

# State Register

STATE OF  
MINNESOTA



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# EXECUTIVE ORDERS

## Executive Order No. 130 (As Amended)

Effective November 23, 1976

### Designating the Mississippi River Corridor as a Critical Area

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Critical Area Act of 1973, Minn. Stat. ch. 116G, hereby issue this Executive Order:

WHEREAS, the Mississippi River Corridor through the seven-county Twin Cities Metropolitan Area satisfies the following characteristics as outlined in MEQC 52(a) and pursuant to Minn. Stat. ch. 116G:

(1) It is an Area affected by existing or proposed major governmental development including: four major lock and dams across the River and a nine-foot navigational channel built and operated by the federal government; seven large industrial projects built with the help of public funds; six regional parks; a major regional sewage treatment plant and discharge points for six other existing or proposed waste treatment plants; one major airport and the facilities of another major airport; at least 22 river crossings for major roadways; and other governmental facilities, all of which facilities serve persons outside of the proposed corridor; and all of which generate substantial development or urbanization.

(2) It is an area containing historic, natural, scientific, or cultural resources of regional or statewide importance.

(a) The corridor contains historical resources of statewide or regional significance, including five areas listed on the National Register of Historic Places and twelve areas identified by the Minnesota Historical Society.

(b) The corridor contains natural resources of statewide or regional significance, including the river itself used for transportation, waste assimilation, recreation, sand and gravel deposits, and habitat suitable for the maintenance of fish and wildlife.

(c) The corridor contains cultural resources of statewide and regional significance, including Indian burial grounds, parks, water recreational facilities, and early settlements.

(d) The corridor contains scientific resources of statewide and regional significance including opportunities for floodplain and hydrological investigation, geological investigation, and historic investigation.

WHEREAS, the Mississippi River Corridor meets all of the criteria outlined in MEQC 52(b) to be designated as a critical area as follows:

(1) The area was recognized to be of significant regional or statewide public interest because it is a regional transportation corridor, a regional recreational area, and it has been or is being studied by a number of local, state and federal agencies and commissions;

(2) Other legal powers are unavailable to provide coordinated regulation of the area to protect the public interest:

(a) Four townships, twenty cities, five counties, three regional agencies, five special pur-

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pose governmental districts, four state agencies, and four federal agencies have regulatory or planning authority in the corridor.

(b) No state agency, or local government has the legal authority to coordinate the regulatory and planning authority of the state and local agencies involved.

(c) The Metropolitan Council has no zoning authority in the area and can only suspend particular development for a limited period of time.

(d) The Floodplain Management Act regulated floodplain development, but is primarily aimed at reducing flood damage. The Act will not control development outside of the floodplain.

(e) The Shoreland Management Act only regulates development within three hundred feet of the river or to the landward extent of the floodplain, whichever is greater. It does not assist in regulating development outside of this area which may have a major effect on the river.

(f) The State Wild, Scenic, and Recreational Rivers Act is unavailable for most of the corridor. Nor does it provide for coordination of planning among state and local government.

(3) The area is one of a limited number within the state. No other area in Minnesota provides such important transportation, recreational, and water-related functions as the River does as it flows through the Metropolitan Area. Thus, it is a unique resource in Minnesota because of its importance and in its proximity to the large number of people in the Metropolitan Area.

(4) The area has been specifically identified by legal description.

WHEREAS, unregulated development and uncoordinated planning threatens the public interest in the Mississippi River Corridor; many decisions affecting the use of the River Corridor are made by local governmental units without adequate regard for protecting the regional interest in the regional resource; and

WHEREAS, the advantages of coordinated planning for the area will achieve development of the River Corridor as a regional multi-purpose resource, resolve the conflicts of use of land and water, preserve and enhance its natural, aesthetic, cultural, and historical value for the public use, and protect its environmentally sensitive areas;

NOW, THEREFORE, I order the Mississippi River Corridor located within the Twin Cities Metropolitan Area designated a critical area.

1. The boundaries of the Mississippi River Corridor Critical Area are delineated in the legal description which is attached and incorporated hereby into this Order.

2. The Standards and Guidelines to be followed by local units of government, regional agencies and state agencies in the preparation and adoption of plans and regulations for the Critical Area are attached and incorporated hereby into this Order.

3. The Interim Development Regulations to be followed in granting development permits during the Interim Period are attached and incorporated hereby into this Order.

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4. The Department of Natural Resources shall prepare the Scenic and Recreational Plan for the eight mile stretch of the river corridor in the Cities of Dayton and Ramsey. The Cities of Dayton and Ramsey shall prepare regulations for the implementation of the plan and both the regulations and the plan shall conform to the critical area standards and guidelines.

The DNR plan and the local regulations shall be submitted to the EQC for approval, and once approval is granted, the critical area designation order for the eight mile stretch of the river corridor shall lapse. At that time, the Department of Natural Resources shall assume management responsibilities under the authority of the State Wild and Scenic River Act.

5. The State Planning Agency shall determine and administer the amount of funds needed for the preparation and adoption of plans and regulations.

6. The Designation Order for the remainder of the critical area corridor shall be effective for no longer than three years pending final approval by the Legislature or the Metropolitan Council.

This Order shall be effective immediately and shall be in force until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 18th day of October, 1976.

*Wendell R. Anderson*

### Standards and Guidelines for Preparing Plans and Regulations

#### A. Purpose and responsibility.

1. Purposes. The purposes of the Critical Area designation and the following standards and guidelines are:

a. To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;

b. To prevent and mitigate irreversible damage to this state, regional, and national resource;

c. To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;

d. To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and

e. To protect and preserve the biological and ecological functions of the corridor.

2. Responsibility. The standards and guidelines provided herein shall be:

a. Followed by the local units of government when preparing or updating plans, and/or modifying regulations;

b. Followed by state agencies, and regional agencies for permit regulation and in developing plans within their jurisdiction;

c. Followed by the Metropolitan Council for reviewing plans, regulations, and development permit applications;

d. Followed by the Council for approving plans, regulations, and development permit applications.

B. General guidelines for preparing plans and regulations.

1. The Mississippi River Corridor shall be managed as a multiple-purpose resource by:

a. Maintaining the river channel for transportation and providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the river and the riverfront.

b. Conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.

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c. Providing for the continuation and the development of a variety of urban uses, including industrial and commercial uses, and residential, where appropriate, within the river corridor.

d. Utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.

2. In order to manage the river corridor consistent with its natural characteristics and its existing development, the following guidelines are established for each corridor district:

a. Rural open space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.

b. Urban diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.

c. Urban developed district. The lands and waters within this district shall be maintained largely as residential areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.

d. Urban open space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.

3. The Mississippi River Corridor shall be managed in accordance with the Metropolitan Council's Development Guide Chapter, Critical Areas Act of 1973, and the Minnesota Environmental Policy Act of 1973, and other applicable state laws, and federal laws.

C. Specific standards and guidelines for preparing plans and regulations.

1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.

a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:

(1) Identify and prepare an inventory of:

(a) floodplains,

(b) wetlands,

(c) slopes from 12% to 18% and over 18%,

(d) soils not suitable for urban development on-site waste disposal

(e) significant vegetative stands, and

(f) natural drainage routes.

(2) Prepare a floodplain ordinance if it does not have a floodplain ordinance in effect;

(3) Prepare plans and regulations to protect wetlands;

(4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18% and 12% slopes;

(5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses;

(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control;

(7) Prepare regulations for management of vegetative cutting; and

(8) Prepare criteria for control of noise in open space and recreational areas with assistance of the PCA.

2. Each local unit of government and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:

a. Site plans. Site plans shall be required to meet the following guidelines:

(1) New development and expansion shall be permitted only after the approval of site plans which

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adequately assess and minimize adverse effects and maximize beneficial effects.

(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.

(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as a result of the development; the measures which address adverse environmental effects.

(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.

(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.

b. Structures. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.

c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.

d. Access routes. Commercial and industrial developments adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways. (Except in cases of extreme hardship, highway access for any development within 250 feet of a bridge or bridge ramp shall be prohibited.)

e. Existing development. Local plans and regulations shall include provisions to:

(1) Retain existing vegetation and landscaping;

(2) Amortize non-conforming uses;

(3) Prohibit the reconstruction of non-conforming uses which are 50% market value destroyed;

(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.

f. Signs. Local units of government shall adopt ordinances for the amortization and removal of non-conforming general advertising signs, and to prohibit the visibility of advertising signs from the river, except in urban diversified districts.

3. Local units of government shall develop plans and regulations to ensure that developments shall not be undertaken prior to the provision of Metropolitan public facilities in adopted Metropolitan plans, in accordance with the following guidelines:

a. Developments in areas not scheduled for the provision of municipal or metropolitan sanitary sewers shall comply with adequate on-site sewage disposal system regulations.

b. The density of development outside the metropolitan urban service area shall be limited to ensure that there is no need for the premature provision of local and metropolitan urban services and facilities.

4. Local units of government shall develop plans and provide guidance to ensure that the surface uses of the river is compatible with the characteristics and use of the districts in accordance with the following guidelines:

a. The present 9-foot navigation channel shall be maintained.

b. Provision shall be made for the use of the river for water transportation which is consistent with adopted state and regional policies and regulations and applicable federal laws and to minimize any adverse effects associated with such facilities.

c. Local plans shall identify areas physically suitable for barge slips and barge fleeting, based on such considerations as safety, maneuverability, operational convenience, amount of construction and/or excavation required, and environmental impacts; and

d. Local plans shall specify which of those areas found physically suitable may be used for barge slips and barge fleeting areas in the future. Preference should be given to those areas where new barge slips and associated facilities can be clustered, where required metropolitan services are already available, and where use of the river-front for barge slips and fleeting areas, and access to them, is compatible with adjacent land use and public facilities.

e. Local plans shall identify, whenever practicable, locations where river dredge spoil can be utilized consistent

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with natural geological appearances or processes and adjacent land uses.

f. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation.

g. The Minnesota Energy Agency shall be responsible for recommending to the EQC a strategy for the development of a coal transportation plan for the metropolitan area.

5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines:

a. Areas for new or expanded industrial and commercial developments, where urban services are available, and the premature expansion or upgrading of the metropolitan systems will not be required, shall be identified.

b. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified.

c. Local plans should give consideration to providing for future industrial and commercial uses that require water access including, but not limited to such uses as, transportation, water supply and waste discharge. This does not preclude the locating of non-water related uses within the Corridor.

d. The impact of potential mining and extraction sites or other incompatible uses shall be minimized.

e. Land reclamation and reforestation of the mining site shall be regulated.

6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:

a. Existing and potential sites for the following uses shall be identified and inventoried.

(1) Neighborhood, municipal, county and regional parks;

(2) Scenic overlooks, scenic views, and public observation platforms;

(3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas;

(4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes;

(5) Commercial marinas and boat launching facilities;

(6) Public access points to the river;

(7) Historic sites and districts.

b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.

c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.

d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed.

e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.

f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein.

g. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, open space, storm water drainage areas or other public services within the River Corridor.

7. Local units of government and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:

a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible.

b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.

c. In planning and designing the construction or reconstruction of all public transportation facilities which

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occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.

8. Local units of government and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:

a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor.

b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the Standards and Guidelines in sections B. and C.

9. Local units of government shall reassess all lands in the River Corridor in accordance with the following guidelines:

a. Local units of government shall send copies of adopted plans and regulations and amendments of plans and regulations to appropriate municipal and county assessors within 30 days after adoption.

b. Municipal and county tax assessors shall reassess all lands in the Mississippi River Corridor for consistency with adopted plans and regulations within one year of receipt of adopted plans from local units of government.

10. Local units of government and regional and state agencies shall prepare plans and regulations in accordance with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines:

a. Local units of government and regional and state agencies shall prepare plans and regulations using the district boundaries as described in the Interim Development Regulations as guidelines, in accordance with the purpose of each district as described in the General Guidelines section B.

b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments for the Pig's Eye Lake area.

c. Local units of government may prepare modifications of the use districts boundaries as described in the Interim Development Regulations if local units of government demonstrate to the EQC in plans and supporting documents the consistency of the proposed modification with the General Guidelines.

11. Local units of government, regional agencies and state agencies shall provide adequate opportunities for public participation in the preparation of plans and regulations.

### D. Reviewing plans and regulations.

1. The Metropolitan Council shall be the lead agency to coordinate the preparation, submission, review and modification of land use plans, zoning ordinances, zoning amendments, capital improvement programs and other regulations, specified in section C, which are prepared by local units of government, regional and state agencies.

2. Local units of government and regional agencies shall submit existing, modified or prepared plans and regulations that comply with the Designation Order to the Metropolitan Council within six months of notice of the Order of Designation. The EQC shall review the state plans and regulations and forward the appropriate sections to the Metropolitan Council.

3. The Metropolitan Council shall review the plans, regulations, and capital improvement programs prepared by local units of governments, regional and state agencies for consistency with regional objectives and with the Order of Designation. Within 45 days of receiving the plans and regulations, the Metropolitan Council shall submit its written evaluation to the EQC. Upon a request from the Metropolitan Council, the EQC may grant 30 days time extensions when the EQC determines that the Metropolitan Council has satisfactorily demonstrated that it requires more time for review.

4. The EQC shall review all plans and regulations prepared for the Mississippi River Corridor, within 45 days of receiving the plans and regulations from the Metropolitan Council. The EQC shall determine whether they are consistent with the provisions of the Order of Designation. When the EQC has completed the review, it shall either:

a. Approve the plans and regulations by a written decision and notify the local units of government and regional and state agencies, and the Metropolitan Council; or

b. Return them to the local units of governments, regional and state agencies, and the Metropolitan Council for modification with a written explanation of the need for modification.

5. Within 45 days of EQC's approval of the plans and regulations, local units of government, regional and state agencies shall adopt the approved plans and regulations, and shall notify the EQC.

### E. Updating and re-evaluation of plans and regulations.

1. Local units of government or regional and state

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agencies may amend their plans and regulations that have been approved by the EQC by resubmitting the plans and regulations with any recommended changes thereto, to the EQC for consideration.

2. Two years after EQC's initial approval of the plans and regulations, local units of government and regional and state agencies shall resubmit their plans and regulations with any recommended changes thereto, for review and approval by the EQC.

3. Amendments to plans and regulations shall become effective only upon the approval thereof by the EQC in the same manner as for approval of the original plans and regulations as stated in section D.

### F. Development permits.

1. If no plans and regulations have been adopted under the provisions of section D, local units of government and regional and state agencies shall grant a development permit only if:

a. The development is specifically permitted by the Interim Development Regulations;

b. The development is essential to protect the public health, safety, or welfare because of an existing emergency; or

c. The registration, recordation, permit, or authorization of the development was issued prior to the date of legal notice of the EQC public hearing provided in MEQC 53(3).

2. When plans and regulations have been adopted under the provisions of section D, local units of government, regional and state agencies shall permit development only in accordance with those plans and regulations.

### G. Notification of the development permits to the EQC.

1. Local units of government, and regional and state agencies shall prepare administrative procedures for permit notification as a part of their plans and regulations. The local units of government, regional and state agencies shall notify the EQC of all the developments requiring discretionary actions under their rules and regulations at least 30 days before taking action on the application, unless the EQC informs the local unit of government and regional and state agencies in writing that the EQC need not be notified of certain types of applications.

2. Local units of government and regional and state agencies shall prepare procedures to notify the EQC of their final action on the development permits which require discretionary action.

### H. Judicial proceedings.

If the EQC determines that the administration of the local plans and regulations is inadequate to protect the state or regional interest, the EQC may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

## Interim Development Regulations for the Mississippi River Corridor Critical Area

### A. General provisions.

1. Authority. These procedures are prescribed by the Minnesota Environmental Quality Council (Council) pursuant to authority granted to the Council in Minn. Stat. §§ 116G.01 to 116G.14 (1974).

#### 2. Purpose. The purposes of these regulations are:

a. To protect the public health, safety, comfort, convenience and general welfare;

b. To promote orderly development of the residential, commercial, industrial, recreational and public areas within the corridor;

c. To conserve the natural and scenic beauty of the river corridor;

d. To conserve and develop the natural resources of the river corridor; and

e. To provide for the compatibility of different land uses and the most appropriate use of land throughout the river corridor.

#### 3. Scope.

a. These Interim Development Regulations shall apply to public and private lands and waters within the Mississippi River Corridor, as set forth and legally described in Appendixes A and B of the recommendation for designation of the Mississippi River Corridor as a critical area.

b. The Interim Development Regulations shall govern; but wherever there is a conflict between the Interim Development Regulations and existing laws, regulations, ordinances, or other provisions of the Interim Development Regulations, the more restrictive provision shall apply.

c. The Interim Development Regulations should not be used as a complete model ordinance for adoption by

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local units of government. At the options of local units of government, they may be used as guidance for the preparation of plans and regulations.

d. The Interim Development Regulations shall remain in effect from the date of issuance of the Governor's Designation Order for each local unit of government in the critical area until it adopts plans and regulations approved by the Council.

e. State and regional agencies and local units of government shall approve development only in conformance with these Interim Development Regulations until the adoption of plans and regulations approved by the Council.

f. Development which was approved by a state or regional agency or a local unit of government after April 25, 1975 shall be subject to these Interim Development Regulations and subsequently adopted plans and regulations only to the extent provided in MEQC 57.

g. State and regional agencies and local units of government shall be responsible for the administration and enforcement of the Interim Development Regulations as of the effective date of the Governor's Designation Order.

h. Any regulations or procedure not specified in these Interim Development Regulations shall follow the applicable local unit of government regulations or the appropriate state and regional agency's rules and regulations.

