

City of Ramsey
Agenda
Regular Planning Commission
Thursday, August 4, 2011
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the following Planning Commission meeting minutes:
Regular Planning Commission meeting minutes dated Thursday, July 7, 2011
- 5. Note City Council Minutes**
- 6. Public Hearing/Commission Business**
 1. PUBLIC HEARING-Proposed Amendment to the 2030 Comprehensive Plan
 2. PUBLIC HEARING-Consider ordinance to amend section 117-117 (E1 Employment District) and Section 117-116 (E2 Employment District).
 3. Site Plan Review for Ramsey Northstar Commuter Rail Station; Case of City of Ramsey
 4. Discussion of Duties Assigned to the Planning Commission and Board of Adjustment
 5. Staff Update
 6. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 08/04/2011

By: JoAnn Shaw, Community Development

Title:

Approve the following Planning Commission meeting minutes:

Regular Planning Commission meeting minutes dated Thursday, July 7, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

07.07.11

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/28/2011 09:52 AM
Aaron Backman	JoAnn Shaw	07/28/2011 12:42 PM
JoAnn Shaw (Originator)	JoAnn Shaw	07/28/2011 12:50 PM
Tim Gladhill	Tim Gladhill	07/29/2011 07:52 AM
Aaron Backman	Aaron Backman	07/29/2011 08:03 AM
Form Started By: JoAnn Shaw		Started On: 07/28/2011 09:21 AM
	Final Approval Date: 07/29/2011	

**PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 7, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Joseph Field
 Commissioner Robert Schiller
 Commissioner Gary Van Scoy

Members Absent: Commissioner Andrew Dunaway

Also Present: Senior Planner Tim Gladhill
 Economic Development/Marketing Manager Aaron Backman

CALL TO ORDER

Chairperson Levine called the regular meeting to order at 7:01 p.m.

CITIZEN INPUT

None.

APPROVAL OF AGENDA

Motion by Commissioner Brauer, seconded by Commissioner Bauer, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Brauer, Bauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioner Dunaway.

APPROVE PLANNING COMMISSION MINUTES

Motion by Commissioner Van Scoy, seconded by Commissioner Bauer, to approve the following minutes as presented:

- 1) Joint Planning Commission and City Council public hearing and regular meeting minutes dated June 2, 2011.
- 2) Planning Commission public hearing and regular meeting minutes dated June 2, 2011.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Bauer, Brauer, Field, and Schiller. Voting No: None. Absent: Commissioner Dunaway.

NOTE CITY COUNCIL MINUTES

The Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Request for a Conditional Use Permit to Conduct Motor Vehicle Sales in the B-2 Business District on the Property Located at 6740 Highway 10 NW; Case of Tris Star Enterprise

Public Hearing

Chairperson Levine called the public hearing to order at 7:03 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

None.

Chairperson Levine closed the public hearing at 7:07 p.m.

Commission Business

Commissioner Bauer stated that having up to three employees on the site with only five cars displayed seems excessive.

Senior Planner Gladhill stated that this is more internet/wholesale sales than people coming frequently to the site to look at and purchase the vehicles.

Tris Tampeh-Doe, 13920 Garnet Terrace, the applicant stated that this location is a minute walk from his home. This location will only be sales and no vehicle repairs will be done. There will be international sales, there will be short term storage on site for cars selling within the country and long term storage for international shipment of vehicles. Employees will clean the cars and be on site when he is not available to be there and the three employees will not be there at the same time.

Motion by Commissioner Van Scoy, seconded by Commissioner Brauer, to recommend that City Council adopt findings of fact favorable to the applicant, Tris Star Enterprise to allow motor vehicle sales in the B-2 Business District at the property located at 6740 Highway 10 NW.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Brauer, Bauer, Field, and Schiller. Voting No: None. Absent: Commissioner Dunaway.

Motion by Commissioner Bauer, seconded by Commissioner Brauer to recommend that City Council adopt a resolution approving the conditional use permit for motor vehicle sales in the B-2 Business District, contingent on “There be no motor vehicle repairs conducted on the property”, “There be no outside storage of motor vehicle parts or inoperable vehicles” and “Vehicles displayed for sale do not encroach on the required off-street parking spaces”.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Brauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioner Dunaway.

Case #2: Consider Request for Sketch Plan Review and Site Plan Review of Stoney River at 14501 Nowthen Boulevard

Presentation

Senior Planner Gladhill presented the Staff Report.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Field, to table Case #2 and discuss Case #3 first.

Further Discussion:

Commissioner Van Scoy stated he had some safety concerns of the access with this site plan and wondered how discussions on the zoning would affect that. He would like to see how this fits with the existing street.

Senior Planner Gladhill stated regardless of the zoning amendment this configuration is the preferred access. He showed a new exhibit that showed the Iodine Street connection, and the fire accesses.

Chairperson Levine stated the Fire Department was looking for additional detail.

Senior Planner Gladhill stated the Fire Marshal is looking for modifications to the fire hydrant locations. These are the details that are looked at during the building permit process and are not anything that would hold up the sketch and site plan review.

Terry Howard, President of First Phoenix Group, introduced the architect Tom Mudrovich, and Civil Engineer with Landform, Eric Kellogg.

Mr. Kellogg stated the separation is approximately 200 feet from the Lord of Life entrance access.

Senior Planner Gladhill stated Anoka County will require a right turn lane into the entrance. The County also recommended that Lord of Life relocate their access to share access with Stoney River. This recommendation was received today and discussions with Lord of Life have not taken place.

Mr. Howard thanked the Commissioners for the opportunity to development this project within Ramsey, and stated he thinks this will be a great addition to the community.

Commissioner Van Scoy stated he is favorable to the project; his concern is for the access.

Mr. Howard showed pictures of the design of the future facility and displayed the exterior materials to be used. He stated the majority of traffic will be staff and visitors. They are planning 66 parking spots, with 35-40 used during the day, less during the evening and far less overnight.

Discussion ensued regarding occupancy and care, and the exterior materials.

Commissioner Field questioned if they will be able to meet the trail requirements if the safe route to schools program is not available. Mr. Howard replied that they would.

Motion to table item failed. No vote was taken.

Commissioners came back to Case #2 after discussing Case #3 and Case #4.

Motion by Commissioner Van Scoy, seconded by Commissioner Bauer to recommend City Council approve the sketch plan and site plan contingent on compliance with the City Staff Review Letter and further discussion and agreement with Anoka County Highway regarding the access.

Further Discussion

Discussion ensued regarding the access.

Natalie Steffen, vice president of the Lord of Life council stated the lane does not continue to the Lord of Life entrance at this time. She stated that they will work through the access and made the assumption that they can get to one entrance once the project is approved.

Commissioner Field stated that possible language for an addition to the motion is the strong preference of the Planning Commission that Lord of Life consolidates access with the applicant.

Motion amended by Commissioner Van Scoy, seconded by Commissioner Bauer to recommend City Council approve the sketch plan and site plan contingent on compliance with the Staff Review Letter, further discussion and agreement with Anoka County Highway regarding the access, and that it is a strong preference of the Planning Commission that Lord of Life consolidates access with the applicant.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Bauer, Brauer, Field, and Schiller. Voting No: None. Absent: Commissioner Dunaway.

Case #3: Public Hearing – Consider Ordinance to Amend City Code Section 117-114 Related to Assisted Living and Memory Care Facilities

Public Hearing

Chairperson Levine called the public hearing to order at 7:56 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

None.

Chairperson Levine closed the public hearing at 8:00 p.m.

Commission Business

Commissioner Bauer stated he is more comfortable with rezoning this to R-3 district rather than changing the business district; there is an apartment across the street so it is close to the R-3 district.

Senior Planner Gladhill stated there are two business district designations in the city and that there are employees coming to the site. There are 60 full and part time employees and this is their place to work creating peak traffic times, so there is that component. There is a commercial base to it so it is worth having a discussion.

Commissioner Brauer stated he thinks it is easier to deal with other issues such as setbacks, frontage of the building, and materials as R-3 or variance in R-3.

Senior Planner Gladhill stated that if the Commission goes in the direction of R-3 he highly encourages direction on unit sizes because what is currently in R-3 does not easily apply to this area and variances are reserved for specific, unique, physical characteristics of the land. The City should have some standards for assisted living and he would like to discuss dormitory style or group corridors in the R-3 District.

Motion by Commissioner Bauer, seconded by Commissioner Brauer to recommend to City Council that the B-1 District of City Code not be amended.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Brauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioner Dunaway.

Case #4: Public Hearing – Consider Request for Comprehensive Plan and Zoning Amendment at 14501 Nowthen Blvd. NW

Public Hearing

Chairperson Levine called the public hearing to order at 8:05 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

None.

Chairperson Levine closed the public hearing at 8:07 p.m.

Commission Business

Senior Planner Gladhill stated that this applies to Lot 2 only. He continued that this absolutely fits in the R-3 district; Staff wanted to provide several options for the Commission's review.

Motion by Commissioner Bauer, seconded by Commissioner Brauer to recommend that the City Council approve the comprehensive plan amendment to high density residential and re-zone the property to R-3 Residential and amend City Code to provide standards for assisted living in the R-3 Residential District.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Brauer, Field, Schiller, and Van Scoy. Voting No: None. Absent: Commissioner Dunaway.

Case #5: Public Hearing – Consider Ordinance to Amend City Code Section 117-53 Entitled Variances

Public Hearing

Chairperson Levine called the public hearing to order at 8:24 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

None.

Chairperson Levine closed the public hearing at 8:27 p.m.

