorization. Marinas must be listed as a conditional use in a Saint Croix Riverway ordinance. For uses and structures above the ordinary high-water mark associated with a marina, a public hearing shall be held by the local authority to consider a marina as a conditional use in accordance with part 6105.0530, subparts 2 to 5. The local authority may approve or deny the marina as a result of the public hearing. If the local authority approves the marina, final issuance of the local permit shall be conditioned upon the granting of all state and federal permits required for a marina.

B. Water authorization.

(1) Minnesota Statutes, section 103G.245 requires a permit from the commissioner to change the course, current, or cross-section of public waters wholly or

partly within the state in the Saint Croix Riverway by any means, including, but not limited to, filling, excavating, or placing of any materials in or on the beds of public waters.

(2) Under section 10 of the River and Harbor Act of 1899 and/or section 404 of the Federal Water Pollution Control Act Amendments of 1972, a permit for structures and/or fill is also required from the Army Corps of Engineers.

(3) If the local authority grants the conditional use permit, then prior to the issuance of a permit required by Minnesota Statutes, section 103G.245 for the construction, reconstruction, or expansion of a marina in the Saint Croix Riverway, the commissioner may hold a public hearing as provided by Minnesota Statutes, section 103G.311.

(4) Preservation of existing screening, or the establishment of adequate screening shall be a primary consideration of the commissioner in reviewing marina permit applications in the Saint Croix Riverway. Aesthetic incompatibility with the purposes of these standards and criteria shall be adequate justification for denial of a permit application by the commissioner.

(5) Shoreline protective structures authorized by permit, such as rock riprap revetments, shall be of natural earth color tones so as to be visually inconspicuous from the river.

(6) Below the ordinary high-water mark in the watercourse outside of harbors, no permanent pilings, piers, docks, levees, jetties, breakwaters, or the like shall be authorized for marinas.

C. Sanitary authorization. All fueling and sanitary facilities associated with a marina shall conform to applicable standards, criteria, and rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency, and any applicable local government regulations in terms of location, size, construction, use, and maintenance.

**Statutory Authority:** *MS s 104.25; 103F.351*

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