### B. Use district designations.

1. Because the river should be managed as a multiple-purpose resource, and it possesses a variation in both natural characteristics and types of urban development, the Corridor has been segmented into the following four districts which shall be applied throughout the interim period as described in Appendixes A and B of the recommendation for designation of the Mississippi River Corridor as a critical area.

- a. Rural open space districts
- b. Urban diversified districts
- c. Urban developed districts
- d. Urban open space districts

2. During the interim period, no changes shall be made of the district boundaries set forth by these Interim Development Regulations.

### C. Permitted uses.

1. Any land or water use development which is in

conformance with the standards and guidelines of the Interim Development Regulations shall be permitted.

2. During the interim period, no changes shall be made of the permitted uses allowed by these Interim Development Regulations.

3. Residential development. Residential development shall be permitted in all the districts. All structures and accessory uses or appurtenances of residential development shall be subject to the Dimensional Standards and Criteria in section F of these Interim Development Regulations.

### 4. Commercial and industrial uses.

a. In rural open space districts and urban developed districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted if:

(1) it does not require expansion or upgrading of metropolitan systems prior to the schedule set forth in adopted metropolitan plans;

(2) it meets the Dimensional Standards and Criteria in section F;

(3) it will not encroach upon future local or regional parks and recreation open space identified in the Metropolitan Council's Development Guide/Policy Plan for Recreation Open Space or in local plans and programs.

b. In urban open space districts, the development of new and expansion of existing commercial and industrial uses and development shall be permitted on lands which are on the landward side of all blufflines, if it meets the Dimensional Standards and Criteria in section F.

c. In urban diversified districts, new and expansion of existing industrial and commercial developments shall be allowed, if it meets the Dimensional Standards and Criteria in section F.

d. In Rosemount and Inver Grove Heights urban diversified district, new and expansion of existing industrial and commercial development shall be permitted, if it does not require premature expansion of metropolitan public services.

5. Agricultural uses. All agricultural uses except new feedlots may be permitted in all the districts.

### 6. Mining and extraction.

a. In rural open space, urban developed, and urban diversified districts,

## EXECUTIVE ORDERS

(1) new mining and extraction may be permitted and shall be subject to the Dimensional Standards and Criteria in section F;

(2) new and, where practicable, existing extraction uses shall be appropriately screened from view of the river by establishing and maintaining natural screen devices;

(3) The unscreened boundaries of mining and extraction areas shall be limited to only the loading area;

(4) existing and future extractive uses shall be required to submit land reclamation and reforestation plans compatible with these Interim Development Regulations; and

(5) only one barge loading area which shall be limited to the minimum size practicable shall be permitted for each mining or extraction operation.

b. In urban open space districts, new mining and extraction operations shall not be permitted.

### 7. Recreational uses.

a. In all districts, recreational uses and structures and accessory uses or appurtenances shall be permitted and shall be subject to the Dimensional Standards and Criteria in section F. Water-related commercial recreation uses shall not be subject to the Dimensional Standards and Criteria in section F.

b. Within urban open space districts, recreation uses on islands and lands between the river and blufflines shall be only for public recreation uses, historic preservation, and wildlife preserves.

### 8. Signs.

a. In rural open space, urban developed, and urban open space districts:

(1) general advertising signs not visible from the river are permitted;

(2) all other general advertising signs shall be prohibited.

b. In urban diversified districts, general advertising signs are permitted.

### D. Permitted public facilities.

1. Transmission services. In all the districts, the construction of new and reconstruction of existing transmission services shall meet the following standards.

a. The Department of Natural Resources (DNR) in reviewing permit applications for all transmission service crossings on the Mississippi River, Minnesota River, or of State lands requiring a permit from the DNR pursuant to Minn. Stat. §§ 84.415 or 105.42 shall give primary consideration to crossings that are proposed to be located within or adjacent to existing right-of-ways for public facilities, such as railroads, roadways, bridges, and existing transmission services.

b. Transmission services of under 200 kilovolts, which cross lands within the River Corridor shall require a special use permit from the local unit of government. Local units of government shall apply the standards set forth in sections D.1.c through h when processing applications for a special use permit.

c. When routing transmission services of under 200 kilovolts, the following shall be avoided where practicable:

(1) steep slopes;

(2) scenic intrusions into streams, valleys, and open exposures of water;

(3) scenic intrusions into areas such as ridge crests and high points;

(4) creating tunnel vistas by, for example, building deflections into the route;

(5) wetlands;

(6) forests by running along fringe rather than through them. If necessary to route through forests, utilize open areas in order to minimize cutting;

(7) soils susceptible to erosion, which would create sedimentation and pollution problems;

(8) areas of unstable soils which would be subject to extensive slippages;

(9) areas with highwater tables, especially if construction requires excavation;

(10) open space recreation areas.

d. Transmission services shall be subject to the Dimensional Standards and Criteria in section F, except at crossing points.

e. Structure design of transmission services. With regard to locating the utility, overhead or underground:

(1) primary considerations shall be given to underground placement in order to minimize visual impact.

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When considering overhead placement, the proposers shall explain the economic, technological or land characteristic factors which make underground placement infeasible. Economic considerations alone shall not justify overhead placement.

(2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable;

(3) with regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to: height and width, materials used, and color;

(4) with regard to the width of the right-of-way, the cleared portion of the right-of-way should be kept to a minimum.

f. In the construction of transmission services, the following guidelines shall be applied whenever practicable:

(1) construction in wetlands shall minimize damage to vegetation, prevent erosion and sedimentation;

(2) construction shall be undertaken at times when local fish and wildlife are not spawning or nesting;

(3) effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

g. Safety considerations. Developers must adhere to applicable Federal and State safety regulations, both with regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill clean-up).

h. Right-of-way maintenance.

(1) If possible, natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way;

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way;

(3) Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over the use.

2. Sewage treatment plants — sewage outfalls, water intake facilities.

a. In rural open space, urban developed and urban diversified districts the provision of sewage treatment plants, sewage outfalls and water intake facilities:

(1) wherever practicable, shall conform with the Dimensional Standards and Criteria in section F;

(2) shall dedicate the unused river frontage after construction, for public access or recreation open space use;

(3) shall not include new combined storm and sanitary sewer outfalls.

b. In urban open space district:

(1) no new sewage treatment plants shall be permitted in this district. However, the Metropolitan Waste Control Commission may expand the Metropolitan Wastewater Treatment Plant at the Pig's Eye Lake area, if the expansion plans are approved by the Metropolitan Council and they are consistent with the City of St. Paul's riverfront plan approved by the Council under section D. of the Standards and Guidelines for Preparing Plans and Regulations;

(2) no new water intake facilities shall be permitted;

(3) no new combined storm water and sanitary sewer outfalls shall be permitted.

3. Essential services and public safety facilities. Essential services and public safety facilities are permitted in all the districts. They are subject to Regulation D(1).

4. Transportation facilities. The construction or reconstruction of all transportation facilities shall be permitted in all the districts, subject to the following standards and criteria:

a. The following guidelines shall be applied whenever practicable in selecting routes for transportation facilities.

(1) careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian crossing and safe pedestrian pathways along the river;

(2) if possible, provide access to the riverfront in public ownership, and allow reasonable public use of the land between the river and the transportation facility;

(3) steep slopes shall be avoided;

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(4) scenic intrusion into stream, valley and open exposures of water shall be avoided;

(5) scenic intrusion into areas such as ridge crests and high points shall be avoided

(6) wetlands shall be avoided;

(7) run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest;

(8) soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction shall be avoided;

(9) areas of unstable soils which would be subject to extensive slippage shall be avoided;

(10) areas with highwater tables, especially if construction requires excavation, shall be avoided;

(11) locate new roads to avoid cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape;

(12) open space recreation areas shall be avoided.

b. Transportation facilities shall be subject to the Dimensional Standards and Criteria in section F, except at crossing points.

c. The following guidelines shall be applied when practicable in constructing transportation facilities:

(1) reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river;

(2) effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of the river and its adjacent lands;

(3) construction across wetlands shall take place in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation;

(4) construct at times when local fish and wildlife are not spawning or nesting.

d. Safety considerations. Developers must adhere to applicable Federal and State safety regulations with regard to new road construction or reconstruction of an existing road.

e. The following guidelines shall be applied when practicable for right-of-way maintenance:

(1) if possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way;

(2) where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees shall be planted and maintained on the roadside right-of-way;

(3) chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all State and Federal agencies with authority over their use.

### 5. Barge facilities.

a. In rural open space and urban developed districts, the following standards shall apply:

(1) the expansion of existing barge slips within these districts shall be permitted;

(2) no new barge slips shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MEQC 55(c).

b. In urban open space districts, the following standards shall apply:

(1) no new barge slips shall be permitted;

(2) no barge fleeting areas shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MEQC 55(c).

c. In urban diversified districts all barge facilities are permitted.

### E. Earthwork and vegetation.

1. Grading and filling. In all districts, the following provisions shall apply to grading and filling:

a. Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit from the local authority. A permit may be issued only if:

(1) earthmoving, erosion, vegetative cutting, and the destruction of natural amenities is minimized;

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(2) the smallest amount of ground is exposed for as short a time as feasible;

(3) temporary ground cover, such as mulch, is used and permanent ground cover, such as sod is planted;

(4) methods to prevent erosion and trap sediment are employed; and

(5) fill is established to accepted engineering standards.

b. A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a building site, essential services, sewage disposal systems, and private road and parking areas undertaken pursuant to a validly issued building permit.

### 2. Vegetation management.

a. In rural open space, urban developed and urban open space districts, the following standards shall apply:

(1) on developed islands, public recreation lands, the slope or face of bluffs, within 200 feet of the normal high water mark of the river, and within the area 40 feet landward from blufflines, clear cutting shall not be permitted;

(2) on all other lands within these districts, clear cutting shall be guided by the following provisions:

(a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury;

(b) clear cutting shall be conducted only where clear cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain;

(c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary;

(d) where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area where feasible, replanting shall be performed in the same spring, or the following spring.

(3) the selective cutting of trees greater than 4" in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

b. In urban diversified district:

(1) on the slope or face of bluffs and within areas 40 feet landward from established blufflines, clear cutting shall not be permitted;

(2) the selective cutting of trees greater than 4" in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.

### F. Dimensional standards and criteria.

1. Objectives. The objectives of Dimensional Standards and Criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback for sanitary facilities, to prevent pollution of surface and ground water, to minimize flood damage, to prevent soil erosion, and to implement Metropolitan Plans, Guides and Standards.

2. Substandard lot. The local unit of government may approve any proposed new structure or changes to existing structure when the following findings are made:

a. The lot was recorded in the Office of the County Register of Deeds (or Registrar of Titles) prior to the date of legal notice of the EQC public hearing, April 25, 1975.

b. The lot was in separate ownership from all abutting land on April 25, 1975.

c. The proposed use is consistent with the provisions of the Interim Development Regulations and local ordinance.

d. It can be demonstrated that a proper and adequate sewage disposal system can be installed according to interim regulations, Health Department's and PCA's regulations.

e. The lot size is within sixty (60) percent of the size required in the Interim Development Regulations.

### 3. Lot size.

a. In the rural open space and urban developed districts, the following minimum lot sizes shall be required:

(1) in unsewered areas, the minimum lot size shall be five acres per single family unit;

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(2) in sewerred areas, the minimum lot size shall be consistent with the local zoning ordinance.

b. In the urban open space and urban diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.

#### 4. Structure setback.

a. All required setbacks shall be applicable to each bluffline proceeding landward from the river.

b. All new structures and roads shall meet the following minimum setbacks:

(1) in the rural open space district, no structure or road shall be placed less than 200 feet from the normal highwater mark, and no less than 100 feet from blufflines;

(2) in the urban developed district, and urban open space district, the structure or road shall be placed no less than 100 feet from the normal highwater mark of the river, and no less than 40 feet from blufflines;

(3) in the urban diversified district, the structure or road shall be placed no less than 40 feet from the bluffline.

c. Exceptions to setback provisions shall be:

(1) public safety facilities, public bridges and their roadway approaches, railroad sidings, minor public and private roadways serving water-related uses on the riverfront;

(2) public recreation facilities, scenic overlooks, public observation platforms, and the regional trail system, docks, boat launching facilities;

(3) approved river crossings of essential service, and essential services distribution systems which are primarily underground except for terminal and metering devices not exceeding six feet in height, and supporting structures for transmission crossing spans;

(4) the construction of above-ground pumping stations for sewer lines which shall be screened from view of the river;

(5) the reconstruction or restoration of historical structures or sites on the inventory of the State Historical Society or the National Register of Historic Places.

#### 5. Height of structures.

a. In the rural open space, urban developed and urban open space districts:

(1) new structures and additions to existing structures shall be limited to a maximum of 35 feet;

(2) the following exceptions to height limits shall be permitted:

(a) expansion of existing industrial complexes, such as refineries and storage areas;

(b) barns, silos and similar farm structures;

(c) essential service distribution systems;

(d) bridges, bridge approach roadways, and transmission services;

(e) restoration or reconstruction of historical structures and sites on the inventory of the State Historical Society or the National Register of Historical Places.

b. In the urban diversified district, there are no restrictions on the height of structures.

#### 6. Placement of structures.

a. The following standards shall apply in any district:

(1) no new structures shall be placed on slopes which are 18 percent or greater;

(2) structures may be permitted on slopes which are greater than 12 percent, but less than 18 percent, when the following conditions are met:

(a) the developer can prove that the development on the slope can be accomplished without increasing erosion;

(b) the soil types and the geology are suitable for slope development;

(c) there is proper management of vegetation to control runoff.

(3) when an approved floodplain ordinance exists, structure placement shall be governed by that ordinance. Where an approved floodplain ordinance does not exist, the elevation at which the lowest floor of a structure, including basement, may be placed shall be consistent with the Minnesota statewide standards and criteria for management of floodplain areas;

(4) in rural open space, urban developed and urban open space districts, no development shall be permitted on presently undeveloped islands, except those developments specifically related to wildlife preservation and

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recreation open space uses, and bridge piers when other considerations dictate that bridge crossing alignment;

(5) in urban diversified districts, the development on islands related to recreation open space uses and historical preservation of sites and areas on the Inventory of the Minnesota State Historical Society and the National Register of Historic Places shall be permitted; new industry, commercial, residential and other uses shall be permitted on islands if they are consistent with local zoning ordinances and with the historical character.

7. Line of sight. In rural open space districts, urban developed districts, and urban open space districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted, if it cannot be seen from the normal highwater mark on the opposite side of the river. Water-related commercial and industrial uses shall not be subject to this requirement.

### G. Sanitary standards and criteria.

1. The following standards shall apply to all districts:

a. All parts of on-site sewage disposal systems shall be located at least 75 feet from the normal highwater mark.

b. No on-site sewage disposal system shall be placed within designated floodplains.

### H. Non-conforming uses and structures.

1. Any structure or use existing upon the effective date of these Interim Development Regulations which does not conform to the use restrictions of a particular use district of the Interim Development Regulations shall automatically continue as a non-conforming use or structure.

2. Whenever a non-conforming building or structure has been damaged by fire, flood, explosion, earthquake, war, riot, or other disaster, it may be reconstructed to its prior use when the damage to the building or structure is fifty percent (50%) or less of its fair market value. Where the damage is fifty percent (50%) or more, reconstruction shall not be permitted for any structure that does not meet the minimum required standards.

3. When any non-conforming use of a building or structure has been changed to a conforming use, it shall not be changed to a non-conforming use.

4. If a non-conforming use is discontinued for 6 consecutive months, any future use of the building or premises shall conform to the Interim Development Regulations.

### I. Administration.

1. Local units of government and regional and state

agencies shall notify the Council of the following types of proposed development within the Mississippi River Corridor:

a. Development permit applications for the development of a new or major expansion of an industrial, commercial facility in the rural open space, urban developed and urban open space districts.

b. All government developments.

c. Inside the 1975 Metropolitan Urban Service Area (MUSA), development permit applications for the development of:

(1) 50 or more dwelling units in a multi-family project;

(2) 25 or more lots in a mobile home court;

(3) 25 or more lots in a residential project.

d. Outside the MUSA, development permit applications for the development of:

(1) 25 or more dwelling units in a multi-family project;

(2) 10 or more lots in a mobile home court;

(3) 10 or more lots in a residential project;

(4) any residential developments in rural open space districts.

e. Any development on or involving the alteration of:

(1) a wetland;

(2) a floodplain;

(3) an island;

(4) a slope of greater than 12 percent;

(5) the removal of 5 contiguous acres or more of vegetative cover;

(6) the grading or filling of 20 contiguous acres of land;

(7) the deposit of dredge spoil;

(8) more than 50 linear feet of a riverbank.

f. Any development involving the establishment of

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a public or private structure, facility or other which crosses the river.

g. The development or expansion of any commercial harbor or barge loading or fleeting area.

h. Any development which would result in the discharge of water into or withdrawal of water from the Mississippi River which would require a state permit.

i. Any developments within the historical districts established by the State Legislature.

j. Development for which Metropolitan Council review is requested by:

(1) the local unit of government with jurisdiction;

(2) resolution from two or more local units of government adjacent to the local units of government within which the proposed development is sited.

k. Any development which requires a rezoning or compatible use permit.