Commission Business

Discussion ensued regarding the state statute regarding variances and that the City can be more restrictive, just not less restrictive.

Senior Planner Gladhill stated that the substance of the statute has not been changed or added to in this ordinance amendment; the ordinance does include some submittal requirements.

Motion by Commissioner Field, seconded by Commissioner Bauer to recommend that City Council adopt the ordinance to amend City Code Chapter 117, Section 117-53 (Variances) of the city code of Ramsey, Minnesota with change in the ordinance title to match the case title.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, Bauer, Brauer, Schiller, and Van Scoy. Voting No: None. Absent: Commissioner Dunaway.

Case #3: Staff Update

The Staff Update was noted.

Case #4: Zoning Bulletins

The Zoning Bulletins were noted.

COMMISSION/STAFF INPUT

Commissioner Brauer recognized former Planning Commissioner and Councilmember Dave Jeffrey for his work with the Commission and Council and wished him well.

ADJOURNMENT

Motion by Commissioner Van Scoy, seconded by Commissioner Field, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Commissioner Dunaway.

The regular meeting of the Planning Commission adjourned at 8:35 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Regular Planning Commission

6. 1.

Meeting Date: 08/04/2011

By: Tim Gladhill, Community Development

Title:

PUBLIC HEARING-Proposed Amendment to the 2030 Comprehensive Plan

Background:

In 2008, the City completed the 2030 Comprehensive Plan Update. Since that time, several conditions have changed that have necessitated a Comprehensive Plan Amendment to ensure consistency between various City, County, and Metropolitan Council policies. Upon approval by the City, the Comprehensive Plan Amendment will need to be reviewed by adjacent/affected jurisdiction (60 day review period) and the Metropolitan Council (60 day review period).

Notification:

The Public Hearing was properly notified in the Anoka County Union.

Observations:

The COR Master Plan

Attached for review is the approved Development Plan by the City's Housing and Redevelopment Authority (HRA). The HRA acquired approximately 150 acres of the former Ramsey Town Center development (now called The COR). Through a series of public open houses and HRA workshops, the City, through the development management services of Landform Professional Services, has developed a proposed new master plan for the development.

The area of the proposed change is focused on the west approximately 50 acres. A majority of this area is currently guided as COR-4b, which is best characterized as medium density residential. This area is now proposed to include larger scale retail to anchor the development to support the smaller scale retail still currently envisioned in the center of the development. The plan also impacts what was previously envisioned as West Meandering Commons, which is now configured as Lake Ramsey Park. The grading activities for Lake Ramsey Park will accommodate at least a portion, if not all, of the fill required to complete the development. The plan also envisions additional small-lot single-family lots along North Commons (park).

No actual change to the Future Land Use Map is required, as the area is listed as Mixed Use. However, due to the level in change in households and employment, an official change to the Master Plan is required.

Planned Transportation System

Due to a series of completed and planned projects, several revisions to the Planned Transportation System Map are required. These include Metropolitan Council-initiated System Statement Amendments, Legacy Christian Academy, Variolite Street, 167th Avenue, and McKinley Street near the Public Works Campus.

The System Statement is a Metropolitan Council approved framework for all Comprehensive Plans. Amendments were made to system-wide System Statements for transportation as well as Parks and Open Space. Two changes are required of the City. The future river crossing must be re-classified from a Principal Arterial to a Minor Arterial. The text of the Transportation Section must be amended to note the fact that the City is located within Transit Service Areas III and IV.

Staff would like the recommendation of the Planning Commission to include the flexibility to include language and/or maps that depict the City's current proposed alignment of Highway 10 related to the planned expansion to

freeway status. Additionally, Staff would like the Planning Commission's recommendation to include flexibility to finalize future alignments of collector roads west of the proposed Legacy Christian Academy site. That project has locked in a portion of these alignments, thus potentially impacting future alignments to the west.

Parks, Recreation, and Open Space

An amendment to the Central Anoka County Regional Trail is being requested by City Staff to capitalize on several regional systems. Staff proposes amending this planned regional trail to connect through the center of The COR, connecting to the Transit Station and future Northstar Commuter Rail Station and continuing across Highway 10 across a proposed pedestrian crossing. This pedestrian crossing is proposed to connect to Mississippi West Regional Park as well as the Mississippi River Trail (MRT). The MRT has regional as well as national significance.

Future Land Use Map

Based on feedback during the amendment to Official Zoning Map to implement the 2030 Comprehensive Plan, two (2) areas requested further study and essentially objected to the re-zoning. These two (2) areas included an area at the southeast intersection of Nowthen Boulevard and Green Valley Road guided as Commercial and a parcel south of Highway 10, west of the former Diamonds parcel guided as Medium Density Residential (MDR). These areas are proposed to revert back to Commercial and LDR respectively.

Saint Francis Boulevard (TH 47) and 167th Avenue Special Area Plan

The City Council and Economic Development Authority (EDA) have identified a need for further study and master planning in the area of the commercial node at 167th Avenue and TH 47. This commercial area has shown indications of under performing as a commercial area as seen by several vacancies. In addition, the City acquired a larger parcel in order to construct Water Tower #3. There is excess property for development. The City Council and EDA wish to explore potential for redevelopment.

Wellhead Protection Plan

In 2009, the City completed a Wellhead Protection Plan as required by the Minnesota Department of Health. The plan requires that the Comprehensive Plan set up an overlay district on the Official Zoning Map in certain areas surrounding all municipal wells. The overlay is intended to identify, mitigate, and prevent potential hazards from entering the public water supply.

Funding Source:

All costs associated with processing the Comprehensive Plan Amendment are being handled as part of regular staff duties.

Staff Recommendation:

Staff recommends approval of the Comprehensive Plan Amendment.

Committee Action:

Motion to recommend that the City Council approve the Comprehensive Plan Amendment, contingent upon finalizing the transportation section as noted.

Attachments

Former Ramsey Town Center Master Plan

The COR Development Plan 5.03

Proposed Future Transportation Map

Revised Comprehensive Plan Chapter 10

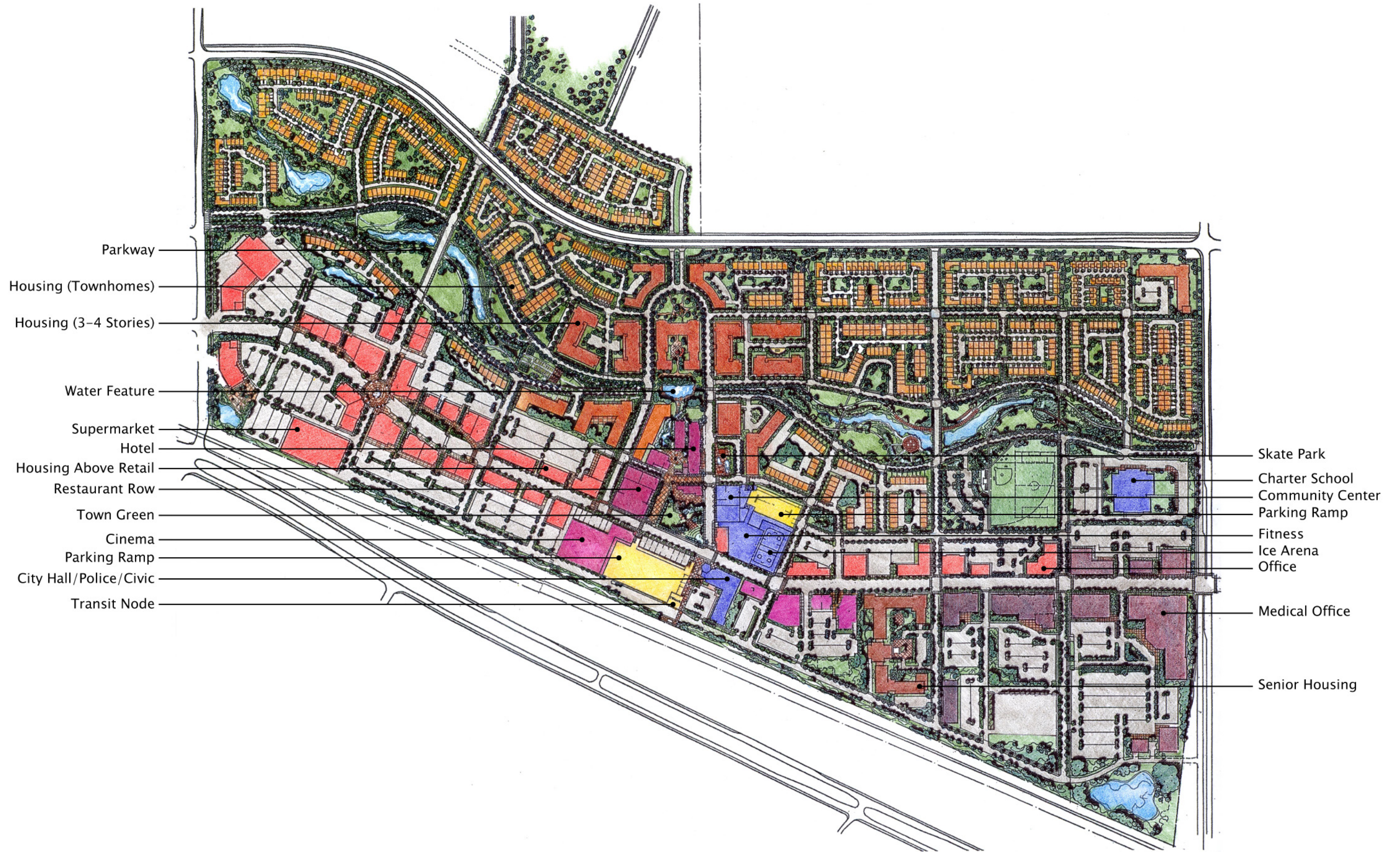
Proposed Future Land Use Map
Proposed Special Area Plan Map
Revised Comprehensive Plan Chapter 5
Wellhead Protection Map 1
Wellhead Protection Map 2
Revised Comprehensive Plan Chapter 9

