

6106.0060 ADMINISTRATION OF PROGRAM.

Subpart 1. **Purpose, terms, and time frames.** This part establishes the roles, responsibilities, and authorities for administration of this chapter. For the purposes of this chapter:

A. "plan," "ordinance," and "plan and ordinance" mean Mississippi River Corridor Critical Area plans and ordinances, and updates or amendments to the plans and ordinances, prepared to implement this chapter; and

B. time frames are measured in calendar days.

Subp. 2. **Responsibilities and authorities.** The standards and criteria for the Mississippi River Corridor Critical Area established in this chapter apply to:

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

B. the Metropolitan Council for reviewing plans and ordinances;

C. local governments when preparing, amending, and administering plans and ordinances and reviewing and approving discretionary actions and permits required under this chapter; and

D. state or regional agencies, local park agencies, and special purpose units of government for permit regulation, plan development, and management activities within their jurisdiction and to the extent they have jurisdiction.

Subp. 3. **Consistent plans and ordinances.** Local governments within the Mississippi River Corridor Critical Area must adopt, administer, and enforce plans and ordinances consistent with this chapter. Plans and ordinances must be submitted to the Metropolitan Council for review and must be approved by the commissioner before they are adopted as provided under part 6106.0070. For the purpose of this part, "consistent" means that each local plan and ordinance, while it may be structured or worded differently, meets the purpose, scope, and numeric thresholds and standards set forth in this chapter. Ordinances that are not consistent with this chapter require approval of flexibility from the commissioner according to part 6106.0070, subpart 6.

Subp. 4. **Greater restrictions.** Nothing in this chapter shall be construed as prohibiting or discouraging a local government from adopting and enforcing plans and ordinances that are more restrictive than this chapter.

Subp. 5. **Duties of commissioner.** The commissioner must:

A. consult with the United States Army Corps of Engineers, Minnesota Department of Transportation, National Park Service, and Metropolitan Council and other state or regional agencies, special purpose units of government, local governments, and

local parks and recreation agencies to ensure that the Mississippi River Corridor Critical Area is managed as a multipurpose resource, according to Minnesota Statutes, section 116G.15, subdivision 2, paragraph (a);

B. provide advice and assistance to local governments in the Mississippi River Corridor Critical Area for development, adoption, administration, and enforcement of plans and ordinances, consistent with the purposes under part 6106.0020;

C. coordinate preparation, submission, review, and modification of plans and ordinances that are prepared by local governments as provided under part 6106.0070;

D. review and approve final draft plans and ordinances before adoption by a local government as provided under part 6106.0070; and

E. consult with those government units identified in subpart 1 that own or manage land within the Mississippi River Corridor Critical Area to ensure that they administer lands and programs under their jurisdictions consistent with this chapter.

Subp. 6. **Duties of Metropolitan Council.** The Metropolitan Council must:

A. incorporate the standards and criteria in this chapter into the council's planning processes;

B. work with local governments and the commissioner to ensure that the standards and criteria in this chapter are adopted and implemented; and

C. provide written comments and recommendations to the commissioner on all proposed plans and ordinances submitted by local governments as provided under part 6106.0070.

Subp. 7. **Duties of cities.** Cities must:

A. prepare or amend plans and ordinances to meet or exceed the minimum standards and criteria in this chapter and as provided under part 6106.0070;

B. submit proposed plans and ordinances that affect lands within the river corridor boundary to the Metropolitan Council for review and subsequent review and approval by the commissioner, before adoption as provided under part 6106.0070, subpart 3;

C. adopt, administer, and enforce plans and ordinances as provided under part 6106.0070, subpart 3;

D. send notice of public hearings to consider plans and ordinances, and amendments thereto, and other development requiring discretionary action affecting lands within the river corridor boundary to the following parties so that the parties receive the notice at least ten days before the public hearing:

(1) the commissioner, in a format prescribed by the commissioner;

(2) the National Park Service; and

(3) adjoining local governments within the Mississippi River Corridor Critical Area, including those with overlapping jurisdiction and those across the river, where buildings exceed the height limits specified in part 6106.0120, as part of the conditional use permit or variance process; and

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

Subp. 8. Duties of counties and townships.

A. Counties must prepare or amend plans and may prepare ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394 and 473, using the process set forth in subpart 7.

B. Townships must prepare or amend plans and ordinances consistent with this chapter under the authority of Minnesota Statutes, chapters 394, 462, and 473, using the process set forth in subpart 7. If a county has adopted ordinances under this part:

(1) a township's plan and ordinances must be consistent with and at least as restrictive as the plan and ordinances adopted by the county in which the township is located, as provided under Minnesota Statutes, section 394.33;

(2) a township must provide for administration and enforcement of Mississippi River Corridor Critical Area ordinances; and

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

Subp. 9. Duties of state or regional agencies and other government entities. Any state or regional agency, local park agency, or special purpose unit of government that owns or manages lands within the river corridor boundary must manage the lands under its authority in a manner consistent with this chapter.

Statutory Authority: *MS s 116G.15*

History: *41 SR 799*

Published Electronically: *January 19, 2017*