### 2. Procedures for reviewing proposed development.

a. Local units of government and regional and state agencies shall notify the Council in writing of any proposed development listed in section I.1, at least 30 days before the local units of government and regional and state agencies take final action to approve or deny the development. In the event the Metropolitan Council elects to hold a hearing under section I.2.e., no final action to approve or deny the proposed development may be taken until 15 days after the Council receives the Metropolitan Council recommendation.

b. The Council shall send a copy of the proposed development to the Metropolitan Council for review no later than 2 days after the date of the Council's receipt of the application.

c. The Metropolitan Council shall review the proposed development and transmit a written recommendation with reasons for approving, modifying, or denying the proposed development to the Council no later than 18 days after the Metropolitan Council's receipt of the application, except when a public hearing is required by the Metropolitan Council, in which case, sections I.2.e(1) and (2) shall be followed.

d. Other local units of government and regional and state agencies may transmit to the Council their written comments on the proposed development published in the EQC Monitor within 15 days of date of the publication.

e. When the Metropolitan Council decides to hold a public hearing on a proposed development application, the public hearing shall be conducted in accordance with the Metropolitan Council's statutory requirements, and notice of the hearing shall be filed with the Council and affected municipalities, counties, and applicants.

f. The Metropolitan Council shall submit its final recommendation on the proposed development to the Council within 30 days of closing date of the hearing record. The Council shall accept or modify the Metropolitan Council's recommendations and shall consider the comments of the local units of government and regional and state agencies and transmit the recommendation to the local unit of government and regional and state agencies no later than 10 days after the date of receipt of the Metropolitan Council's recommendation.

g. The Council may extend the 30 days time for a particular proposed development if the Metropolitan Council, the developer, any local unit of government and regional and state agencies with jurisdiction agree to the extension.

h. Failure of the Council to act on the notice of a proposed development within the prescribed period of time shall constitute acceptance by the Council of the final action on the proposed development by the local unit of government, regional or state agency.

i. Within 30 days after the final action, local units of government and regional and state agencies shall notify the Council of the final action on all proposed development listed in section I.1, or of emergency actions approved under the provisions of section I.5.

j. When the Council has recommended to a local government unit, regional or state agency to modify or to deny a proposed development, and that recommendation is not followed, the proposed development shall not be approved for 30 days after the Council receives notice of final action. If the Council appeals the decision to district court, the appeal shall be made within 30 days of receipt notice of final action. When an appeal is made, the development shall not be approved until the appeal process is scheduled.

### 3. Dimension variance.

a. Local units of government may grant a dimension variance from strict compliance with the setback, or height restrictions, or lot size or line of sight requirement contained in the Interim Development Regulations after an administrative hearing that shall be conducted according to the regulations of the local unit of government.

b. A dimension variance may be granted only when the following findings are made:

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(1) the strict enforcement of the setback or height restrictions, or lot size or line of sight will result in unnecessary hardship. "Hardship" as used in the consideration of a dimension variance means that the property in question cannot be put to a reasonable use under the dimension provisions of these Interim Development Regulations;

(2) there are exceptional circumstances unique to the property that were not created by a landowner after April 25, 1975;

(3) the dimension variance does not allow any use that is not a compatible use in the land use district in which the property is located;

(4) the dimension variance will not alter the essential character of the locality as established by these Interim Development Regulations;

(5) the dimension variance would not be contrary to the intent of the Order.

#### 4. Compatible use permit.

a. Local units of government may grant a compatible use permit after an administrative hearing that shall be conducted according to the regulations of the local unit of government for conditional or special use permits.

b. A compatible use permit may be granted for a proposed development only when the following findings are made:

(1) it is consistent with the intent of the Order, and the adopted policies of the Metropolitan Council and the Environmental Policy Act; and

(2) it is compatible with uses in the immediate vicinity; and

(3) it is permitted by the ordinances of the local unit of government.

5. Emergency actions. In accordance with the Act, local units of government, regional and state agencies may grant a development permit when certified in writing by the local unit of government, regional and state agencies, or the County Zoning Administration with the existing authority that the development is essential to protect the public health, safety or welfare in an existing emergency and that a local ordinance or state regulation was in effect immediately prior to April 25, 1975 and a development permit would have been granted thereunder.

## Appendix A

### Legal Description of the River Corridor

#### Ramsey

Commencing at the point where the west boundary line of Anoka County intersects with the north boundary line of Hennepin County;

Thence north along said Anoka County west boundary line to the NW corner of the NW quarter of the SW quarter of Section 19 (T32N, R25W);

Thence east along the north side of the NW quarter of the SW quarter of Section 19 (T32N, R25W), to its intersection with the center line of U.S. Highway 10;

Thence along said center line in a southeasterly direction to the intersection with the north side of Section 30 (T32N, R25W);

Thence eastward along the north side of Section 30 to the NW corner of Section 29, (T32N, R25W);

Thence south along the west side of Section 29 to the SW corner of the NW quarter of said Section 29;

Thence east along the south side of the NW quarter of said Section 29 to the NW corner of the NE quarter of the SW quarter of said Section 29;

Thence south along the west side of the NE quarter of the SW quarter of said Section 29 to SW corner of the NE quarter of the SW quarter of said Section 29;

Thence east along the north line of the southeast quarter of the southwest quarter of said Section 29; to the west boundary line of Section 28; (T32N, R25W);

Thence east along the northern boundary of Government Lot 1, Section 28, (T32N, R25W) to the NE corner of said lot;

Thence south to the SE corner of said Government Lot 1, Section 28, (T32N, R25W);

Thence east along the north side of Section 33 (T32N, R25W) to the NE corner of Government Lot 2 in said Section;

Thence south along the east side of Government Lot 2, Section 33 (T32N, R25W) to the SW corner of the northern half of the NE quarter of the NE quarter of Section 33;

Thence east to the west side of Section 34 (T32N, R25W);

Thence south to the SW corner of the NW quarter of the SW quarter of the NW quarter of Section 34 (T32N, R25W);

Thence east to the west side of Section 35 (T32N, R25W);

Thence south along the west side of Section 35 (T32N, R25W) to the NW corner of Government Lot 1, Section 35 (T32N, R25W);

Thence east to the NW corner of the SW quarter of the NE quarter of the SW quarter of Section 35 (T32N, R25W);

Thence south to the SW corner of the SW quarter of the NE quarter of the SW quarter of Section 35 (T32N, R25W);

Thence east along the south side of the NE quarter of the SW quarter of Section 35 (T32N, R25W) to its intersection with the west boundary of Anoka;

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Thence northeasterly along the west boundary of Anoka to the intersection with the center line of U.S. Highway 10.

## Anoka

Thence southeasterly along said center line to the intersection with the center line of Park Street in the City of Anoka; south along the center line of Park Street to the intersection with the west side of Section 1 (T31N, R25W);

Thence south along said west side to the intersection with the center line of Benton Street;

Thence southeasterly along said center line to the intersection with the center line of State Avenue;

Thence south along the center line of State Avenue to the intersection with the center line of Rice Street;

Thence east along the center line of said street to the intersection with the center line of Ferry Street;

Thence easterly along a line from said intersection to the intersection of the center lines of Madison Street and River Avenue;

Thence east from said point along the center line of Madison Street to the intersection with the center line of 1st Avenue;

Thence south along 1st Avenue to the intersection with the center line of Jefferson Street;

Thence east along the center line of said street to the intersection with the center line of 2nd Avenue;

Thence south along said center line to the intersection with the center line of Adams Street;

Thence east along said center line to the intersection with the center line of 3rd Avenue;

Thence south along said center line to the intersection with the center line of Oakwood Drive;

Thence easterly along said center line to the intersection with the center line of Kings Lane;

Thence southwesterly along said center line to the intersection with the center line of Birch Street;

Thence southeasterly along said center line to the intersection with the center line of Queens Avenue;

Thence south along said center line to the intersection with the center line of Pine Street;

Thence southeasterly along said center line to the intersection with the center line of 9th Avenue;

## Coon Rapids

Thence from this point, a straight line to the intersection of the center line of 115th Avenue with the west side of Section 17 (T31N, R24W);

From this point, east along a line to the intersection of the east side of the NW quarter of said Section 17 with the center line of Coon Rapids Boulevard;

From said point southeasterly along the center line of Coon Rapids Boulevard to the intersection with the center line of Mississippi Boulevard;

Thence southerly along said center line to the intersection with the center line of Hansen Boulevard;

Thence south along said center line to the intersection with the center line of 99th Avenue NW;

Thence east along said center line to the SW corner of the NW quarter of the NW quarter of Section 26 (T31N, R24W);

Thence east along the south side of the north half of the NW quarter of said Section 26;

Thence continuing east along the south side of the NW quarter of the NE quarter of said Section 26 to the intersection with the center line of East River Boulevard. (Anoka County Highway 1);

Thence south along said center line to the intersection with the west side of the east half of the SE quarter of said Section 26;

Thence south along said line to the SW corner of the SE quarter of the SE quarter of said Section 26;

Thence continuing south along the west side of the east half of the NE quarter of Section 35 (T31N, R24W);

Thence continuing south along the west side of the NE quarter of the SE quarter of said Section 35 to the SW corner of the NE quarter of the SE quarter of said Section 35;

From this point, southeasterly along a diagonal to the NW corner of Section 3 (T30N, R24W);

From said corner, east along the north side of said Section 3 to the intersection with the center line of Anoka County Trunk Highway 1;

## Fridley Minneapolis

Thence south along the center line of said highway to the Anoka-Hennepin County common boundary line;

Thence continuing south along the center line of now Hennepin County Trunk Highway 23 to the center line of 30th Avenue NE;

Thence east along said center line to the intersection with the center line of Randolph Street;

Thence south along said center line to the intersection with the center line of 26th Avenue NE;

Thence east along said center line to the intersection with the center line of Grand Street;

Thence south along said center line to the intersection with the center line of 13th Avenue NE;

Thence southwesterly along said center line to the intersection with the center line of Ramsey Street;

Thence southeasterly along said center line to the intersection with the center line of 7th Avenue NE;

Thence northeasterly along said center line to the intersection with the center line of Main Street;

Thence southeasterly along said center line to the intersection with the center line of 5th Avenue NE;

## EXECUTIVE ORDERS

Thence northeasterly along said center line to the intersection with the center line of University Avenue;

Thence southeasterly along said center line to the intersection with the center line of Oak Street;

Thence south along said center line to the intersection with the center line of Fulton Street;

Thence east along said center line to the intersection with the center line of Huron Street;

Thence southerly along said center line to the intersection with the center line of Interstate 94;

Thence southeasterly along said center line to the intersection with the Minneapolis-St. Paul common boundary line;

### St. Paul

Thence south along said line to the intersection with the center line of Otis Avenue;

Thence southeasterly along Otis Avenue to the intersection with the center line of Exeter Place;

Thence south along said center line to the intersection with the center line of Mississippi River Boulevard;

Thence east along said center line to the intersection with the center line of Cretin Avenue;

Thence south along said center line to the intersection with the center line of Goodrich Avenue;

Thence west along said center line to the intersection with the center line of Woodlawn Avenue;

Thence south along said center line to the intersection with the center lines of Randolph Avenue, Woodlawn Avenue and Mount Curve Boulevard;

Thence south along the center line of Mount Curve Boulevard to the intersection with the center line of Ford Parkway;

From this point southeasterly along a diagonal to the intersection of the center lines of Hampshire Avenue and Finn Street;

Thence south along the center line of Finn Street to the intersection with the center line of Magoffin Avenue;

Thence east along said center line to the intersection with the center line of Cleveland Avenue;

Thence south along said center line to the intersection with the center line of Norfolk Avenue;

Thence southeasterly and easterly along said center line to the intersection of the center line of Stewart Avenue;

Thence northeasterly along said center line to the intersection with the center line of Alton Street;

Thence southeasterly along said center line to the intersection with the center line of Youngman Avenue;

Thence northeasterly along said center line to the intersection with the center line of Rankin Street;

Thence northwesterly along said center line to the intersection with the center line of Stewart Avenue;

Thence northeasterly along said center line to the intersection with the center line of Homer Avenue;

Thence northwesterly along said center line to the intersection with the south boundary line of the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad;

Thence northeasterly along said boundary to the intersection with the center line of Watson Avenue;

Thence east along said center line to the intersection with the center line of Drake Street;

From this point, northeasterly along a diagonal to the intersection of the center lines of Randolph Avenue and Erie Street;

Thence north along the center line of Erie Street to the intersection with the center line of Jefferson Avenue;

Thence east along said center line to the intersection with the center line of Colburne Avenue;

From this point, northeasterly along a diagonal to the intersection of the center lines of St. Clair Avenue and Western Avenues;

Thence east along the center line of St. Clair Avenue to the intersection with the center line of Ann Street;

Thence north along said center line to the intersection with the center line of Superior Street;

Thence east along said center line to the intersection with center line of Dousman Street;

Thence north along said center line to the intersection with the center line of Banfil Avenue;

Thence east along said center line to the intersection with the center line of Smith Street;

Thence north along said center line to the intersection with the center line of Goodrich Avenue;

Thence east along said center line to the intersection with the center line of Leech Street;

Thence north along said center line to the intersection with the center line of McBoal Street;

Thence east along said center line to the intersection with the center line of Wilkin Street;

Thence north along said center line to the intersection with the center line of Exchange Street;

Thence northeasterly along said center line to the intersection with the center line of Kellogg Boulevard;

Thence easterly and northeasterly along said center line to the intersection with the center line of Interstate 94;

Thence southeasterly along said center line to the intersection with the center line of Maria Avenue;

Thence southeasterly along said center line to the intersection with the south side of Section 33 (T20N, R22W);

# EXECUTIVE ORDERS

Thence east along said line to the intersection with the center line of Burns Avenue;

Thence east along said center line to the intersection with the center line of Upper Afton Road;

Thence southeasterly along said center line to the intersection with the center line of Hazel Avenue;

Thence south along said center line to the intersection with the north side of Section 11 (T28N, R22W);

Thence east along said side to the NE corner of the NW quarter of said Section 11;

Thence south along the east side of the NW quarter of said Section 11 to the SE corner of the NW quarter of said Section 11;

Thence east along the north side of the SE quarter of said Section 11 to the NW corner of the east half of the SE quarter of said Section 11;

Thence south along the west side of the east half of the SE quarter of said Section 11 to the south line of said Section 11;

Thence east along the south side of said Section 11 to the intersection with the center line of McKnight Road;

Thence south along said center line to the intersection with the center line of Carver Avenue;

## Maplewood

Thence east along said center line to the intersection with the west side of the east half of the NW quarter of Section 24, (T28N, R22W);

Thence south along said side continuing along the west side of the east half of the SW quarter of said Section 24, to the intersection with the center line of Interstate 494;

Thence southwesterly along said center line to the intersection with the centerline of 1st Avenue in Newport;

## Newport

Thence south along said center line to the intersection with the center line of 17th Street;

Thence east along said center line to the intersection with the center line of 3rd Avenue;

Thence south along said center line to the intersection with the center line of 12th Street West;

Thence east along said center line to the intersection with the center line of 4th Avenue;

Thence south along said center line to the intersection with the south side of the north half of Section 1 (T27N, R22W);

## St. Paul Park

Thence east along said side to the center line of Third Street, City of St. Paul Park;

Thence south along said center line to the intersection of 6th Avenue (commonly known as Broadway);

Thence west along said center line to the intersection of the center line of Main Street;

Thence south along said center line to the intersection of the center line of Pullman Avenue;

Thence east along said center line to the intersection with the center line of 3rd Street;

Thence south along said center line to the South city limits of St. Paul Park;

## Grey Cloud

Thence south along said center line to the intersection with the center line of Grey Cloud Trail;

Thence southeasterly along said center line to the intersection with the south side of Section 19 (T27N, R21W);

## Cottage Grove

Thence east along said side to the SE corner of said Section 19;

Thence south along the west side of Section 29 (T27N, R21W) to the intersection with the NW corner of the SW quarter of the NW quarter of said Section 29;

Thence east along the north side of the SW quarter of the NW quarter of said Section 29 to the NE corner of the SW quarter of the NW quarter of said Section 29;

Thence south along the east side of the SW quarter of the NW quarter and along the east side of the NW quarter of the SW quarter of said Section 29 to the NW corner of the SE quarter of the SW quarter of said Section 29;

Thence east along the north side of the SE quarter of the SW quarter of said Section 29 to the NE corner of the SE quarter of the SW quarter of said Section 29;

Thence south along the east side of the SW quarter of said Section 29 to the south side of said Section 29;

Thence east along the south side of Sections 29 and 28 to the southwestern corner of Section 27;

Thence north along the west side of said Section 27 to the NW corner of the SW quarter of said Section 27;

Thence east along the north side of the south half of said Section 27 to the east side of said Section 27;

Thence south along the east side of said Section 27 to the SE corner of said Section;

Thence east along the south side of Section 26 (T27N, R21W) to the intersection with the center line of U.S. Highway 61;

## Denmark

Thence southeasterly along said center line to the intersection with the center line of U.S. Highway 10;

Thence easterly along said center line to the intersection with the south side of Section 6 (T26N, R20W);

Thence east to the SE corner of said Section 6;

## EXECUTIVE ORDERS

Thence southeasterly along a diagonal to the SE corner of the north half of the NW quarter of Section 8 (T26N, R20W);