Form Review

Inbox
Tim Gladhill (Originator)
Aaron Backman
Form Started By: Tim Gladhill

Reviewed By
Tim Gladhill
Aaron Backman
Final Approval Date: 07/28/2011

Date
07/28/2011 08:20 AM
07/28/2011 04:33 PM
Started On: 07/15/2011 04:16 PM



12 March 2004

THE COR

RAMSEY, MINNESOTA



LAND DESIGNATION

- PARK/PUBLIC SPACES
- PARCELS FOR SALE
- PARCELS OWNED BY OTHERS

DEVELOPMENT STATUS

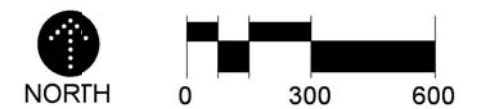
- EXISTING DEVELOPMENT
- PROPOSED DEVELOPMENT
- ACTIVE DEALS
- UNDER CONTRACT

ACCESS

- EXISTING SIGNALIZED INTERSECTION
- FUTURE SIGNALIZED INTERSECTION
- F FULL INTERSECTION
- 3/4 NO LEFT OUTBOUND MOVEMENTS
- P PARKING RAMP

TRAFFIC INFORMATION

ADT INFORMATION TAKEN FROM 2009 ACTUAL COUNTS AND 2030 PROJECTED VOLUMES



DEVELOPMENT PLAN 5.03

05.19.2011

10. PARK, RECREATION AND OPEN SPACE

A. Existing Park and Recreation Facilities

Parks and natural open space are vital to the quality of life in Ramsey and in many ways define the community. Ramsey is fortunate to have retained many natural resources within its boundaries. One such example is Trott Brook with its associated wetlands and uplands, creating a natural greenway spanning the northern 1/3rd of the city. Another is Elmcrest Park with the future potential of trails along Ditch #66, crossing the center of Ramsey, connecting Central Park, the Lake Itasca Trail, and neighborhoods along the way.

Ramsey by area is more than 17% wetlands of varying types and classes. Of the many wetland complexes, some have valuable oak and other forested areas in association providing residents opportunities to live and recreate in these natural settings. These patches of habitat are valuable vestiges for the wildlife that residents value.

Mississippi River and Rum River are significant water resources, and both part of the State's Wild and Scenic Rivers system and literally define the community. These two rivers are also state designated canoe routes, or recreational water trails. It is Ramsey's bituminous trail and sidewalk system that can be said to be the recreational fabric that knits all of these parks and resources together, while providing a recreational resource unto itself.

The City of Ramsey is also unique in that it has two county parks within its boundaries that are a part of the Metropolitan Council's regional system. Mississippi West Park includes bluffs, wooded areas and two islands on the Mississippi River. The 273 acre park is proposed to be developed within the next several years. The concept plan suggests a sustainable design center in addition to the usual county park facilities. One important feature will be a small boat landing and fishing pier, which will provide additional access to this most prominent river in the nation. The City, in coordination with Anoka County Parks, began construction of a boat landing within this park to provide the community a public access to the Mississippi River.

Rum River Central Park is 434 acres, 304 acres of which are in the City of Ramsey (the remaining is in the City of Oak Grove) and occupies the northeast corner of the city. The park has received over two million dollars in investments in recent years, including miles of bituminous and equestrian trails as well as a large pavilion, and canoe and small boat landing.

In addition the county facilities, Ramsey also benefits from the Mn/DOT Wayside Rest between Highway 10 and the Mississippi River in western Ramsey that has visitor contact building with restrooms, canoe access and picnic facilities. This site may also serve as a trailhead for the future Mississippi River Trail that will traverse from the Headwaters in Minnesota, through 10 states to New Orleans.

Several community and neighborhood parks ranging in size from less than one acre to over 100 acres are to be found throughout the City. These parks were typically deeded to the City as part of the subdivision park dedication requirements. Neighborhood parks include play structures, play fields and trail connections, while many non-urbanized public land remains undeveloped or is recognized as open space. Emerald Pond Park is unique in terms of a pergola and faux stream and like many neighborhood parks, popular for day care providers. Three (3) notable community parks include the 45-acre Central Park (primarily an athletic complex), Elmcrest Park, and also River's Bend Park with a mix athletic facilities, natural resources, and access to fishing.

In terms of significant outdoor recreation available from the private sector, Ramsey has two 18-hole golf courses open to the public; the Links at Northfork located in northwest of Lake Itasca and Rum River Hills Golf Course to the east, adjacent to the river at the 167th Avenue alignment. An additional outdoor recreation facility that is privately owned and operated but open to the public is the 160 acre Boy Scouts of America site along the Rum River. This is used for recreational camping and outdoor activities for scouts, as well as the city's Safety Camp.

The total amount of acreage devoted to the park and open space system is over 1,800 acres or approximately 10% of the of the City's 28 square miles. Table 10-1 includes a basic park inventory for the City of Ramsey.

Table 10-1 Park, Recreation and Open Space Inventory

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER
AUTUMN HEIGHTS	56.9	NEIGHBORHOOD				X					1					X					
BEAR		NEIGHBORHOOD									X										
BEAUDRY'S	5.6	OPEN SPACE																			X**
BROOKVIEW PARK NORTH	1.7	SPECIAL USE															X			X	
BROOKVIEW PARK SOUTH	1.5	OPEN SPACE																			
CAROLINE ACRES PARK	2.3	OPEN SPACE																			
CENTRAL PARK	41.3	COMMUNITY	2	X	X	X	X	X	2L		6	1	X	X		X					

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER
CLOQUET ISLAND		COUNTY																			
COTTONWOOD		NEIGHBORHOOD																	X		
DEERWOOD	10.9	OPEN SPACE																			
EMERALD POND	11.2	NEIGHBORHOOD			X	X					X		X	X		X	X				
FLINTWOOD TERRACE	15.9	NEIGHBORHOOD									X					X	X		X		X ***
FORD BROOK	3.8	MINI-PARK														X	X				
FOREST HIDEAWAY		OPEN SPACE																			
FOSTER CEMETERY		CEMETERY																			
FOXPARK	22.4	NEIGHBORHOOD								X						X			X		X ***

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER
GORHAM SANDY ACRES		OPEN SPACE																			
GREENLAND HILLS EAST	14.9	OPEN SPACE																			X**
GREENLAND HILLS WEST	8.5	OPEN SPACE																			X**
HUNTER'S HILL	3.7	MINI-PARK													X	X					
LAKE ITASCA	28.5	COMMUNITY																			
ITASCA TRAIL		TRAIL																	X		
MISSISSIPPI WEST	204.2	REGIONAL/ COUNTY																			
OAKRIDGE	32.2	OPEN SPACE																			
PELTZER PARK	32.9	NEIGHBORHOOD						X								X	X				

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER
RABBIT PARK		NEIGHBORHOOD									X					X					
ELEMENTARY SCHOOL	53.3	COMMUNITY				X	X	X	2		2										
REILLEY EAST	3.3	MINI-PARK																			
REILLEY WEST	2	MINI-PARK																			
RIVERDALE	2.7	TRAIL CORRIDOR								X	X			X		X				X	
RIVERS BEND	47.3	COMMUNITY				X				4	X		X			X			X	X	
RIVERWOOD HILLS NORTH	1.4	MINI-PARK																			
RIVERWOOD HILLS SOUTH		NEIGHBORHOOD																			
BOY SCOUT CAMP		PRIVATE PARK																			

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER
RUM RIVER CENTRAL	308.8	REGIONAL/ COUNTY		X	X	X													X	X	
SHAWN ACRES	4.4	MINI-PARK														X	X				
SOLSTICE	1.6	MINI-PARK			X											X			X		
SPORTS HAVEN NORTH	23.4	OPEN SPACE SPECIAL USE																			
SPORTS HAVEN SOUTH	1.7	OPEN SPACE SPECIAL USE																			
STANHOPE RIVER HILLS		OPEN SPACE																			
TITTERUD	6.8	NEIGHBORHOOD								2L	X		X			X	X				
TRAPROCK COMMONS	3.8	OPEN SPACE				X															
TROTT BROOK CORRIDOR	6	TRAIL CORRIDOR																			

PARK NAME	ACRES	TYPE	BUILDING	RESTROOMS	PAVILLION	PARKING	WARMING HOUSE	SKATING	HOCKEY	TENNIS COURT	SOFTBALL FIELD	BASEBALL FIELD	SOCCER/ FOOTBALL FIELD	BASKETBALL COURT	VOLLEYBALL COURT	PLAY AREA	PICNIC AREA GRILLS	SWIMMING BEACH	TRAILS	FISHING	OTHER	
WAYSIDE REST	18	REGIONAL/STATE	X	X	X	X														X	X *	
WHISPERING PINES NORTH		OPEN SPACE																				
WHISPERING PINES SOUTH		OPEN SPACE																				
WOODLAND GREEN PARK	4.7	MINI-PARK			X											X	X		X			
<p>X * = INTERPRETATION X ** = WETLAND X *** = BOARDWALK</p>																						

B. The Parks and Recreation Plan

In addition to the inventory, the Ramsey Park system is also divided into 17 Recreation Districts. These districts are delineated by major roadways or other barriers and provide a means for more effective planning in determining future park needs at the larger neighborhood level. A broad overview of the existing park system in Ramsey reveals a number of small underutilized neighborhood parks scattered throughout rural areas of the community that have developed at very low densities. This low-density development (or large lot development) does not support high use of a neighborhood park system and thus can lead to inefficiencies. A larger scale community park, which would provide park and recreation opportunities not available within private yards of large lots, would prove a more effective and efficient use of a park and recreation system to serve the rural areas of Ramsey. It is this opportunity, as well as the need for additional spaces for the growing youth athletic program that call for a sixth Community Park in the north central part of the city. The remaining major emphasis in the rural area of Ramsey should be in providing trail connections to get people to larger park facilities such as Central Park, Elmcrest and Rum River Central Regional Park as well as in preserving open space corridors consistent with more rural land use.

