

6106.0170 SUBDIVISION AND LAND DEVELOPMENT STANDARDS.

Subpart 1. **Purpose.** The purposes of this part are to:

A. protect and enhance the natural and scenic values of the Mississippi River Critical Corridor Area during development or redevelopment of the remaining large sites within the corridor;

B. establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

C. encourage restoration of natural vegetation during development or redevelopment of large sites, where restoration opportunities have been identified in local plans.

Subp. 2. **Applicability.**

A. Except as provided in item B, this part applies to the following developments involving ten or more acres for parcels that abut the Mississippi River and 20 or more acres for all other parcels within the river corridor boundary, including smaller individual sites within the following developments that are part of a common plan of development but may be constructed at different times:

- (1) subdivisions;
- (2) planned unit developments; and
- (3) master-planned development and redevelopment of land.

B. The following activities are exempt from this part:

- (1) minor subdivisions consisting of three or fewer lots;
- (2) minor boundary line corrections;
- (3) resolutions of encroachments;
- (4) additions to existing lots of record;
- (5) placement of essential services; and
- (6) activities involving river-dependent commercial and industrial uses.

Subp. 3. **Project information.** Local governments must require detailed project information and provide for preproject review of all proposed subdivisions, redevelopments, and planned unit developments as provided under part 6106.0080, subpart 6.

Subp. 4. **Design standards.**

A. Local government ordinances must contain provisions, including incentives, for alternative design methods such as conservation design, transfer of development density,

or other zoning and site design techniques that achieve better protection or restoration of primary conservation areas.

B. Primary conservation areas, where they exist, must be set aside for protection as open areas as provided under item H. However, where primary conservation areas exceed the thresholds in subitems (1) to (4) as a percentage of a parcel, then only the percentage in subitems (1) to (4) must be set aside:

(1) CA-ROS: 50 percent;

(2) CA-RN: 20 percent;

(3) CA-RTC, CA-UM, CA-UC: ten percent; and

(4) CA-SR: ten percent, if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

C. If the primary conservation areas exceed the maximum percentage established in item B, then the local government may determine which primary conservation areas are to be protected, with priority given to the protection of native plant communities and natural vegetation in riparian areas.

D. If primary conservation areas exist but do not have natural vegetation, then a vegetation assessment must be completed for the areas to be protected to determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to part 6106.0150, subpart 6.

E. If primary conservation areas do not exist on the parcel in question, the local government must determine whether any portions of the site have been identified as potential restoration areas in local plans, according to part 6106.0070, subpart 4. When such areas have been identified, vegetation must be restored consistent with a restoration plan according to part 6106.0150, subpart 6, and the restored area must be set aside as specified in item B.

F. Storm water treatment areas or other green infrastructure may be used to meet the requirements of this subpart if the vegetation provides biological and ecological functions.

G. Any land dedicated for public access or public facilities according to subpart 5 may be counted toward the set-aside requirements of this subpart at the discretion of the local government.

H. Areas that have been set aside under item B must be protected through:

(1) public acquisition by a government entity for conservation purposes;

(2) a permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;

(3) a deed restriction; or

(4) other arrangements that achieve an equivalent degree of protection as determined by the local government.

I. Permanent protection methods under item H must ensure, within the areas set aside, the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

J. Protected open areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

Subp. 5. **Land dedication.** Local governments that require dedication of land or equivalent amounts of cash for parks and open space under Minnesota Statutes, section 394.25, subdivision 7, or 462.358, subdivision 2b, must encourage dedication of lands suitable for riverfront access, parks, open space, storm water management, or other public facilities within the Mississippi River Corridor Critical Area.

Statutory Authority: *MS s 116G.15*

History: *41 SR 799*

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