Thence east along the south side of the north half of the NE quarter of said Section 8 to the east side of said Section 8;

Thence south along the east side of Section 8 to the intersection with the northeasterly boundary of Dakota County;

### Ravenna

Thence southeasterly along the Dakota County boundary to the intersection with the Dakota County-Goodhue County common boundary;

Thence south along said boundary to the intersection with the south side of Section 21 (T114N, R16W);

Thence west along the south side of said Section to the SW corner of said Section;

Thence north along the west side of said Section to the NW corner of said Section;

Thence north along the west side of Section 16 (T114N, R16W) to the intersection with the center line of Dakota CSAH 54;

Thence northwesterly along said center line to the intersection with the south side of Section 31 (T115N, R16W);

Thence west along said line to the SW corner of said Section 31;

Thence north along the east side of Section 36 (T115N, R17W) to the NE corner of the SE quarter of the SE quarter of said Section 36;

Thence west along the south side of the NE quarter of the SE quarter of said Section 36 to the SW corner of the NE quarter of the SE quarter of said Section 36;

Thence north along the west side of the east half of the SE quarter of said Section 36 to the NW corner of the NE quarter of the SE quarter of said Section 36;

Thence west along the north side of the south half of said Section 36 and Section 35 (T115N, R16W) to the west side of said Section 35;

### Hastings

Thence north along the west side of said Section 35 and Section 26 (T115N, R16W) to the intersection with the center line of 3rd Street;

Thence west along said center line to the intersection with the center line of Washington Street;

Thence north along said center line to the intersection with the center line of 2nd Street;

Thence west along said center line to the intersection with the center line of Dakota County Road 42;

### Nininger

Thence northwesterly along said center line to the intersection with the center line of Dakota County Highway 87;

Thence northwesterly along said center line to the intersection with the center line of 125th Street east;

Thence west along said center line to the intersection with the center line of Isadore Avenue;

Thence south along said center line to the intersection with the center line of 127th Street east;

Thence west along said center line to the intersection with the center line of Idell Avenue;

Thence south along said center line to the intersection with the center line of Dakota County Road 42;

Thence southwesterly along said center line to the intersection with the center line of Minnesota Highway 55;

### Rosemount Inver Grove Heights

Thence west and then north along said center line to the intersection with the center line of Dakota County Road 77;

Thence north along said center line to the intersection with the center line of Minnesota State Highway 56;

Thence north along said center line to the intersection with the center line of 70th Street east;

Thence west along said center line to the intersection with the center line of Delany Avenue east;

Thence north along said center line to the intersection with the center line of 69th Street east;

Thence west along said center line to the east side of Section 3 (T27N, R18W);

Thence north along said side to the NE corner of said Section 3;

Thence west along the north side of said Section 3 to the intersection with the center line of Henry Avenue;

### South St. Paul

Thence north along said center line to the intersection with the center line of Chestnut Street;

Thence east along said center line to a point directly in line with the southerly extension of Eldridge Avenue;

From this point, northwesterly along a diagonal to the intersection of the center lines of Spruce Street and Eldridge Avenue;

Thence north along the center line of Eldridge Avenue to the intersection with the center line of Dale Street;

Thence west along said center line to the intersection with the center line of Syndicate Avenue;

Thence north along said center line to the intersection with the center line of Warburton Street;

From this point, northwesterly, along a diagonal to the intersection of the center lines of 8th Street South and 1st Avenue South;

Thence north along the center line of 1st Avenue South to the intersection with the center line of Southview Boulevard;

Thence west along said center line to the intersection with the center line of 2nd Avenue South;

# EXECUTIVE ORDERS

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Thence north along said center line to the intersection with the center line of Marie Avenue;

Thence west along said center line to the intersection with the center line of 3rd Avenue North;

Thence north along said center line to the intersection with the center line of 2nd Street North;

Thence west along said center line to the intersection with the center line of 4th Avenue North;

Thence north along said center line to the intersection with the center line of 3rd Street North and Grand Avenue;

Thence north along the center line of Grand Avenue to the intersection with the center line of 5th Avenue North;

From this point northwesterly along a diagonal to the intersection of the center lines of Turin and Stewart Avenues;

Thence north along the center line of Stewart Avenue to the intersection of the center lines of 8th Avenue North and Thompson Avenue;

From this point northwesterly along a diagonal to the intersection of the center lines of Highland Avenue and 10th Avenue North;

From this point, northwesterly along a diagonal to the intersection of the center lines of Bryant and Summit Avenues;

Thence north along the center line of Summit Avenue to the intersection with the center line of Orme Avenue;

From this point northwesterly along a diagonal to the intersection of the center lines of Butler and Stickney Avenues;

From this point northwesterly along a diagonal to the intersection of the center lines of Stanley and Evans Avenues;

Thence north along the center line of Evans Avenue to the intersection of the center lines of Stickney Avenue and Lewis Street;

Thence north along the center line of Stickney Avenue to the intersection with the St. Paul-South St. Paul common boundary;

## St. Paul

Thence west along said boundary to the intersection with the center line of new State Highway 56;

Thence north along said center line to the intersection with the center line of East Page Street;

Thence west along said center line to the intersection with the center line of Woodbury Street;

Thence north along said center line to the intersection with the center line of Prescott Street;

Thence west along said center line to the intersection with the center line of Oakdale Avenue;

Thence north along said center line to the intersection with the center line of East King Street;

Thence west along said center line to the intersection with the center line of Robert Street;

Thence north along said center line to the intersection with the center line of George Street;

Thence west along said center line to the intersection with the center line of Humboldt Avenue;

Thence north along said center line to the intersection with the center line of Winifred Street;

Thence west along said center line to the intersection with the center line of Hall Street;

Thence north along said center line to the intersection with the center line of Delos Street;

Thence west along said center line to the intersection with the center line of Bidwell Street;

Thence south along said center line to the intersection with the center line of W. Congress Street;

Thence west along said center line to the intersection with the center line of Ohio Street;

Thence south along said center line to the intersection with the center line of Robie Street;

Thence west along said center line to the intersection with the center line of Manomin Avenue;

Thence south along said center line to the intersection with the center line of West George Street;

Thence west along said center line to the intersection with the center line of Smith Avenue;

Thence south along said center line to the intersection with the center line of West Stevens Street;

Thence west along said center line to the intersection with the center line of Ottawa Avenue;

Thence south along said center line to the intersection with the center line of Morton Street;

Thence west along said center line to the intersection with the center line of Delaware Avenue;

Thence south along said center line to the intersection with the center line of State Highway 13;

## Mendota Heights

Thence west and southwesterly along said center line to the intersection with the center line of Sylvandale Road;

Thence south along said center line to the intersection with the center line of Woodridge Drive;

Thence southwesterly along said center line to the intersection with the center line of Cascade Lane;

Thence south along said center line to the intersection with the center line of Arcadia Drive;

From this point southwesterly along a diagonal to the northwest corner of Section 24 (T28N, R22W);

Thence west along the north side of Section 23 (T28N, R22W), to the intersection with the center line of the Northern States Power Company utility easement;

# EXECUTIVE ORDERS

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Thence south along said center line to the intersection with the south side of the north half of the NE quarter of said Section 23;

From this point, southwesterly along a diagonal to the intersection of the center lines of Victoria Road and Caren Road;

Thence westerly along the center line of Caren Road to the intersection with the center line of James Road;

Thence southwestly along said center line to the intersection with the center line of Douglas Road;

Thence westerly along said center line to the intersection with the center line of James Road;

Thence westerly along said center line to the intersection with the center line of Lexington Avenue;

Thence south along said center line to the intersection with the center line of Orchard Place;

Thence westerly along said center line to the intersection with the center line of Hunter Lane;

Thence south along said center line to the intersection with the center line of State Highway 110;

Thence west along said center line to the intersection with the center line of Minnesota Highway 13;

Thence southerly along said center line to the intersection with the center line of Interstate 494;

Thence westerly along said center line to the intersection with the center line of State Highway 5;

Thence northeasterly along said center line to the intersection with the boundary line of the Fort Snelling State Park;

Thence northerly along said boundary line to the intersection with the center line of State Highway 55;

## Minneapolis

Thence northwesterly along said center line to the intersection with the center line of 47th Avenue South;

Thence north along said center line to the intersection with the center line of Minnehaha Avenue;

Thence northwesterly along said center line to the intersection with the center line of Nawadaha Boulevard;

Thence easterly along said center line to the intersection with the center line of 46th Avenue South;

Thence north along said center line to the intersection with the center line of E. 46th Street;

Thence east along said center line to the intersection with the center line of 47th Avenue South;

Thence north along the center line of 47th Avenue South to the intersection with the center line of East 44th Street;

From this point north along a straight line to the intersection of the center lines of Dowling Street and 47th Avenue South;

Thence north along the center line of 47th Avenue South to the intersection with the center line of East 32½ Street;

Thence west along said center line to the intersection with the center line of 46 Avenue South;

Thence north along said center line to the intersection with the center line of East 35th Street;

Thence east along said center line to the intersection with the center line of 47th Avenue South;

Thence north along said center line to the intersection with the center line of East Lake Street;

Thence west along said center line to the intersection with the center line of 46th Avenue South;

Thence north along said center line to the intersection with the center line of Dorman Avenue;

Thence northwesterly along said center line to the intersection with the center line of 40th Avenue South;

Thence in a straight line northwest to the intersection of the center lines of Minneapolis Avenue and 34th Avenue South;

Thence northwest along the center line of Minneapolis Avenue to the intersection with the center line of 31st Avenue South;

Thence north along said center line to the intersection with the center line of Franklin Avenue;

Thence west along said center line to the intersection with the center line of Riverside Avenue;

Thence northwest along said center line to the intersection with the center line of 19th Avenue South;

Thence north along said center line to the intersection with the center line of 2nd Street South;

Thence northwest along the center line of 2nd Street South to the intersection of the center lines of 2nd Street South and Hennepin Avenue;

Thence north-northwest along the center line of 2nd Street North to the intersection with the center line of Mississippi Drive;

Thence north-northeast along said center line to the intersection with the center line of Lyndale Avenue North;

Thence north along said center line to the intersection with the center line of Interstate 94;

Thence north along said center line to the intersection with the center line of 52nd Avenue North;

Thence west along said center line to the intersection with the center line of 4th Street North;

Thence northwesterly along said center line to the intersection with the center line of 55th Avenue North;

## Brooklyn Center

Thence westerly along said center line to the intersection with the center line of Camden Avenue North;

Thence north along said center line to the intersection with the center line of 62nd Avenue North;

# EXECUTIVE ORDERS

Thence in a straight line northeasterly to the intersection of the center lines of State Highway 196 and Interstate 94;

## Brooklyn Park

Thence north along the center line of State Highway 196 to the intersection with the center line of 89th Avenue North;

Thence west along said center line to the west side of Section 13 (T31N, R24W);

Thence north along said side of said Section 13 to the NW corner of said Section 13;

From this point west along the south side of Section 11 (T31N, R24W) to the SW corner of the SE quarter of the SE quarter of said Section 11;

Thence north to the NW corner of the SE quarter of the SE quarter of said Section 11;

Thence in a straight line northwest to the intersection of the center lines of Logan Avenue North and 95th Avenue North;

Thence northeast along the center line of Logan Avenue North to the intersection with the center line of 96th Avenue North;

Thence northwest along said center line to the intersection with the center line of Newton Avenue North;

Thence north along said center line to the intersection with the center line of 97th Avenue North;

Thence west along said center line to the SE corner of the NW quarter of said Section 11;

Thence north along the east side of the NW quarter of said Section 11 to the intersection with the center line of State Highway 169;

Thence northwest along said center line to the north side of the south half of the SW quarter of Section 2 (T31N, R24W);

Thence west along the said side to the west side of said Section 3;

Thence north-northwest in a straight line to the intersection of the center lines of Riverside Place and Sunset Road;

Thence northwest along the center line of Riverside Place to the intersection with the center line of France Avenue North;

Thence north-northeast along said center line to the intersection with the center line of U.S. Highway 169;

## Champlin

Thence northwest along said center line to the intersection with the center line of Hayden Lake Road;

Thence west along said center line to the intersection with the center line of U.S. Highway 52;

Thence north along said center line to the intersection with the center line of U.S. Highway 169;

Thence northwest along said center line to the intersection with the center line of Hennepin County Road 12;

Thence northwest along said center line to the intersection with the east side of Section 14 (T120N, R22W);

## Dayton

Thence north along said side of Section 14 to the SE corner of the NE quarter of the NE quarter of Section 14 (T120N, R22W);

Thence west along the south side of the NE quarter of the NE quarter of Section 14 to the SW corner of the NE quarter of the NE quarter of Section 14 (T120N, R22W);

Thence north along the west side of the NE quarter of the NE quarter of Section 14 to the south side of Section 11 (T120N, R22W);

Thence west along the south side of Section 11 (T120N, R22W) to the SW corner of the SE quarter of said Section;

Thence north along the west side of the SE quarter of Section 11 to the NW corner of the SW quarter of the SE quarter of Section 11 (T120N, R22W);

Thence west along the north side of the south quarter of Section 11 to the intersection with the east side of Section 10 (T120N, R22W);

Thence south along the west side of Section 11 to the SW corner of the N one-half of the NW quarter of the SW quarter of the SW quarter of Section 11 (T120N, R22W);

Thence west across Government Lot 6 to the east boundary of Government Lot 5, Section 10 (T120N, R22W);

Thence south along the east boundary of Government Lot 5 to the NE corner of the south 20 acres of Government Lot 5, (T120N, R22W);

Thence west to the SW corner of the NE quarter of the SE quarter of the SW quarter of Section 10 (T120N, R22W);

Thence north to the south side of Government Lot 4, Section 10 (T120N, R22W);

Thence west to the SW corner of Government Lot 4, Section 10 (T120N, R22W);

Thence north along the west side of Government Lot 4 to the NW corner of Government Lot 4, Section 10 (T120N, R22W);

Thence west to the east side of Section 9 (T120N, R22W);

Thence north along the east side of Section 9 to the SE corner of Government Lot 1, Section 9 (T120N, R22W);

Thence west along the south side of Government Lot 1 to the SW corner of Government Lot 1 within Section 9 (T120N, R22W);

Thence north along the west side of Government Lot 1 in Section 9 to the north side of Section 9 (T120N, R22W);

Thence west along the north side of Section 9 to the NE corner of the NE quarter of the NW quarter of Section 9 (T120N, R22W);

Thence south along the east side of the NE quarter of the NW quarter to the SE corner of the NE quarter of the NW quarter of Section 9 (T120N, R22W);

Thence west along the south side of the north quarter of Section 9 to the SW corner of the NW quarter of the NW quarter of Section 9 (T120N, R22W);

Thence north along the east side of Section 8 (T120N, R22W) to the SE corner of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W);

# EXECUTIVE ORDERS

Thence west along the south side of the northern half of the NE quarter of the NE quarter in Section 8 to the SW corner of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W);

Thence north along the west side of the northern half of the NE quarter of the NE quarter of Section 8 (T120N, R22W) to the south side of Section 5 (T120N, R22W);

Thence west to the SW corner of Government Lot 4 in Section 5;

Thence north along the west side of Government Lot 4 to the SE corner of Government Lot 3, Section 5 (T120N, R22W);

Thence west along the north side of the south quarter of Section 5 to the SW corner of the NW quarter of the SW quarter of Section 5;

Thence north to the SW corner of Government Lot 2, Section 5;

Thence west to the SW corner of Government Lot 3, Section 6 (T120N, R22W);

Thence north along the western boundary of Government Lot 3 in Section 6 (T120N, R22W) to its intersection with the center line of Hennepin County Road 12;

Thence in a northwesterly direction along said center line traversing Government Lot 2 in Section 6 and continuing through Section 31 (T120N, R22W) to the intersection with the Hennepin-Wright County common boundary line at the mouth of the Crow River.

Thence northerly along said line to the Hennepin County-Sherburne County common boundary line;

Thence easterly along said line to the point where the west boundary line of Anoka County intersects with the north boundary line of Hennepin County.

## Appendix B Mississippi River Corridor Districts

### 1. Rural open space districts.

#### a. On the east side of the river:

(1) From the Anoka County-Sherburne County common boundary to the west side of Section 35 (T32N, R25W) in Ramsey.

(2) From the St. Paul Park-Grey Cloud Township common boundary to the east side of Section 8 (T26N, R20W) in Denmark Township.

#### b. On the west side of the river:

(1) From the Dakota County-Goodhue County common boundary to the west sides of Sections 23, 26, and 35 (T115N, R17W) in Hastings.

(2) From the Hastings-Nininger common boundary to the west side of Section 21 (T115N, R18W) in Rosemount.

(3) From the south side of the north half of Section 34 (T27N, R22W) to the north side of Section 14 (T27N, R22N) in Inver Grove Heights.

### 2. Urban developed districts.

#### a. On the east side of the river:

(1) From the west side of Section 35 (T32N, R25W) in Ramsey to the center line of Interstate 694 in Fridley.

(2) From the south side of Section 26 (T28N, R22W) in Newport to the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary.

(3) From the center line of Eight Avenue in St. Paul Park to the St. Paul Park-Grey Cloud Township common boundary.

#### b. On the west side of the river:

(1) From the north side of section 14 (T27N, R22W) in Inver Grove Heights to the South St. Paul-Inver Grove Heights common boundary.

(2) From the eastern extension of the center line of 48th Avenue North in Minneapolis to the eastern extension of the center line of Hennepin County Highway 49.