This same focus does not apply to the more urban areas of the city. Higher density development demands more parks that are within walking distances and provide a greater variety of activities. It would be wise to start planning for the provisions of neighborhood parks in future urban areas as well as looking to fill gaps in existing urban developed areas. Also as traffic patterns become denser within the urban areas, more neighborhood barriers exist increasing the need for more neighborhood park facilities. Trail development is a significant element of future park planning as a means to connect residents, and place to work, shop and recreate. Therefore, the City should continue installing paved trails or sidewalks along all collector streets concurrent with their construction.

The Mississippi River Regional Trail (Anoka County Segment) is an existing trail east of the Rum River in the city of Anoka. The trail is proposed to be extended to the west to connect to Mississippi West Regional Park and on to Sherburne County. Anoka County will work with the City of Ramsey and others on the completion of a master plan for this part of the trail. The Central Anoka County Regional Trail is an existing trail east of the City of Anoka. This trail is also proposed to be extended to the west to connect to Mississippi West Regional Park and Anoka County will work with the City of Ramsey and others on the completion of this trail in the future. A future segment of the Rum River trail is also being proposed, connecting to Rum River Central Regional Park. General alignment of these three trails are shown on Figure 10-2. In 2011, the City began working with Anoka County Parks to study the current alignment of the Central Anoka County regional trail to better coordinate with existing, constructed trails as well as capitalize on The COR development. This provides an opportunity to interact with the City's multi-modal parking facility, future Northstar Commuter Rail Station, and planned pedestrian overpass to connect to Mississippi West Regional Park. As an implementing agency for Metropolitan Council's Regional parks and Open space system, Anoka County essentially functions as the lead coordinator for regional trails. Planning is often performed in a macro sense with the individual jurisdictions, who are more likely to develop detailed plans and provide for specific routing of trails within these municipalities like Ramsey.

In reviewing future park and recreation needs to serve future and existing Ramsey residents, the following, generalized park type definitions will be used:

1. Park Type Definitions:

Mini-Parks: These are very small parks, often less than 1 acre in size, and are used to address limited or isolated recreational needs. These parks typically serve residents less than ¼ mile from the site.

Neighborhood Parks: Neighborhood parks are usually centrally located within neighborhoods and are designed primarily for use by neighborhood residents within easy walking and biking distances. The Neighborhood Park should be a positive focal point of pride for the neighborhood. They are intended for both passive and active activities with facilities such as play equipment, court games, and picnicking. They are generally not intended to accommodate organized athletic activities. Neighborhood parks should be a minimum of 5 acres. These parks typically serve residents ¼ to ½ mile distance and uninterrupted by non-residential roads or other physical barriers or have connecting trails with safe street crossings.

School Parks: Combining parks with school sites can be an efficient use of facilities. Care should be taken to not over use these facilities beyond what the landscape and scheduled maintenance can keep up with.

Community Parks and Athletic Complexes: Community Parks serve a broader purpose than neighborhood parks. The focus is on meeting community-based recreational needs, as well as preserving unique landscapes and open spaces. A high priority for these parks should be connecting them through a trail system which then serves residents within ½ to a 3 mile distance, for those not traveling by auto.

The sports components of these facilities are often heavily programmed athletic fields. In Ramsey a strategy for Community Parks has been to ensure the park has a diversity of facilities, yet congregate like sports fields together.

Open Space: Land set aside for preservation of significant natural resources. Usually lacks any developed facilities.

Special Use: These parks consist of recreational facilities that are orientated toward a single-use.

Greenways: A greenway is a continuous corridor of natural vegetation that provides for critical habitat and the movement of wildlife and humans. They often follow natural waterways or land features.

2. Trail Types:

Off Road (Urban): Paved surface for non-motorized use, and paved or non-paved surface for users, both trails removed from roadway. These facilities should be developed in corridors a minimum of 35' feet in width.

On Road : Paved, striped and signed shoulder on roadway.

On Road Separated: Paved trail parallel to roadways, separated by a ditch, curb or other buffer.

Multi-Purpose: Paved surface and separate non-paved skiing or equestrian trail, both removed from roadways. These facilities should be developed in corridors a minimum of 75' feet in width.

Table 10-2 represents standards for park facilities needed to serve a community like Ramsey with the focus of the park development occurring within existing and future urban areas. These standards provide a basis for determining if the existing park system adequately serves today's population and if it will be able to handle the expected growth to the year 2020. These standards should only be used as a guide or rule of thumb.

Table 10-2 National Recreation and Park Association Standards

Facility Type	Acres/1000 Population	Desirable Size (Acres)	Population Served	Service Radius	Preferred Location	Typical Facilities
Playgrounds	.25 to .5	1 or less	500 to 1000	¼ mile or 5 minute walk	Within urban neighborhoods, close to multi-family residential	Play structure, small court games, turf area, picnic tables
Neighborhood Parks	2.0	6 to 8	1000 to 2000	½ mile or 10 minute walk	Within urban area, centrally located	Court games, field games, playgrounds
Community Parks	5 to 8	20 to 35	Community	1 to 4 miles	Centrally located and easily accessible to entire community	Ball fields, tennis courts, picnic facilities, active recreation facilities
Regional Parks	5 to 10	200 +	Regional Population	1 hour drive	Natural features, usually associated with water	Activities of community park, nature observation areas, cultural and historic learning facilities
Trails	-	-	-	-	Connecting important community features	-
Special Facilities	-	-	-	-	Varies, convenient access, central to community	Ice arena, community center, golf course, gun club

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In terms of Ramsey's park land area per resident, Ramsey may be adequately served by park and recreation opportunities. However, as future residential development occurs and new areas are developed, land must be dedicated and funds must be committed to meet the recreation needs of the community. Through subdivision ordinance, the City currently requires parkland dedication at a rate indexed to residential densities for new development to fulfill the need for park facilities.

Ramsey is fortunate to have many natural resources within its boundaries. Many of these resources are preserved and made accessible through existing large community parks and tracts of protected open space. The Future Mississippi West Regional Park has the great potential of strengthening Ramsey's connection and identity with the Mississippi River. Continued cooperation with regional partners like the National Park Service through the Mississippi National River and Recreation Area on the Regional Trail through Ramsey will be important as Ramsey works to improve its image along Highway 10. Presently, Anoka County provides regional trail organization relative to the MNRRA corridor. Cities like Ramsey are full players with respect to the Trails and Open Space Partnership (TOSP), which is a group that meets quarterly to guide and refine trails within the MNRRA corridor from Ramsey, south 72 miles to Hastings. Pedestrian connections across Highway 10 will likewise be critical in making this new park accessible and contributing to a vibrant Town Center.

With these great recreational facilities existing and planned, an important focus will be on making these larger systems of parks accessible to all Ramsey residents. Acquiring and constructing additional links to the Trail system are critical to the success of the future Parks and Recreation Plan

Smaller neighborhood parks remain appropriate in higher density areas where they serve more residents and are designed to be focal points of gathering for the neighborhood. Every attempt should be made to develop sidewalk and trail connections to these neighborhood resources. Similarly, future underpasses and elevated crossings should be carefully mapped, so as to identify funding and schedules, so as to time them with other infrastructure improvements.

3. Parks and Recreation Goals

The following goals and strategies came from the community meetings held in 2007 and 2008 under the Ramsey3 effort.

a) A comprehensive, balanced park and trail system consisting of large and small scale parks, active and passive parks, natural preserves, and recreational facilities.