### 3. Urban open space districts.

#### a. On the east side of the river:

(1) From the center line of Franklin Avenue in Minneapolis to the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul.

\*(2) From the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul to the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul.

#### b. On the west side of the river:

(1) From the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul to the center line of Interstate 494 in Mendota Heights on the Minnesota River.

\*With the exception of that area needed for the future approved expansion of the Metropolitan Waste Water Treatment Plant at Pig's Eye.

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(2) From the center line of Interstate 494 in Bloomington on the Minnesota River to the center line of Franklin Avenue in Minneapolis.

4. Urban diversified districts.

a. On the east side of the river:

(1) From the center line of Interstate 694 in Fridley to the center line of Franklin Avenue in Minneapolis.

(2) From the north side of Section 14 (T28N, R23W) (Otto Avenue) in St. Paul to the west sides of Sections 3 and 10 (T28N, R22W) and the east boundary of the Chicago and Northwestern Railroad right-of-way in St. Paul and including Twin City Barge and Towing Co's. turning basin, about 11.5 acres at the Northwest corner of Red Rock Industrial Park.

(3) From the western and northern boundaries of the Red Rock Industrial District, the western boundary of the Chicago, Milwaukee, St. Paul and Pacific Railroad right-of-way, and the south side of Section 14 (T28N, R22W) in St. Paul, to the south side of Section 26 (T28N, R22W) in Newport.

(4) From the south side of the north half of Section 1 (T27N, R22W) which is the Newport and St. Paul Park common boundary, to the center line of Eight Avenue in St. Paul Park.

b. On the west side of the river:

(1) From the west sides of Sections 23, 26, and 35 (T115N, R17W) in Hastings to the Hastings-Nininger common boundary.

(2) From the west side of Section 21 (T115N, R18W) in Rosemount to the south side of the north half of Section 34 (T27N, R22W) in Inver Grove Heights.

(3) From the South St. Paul-Inver Grove Heights common boundary to the north side of Section 7 (T28N, R22W) and the center line of Ohio Street in St. Paul.

(4) From the center line of Franklin Avenue in Minneapolis to a line collinear with the center line of 48th Avenue North in Minneapolis.

### Appendix C Definitions

The following terms as used in these Regulations shall have the following meanings, unless otherwise defined:

1. "Act" means the Critical Areas Act of 1973, Minn. Stat. §§ 116G.01 to 116G.14 (Supp. 1974).

2. "Accessory Use" means a use or portion of a use or structure subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.

3. "Adjacent" means having a boundary which physically touches or adjoins.

4. "Agriculture" means the utilization of land and structures thereon for production of farm crops, including but not limited to vegetables, fruit trees, grain, poultry and domestic farm animals and uses necessary or customarily incidental thereto.

5. "Backwater" means a body of water connected with, but little affected by the main stream.

6. "Barge Fleeting Area" means an area on the river, on or off channel, where barges are temporarily parked and secured while tows are assembled or broken up.

7. "Barge Slip" means a basin, usually adjacent to a wharf, jetty, dock or other cargo handling facility, where barges are brought for the purpose of loading or unloading cargo.

8. "Bluffline" means a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent. More than one bluffline may be encountered proceeding landward from the water.

9. "Building Height" means the vertical distance to be measured from the grade of a building line to the top to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

10. "Clear Cutting" means the removal of an entire stand of trees and shrubs.

11. "Cluster Development" means a pattern of subdivision which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

12. "Council" means the Minnesota Environmental Quality Council established pursuant to Minn. Stat. § 116C.01 to 116C.08 (Supp. 1974).

13. "Development" means the making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance of a

## EXECUTIVE ORDERS

structure on the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or pond; a commencement of drilling (except to obtain soil samples), mining or excavation; demolition of a structure; clearing of land as an adjunct to construction; deposit of refuse, solid or liquid waste, or fill on a parcel of land; the dividing of land into two or more parcels.

14. "Development Permit" means a building permit, zoning permit, water use permit, discharge permit, permit for dredging, filling, or altering any portion of a watercourse; plat approval, re-zoning, certification, variance or other action having the effect of permitting any development as defined in the Act or these Interim Development Regulations.

15. "Dimension Variance" means a modification or variation of the height or setback provisions of the Interim Development Regulations where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the provisions would cause an undue or unnecessary hardship, or that strict conformity with the provisions would be unreasonable, impractical or unfeasible under the circumstances.

16. "Dwelling Unit" means a residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.

17. "Essential Services" means underground or overhead gas, electrical, steam or water distribution systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, and other similar equipment and accessories in conjunction therewith, but not including buildings or transmission services.

18. "Feedlots" means a confined unenclosed area for the feeding, breeding, raising or holding of livestock, where livestock manure can accumulate, and where there is no vegetation.

19. "Floodway" means the river channel and the portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

20. "Floodplain" means the areas adjoining a watercourse which has been or hereafter may be covered by a regional flood.

21. "Regional Flood" means a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

22. "General Advertising Signs" means those signs

which direct attention to a product, service, business or entertainment not exclusively related to the premises where such sign is located.

23. "Government Development" means any development financed in whole, or in more than 50 percent of its total financing, directly or indirectly, by the United States, the State of Minnesota, or any agency or political subdivision thereof.

24. "Historic Preservation" means the protection by various means of buildings or other structures, land areas, or districts which are identified by the Minnesota Historical Society or the National Register of Historic Places.

25. "Industrial Use" includes without limitation, factory, office building, warehouse, elevators, material transfer site, pipeline, refuse and material storage areas.

26. "Interim Development Regulations" means the regulations in the Order which indicate the development that shall be permitted pending the adoption of plans and regulations consistent with the policies of the Act and Minnesota Regulations MEQC 51 through MEQC 57.

27. "Landscaping" means plants such as trees, grass, and shrubs.

28. "Livestock" includes, but is not limited to horses, cattle, pigs and turkeys.

29. "Local Unit of Government" means any political subdivision of the State, including but not limited to counties, municipalities, townships, and all agencies and boards thereof.

30. "Lot" means a parcel, piece, or portion of land designated by metes and bounds, registered land survey, plat, or other means and separated from other parcels or portions by said description that is recorded or to be recorded in the Office of the Register of Deeds (or Registrar of Titles).

31. "Major Expansion" means an expansion involving a 20% or greater addition to the total land area presently covered or used by an industrial, commercial, recreational or public facility.

32. "Metropolitan Development Framework" means that chapter of the Metropolitan Development Guide which deals primarily with the physical development of the metropolitan area.

33. "Metropolitan Plans, Guides, and Standards" means and refers to all documents, reports, and materials which have been adopted by the Metropolitan Council and includes, but is not limited to Metropolitan Development Guide Sections, including the Development Framework

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Chapter and policy plans for Development Programs of all Metropolitan Commissions.

34. "Metropolitan Systems" means those facilities for which the Metropolitan Council has planning responsibility including, but not limited to interceptor sanitary sewers, sewage treatment plants, transit facilities, regional parks, and major highways.

35. "Metropolitan Urban Service Area (MUSA)" means the portion of the metropolitan area having metropolitan sewer service available, good highway access, transit service, and most municipal services as designated in the Development Framework chapter of the Metropolitan Development Guide.

36. "Mining" means the extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing with the exception of the removal of materials associated with construction of a building, which is approved in a building permit.

37. "Mississippi River Corridor" means that area within the boundaries of the Mississippi River Corridor Critical Area.

38. "Mobile Home Court" means any area on which spaces are rented for the placement of occupied mobile homes.

39. "Mobile Home" means a housing unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like.

40. "Multi-family Development" means three or more dwelling units in one structure, including but not limited to an apartment building.

41. "Normal Highwater Mark" means a mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence of the level upon the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. When the normal highwater mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, backwaters, and sloughs. At the option of the local unit of government, the normal highwater mark may be delineated as the 100-year floodway line as defined by the Minnesota Department of Natural Resources.

42. "Non-conforming Use" means any use of land established before the effective date of the Interim Development Regulations, which does not conform to the use restrictions of a particular use district of the Interim Development Regulations. This should not be confused with substandard dimensions of a conforming use.

43. "Order" means the Governor's Executive Order that formally designates the Mississippi River Corridor as a Critical Area.

44. "Plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both private and public of the county, municipality, and township. It may include, but not be limited to the following: statement of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan and recommendations for plan implementation.

45. "Public Facility" means all public buildings, including schools, libraries, fire stations, administrative offices, roads, bridges.

46. "Public Safety Facilities" means hydrants, fire alarm boxes, street lights, railway crossing signals, and similar facilities and accessories, but not including buildings.

47. "Public Transportation" means all modes of transportation provided by or dedicated to public use including, but not limited to roadways, transit facilities, railroads, and bikeways.

48. "Regional Agencies" means the Metropolitan Council, Metropolitan Waste Control Commission, Metropolitan Airport Commission, Metropolitan Transit Commission, and Metropolitan Park Board.

49. "Recreation Open Space" means recreation uses particularly oriented to and utilizing the outdoor character of an area; including, but not limited to hiking, riding trails, primitive campsites, campgrounds, parks, and recreation areas.

50. "Rules and Regulations" means the instruments by which state and local units of government control the physical development of the Mississippi River Corridor or any part or detail thereof. Regulations include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and the adoption of official maps.

51. "Re-zone" means a change of permitted uses within a local zoning district or of the boundaries of a local zoning district, adopted by ordinance by the local government unit.

52. "Selective Cutting" means the removal of single

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scattered trees or shrubs. Selective cutting shall not be construed to mean the removal of all trees or shrubs in a given area resulting in the clearing of the land.

53. "Compatible Use" means a use which may be compatible or desirable in a specified district, but requires special conditions for approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

54. "Setback" means the minimum horizontal landward distance between any part of a structure and the normal highwater mark or the established bluffline.

55. "Sewage Disposal System" means any system for the collection, treatment, and dispersion of sewage including, but not limited to, septic tank soil absorption systems.

56. "Single Family Unit" means a detached building containing one (1) dwelling unit.

57. "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure which can, while it is located on land, be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. Structure also includes roads, billboards,

swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

58. "Subdivision" means the division of any parcel of land into two or more lots, including re-subdivision.

59. "Transmissions Services" means electric power, telephone, and telegraph lines, cables, pipelines or conduits that are used to transport large blocks of power between two points. In the case of electrical power, this will generally mean 69 kilovolts or more. For mains or pipelines for gas, liquids, or solids in suspension, this means those that are used to transport large amounts of gas, liquids, or solids in suspension between two points.

60. "Treeline" means the more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. Such line shall be determined during all seasons as if under full foliage.

61. "Wetlands" are low-lying areas which may be covered with shallow water. They are frequently associated with a highwater table. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands. They may occur adjacent to or within natural drainageways or as free-standing low areas. Wetlands shall consist of Types 1 to 8 as defined in U.S.D.I. Fish and Wildlife Service Circular 39.

## Executive Order No. 130A

### Amending Executive Order 130 by Correcting the Legal Description of the River Corridor and Adding Two Sections.

I, Wendell R. Anderson, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order.

WHEREAS, a correction is necessary in the ninth paragraph of Appendix A, the Legal Description of the River Corridor; and,

WHEREAS, the Standards and Guidelines for Preparing Plans and Regulations, and the Interim Development Regulations were omitted from the original Executive Order:

NOW, THEREFORE, I order that:

1. Paragraph nine of Appendix A be amended to read:

Thence east along the north line of the southeast quarter of the southwest quarter of said Section 29; to the west boundary line of Section 28; (T32N, R25W);

2. The Standards and Guidelines for Preparing Plans and Regulations and the Interim Development Regulations attached are hereby incorporated into Executive Order No. 130.

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This order shall be effective immediately upon publication in the State Register and shall remain in force until rescinded by the proper authority.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 5th day of November, 1976.

*Wendell R. Anderson*

### Standards and Guidelines for Preparing Plans and Regulations

#### A. Purpose and responsibility.

1. Purposes. The purposes of the Critical Area designation and the following standards and guidelines are:

a. To protect and preserve a unique and valuable state and regional resource for the benefit of the health, safety and welfare of the citizens for the state, region, and nation;

b. To prevent and mitigate irreversible damage to this state, regional, and national resource;

c. To preserve and enhance its natural, aesthetic, cultural, and historical value for the public use;

d. To protect and preserve the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and

e. To protect and preserve the biological and ecological functions of the corridor.

2. Responsibility. The standards and guidelines provided herein shall be:

a. Followed by the local units of government when preparing or updating plans, and/or modifying regulations;

b. Followed by state agencies, and regional agencies for permit regulation and in developing plans within their jurisdiction;

c. Followed by the Metropolitan Council for reviewing plans, regulations, and development permit applications;

d. Followed by the Council for approving plans, regulations, and development permit applications.

B. General guidelines for preparing plans and regulations.

1. The Mississippi River Corridor shall be managed as a multiple-purpose resource by:

a. Maintaining the river channel for transportation and providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the river and the riverfront.

b. Conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor.

c. Providing for the continuation of the development of a variety of urban uses, including industrial and commercial uses, and residential, where appropriate, within the river corridor.

d. Utilizing certain reaches of the river as a source of water supply and as a receiving stream for properly treated sewage and industrial waste effluents.

2. In order to manage the river corridor consistent with its natural characteristics and its existing development, the following guidelines are established for each corridor district:

a. Rural open space district. The lands and waters within this district shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. Presently undeveloped islands shall be maintained in their existing natural state. The transportation function of the river shall be maintained and preserved.

b. Urban diversified district. The lands and waters within this district shall be used and developed to maintain the present diversity of commercial, industrial, residential, and public uses of the lands, including the existing transportation use of the river; to protect historical sites and areas, natural scenic and environmental resources; and to expand public access to and enjoyment of the river. New commercial, industrial, residential, and other uses may be permitted if they are compatible with these goals.

c. Urban developed district. The lands and waters within this district shall be maintained largely as residential

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areas. The expansion of existing and development of new industrial, commercial, and other non-residential or non-recreational uses shall be limited to preserve and enhance the residential character of this district.

d. Urban open space district. The lands and waters within this district shall be managed to conserve and protect the existing and potential recreational, scenic, natural, and historic resources and uses within this district for the use and enjoyment of the surrounding region. Open space shall be provided in the open river valley lands for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district shall be protected.

3. The Mississippi River Corridor shall be managed in accordance with the Metropolitan Council's Development Guide Chapter, Critical Areas Act of 1973, and the Minnesota Environmental Policy Act of 1973, and other applicable state laws, and federal laws.

C. Specific standards and guidelines for preparing plans and regulations.

1. Each local unit of government within the river corridor shall prepare plans and regulations to protect environmentally sensitive areas in accordance with the following guidelines.

a. Each local unit of government shall, with the assistance of the Metropolitan Council and state agencies:

(1) Identify and prepare an inventory of:

(a) floodplains,

(b) wet lands,

(c) slopes from 12% to 18% and over 18%,

(d) soils not suitable for urban development on-site waste disposal

(e) significant vegetative stands, and

(f) natural drainage routes.

(2) Prepare a floodplain ordinance if it does not have a floodplain ordinance in effect;

(3) Prepare plans and regulations to protect wetlands;

(4) Prepare plans and regulations to protect bluffs greater than 18% and to provide conditions for the development of bluffs between 18% and 12% slopes;

(5) Prepare plans and regulations to minimize direct overland runoff and improve the quality of runoff onto adjoining streets and watercourses;

(6) Prepare plans and regulations to minimize site alteration and for beach and riverbank erosion control;

(7) Prepare regulations for management of vegetative cutting; and

(8) Prepare criteria for control of noise in open space and recreational areas with assistance of the PCA.

2. Each local unit of government and state agency shall prepare plans and regulations to protect and preserve the aesthetic qualities of the river corridor, which provide for the following considerations:

a. Site plans. Site plans shall be required to meet the following guidelines:

(1) New development and expansion shall be permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.

(2) Site plans shall be required for all developments for which a development permit is required, except for the modification of an existing single-family residential structure or the construction of one single-family residence.

(3) Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the Designation Order; maps which specify soil types, topography, and the expected physical changes in the site as a result of the development; the measures which address adverse environmental effects.

(4) Site plans shall include standards to ensure that structure, road, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the character and use of the river corridor in that district.

(5) Site plans shall provide opportunities for open space establishment and for public viewing of the river corridor whenever applicable, and shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.

b. Structures. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.

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c. Clustering. The clustering of structures and the use of designs which will reduce public facility costs and improve scenic quality shall be encouraged. The location of clustered high-rise structures may be proposed where public services are available and adequate and compatible with adjacent land uses.

d. Access routes. Commercial and industrial developments adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways. (Except in cases of extreme hardship, highway access for any development within 250 feet of a bridge or bridge ramp shall be prohibited.)

e. Existing development. Local plans and regulations shall include provisions to:

(1) Retain existing vegetation and landscaping;

(2) Amortize non-conforming uses;

(3) Prohibit the reconstruction of non-conforming uses which are 50% market value destroyed;

(4) Provide for the screening of existing development which constitutes visual intrusion, wherever appropriate.

f. Signs. Local units of government shall adopt ordinances for the amortization and removal of non-conforming general advertising signs, and to prohibit the visibility of advertising signs from the river, except in urban diversified districts.

3. Local units of government shall develop plans and regulations to ensure that developments shall not be undertaken prior to the provision of metropolitan public facilities in adopted metropolitan plans, in accordance with the following guidelines:

a. Developments in areas not scheduled for the provision of municipal or metropolitan sanitary sewers shall comply with adequate onsite sewage disposal system regulations.

b. The density of development outside the metropolitan urban service area shall be limited to ensure that there is no need for the premature provision of local and metropolitan urban services and facilities.

4. Local units of government shall develop plans and provide guidance to ensure that the surface uses of the river is compatible with the characteristics and use of the districts in accordance with the following guidelines:

a. The present 9-foot navigation channel shall be maintained.

b. Provision shall be made for the use of the river for water transportation which is consistent with adopted state and regional policies and regulations and applicable federal laws and to minimize any adverse effects associated with such facilities.

c. Local plans shall identify areas physically suitable for barge slips and barge fleeting, based on such considerations as safety, maneuverability, operational convenience, amount of construction and/or excavation required, and environmental impacts; and

d. Local plans shall specify which of those areas found physically suitable may be used for barge slips and barge fleeting areas in the future. Preference should be given to those areas where new barge slips and associated facilities can be clustered, where required metropolitan services are already available, and where use of the river-front for barge slips and fleeting areas, and access to them, is compatible with adjacent land use and public facilities.

e. Local plans shall identify, whenever practicable, locations where river dredge spoil can be utilized consistent with natural geological appearances or processes and adjacent land uses.

f. Where there is potential conflict of surface use, state and local governments shall enact appropriate water surface use regulation.

g. The Minnesota Energy Agency shall be responsible for recommending to the EQC a strategy for the development of a coal transportation plan for the metropolitan area.

5. Local units of government shall develop plans and regulations for industrial and commercial developments in the River Corridor in accordance with the following guidelines:

a. Areas for new or expanded industrial and commercial developments, where urban services are available, and the premature expansion or upgrading of the metropolitan systems will not be required, shall be identified.

b. The existing industrial waste discharge points, sanitary, and storm water discharge points shall be identified.

c. Local plans should give consideration to providing for future industrial and commercial uses that require water access including, but not limited to such uses as, transportation, water supply and waste discharge. This does not preclude the locating of non-water related uses within the Corridor.

d. The impact of potential mining and extraction sites or other incompatible uses shall be minimized.

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e. Land reclamation and reforestation of the mining site shall be regulated.

6. Local units of government and regional and state agencies shall develop plans and regulations to maximize the creation and maintenance of open space and recreational potential of the Corridor in accordance with the following guidelines:

a. Existing and potential sites for the following uses shall be identified and inventoried.

(1) Neighborhood, municipal, county and regional parks;

(2) Scenic overlooks, scenic views, and public observation platforms;

(3) Protected open space areas, including islands, gorges, wildlife preservation areas, and natural areas;

(4) Beaches and undeveloped river frontage on backwaters, which are suitable for recreation purposes;

(5) Commercial marinas and boat launching facilities;

(6) Public access points to the river;

(7) Historic sites and districts.

b. The Metropolitan Council shall prepare a general trailway plan for the entire length of the River Corridor which links regional parks.

c. Local units of government shall identify the potential location of trails within their jurisdictions, including related problems and proposed solutions.

d. Plans and programs to acquire sites for public access to the river and to protect open space areas shall be developed.

e. Programs to acquire and manage undeveloped islands in their natural state and to encourage the restoration of other islands for recreation open space uses shall be adopted.

f. In the development of residential, commercial and industrial subdivisions, and planned development, a developer shall be required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands in interest therein.

g. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisi-

tion of land for parks, open space, storm water drainage areas or other public services within the River Corridor.

7. Local units of government and state agencies shall develop plans and regulations for transportation and public utilities developments in accordance with the following guidelines:

a. Existing and potential utility and transportation facility crossings shall be identified and river crossings shall be minimized and concentrated at existing crossings where possible.

b. The Corridor shall not be used merely as a convenient right-of-way and new or modified transportation and utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.

c. In planning and designing the construction or reconstruction of all public transportation facilities which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the River Corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.

8. Local units of government and regional and state agencies shall develop capital improvement programs which are consistent with the following guidelines:

a. A five year capital improvement program or public facilities program shall be developed which covers all public projects to be sited in the corridor.

b. The capital improvement program or public facilities program shall specify the sequence of actions to be undertaken by each public agency and shall be consistent with the Standards and Guidelines in sections B and C.

9. Local units of government shall reassess all lands in the River Corridor in accordance with the following guidelines:

a. Local units of government shall send copies of adopted plans and regulations and amendments of plans and regulations to appropriate municipal and county assessors within 30 days after adoption.

b. Municipal and county tax assessors shall reassess all lands in the Mississippi River Corridor for consistency with adopted plans and regulations within one year of receipt of adopted plans from local units of government.

10. Local units of government and regional and state agencies shall prepare plans and regulations in accordance

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with the natural characteristics and the character of existing development in the River Corridor in accordance with the following guidelines:

a. Local units of government and regional and state agencies shall prepare plans and regulations using the district boundaries as described in the Interim Development Regulations as guidelines, in accordance with the purpose of each district as described in the General Guidelines section B.

b. The City of St. Paul shall prepare plans and regulations to balance open space use and industrial and commercial developments for the Pig's Eye Lake area.

c. Local units of government may prepare modifications of the use districts boundaries as described in the Interim Development Regulations if local units of government demonstrate to the EQC in plans and supporting documents the consistency of the proposed modification with the General Guidelines.

11. Local units of government, regional agencies and state agencies shall provide adequate opportunities for public participation in the preparation of plans and regulations.

### D. Reviewing plans and regulations.

1. The Metropolitan Council shall be the lead agency to coordinate the preparation, submission, review and modification of land use plans, zoning ordinances, zoning amendments, capital improvement programs and other regulations, specified in section C, which are prepared by local units of government, regional and state agencies.

2. Local units of government and regional agencies shall submit existing, modified or prepared plans and regulations that comply with the Designation Order to the Metropolitan Council within six months of notice of the Order of Designation. The EQC shall review the state plans and regulations and forward the appropriate sections to the Metropolitan Council.

3. The Metropolitan Council shall review the plans, regulations, and capital improvement programs prepared by local units of governments, regional and state agencies for consistency with regional objectives and with the Order of Designation. Within 45 days of receiving the plans and regulations, the Metropolitan Council shall submit its written evaluation to the EQC. Upon a request from the Metropolitan Council, the EQC may grant 30 days time extensions when the EQC determines that the Metropolitan Council has satisfactorily demonstrated that it requires more time for review.

4. The EQC shall review all plans and regulations prepared for the Mississippi River Corridor, within 45 days of

receiving the plans and regulations from the Metropolitan Council. The EQC shall determine whether they are consistent with the provisions of the Order of Designation. When the EQC has completed the review, it shall either:

a. Approve the plans and regulations by a written decision and notify the local units of government and regional and state agencies, and the Metropolitan Council; or

b. Return them to the local units of governments, regional and state agencies, and the Metropolitan Council for modification with a written explanation of the need for modification.

5. Within 45 days of EQC's approval of the plans and regulations, local units of government, regional and state agencies shall adopt the approved plans and regulations, and shall notify the EQC.

### E. Updating and re-evaluation of plans and regulations.

1. Local units of government or regional and state agencies may amend their plans and regulations that have been approved by the EQC by resubmitting the plans and regulations with any recommended changes thereto, to the EQC for consideration.

2. Two years after EQC's initial approval of the plans and regulations, local units of government and regional and state agencies shall resubmit their plans and regulations with any recommended changes thereto, for review and approval by the EQC.

3. Amendments to plans and regulations shall become effective only upon the approval thereof by the EQC in the same manner as for approval of the original plans and regulations as stated in section D.

### F. Development permits.

1. If no plans and regulations have been adopted under the provisions of section D, local units of government and regional and state agencies shall grant a development permit only if:

a. The development is specifically permitted by the Interim Development Regulations;

b. The development is essential to protect the public health, safety, or welfare because of an existing emergency; or

c. The registration, recordation, permit, or authorization of the development was issued prior to the date of legal notice of the EQC public hearing provided in MEQC 53(3).

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2. When plans and regulations have been adopted under the provisions of section D, local units of government, regional and state agencies shall permit development only in accordance with those plans and regulations.

### G. Notification of the development permits to the EQC.

1. Local units of government, and regional and state agencies shall prepare administrative procedures for permit notification as a part of their plans and regulations. The local units of government, regional and state agencies shall notify the EQC of all the developments requiring discretionary actions under their rules and regulations at least 30 days before taking action on the application, unless the EQC informs the local unit of government and regional and state agencies in writing that the EQC need not be notified of certain types of applications.

2. Local units of government and regional and state agencies shall prepare procedures to notify the EQC of their final action on the development permits which require discretionary action.

H. Judicial proceedings. If the EQC determines that the administration of the local plans and regulations is inadequate to protect the state or regional interest, the EQC may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

## Interim Development Regulations for the Mississippi River Corridor Critical Area

### A. General provisions.

1. Authority. These procedures are prescribed by the Minnesota Environmental Quality Council (Council) pursuant to authority granted to the Council in Minn. Stat. §§ 116G.01 to 116G.14 (1974).

2. Purpose. The purposes of these regulations are:

a. To protect the public health, safety, comfort, convenience and general welfare;

b. To promote orderly development of the residential, commercial, industrial, recreational and public areas within the corridor;

c. To conserve the natural and scenic beauty of the river corridor;

d. To conserve and develop the natural resources of the river corridor; and

e. To provide for the compatibility of different land uses and the most appropriate use of land throughout the river corridor.

### 3. Scope.

a. These Interim Development Regulations shall apply to public and private lands and waters within the Mississippi River Corridor, as set forth and legally described in Appendixes A and B of the recommendation for designation of the Mississippi River Corridor as a critical area.

b. The Interim Development Regulations shall govern; but wherever there is a conflict between the Interim Development Regulations and existing laws, regulations, ordinances, or other provisions of the Interim Development Regulations, the more restrictive provision shall apply.

c. The Interim Development Regulations should not be used as a complete model ordinance for adoption by local units of government. At the options of local units of government, they may be used as guidance for the preparation of plans and regulations.

d. The Interim Development Regulations shall remain in effect from the date of issuance of the Governor's designation order for each local unit of government in the critical area until it adopts plans and regulations approved by the Council.

e. State and regional agencies and local units of government shall approve development only in conformance with these Interim Development Regulations until the adoption of plans and regulations approved by the Council.

f. Development which was approved by a state or regional agency or a local unit of government, after April 25, 1975 shall be subject to these Interim Development Regulations and subsequently adopted plans and regulations only to the extent provided in MEQC 57.

g. State and regional agencies and local units of government shall be responsible for the administration and enforcement of the Interim Development Regulations as of the effective date of the Governor's Designation Order.

h. Any regulations or procedure not specified in these Interim Development Regulations shall follow the applicable local unit of government regulations or the appropriate state and regional agency's rules and regulations.

### B. Use district designations.

1. Because the river should be managed as a multiple-purpose resource, and it possesses a variation in

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both natural characteristics and types of urban development, the Corridor has been segmented into the following four districts which shall be applied throughout the Interim Period as described in Appendixes A and B of the recommendation for designation of the Mississippi River Corridor as a critical area.

- a. Rural open space districts
- b. Urban diversified districts
- c. Urban developed districts
- d. Urban open space districts

2. During the interim period, no changes shall be made of the district boundaries set forth by these Interim Development Regulations.

### C. Permitted uses.

1. Any land or water use development which is in conformance with the standards and guidelines of the Interim Development Regulations shall be permitted.

2. During the interim period, no changes shall be made of the permitted uses allowed by these Interim Development Regulations.

3. Residential development. Residential development shall be permitted in all the districts. All structures and accessory uses or appurtenances of residential development shall be subject to the Dimensional Standards and Criteria in section F of these Interim Development Regulations.

### 4. Commercial and industrial uses.

a. In rural open space districts and urban developed districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted if:

(1) it does not require expansion or upgrading of metropolitan systems prior to the schedule set forth in adopted metropolitan plans;

(2) it meets the Dimensional Standards and Criteria in section F;

(3) it will not encroach upon future local or regional parks and recreation open space identified in the Metropolitan Council's Development Guide/Policy Plan for Recreation Open Space or in local plans and programs.

b. In urban open space districts, the development of new and expansion of existing commercial and industrial uses and development shall be permitted on lands which are

on the landward side of all blufflines, if it meets the Dimensional Standards and Criteria in Section F.

c. In urban diversified districts, new and expansion of existing industrial and commercial developments shall be allowed, if it meets the Dimensional Standards and Criteria in Section F.

d. Rosemount and Inver Grove Heights urban diversified district, new and expansion of existing industrial and commercial development shall be permitted, if it does not require premature expansion of metropolitan public services.

5. Agricultural uses. All agricultural uses except new feedlots may be permitted in all the districts.

### 6. Mining and extraction.

a. In rural and open space, urban developed, and urban diversified districts,

(1) new mining and extraction may be permitted and shall be subject to the Dimensional Standards and Criteria in section F;

(2) new and, where practicable, existing extraction uses shall be appropriately screened from view of the river by establishing and maintaining natural screen devices;

(3) The unscreened boundaries of mining and extraction areas shall be limited to only the loading area;

(4) existing and future extractive uses shall be required to submit land reclamation and reforestation plans compatible with these Interim Development Regulations; and

(5) only one barge loading area which shall be limited to the minimum size practicable shall be permitted for each mining or extraction operation.

b. In urban open space districts, new mining and extraction operations shall not be permitted.

### 7. Recreational uses.

a. In all districts, recreational uses and structures and accessory uses or appurtenances shall be permitted and shall be subject to the Dimensional Standards and Criteria in section F. Water-related commercial recreation uses shall not be subject to the Dimensional Standards and Criteria in section F.

b. Within urban open space districts, recreation uses on islands and lands between the river and blufflines

## EXECUTIVE ORDERS

shall be only for public recreation uses, historic preservation, and wildlife preserves.

### 8. Signs.

a. In rural open space, urban developed, and urban open space districts:

(1) general advertising signs not visible from the river are permitted;

(2) all other general advertising signs shall be prohibited.

b. In urban diversified districts, general advertising signs are permitted.

### D. Permitted public facilities.

1. Transmission services. In all the districts, the construction of new and reconstruction of existing transmission services shall meet the following standards.

a. The Department of Natural Resources (DNR) in reviewing permit applications for all transmission service crossings on the Mississippi River, Minnesota River, or of State lands requiring a permit from the DNR pursuant to Minn. Stat. §§ 84.415 or 105.42 shall give primary consideration to crossings that are proposed to be located within or adjacent to existing right-of-ways for public facilities, such as railroads, roadways, bridges, and existing transmission services.

b. Transmission services of under 200 kilovolts, which cross lands within the River Corridor shall require a special use permit from the local unit of government. Local units of government shall apply the standards set forth in sections D.1.c. through h. when processing applications for a special use permit.

c. When routing transmission services of under 200 kilovolts, the following shall be avoided where practicable:

(1) steep slopes;

(2) scenic intrusions into streams, valleys, and open exposures of water;

(3) scenic intrusions into areas such as ridge crests and high points;

(4) creating tunnel vistas by, for example, building deflections into the route;

(5) wetlands;

(6) forests by running along fringe rather than

through them. If necessary to route through forests, utilize open areas in order to minimize cutting;

(7) soils susceptible to erosion, which would create sedimentation and pollution problems;

(8) areas of unstable soils which would be subject to extensive slippages;

(9) areas with highwater tables, especially if construction requires excavation;

(10) open space recreation areas.

d. Transmission services shall be subject to the Dimensional Standards and Criteria in section F, except at crossing points.

e. Structure design of transmission services. With regard to locating the utility, overhead or underground:

(1) primary considerations shall be given to underground placement in order to minimize visual impact. When considering overhead placement, the proposers shall explain the economic, technological or land characteristic factors which make underground placement infeasible. Economic considerations alone shall not justify overhead placement.

(2) if overhead placement is necessary, the crossing should be hidden from view as much as practicable;

(3) with regard to the appearance of the structures, they shall be made as compatible as practicable with the natural area with regard to: height and width, materials used, and color;

(4) with regard to the width of the right-of-way, the cleared portion of the right-of-way should be kept to a minimum.

f. In the construction of transmission services, the following guidelines shall be applied whenever practicable:

(1) construction in wetlands shall minimize damage to vegetation, prevent erosion and sedimentation;

(2) construction shall be undertaken at times when local fish and wildlife are not spawning or nesting;

(3) effective erosion and sedimentation control programs shall be conducted during all clearing, construction, or reconstruction operations in order to prevent the degradation of the river and adjacent lands.

g. Safety considerations. Developers must adhere to applicable Federal and State safety regulations, both with

## EXECUTIVE ORDERS

regard to prevention (such as safety valves and circuit breakers) and with regard to emergency procedures in the event of failure (fire suppression, oil spill clean-up).

### h. Right-of-way maintenance.

(1) If possible, natural vegetation of value to fish or wildlife, which does not pose a hazard to or restrict reasonable use of the utility, shall be allowed to grow in the right-of-way;

(2) Where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and low growing trees, shall be planted and maintained on the right-of-way;

(3) Chemical control of vegetation should be avoided when practicable, but where such methods are necessary, chemicals used and the manner of their use must be in accordance with rules, regulations, and other requirements of all state and federal agencies with authority over the use.