STRATEGIES:

1. Incorporate planned parks and trails into all new development where appropriate
2. Design for connectivity with local and regional parks
3. Improve coordination of park and trail planning within City and adjacent communities
4. Establish a regional trail along the Mississippi River
5. Develop a Trott Brook Trail Corridor
6. Explore providing pedestrian access from the Mississippi River to the north side of Highway 10
7. Design trails with a variety of surfaces appropriate for different uses

8. Seek out alliances and partnerships with non-profit and governmental agencies to assist in securing funding and other resources that will assist in implementing the park and trail plan
9. Improve quality of existing parks, through careful planning, continued maintenance and adequate funding
10. Explore options for an additional community park
11. Where appropriate, consolidate existing parks to improve quality and provide more efficient service
12. Explore options for a revenue source for permanent protections of parks, trails and open space

b) A system of safe parks and trails

STRATEGIES:

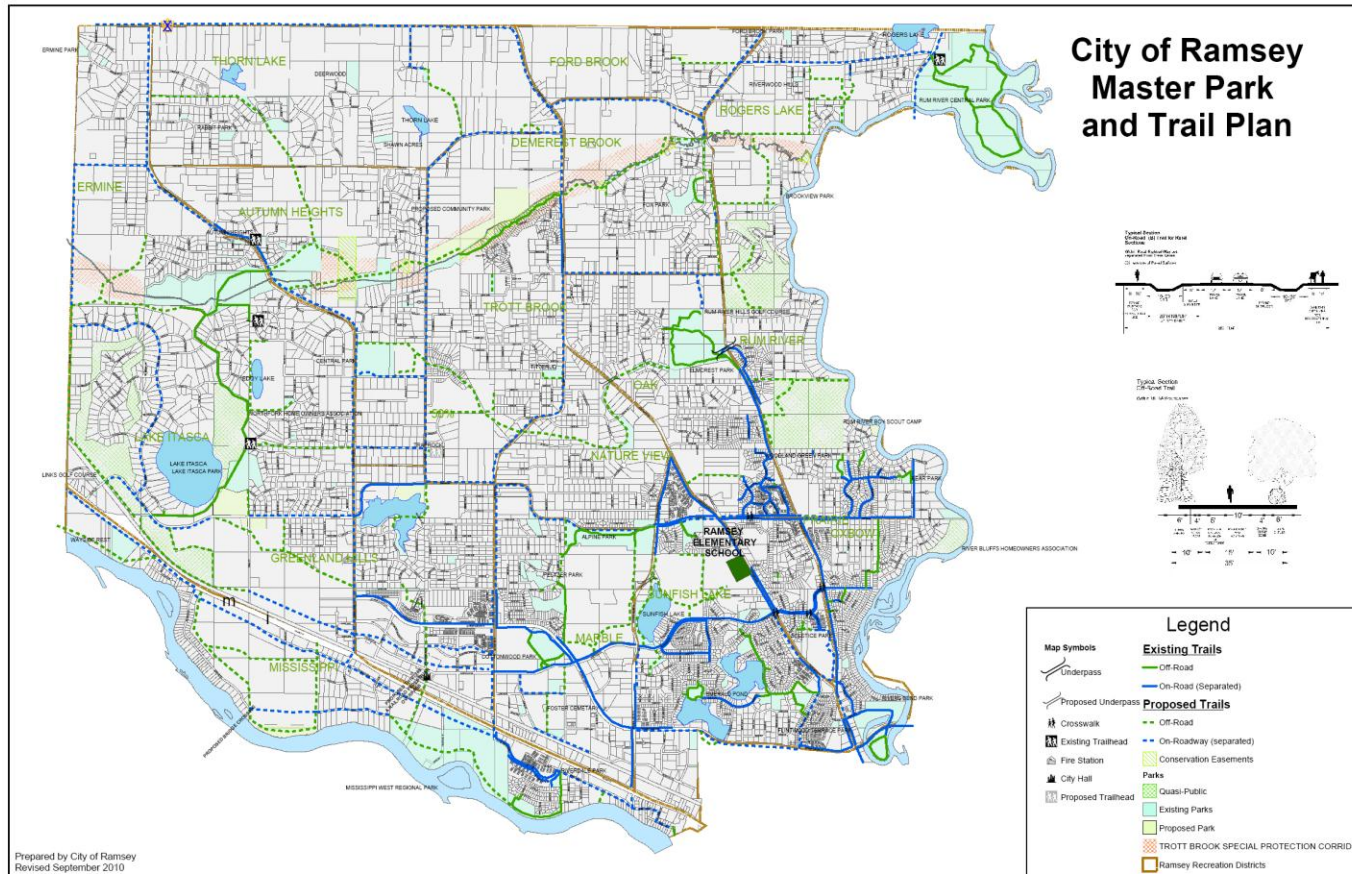
1. Locate trails where appropriate in greenway corridors and natural areas
2. Promote Crime Prevention Through Environmental Design CPTED and other techniques
3. Where appropriate, use existing power/utility easements for the trail system
4. Provide adequate signage and pavement markings to warn automobile traffic of park and trail traffic
5. Explore use of pedestrian-activated signals, continuous flashing signage, and mid-block crossings where safe and appropriate, to further increase park and trail safety
6. Minimize at-grade crossings of trails and roads and other interactions between trail users and automobiles, with underpasses or overpasses

e) A variety of park facilities and programs that meet the life cycle needs of residents.

STRATEGIES:

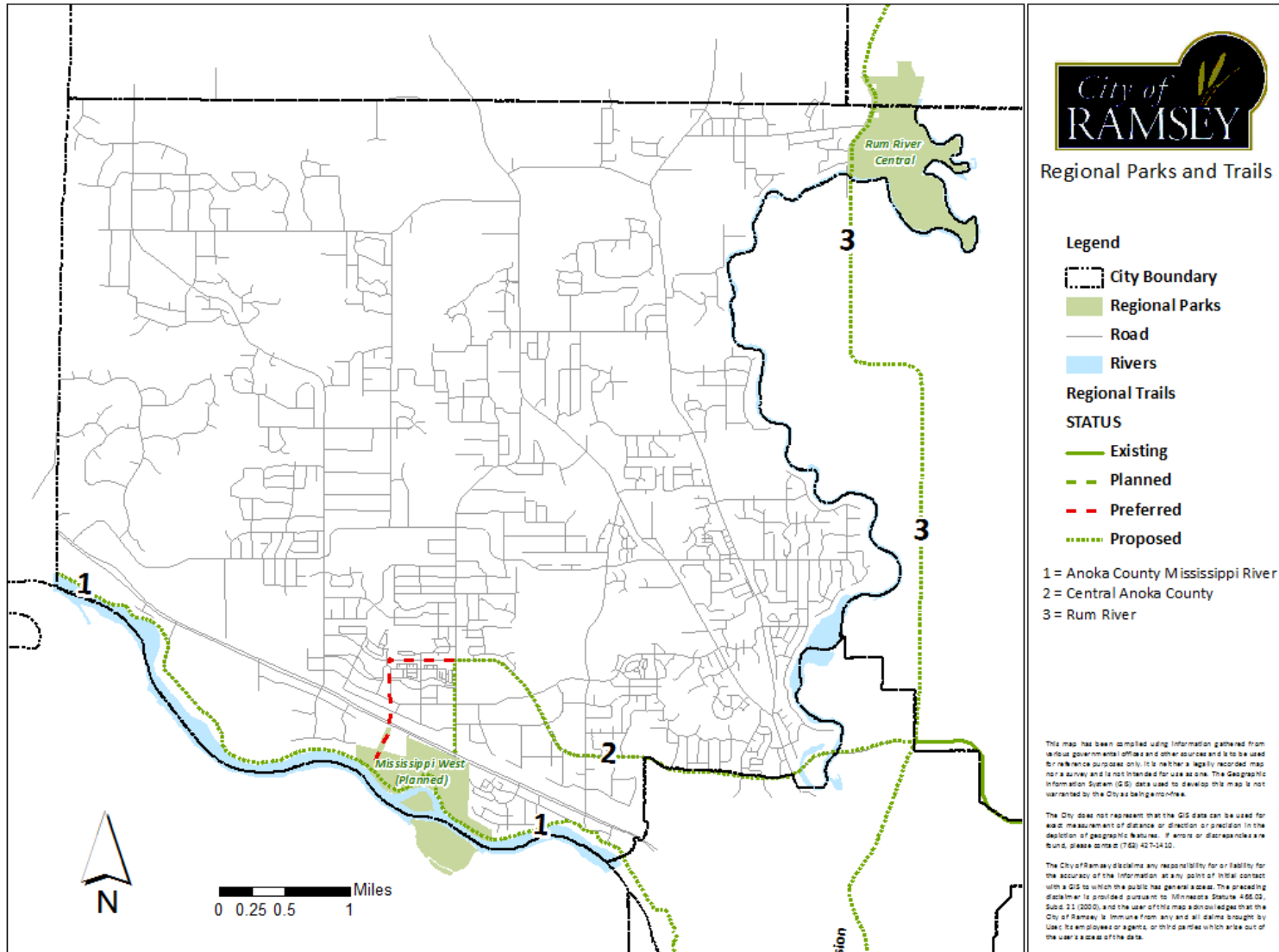
1. Work with the schools and community organizations to plan for athletic fields and facilities that will accommodate the growing community
2. Explore options for a revenue source for recreational facilities and programming
3. Study the need for a Community Center that offers a variety of recreational uses for all age groups

Figure 10-1 Park, Trail and Recreation Plan



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Figure 10.2: Regional Parks and Trails



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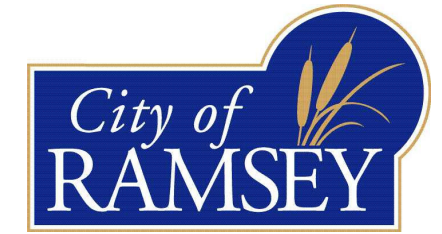
FOOTBALL GREATS