### 2. Sewage treatment plants — sewage outfalls, water intake facilities.

a. In rural open space, urban developed and urban diversified districts the provision of sewage treatment plants, sewage outfalls and water intake facilities:

(1) wherever practicable, shall conform with the Dimensional Standards and Criteria in section F;

(2) shall dedicate the unused river frontage after construction, for public access or recreation open space use;

(3) shall not include new combined storm and sanitary sewer outfalls.

### b. In urban open space district:

(1) no new sewage treatment plants shall be permitted in this district. However, the Metropolitan Waste Control Commission may expand the Metropolitan Wastewater Treatment Plant at the Pig's Eye Lake area, if the expansion plans are approved by the Metropolitan Council and they are consistent with the City of St. Paul's riverfront plan approved by the Council under section D of the Standards and Guidelines for Preparing Plans and Regulations;

(2) no new water intake facilities shall be permitted;

(3) no new combined storm water and sanitary sewer outfalls shall be permitted.

3. Essential services and public safety facilities. Essential services and public safety facilities are permitted in all the districts, subject to Regulation D(1).

4. Transportation facilities. The construction or reconstruction of all transportation facilities shall be permitted in all the districts, subject to the following standards and criteria:

a. The following guidelines shall be applied whenever practicable in selecting routes for transportation facilities:

(1) careful consideration should be given to the provision of scenic overlooks for motorists, safe pedestrian crossing and safe pedestrian pathways along the river;

(2) if possible, provide access to the riverfront in public ownership, and allow reasonable public use of the land between the river and the transportation facility;

(3) steep slopes shall be avoided;

(4) scenic intrusion into stream, valley and open exposures of water shall be avoided;

(5) scenic intrusion into areas such as ridge crests and high points shall be avoided

(6) wetlands shall be avoided;

(7) run along fringes of forests rather than through them. But if it is necessary to route through forests, then utilize open areas in order to minimize destruction of commercial forest;

(8) soils whose high susceptibility to erosion would create sedimentation and pollution problems during and after construction shall be avoided;

(9) areas of unstable soils which would be subject to extensive slippage shall be avoided;

(10) areas with highwater tables, especially if construction requires excavation, shall be avoided;

(11) locate new roads to avoid cuts and fills so as to blend into the natural terrain so that it appears to be a part of the natural landscape;

(12) open space recreation areas shall be avoided.

b. Transportation facilities shall be subject to the Dimensional Standards and Criteria in section F, except at crossing points.

c. The following guidelines shall be applied when practicable in constructing transportation facilities:

## EXECUTIVE ORDERS

(1) reconstruction of an existing public road or railroad should be performed in a manner that would minimize any adverse effect on the natural beauty and environment of the river;

(2) effective erosion and sedimentation control programs shall be conducted during all clearing, construction or reconstruction operations in order to prevent the degradation of the river and its adjacent lands;

(3) construction across wetlands shall take place in a manner which minimizes damage to vegetation, and in a manner preventing erosion and sedimentation;

(4) construct at times when local fish and wildlife are not spawning or nesting.

d. Safety considerations. Developers must adhere to applicable Federal and State safety regulations with regard to new road construction or reconstruction of an existing road.

e. The following guidelines shall be applied when practicable for right-of-way maintenance:

(1) if possible, natural vegetation of value to fish or wildlife, and which does not pose a safety hazard, shall be allowed to grow in the roadside right-of-way;

(2) where vegetation has been removed, new vegetation consisting of native grasses, herbs, shrubs, and trees shall be planted and maintained on the roadside right-of-way;

(3) chemical control of vegetation is discouraged. But where such methods are justified, chemicals used and the manner of their use must be in accordance with rules, regulations and other requirements of all State and Federal agencies with authority over their use.

### 5. Barge facilities.

a. In rural open space and urban developed districts, the following standards shall apply:

(1) the expansion of existing barge slips within these districts shall be permitted;

(2) no new barge slips shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MEQC 55(c).

b. In urban open space districts, the following standards shall apply:

(1) no new barge slips shall be permitted;

(2) no barge fleeting areas shall be permitted until local riverfront plans and regulations have been reviewed by the Metropolitan Council and approved by the Council according to the procedures in MEQC 55(c).

c. In urban diversified districts all barge facilities are permitted.

### E. Earthwork and vegetation.

1. Grading and filling. In all districts, the following provisions shall apply to grading and filling:

a. Grading, filling, excavating, or otherwise changing the topography landward of the ordinary high water mark shall not be conducted without a permit from the local authority. A permit may be issued only if:

(1) earthmoving, erosion, vegetative cutting, and the destruction of natural amenities is minimized;

(2) the smallest amount of ground is exposed for as short a time as feasible;

(3) temporary ground cover, such as mulch, is used and permanent ground cover, such as sod is planted;

(4) methods to prevent erosion and trap sediment are employed; and

(5) fill is established to accepted engineering standards.

b. A separate grading and filling permit is not required for grading, filling, or excavating the minimum area necessary for a building site, essential services, sewage disposal systems, and private road and parking areas undertaken pursuant to a validly issued building permit.

### 2. Vegetation management.

a. In rural open space, urban developed and urban open space districts, the following standards shall apply:

(1) on developed islands, public recreation lands, the slope or face of bluffs within 200 feet of the normal high water mark of the river, and within the area 40 feet landward from blufflines, clear cutting shall not be permitted;

(2) on all other lands within these districts, clear cutting shall be guided by the following provisions:

(a) clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury;

(b) clear cutting shall be conducted only where clear

## EXECUTIVE ORDERS

cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain;

(c) the size of clear cut blocks, patches, or strips shall be kept at the minimum necessary;

(d) where feasible all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area where feasible, replanting shall be performed in the same spring, or the following spring.

(3) the selective cutting of trees greater than 4" in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

b. In urban diversified district:

(1) on the slope or face of bluffs and within areas 40 feet landward from established blufflines, clear cutting shall not be permitted;

(2) the selective cutting of trees greater than 4" in diameter may be permitted by local units of government when the cutting is appropriately spaced and staged so that a continuous natural cover is maintained.

c. These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of bridges and roadways and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.

F. Dimensional standards and criteria.

1. Objectives. The objectives of Dimensional Standards and Criteria are: to maintain the aesthetic integrity and natural environment of certain districts, to reduce the effects of poorly planned shoreline and bluffline development, to provide sufficient setback or sanitary facilities, to prevent pollution of surface and ground water, to minimize flood damage, to prevent soil erosion, and to implement Metropolitan Plans, Guides and Standards.

2. Substandard lot. The local unit of government may approve any proposed new structure or changes to existing structure when the following findings are made:

a. The lot was recorded in the Office of the County Register of Deeds (or Registrar of Titles) prior to the date of legal notice of the EQC public hearing, April 25, 1975.

b. The lot was in separate ownership from all abutting land on April 25, 1975.

c. The proposed use is consistent with the provisions of the Interim Development Regulations and local ordinance.

d. It can be demonstrated that a proper and adequate sewage disposal system can be installed according to interim regulations, Health Department's and PCA's regulations.

e. The lot size is within sixty (60) percent of the size required in the Interim Development Regulations.

3. Lot size.

a. In the rural open space and urban developed districts, the following minimum lot sizes shall be required:

(1) in unsewered areas, the minimum lot size shall be five acres per single family unit;

(2) in sewerred areas, the minimum lot size shall be consistent with the local zoning ordinance.

b. In the urban open space and urban diversified districts, the minimum lot size shall be consistent with the local zoning ordinance.

4. Structure setback.

a. All required setbacks shall be applicable to each bluffline proceeding landward from the river.

b. All new structures and roads shall meet the following minimum setbacks:

(1) in the rural open space district, no structure or road shall be placed less than 200 feet from the normal highwater mark, and no less than 100 feet from blufflines;

(2) in the urban developed district, and urban open space district, the structure or road shall be placed no less than 100 feet from the normal highwater mark of the river, and no less than 40 feet from blufflines;

(3) in the urban diversified district, the structure or road shall be placed no less than 40 feet from the bluffline.

c. Exceptions to setback provisions shall be:

(1) public safety facilities, public bridges and their roadway approaches, railroad sidings, minor public and private roadways serving water-related uses on the riverfront;

## EXECUTIVE ORDERS

(2) public recreation facilities, scenic overlooks, public observation platforms, and the regional trail system, docks, boat launching facilities;

(3) approved river crossings of essential service, and essential services distribution systems which are primarily underground except for terminal and metering devices not exceeding six feet in height, and supporting structures for transmission crossing spans;

(4) the construction of above-ground pumping stations for sewer lines which shall be screened from view of the river;

(5) the reconstruction or restoration of historical structures or sites on the inventory of the State Historical Society or the National Register of Historic Places.

### 5. Height of structures.

a. In the rural open space, urban developed and urban open space districts:

(1) new structures and additions to existing structures shall be limited to a maximum of 35 feet;

(2) the following exceptions to height limits shall be permitted:

(a) expansion of existing industrial complexes, such as refineries and storage areas;

(b) barns, silos and similar farm structures;

(c) essential service distribution systems;

(d) bridges, bridge approach roadways, and transmission services;

(e) restoration or reconstruction of historical structures and sites on the inventory of the State Historical Society or the National Register of Historical Places.

b. In the urban diversified district, there are no restrictions on the height of structures.

### 6. Placement of structures.

a. The following standards shall apply in any district:

(1) no new structures shall be placed on slopes which are 18 percent or greater;

(2) structures may be permitted on slopes which are greater than 12 percent, but less than 18 percent, when the following conditions are met:

(a) the developer can prove that the development on the slope can be accomplished without increasing erosion;

(b) the soil types and the geology are suitable for slope development;

(c) there is proper management of vegetation to control runoff.

(3) when an approved floodplain ordinance exists, structure placement shall be governed by that ordinance. Where an approved floodplain ordinance does not exist, the elevation at which the lowest floor of a structure, including basement, may be placed shall be consistent with the Minnesota statewide standards and criteria for management of floodplain areas;

(4) in rural open space, urban developed and urban open space districts no development shall be permitted on presently undeveloped islands, except those developments specifically related to wildlife preservation and recreation open space uses, and bridge piers when other considerations dictate that bridge crossing alignment;

(5) in urban diversified districts, the development on islands related to recreation open space uses and historical preservation of sites and areas on the Inventory of the Minnesota State Historical Society and the National Register of Historic Places shall be permitted. New industry, commercial, residential and other uses shall be permitted on islands if they are consistent with local zoning ordinances and with the historical character.

7. Line of sight. In rural open space districts, urban developed districts, and urban open space districts, the development of new and expansion of existing industrial and commercial uses and development shall be permitted, if it cannot be seen from the normal highwater mark on the opposite side of the river. Water-related commercial and industrial uses shall not be subject to this requirement.

### G. Sanitary standards and criteria.

1. The following standards shall apply to all districts:

a. All parts of on-site sewage disposal systems shall be located at least 75 feet from the normal highwater mark.

b. No on-site sewage disposal system shall be placed within designated floodplains.

### H. Non-conforming uses and structures.

1. Any structure or use existing upon the effective date of these Interim Development Regulations which does not conform to the use restrictions of a particular use district of

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the Interim Development Regulations shall automatically continue as a non-conforming use or structure.

2. Whenever a non-conforming building or structure has been damaged by fire, flood, explosion, earthquake, war, riot, or other disaster, it may be reconstructed to its prior use when the damage to the building or structure is fifty percent (50%) or less of its fair market value. Where the damage is fifty percent (50%) or more, reconstruction shall not be permitted for any structure that does not meet the minimum required standards.

3. When any non-conforming use of a building or structure has been changed to a conforming use, it shall not be changed to a non-conforming use.

4. If a non-conforming use is discontinued for 6 consecutive months, any future use of the building or premises shall conform to the Interim Development Regulations.

### I. Administration.

1. Local units of government and regional and state agencies shall notify the Council of the following types of proposed development within the Mississippi River Corridor:

a. Development permit applications for the development of a new or major expansion of an industrial, commercial facility in the rural open space, urban developed and urban open space districts.

b. All government developments.

c. Inside the 1975 Metropolitan Urban Service Area (MUSA), development permit applications for the development of:

(1) 50 or more dwelling units in a multi-family project;

(2) 25 or more lots in a mobile home court;

(3) 25 or more lots in a residential project.

d. Outside the MUSA, development permit applications for the development of:

(1) 25 or more dwelling units in a multi-family project;

(2) 10 or more lots in a mobile home court;

(3) 10 or more lots in a residential project;

(4) any residential developments in Rural Open Space Districts.

e. Any development on or involving the alteration of:

(1) a wetland;

(2) a floodplain;

(3) an island;

(4) a slope of greater than 12 percent;

(5) the removal of 5 contiguous acres or more of vegetative cover;

(6) the grading or filling of 20 contiguous acres of land;

(7) the deposit of dredge spoil;

(8) more than 50 linear feet of a riverbank.

f. Any development involving the establishment of a public or private structure, facility or other which crosses the river.

g. The development or expansion of any commercial harbor or barge loading or fleeting area.

h. Any development which would result in the discharge of water into or withdrawal of water from the Mississippi River which would require a state permit.

i. Any developments within the historical districts established by the State Legislature.

j. Development for which Metropolitan Council review is requested by:

(1) the local unit of government with jurisdiction;

(2) resolution from two or more local units of government adjacent to the local units of government within which the proposed development is sited.

k. Any development which requires a rezoning or compatible use permit.

### 2. Procedures for reviewing proposed development.

a. Local units of government and regional and state agencies shall notify the Council in writing of any proposed development listed in section I.1, at least 30 days before the local units of government and regional and state agencies take final action to approve or deny the development. In the event the Metropolitan Council elects to hold a hearing under section I.2.e., no final action to approve or deny the proposed development may be taken until 15 days after the

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Council receives the Metropolitan Council recommendation.

b. The Council shall send a copy of the proposed development to the Metropolitan Council for review no later than 2 days after the date of the Council's receipt of the application.

c. The Metropolitan Council shall review the proposed development and transmit a written recommendation with reasons for approving, modifying, or denying the proposed development to the Council no later than 18 days after the Metropolitan Council's receipt of the application, except when a public hearing is required by the Metropolitan Council, in which case, sections I.2.e(1) and (2) shall be followed.

d. Other local units of government and regional and state agencies may transmit to the Council their written comments on the proposed development published in the EQC Monitor, within 15 days of date of the publication.

e. When the Metropolitan Council decides to hold a public hearing on a proposed development application, the public hearing shall be conducted in accordance with the Metropolitan Council's statutory requirements, and notice of the hearing shall be filed with the Council and affected municipalities, counties, and applicants.

f. The Metropolitan Council shall submit its final recommendation on the proposed development to the Council within 30 days of closing date of the hearing record. The Council shall accept or modify the Metropolitan Council's recommendations and shall consider the comments of the local units of government and regional and state agencies and transmit the recommendation to the local unit of government and regional and state agencies no later than 10 days after the date of receipt of the Metropolitan Council's recommendation.

g. The Council may extend the 30 days time for a particular proposed development if the Metropolitan Council, the developer, any local unit of government and regional and state agencies with jurisdiction agree to the extension.

h. Failure of the Council to act on the notice of a proposed development within the prescribed period of time shall constitute acceptance by the Council of the final action on the proposed development by the local unit of government, regional or state agency.

i. Within 30 days after the final action, local units of government and regional and state agencies shall notify the Council of the final action on all proposed development listed in section I.1, or of emergency actions approved under the provisions of section I.5.

j. When the Council has recommended to a local government unit, regional or state agency to modify or to deny a proposed development, and that recommendation is not followed, the proposed development shall not be approved for 30 days after the Council receives notice of final action. If the Council appeals the decision to district court, the appeal shall be made within 30 days of receipt notice of final action. When an appeal is made, the development shall not be approved until the appeal process is scheduled.

### 3. Dimension variance.

a. Local units of government may grant a dimension variance from strict compliance with the setback, or height restrictions, or lot size or line of sight requirement contained in the Interim Development Regulations after an administrative hearing that shall be conducted according to the regulations of the local unit of government.

b. A dimension variance may be granted only when the following findings are made:

(1) the strict enforcement of the setback or height restrictions, or lot size or line of sight will result in unnecessary hardship. "Hardship" as used in the consideration of a dimension variance means that the property in question cannot be put to a reasonable use under the dimension provisions of these Interim Development Regulations;

(2) there are exceptional circumstances unique to the property that were not created by a landowner after April 25, 1975;

(3) the dimension variance does not allow any use that is not a compatible use in the land use district in which the property is located;

(4) the dimension variance will not alter the essential character of the locality as established by these Interim Development Regulations;

(5) the dimension variance would not be contrary to the intent of the Order.

### 4. Compatible use permit.

a. Local units of government may grant a compatible use permit after an administrative hearing that shall be conducted according to the regulations of the local unit of government for conditional or special use permits.

b. A compatible use permit may be granted for a proposed development only when the following findings are made:

(1) it is consistent with the intent of the Order,

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and the adopted policies of the Metropolitan Council and the Environmental Policy Act; and

(2) it is compatible with uses in the immediate vicinity; and

(3) it is permitted by the ordinances of the local unit of government.

5. Emergency actions. In accordance with the Act, local units of government, regional and state agencies may grant a development permit when certified in writing by the local unit of government, regional and state agencies, or the County Zoning Administration with the existing authority that the development is essential to protect the public health, safety or welfare in an existing emergency and that a local ordinance or state regulation was in effect immediately prior to April 25, 1975 and a development permit would have been granted thereunder.