MAMMALS

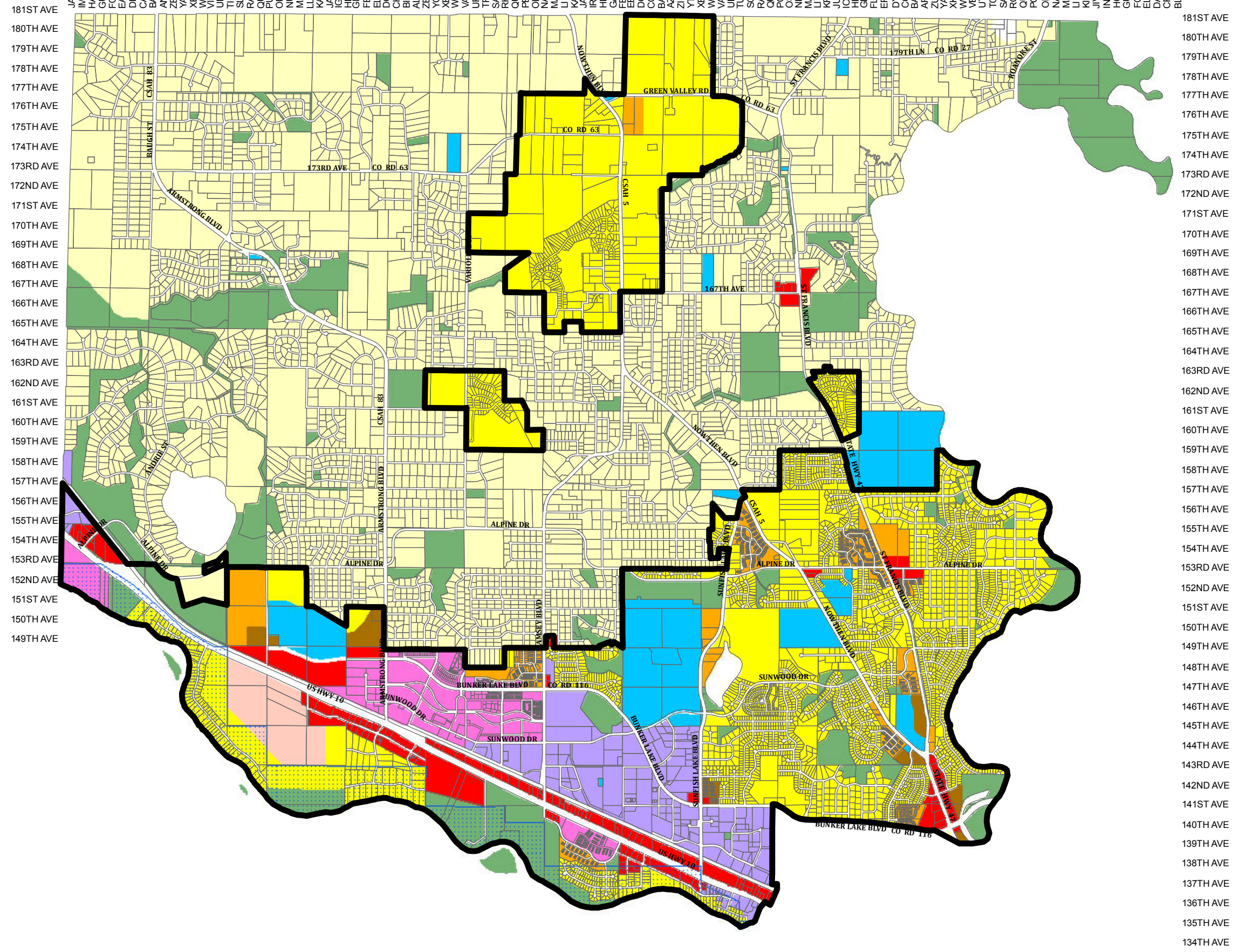
ROCKS

ELEMENTS

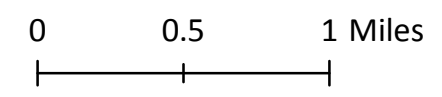
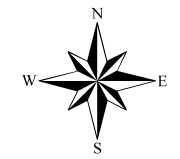
INDIAN TRIBES



2030 Comprehensive Plan Future Land Use Map Amendment 11-02



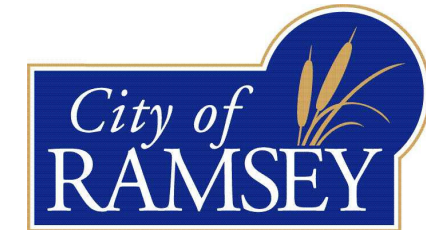
- MUSA
- MRCCA Boundary
- Future Land Use**
- LDR
- MDR
- HDR
- Office Park
- Commercial
- MU
- Business Park
- Public
- Rural Developing
- Rural Preserve
- Park



This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

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2030 Comprehensive Plan Future Land Use Map Amendment 11-02

- Special Area Plan
- MUSA
- MRCCA Boundary

Future Land Use

- LDR
- MDR
- HDR
- Office Park
- Commercial
- MU
- Business Park
- Public
- Rural Developing
- Rural Preserve
- Park

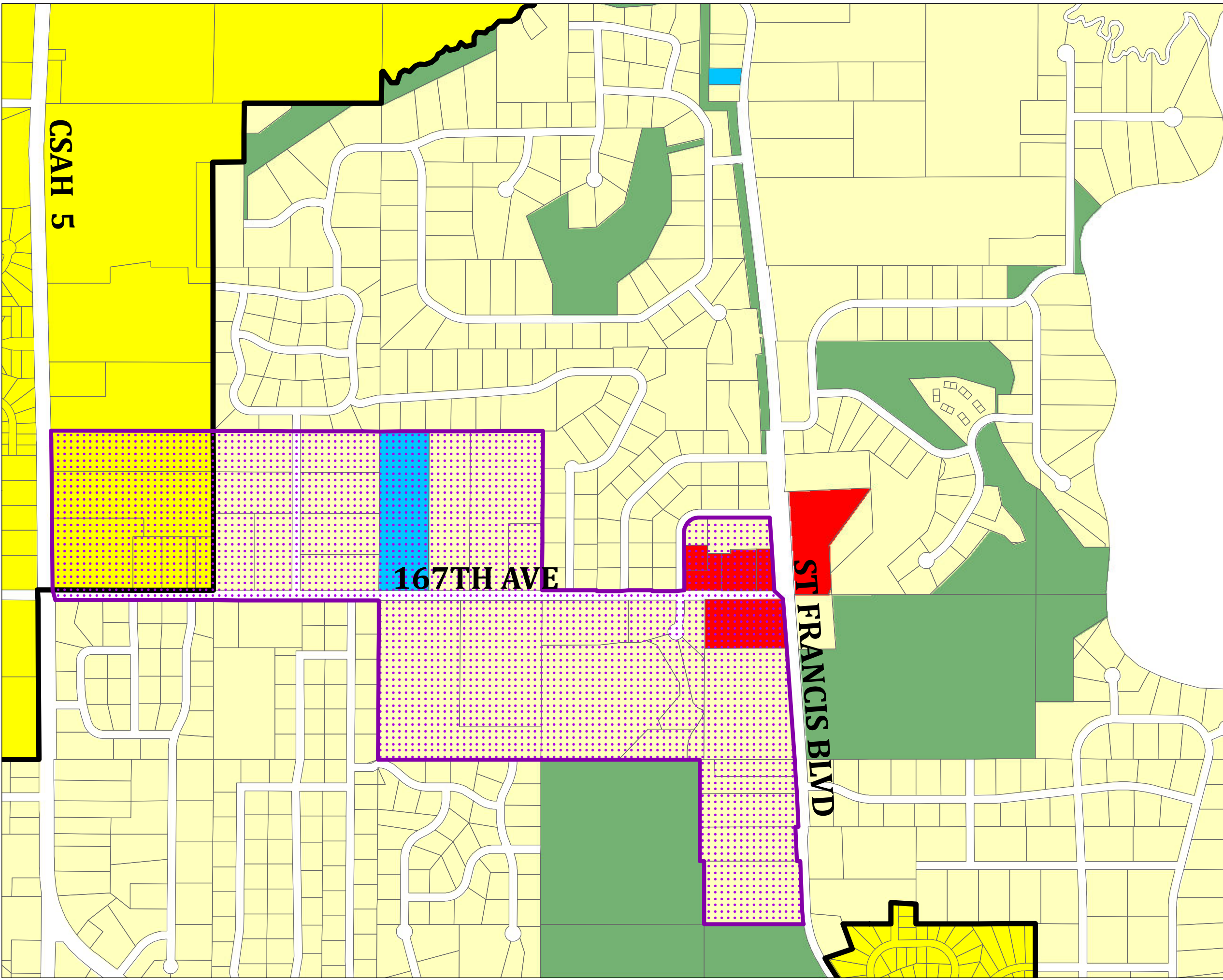


0 0.05 0.1 Miles

This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

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5. LAND USE

A. Existing Land Use

1. General Land Use

The City of Ramsey is surrounded on three sides by other municipalities including the Cities of Elk River, Anoka and Oak Grove and Nowthen. All of these communities are growing communities except for Anoka, which is near fully developed. Ramsey is rapidly growing and has developed for the most part as a bedroom community with most developed land as low-density single family residential. The City has roughly 29 square miles of land, including roadways and open water. The following table represents the existing land use inventory for the City as a whole.

Table 5-1 Existing Land Use—2008

Land Use Category	Gross Acreage	Net Acreage	% of City*
Agricultural	1,956.82	1,693.65	10.2%
Commercial	360.35	326.35	1.9%
Industrial	425.40	421.76	2.2%
Landfill	157.62	151.58	0.8%
Multi-Family Residential	258.08	239.89	1.3%
Park	1,820.51	1,120.39	9.5%
Public/Quasi-public	347.60	284.02	1.8%
Rural Residential	6,888.71	5,576.42	36.0%
Single Family Residential	1,998.05	1,746.75	10.4%
Vacant	2,303.03	1,517.61	12.0%
Right-of-Way	2,043.76	2,043.76	10.7%
Water	568.24	568.24	3.0%
Wetland	0.00	3,437.74	-
Total City	19,128.16	19,128.16	100.0%

a) Residential

The City of Ramsey is predominantly a residential community. Over 7,500 acres have been developed as residential housing, the majority of which is in single family housing units. Other housing types include townhomes, a mobile home park and an apartment building.

The typical lot size within the Metropolitan Urban Services Area (MUSA) is around 10,000 to 12,000 square feet, however larger lots up to 5 acres in some areas can be found along the Mississippi and Rum Rivers. *Densities within smaller lot subdivisions range anywhere from 2 to 3 units per gross acre or roughly 2.5 to 3.5 units per net acre.* Net acre refers to total land area less major road right-of-way and wetlands.

Outside of the MUSA, development patterns generally consist of residential subdivisions with lot sizes of 1 to 5 acres. A portion of the area lying generally north of Trott Brook in central Ramsey remains in large tracts of land (10 or more acres in size). Residential platting has

not occurred in this area due to the numerous wetlands and poor soil conditions, which largely prohibit development. In 1989 the City adopted an ordinance intended to preserve large tracts of land for future orderly expansion of urban services. This policy was consistent with regional growth management policy. The City also adopted an ordinance that established a maximum density of 1 unit per 10 acres and limited lot sizes to 10-acre minimums in the Urban Reserve and Central Rural Reserve areas and 2.5-acres in the Rural Developing area. Densities of existing rural subdivisions generally range between 0.2 units per gross acre to 1 unit per gross acre.

b) Commercial

The commercial development has been primarily focused along the Highway 10 corridor and the Highway 47 corridor south of 155th Avenue. These two corridors generate a high volume of traffic, which is attractive for retail businesses. The commercial activity that dominates Highway 10 is primarily retail and wholesale trade oriented with several used car and recreational vehicle sales businesses. Several sites along Highway 10 are unimproved and in some instances operating out of single-family homes. Commercial activity located around the Bunker Lave Boulevard and Highway 47 intersection is a more service-oriented shopping area consisting of convenience retail.

A commercial node in the rural area at the intersection of Highway 47 and 167th Avenue consists of smaller scale convenience retail and other small businesses situated in a multi-tenant retail development. Because low-density development surrounds this strip mall, retail stores tend to struggle; however, the site does have good visibility and accessibility making it somewhat conducive to commercial activity. The site is not served by municipal utilities and has had problems with on site septic system operations. The City recently constructed the City's third water tower directly south of this node. Also, municipal water service is available to the site, although sanitary sewer is not. The completion of this infrastructure has renewed interest in master planning of the node and expansion of MUSA to the node and surrounding area.

Other commercial development exists on Highway 10 adjacent to Elk River. There are also some home occupations scattered throughout the community.

A unique development mixes business and residential land uses along the south side of 149th Avenue. These long narrow lots were developed outside the MUSA adjacent to industrially zoned property. They were intended to act as a buffer between industrial and residential land uses.

Within The COR Master Plan area, some commercial development has occurred near the corner of Armstrong Boulevard and Sunwood Drive. Additional commercial development is planned throughout The COR area.

c) Industrial

Recent industrial development has consumed a large portion of the undeveloped land within the MUSA. Development of the AEC Energy Park and the City of Ramsey Business Park 95 has created over 500,000 square feet of new construction since 1996. This new development has occurred all within the MUSA and has intermingled with older, existing industrial developments. Redevelopment of underutilized industrial sites needs to be studied for future industrial development opportunities and in order to preserve the quality of the existing development that is in place. There has been continued demand for industrial land in Ramsey, and vacancy rates have been low in 2008. As part of the 2030 Comprehensive Plan Update completed in 2008, the City created a new land use designation entitled Office Park.

d) Park and Recreation

The City of Ramsey has two regional parks within its boundaries, Mississippi West Regional Park and the Rum River Central Regional Park. These two regional parks encompass an area of over 500 acres. There is a State Wayside Rest along Highway 10 and the Mississippi River that has camping facilities, restroom facilities, and picnic tables. Several community and neighborhood parks ranging in size from less than one acre to over 50 acres are scattered throughout the City. On the private side, Ramsey has two 18-hole golf courses open to the public, the Links at Northfork located in west Ramsey just north of Highway 10 and Rum River Hills Golf Course located near 167th Avenue and Highway 47. The Boy Scouts of America own approximately 160 acres of land, which is used for recreational camping and outdoor activities along the Rum River. The total acreage devoted to park and recreation uses is roughly 1,814 acres or 10% (inclusive of wetlands within parks) of the Ramsey land area.

e) Agriculture

As shown on the Existing Conditions Land Use Map, agricultural uses are primarily located in the northeastern and southwestern portions of the City. A total of 1,956 acres appear to have some kind of agricultural use occurring on them as of 2008. The dominant soil type in Ramsey is the Hubbard-Nymore association, which is classified as “moderately well suited” to farming: however, fertility and available water capacity are low.¹

f) Public/Qausi-Public

Public/Semi-public land uses are comprised of churches, schools, city offices, public works facilities, fire stations and other government or non-profit entities. Several churches provide Ramsey with a variety of worship opportunities. Ramsey Elementary School is the only school located in Ramsey and is located within MUSA. Middle and high school students are bused to Anoka and Elk River. City Hall and the police station are located north of Highway 10 in Town Center. A public works

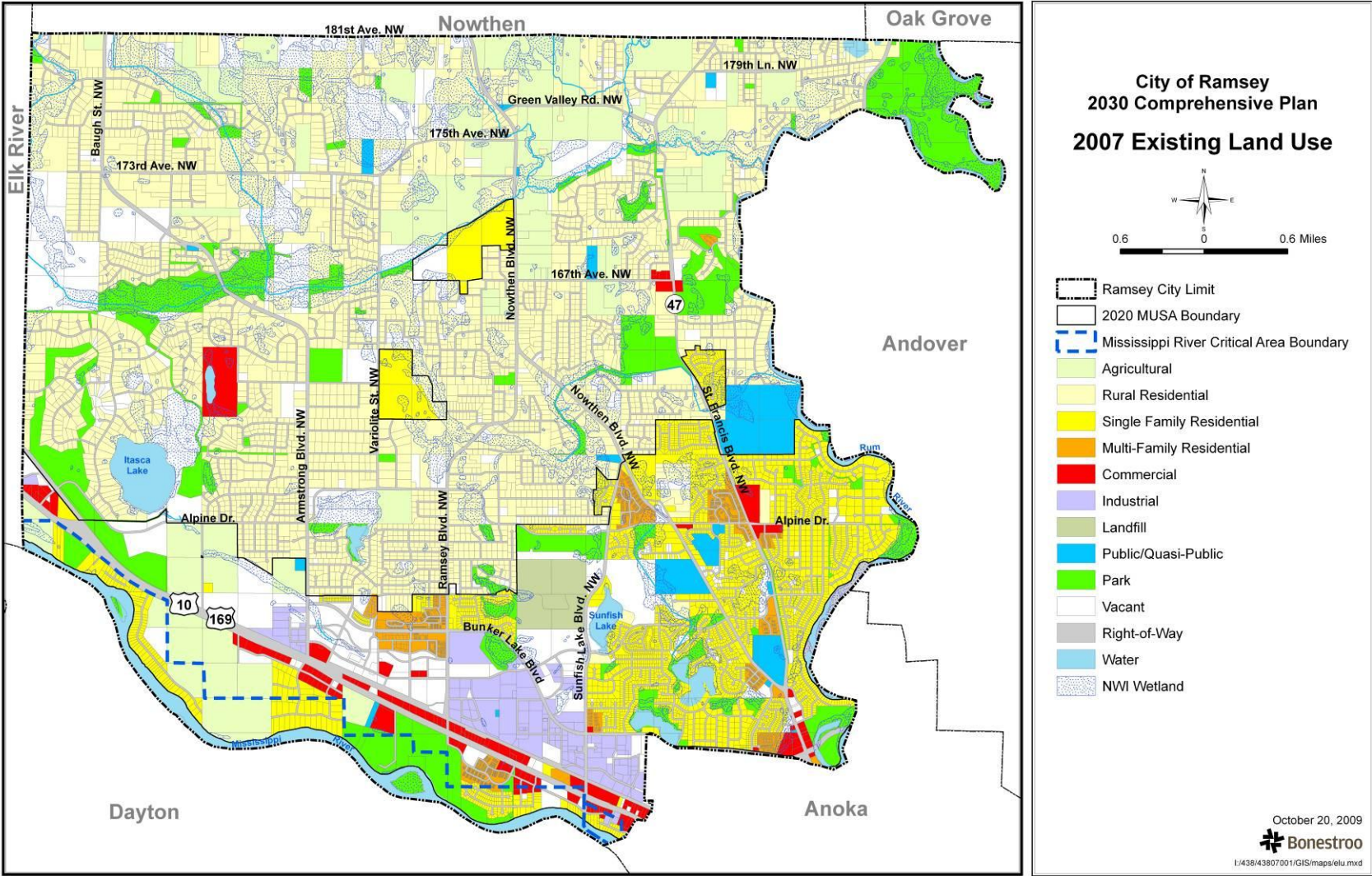
¹*Soil Survey of Anoka County*, 1977 United States Department of Agriculture, Soil Conservation Service

garage is located in the Gateway Industrial Park. The City has a fire station located at the old City Hall.

g) Transportation

Currently the City contains over 2,043 acres of City, County and State road right-of-way. Much of the right-of-way is comprised of U.S. Highway 10, a 4 lane divided highway. The Burlington Northern Santa Fe Railroad line stretches the length of the community and is wide enough to contain utility easements as well. The Mississippi and Rum Rivers contain no barge traffic and serve only recreational boating.