# RULES

## Department of Public Welfare

### Adopted Rules Repealed

DPW 7 Standards for institutions serving individuals who are retarded. **Repealed**

DPW 27 Reporting financial information. **Repealed**

DPW 29 Cost of care for patients admitted and held for care and treatment pending commitment hearing. **Repealed**

DPW 48 Old age assistance liens and claims. **Repealed**

DPW 50 County nursing-home standards. **Repealed**

### Financial Assistance to the Aged, Blind and Disabled

#### Rules as Adopted

#### DPW 57 Minnesota Supplemental Aid Program.

A. Introduction. This rule governs the administration of the Minnesota Supplemental Aid Program as enacted by Laws of 1974, ch. 487. The purpose of the Minnesota Supplemental Aid Program is to provide financial assistance to recipients of Supplemental Security Income for the Aged, Blind, Disabled (SSI) or to persons who, but for excess income or resources, would be receiving SSI, and who are found to have maintenance needs as determined by the application of the state standards in effect for the adult categories in December of 1973, which exceed their income from SSI and other sources, and who would otherwise have qualified for the benefits under the Programs of Old Age Assistance (OAA), Aid to the Blind (AB), or Aid to the Disabled (AD) as such former programs were then in effect.

B. Definitions. The terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.

1. "Supplemental Security Income" means benefits paid under the federal program of Supplemental Security Income for the Aged, Blind, and Disabled, Title XVI of the Social Security Act, as enacted by section 301 of the Social Security Amendments of 1972.

2. "Applicant for Supplemental Security Income" means an individual who has applied for Supplemental Se-

curity Income and who, but for excess income or resources, would be a recipient of Supplemental Security Income.

3. "Supplemental Aid" means state and county payments to eligible applicants for or recipients of Supplemental Security Income, in accordance with the provisions of this act and rules and regulations promulgated by the Commissioner of Welfare.

4. "Commissioner" means the Commissioner of Public Welfare or his designee.

5. "Department" means the Department of Public Welfare.

6. "Local Agency" means the county welfare boards in the several counties of the state except that it may also include any multi-county welfare boards or departments where those have been established in accordance with law.

7. "Income" means earned and unearned income from any source whatsoever, reduced by amounts paid for federal and state personal income taxes and federal social security taxes.

C. Eligibility requirements. Minnesota Supplemental Aid shall be granted to any person:

1. Who has attained the age of 65 years or who has met SSI criteria for blindness or disability; and

2. Whose net equity in real property:

a. If aged or disabled, does not exceed \$10,000, which maximum will be increased to \$12,000, effective July 1, 1974, and to \$15,000 effective January 1, 1975; or

b. If blind, does not exceed \$15,000; and

e. Whose net equity in personal property:

a. If aged or disabled, convertible into cash does not exceed \$300 if single or if married does not exceed \$450;

b. If aged, does not have in excess of \$1,000 in cash surrender value of life insurance; or

c. If disabled, does not have in excess of \$500 in cash surrender value of life insurance; or

d. If aged, blind or disabled, does not have in excess of \$750 in prepaid funeral contract plus accrual of interest therein not exceeding \$200;

e. If blind and single, does not have in excess of \$2,000 in undifferentiated liquid assets, or if blind and married, together with his spouse does not have in excess of

## RULES

\$4,000 in undifferentiated liquid assets, including therein up to \$750 per person for a prepaid funeral contract plus an accrual of interest not over \$200 per person.

f. In the form of a mobile home used as a living abode will not be a bar to eligibility; and

4. Whose current income and resources, and those of his spouse if married, are insufficient for maintaining a standard of living necessary for health and decency as determined by the application of the standards of allowances in effect in the adult categories of OAA, AB, and AD in December of 1973 in the county wherein he is presently residing.

D. Evaluation of property transfers. The establishment of an applicant's initial eligibility for, or a recipient's re-determination of eligibility for Minnesota Supplemental Aid in situations wherein the applicant or recipient has divested himself of resources without receiving a reasonable consideration therefore and which resources might otherwise have been available for his support, is contrary to public policy and, in some instances, may constitute a criminal offense on behalf of both the donor and the donee of the resources. To prevent this practice, county agencies shall employ the following procedure and presumptions in assessing eligibility for Minnesota Supplemental Aid.

1. Each applicant or recipient shall be required to divulge whether within the preceding three years he has transferred any property, real or personal, totalling in excess of \$300 if single, or \$450 if married, to any person or persons without receiving adequate consideration therefor.

2. Any property transfer as defined in D.1. shall be presumed to be a gift in contravention of public policy, and the property so transferred shall be presumed to remain available for the support of the applicant or recipient if reasonable effort is expended for its recovery.

3. The applicant or recipient who has transferred property in violation of this section shall be required to provide to the county agency a description (including value) of the property, the name or names of all persons who received such property, and the circumstances under which the property was transferred.

4. The applicant or recipient who has transferred property in violation of this section shall be required to make a reasonable effort, in cooperation with the county agency, to reacquire the property so transferred.

5. The information required by D.3. and the efforts made to reacquire the property under D.4. shall be entered on the appropriate application or eligibility redetermination forms.

6. If the county agency is unable to persuade the donor and/or donee of the transferred property to have it returned to the applicant or recipient for this current support, then the matter of the property transfer shall be reported with full documentation to the County Attorney for possible criminal prosecution.

7. A transfer of property in violation of this section shall not of itself constitute grounds for ineligibility for Minnesota Supplemental Aid if application of sections D.3. through 6. has failed to make the transferred property available for the support of the applicant or recipient.

E. Determination of county of financial responsibility.

1. In all matters concerning payment of the county administered Minnesota Supplemental Aid, "county of financial responsibility" means:

a. The county from which the applicant is receiving the Federally administered Supplemental Aid; or

b. If the applicant was receiving Old Age Assistance or Aid to the Blind or Aid to the Disabled in December of 1973, but did not qualify for the Federally administered supplement and now qualifies for the county administered supplement, that county from which he was receiving OAA or AB or AD in December of 1973; or

c. If the applicant is a recipient of Medical Assistance either as an "MA Only" case, or by having qualified for SSI benefits after January 1, 1974, the county from which he is receiving Medical Assistance; or

d. If the applicant does not qualify under 1.a. or b. or c. above, it means the county in which he was residing as of the date his effective application for the county administered supplemental aid was signed.

2. The county thus determined to be financially responsible for payment for the county administered supplemental aid shall remain responsible for so long as his application remains in effect irrespective of his residence in other counties within this state thereafter. This supplemental grant is to be cancelled whenever the recipient has been absent from the state for one calendar month or more.

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

## RULES

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F. Minnesota supplemental aid standards and state participation.

1. Local agencies shall determine need in individual cases in accordance with the standards of assistance and related income exemptions as were in effect in the adult programs of OAA, AB, and AD in December of 1973.

2. The amount of the Supplemental Aid grant is the difference between what the applicant would have received in an OAA, AB, or AD grant in December of 1973 and his current SSI including the Federally administered supplement. If the applicant is not eligible for SSI by reason of excess income and resources, then the supplemental grant shall be the difference between what he would have received in December of 1973 in an OAA, AB, or AD grant and the total of his current income.

3. The county administered supplemental aid grants shall be issued by the local agencies to the recipient or his protective-representative payee or his conservator or guardian of estate in the form of county warrants immediately redeemable in cash.

4. The state will reimburse local agencies on a

monthly basis for 50 per cent of the actual payments made under this county administered supplemental aid program. Payment for non-recurring special needs is to be allowed for catastrophic major home repairs or replacement of a furnace, water heater, plumbing or the electrical system. Other allowable special needs are for necessary repairs or replacement of household furniture and appliances, for moving expenses and for annual fuel and utility adjustments for the difference between the standard allowances and verified consumption by recipients.

**5. An applicant or recipient may allocate all his net income to provide for the basic unmet needs, not to exceed the total amount of the needs as determined by state-wide standards, of persons that he is legally responsible to support, before he is expected to use such income for his own needs in all instances except: 1) statutes exist which make provision for support of legal dependents in institutions and; 2) the income is from a trust fund or other source which designates its use only for the applicant or recipient, or for some specific purpose.**

G. The effective date of this Rule is April 1, 1974, except for section D which is effective September 1, 1974.

# PROPOSED RULES

## Pollution Control Agency Noise Limits for Motor Vehicles

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113 on Wednesday, December 22, 1976, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to William Seltzer, 1745 University Avenue, St. Paul, Minnesota (296-8105) either before the hearing or within 20 days after the close of the hearing.

The proposed amendments, if adopted, would conform the Minnesota regulations to Federal noise regulations promulgated by the United States Environmental Protection Agency, making an 83 dBA limit applicable to vehicles manufactured on or after January 1, 1978, and an 80 dBA limit applicable to vehicles manufactured on or after January 1, 1982. Copies of the proposed amendment to the rule are now available and one free copy may be obtained by writing to the Noise Section, Air Quality Division, Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113. Additional copies will be available at the door on the date of the hearing. The Agency's authority to amend the rule is contained in Minn. Stat. § 116.07 subd. 4 (1974). A "statement of need" explaining why the Agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01 subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Peter L. Gove  
Executive Director

### Rules as Proposed

**NPC4 Motor vehicle noise limits.** Sections (a) through (g) and sections (i) and (j) remain unchanged. Section H. shall be amended to read as follows:

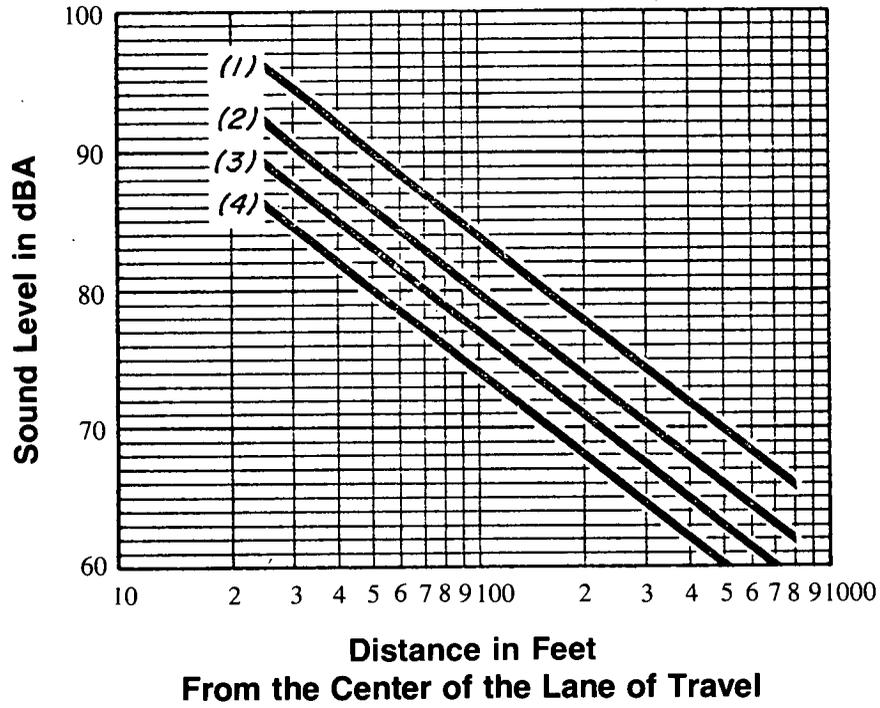
H. Motor Vehicle Noise Limits for vehicles with a manufacturer's gross vehicle weight rating of more than 10,000 pounds and any combination of vehicles towed by such motor vehicle.

1. Speed limits greater than 35 mph. (See Chart)
2. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines). For stationary run-up tests on all-paved surfaces, add 2 dBA. (See Chart)
3. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after [January 1, 1977] **January 1, 1978**. For stationary run-up tests on all-paved surfaces, add 2 dBA. (See Chart)
4. Speed limits equal to or less than 35 mph and stationary run-up tests (for vehicles with governed engines), for vehicles manufactured on or after [January 1, 1981] **January 1, 1982**. For stationary run-up tests on all-paved surfaces, add 2 dBA. (See Chart)

### Chart

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

**PROPOSED RULES**



# OFFICIAL NOTICES

## Department of Commerce Banking Division Maximum Lawful Rate of Interest for Mortgages for the Month of December, 1976

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to the Conventional Home Loan Assistance and Protection Act, Laws of 1976, ch. 300, hereby determines the maximum lawful rate of interest for home mortgages for the month of December, 1976, is Eight and Three-Quarters (8.75) percent.

Robert A. Mampel  
Commissioner of Banks

## State Board of Medical Examiners Continuing Medical Education

### Notice of Intent to Solicit Outside Opinion

Notice is hereby given that the Minnesota State Board of Medical Examiners is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing requirements for continuing medical education. Any interested persons may submit data or views on this subject in writing or orally to:

Arthur Poore  
Board of Medical Examiners  
352 Minnesota Department  
of Health Building  
717 Delaware Street S.E.  
Minneapolis, Minnesota 55440

Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

## Pollution Control Agency Label Requirements and Issuance of Exemptions for Use of Polychlorinated Byphenyl (PCB)

### Notice of Public Meetings

A series of public meetings to obtain written and oral comment from government, industry and the public concerning the Minnesota Pollution Control Agency's draft polychlorinated byphenyl (PCB) rules will be held during November/December in Duluth, Rochester and the Twin Cities. Many Minnesota industries may be affected by the final PCB rules.

The rule, the result of 1976 state legislation, will establish labeling requirements and procedures for issuing certificates of exemption for use, possession, sale, purchase or manufacture of PCB or products containing PCB. The draft rules are being developed with the assistance of industry and interested individuals.

All interested citizens and groups will have the opportunity to learn more about the draft PCB rules and to make statements, comments and recommendations of a technical nature on the draft rules at these public meetings. Any written material submitted at the public meetings shall become part of the hearing record. The draft rules are available by writing to Marvin E. Hora, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113.

The public meetings will start at 10:00 a.m. and continue until all comments have been received. Meeting dates and locations are as follows:

1. November 29, Duluth, Minnesota:  
St. Louis County Board Room  
St. Louis County Courthouse  
Second Floor, Duluth, Minnesota
2. November 30, Rochester, Minnesota:  
Rochester City Council Chambers  
Rochester City Hall  
1st Avenue and 3rd Street S.W.  
Rochester, Minnesota
3. December 1, Roseville, Minnesota:  
Minnesota Pollution Control Agency  
Board Room  
1935 West County Road B2  
Roseville, Minnesota

Please take notice that when a final rule is proposed by the agency, further notice of the proposed rule and of the hearing to be held on that rule will be given as required by law, including notice in the *State Register*.

**Board of Teaching  
Approval of Teacher Education  
Programs**

**Notice of Intent to Solicit Outside Opinion**

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the amendment and/or adoption of rules governing Approval of Teacher Education Programs. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
607 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-2415

Any written material received by the Board shall become a part of the hearing record in the event rules governing this subject are promulgated.

Kenneth L. Peatross,  
Executive Secretary

**Licensure of Teachers of Early  
Childhood Education**

**Notice of Intent to Solicit Outside Opinion**

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the amendment and/or adoption of rules governing Licensure of Teachers of Early Childhood Education. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary  
Minnesota Board of Teaching  
607 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-2415

Any written material received by the Board shall become a part of the hearing record in the event rules governing this subject are promulgated.

Kenneth L. Peatross,  
Executive Secretary

**Department of Transportation**

**Notice of Rule Assumption**

Notice is hereby given that effective November 8, 1976 the Department of Transportation assumed responsibility for certain rules of the Departments of Highways, Aeronautics, Public Service, and the State Planning Agency.

The Department of Transportation will be reviewing these responsibilities in the light of the mandates contained within Laws of 1976, ch. 166. Until this review is complete, all rules and administrative procedures adopted thereunder will continue in force and effect until rescinded, amended or otherwise changed pursuant to Minn. Stat. ch. 15 (1974) as amended and relevant Minnesota law bearing on the rules.

Jim Harrington  
Commissioner

**Letter to Commissioner of Administration**

November 5, 1976  
Mr. Richard L. Brubacher  
Commissioner  
Department of Administration  
208 Administration Building  
St. Paul, Minnesota 55155

Dear Commissioner Brubacher:

Under the provisions of Laws of 1976, ch. 166, § 121, I am notifying you that the Department of Transportation is ready to commence operations on November 8, 1976.

Therefore, under the provisions of Laws of 1976, ch. 166, § 6, all powers, duties and functions of the Departments of Highways and of Aeronautics will be assumed by the Department of Transportation, as well as certain functions of the Department of Public Service and of the State Planning Agency enumerated in the same law.

Sincerely yours,

Jim Harrington  
Commissioner

**EQC Monitor  
Environmental Quality  
Council**

**Proposed Rules Relating to  
Environmental Permit Coordination  
(MEQC 101-115, as Published in  
the *State Register* on November 8,  
1976)**

**Postponement of Public Hearing**

Notice is hereby given that the public hearing in the above entitled matter, originally scheduled for December 9, 1976, has been postponed until further notice.

For further information concerning this postponement, contact the Environmental Permit Coordination Unit at (612) 296-2319.

Peter Vanderpoel  
Chairman

**Erratum**

1. 1 S.R. 612: change "for" to "or" at SPA 104 A.

House of Representatives  
Attn: Edward Burdick, Chief Clerk  
Room 211 Capitol  
St. Paul, Minnesota 55155

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