Figure 5-1 Existing Land Use Map



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B. Future Land Use

1. Land Use Goals

The following are Land Use goals and policies developed as part of the Comprehensive Plan Update process:

a) The needs and rights of existing residents are balanced with the needs and rights of those who wish to develop

STRATEGIES:

1. Encourage a developer-led public involvement process for new development that solicits feedback from the public at the beginning of the process
2. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers
3. Protect Ramsey's rural character while providing opportunities for urban growth

b) A variety of housing densities and types

STRATEGIES:

1. Develop dense, mixed-use environments in Town Center and other key locations served by sewer and water
2. Assess the market for various housing types and densities and have the Land Use Plan reflect appropriate opportunities to match market demand

c) Fair and consistent land use regulations

STRATEGIES:

1. Develop a policy for processing comprehensive plan amendments
2. Establish a rational, logical staging plan for extension of MUSA consistent with the Comprehensive Sewer Plan and tied to Comprehensive Plan Amendment Policy
3. Re-assess the value of 4 in 40 (rural preserve and rural reserve)

d) Walkable neighborhoods

STRATEGIES:

1. Include a review of infrastructure, including parking for walking and other non-motorized transportation modes when reviewing any transportation improvement projects
2. Explore options for revising the City's sidewalk policy, including requiring sidewalks or trails on both sides of some new public streets, different standards for public versus private roads, high-volume versus low-volume roads, and issues related to long-term maintenance
3. Locate residential development at appropriate densities near services to encourage walking

e) Efficient growth

STRATEGIES:

1. New development should use existing infrastructure where possible
2. New development should be built close to existing or proposed services such as commercial, employment, and government, where possible.

f) Ramsey Town Center is constructed in accordance with its vision

STRATEGIES:

1. Concentrate the highest density residential development in or near Town Center and at other key locations as shown on the future land use map
2. Encourage residential and commercial development in the Town Center before other parts of the City
3. Continue to work to secure a stop on the Northstar Commuter Rail Line for Ramsey
4. Develop incentives for the Town Center to enhance its marketability
5. Maintain high quality design standards for the Town Center

g) Adequate retail and commercial services

STRATEGIES:

1. Locate other neighborhood commercial nodes with basic services available close to existing and future residential neighborhood concentrations
2. Assess the supply of commercial and industrial land available for development

h) New development is well-integrated with existing development

STRATEGIES:

1. New development should protect natural resources, make trail connections, and blend in with surrounding development
2. Use clustering and/or conservation development practices to protect existing neighborhoods and natural resources
3. Develop form-based codes
4. Develop a meaningful density transition ordinance that incorporates lot size, transitioning, screening, space, berms, landscaping, or buffers

i) The rights of property owners are respected and protected within the planning and development process.

STRATEGIES:

1. Private property owners will be allowed the maximum use and enjoyment of their property, as free as practical from excess taxation, assessment, or intrusion consistent with good planning and the well-being of the larger community.
2. The rights of private property owners will be balanced with the need to protect and enhance natural resources in the community.
3. The rights of private property owners will be balanced with the need to provide a safe and efficient transportation system in the community.
4. The rights of private property owners will be balanced with the needs of future development.

j) Property rights are protected along with natural resources

STRATEGIES:

1. Explore options to compensate property owners for development rights to protect natural resources
2. Regularly assess outcomes of ordinances related to natural resources and make changes as necessary
3. Provide incentives to homeowners for the permanent protection of high-value natural resource areas

2. The General Plan

The land use plan is intended to guide the future development of the community. It is designed to protect, preserve, enhance and build upon the physical features of both the built and natural environment. Developed through a combined effort of Ramsey residents, landowners, city officials and business owners, the plan guides land uses through the year 2030. Many people will use the plan to learn about the community, its direction and vision. More importantly it will be used to

assist and guide local decision-makers and city staff in the everyday business demanded of a growing suburban community.

The future land use element contains goals and polices for the following land use categories:

a) Rural Developing

Areas of Ramsey guided Rural Developing will not have urban services and include single family, detached housing types. Minimum lot size is 2.5 acres per unit. Much of Ramsey has been developed in this pattern, and only some areas guided Rural Developing contain large lots that could be subdivided into 2.5 acre lots.

b) Low Density Residential

Areas guided Low Density Residential must have urban services before development can take place. These areas will average 3 units per acre and contain single family, detached dwellings.

Where Low Density Residential is directly adjacent to areas guided Rural Developing that contain 2.5 acre lots, strategies for density transitioning will be employed. This means that while an area of Low Density Residential may average 3 units per acre, those lots directly adjacent to 2.5 acre lots will be closer in size to 2.5 acres in order to provide an effective transition that maintains the existing character of the neighborhood. Screening methods, such as landscaping must also be employed to transition between very low density areas and urban lots.

c) Medium Density Residential

These areas are within the MUSA and intended to receive medium density housing including lower density multi-family housing and higher density single-family housing. Average density will be 6 units per acre.

d) High Density Residential

These areas are within MUSA and intended to accommodate multi-family housing such as townhomes and apartment buildings. Average density will be 12 units per acre.

e) Business Park

Areas guided Business Park are reserved for office and industrial development.

f) Office Park

Areas guided Office Park are reserved primarily for office and office-showroom development. Corporate campuses are also appropriate in these areas. Light and heavy industrial uses are not appropriate for areas guided Office Park.

g) Commercial

Areas guided Commercial may include a range of neighborhood and community commercial/retail development.

h) Mixed Use

Mixed Use areas may include a combination of residential, commercial, light industrial, open space and a transit hub.

i) Parks, Trails and Open Space

Parks, trails and open space include the City Park and trail system, golf courses, regional parks, wetlands and the greenway. Lands in this category are intended to preserve the natural resource base and provide an adequate supply of active and passive recreational lands in Ramsey.

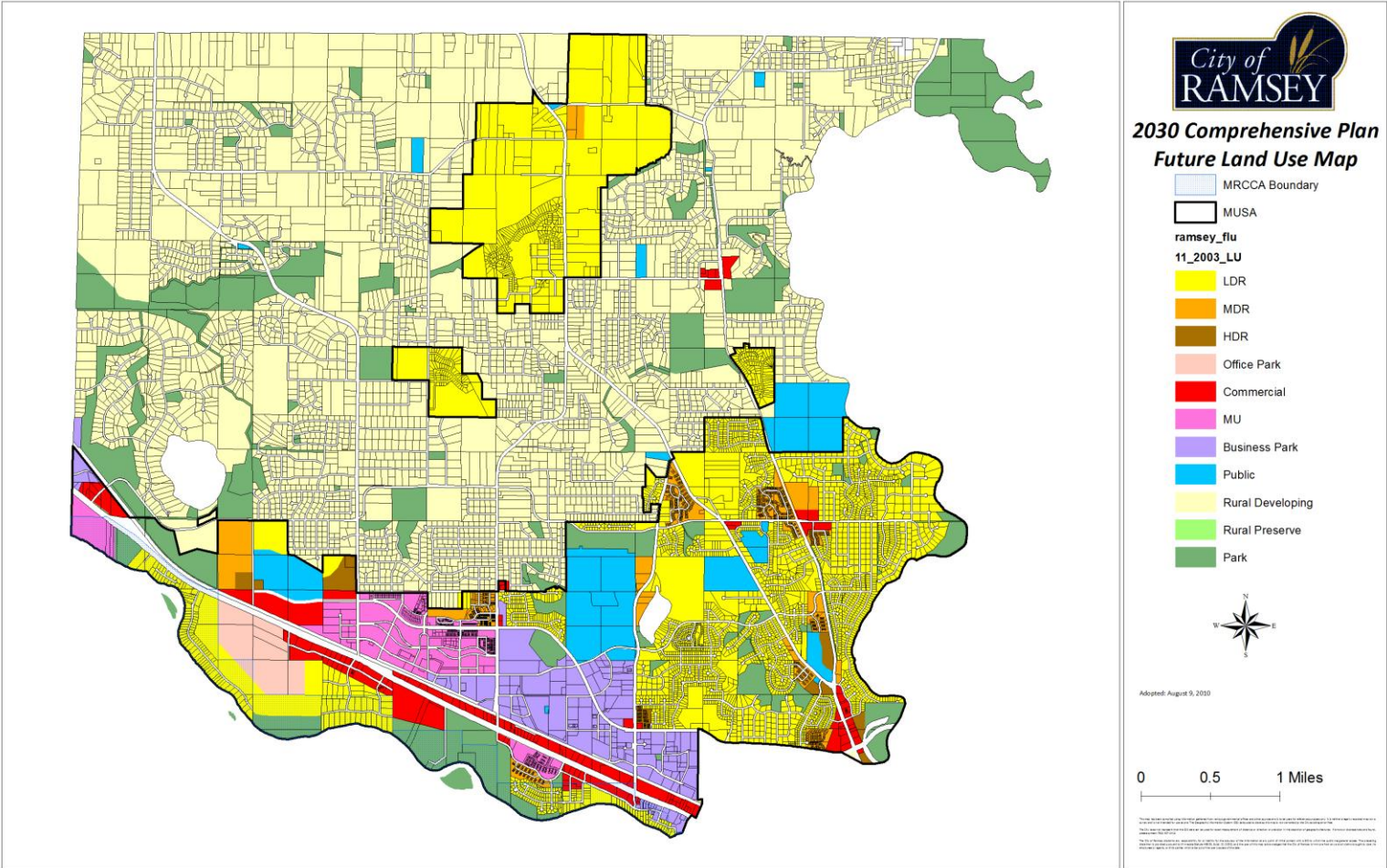
j) Public/Quasi-Public

This category generally includes city offices, public works facilities, churches, schools other non-profit or government facilities, and bridges/major rights-of-way.

Figure 5-3 shows the changes in land use designation on the new 2030 Land Use Plan compared to the previous 2020 Plan.

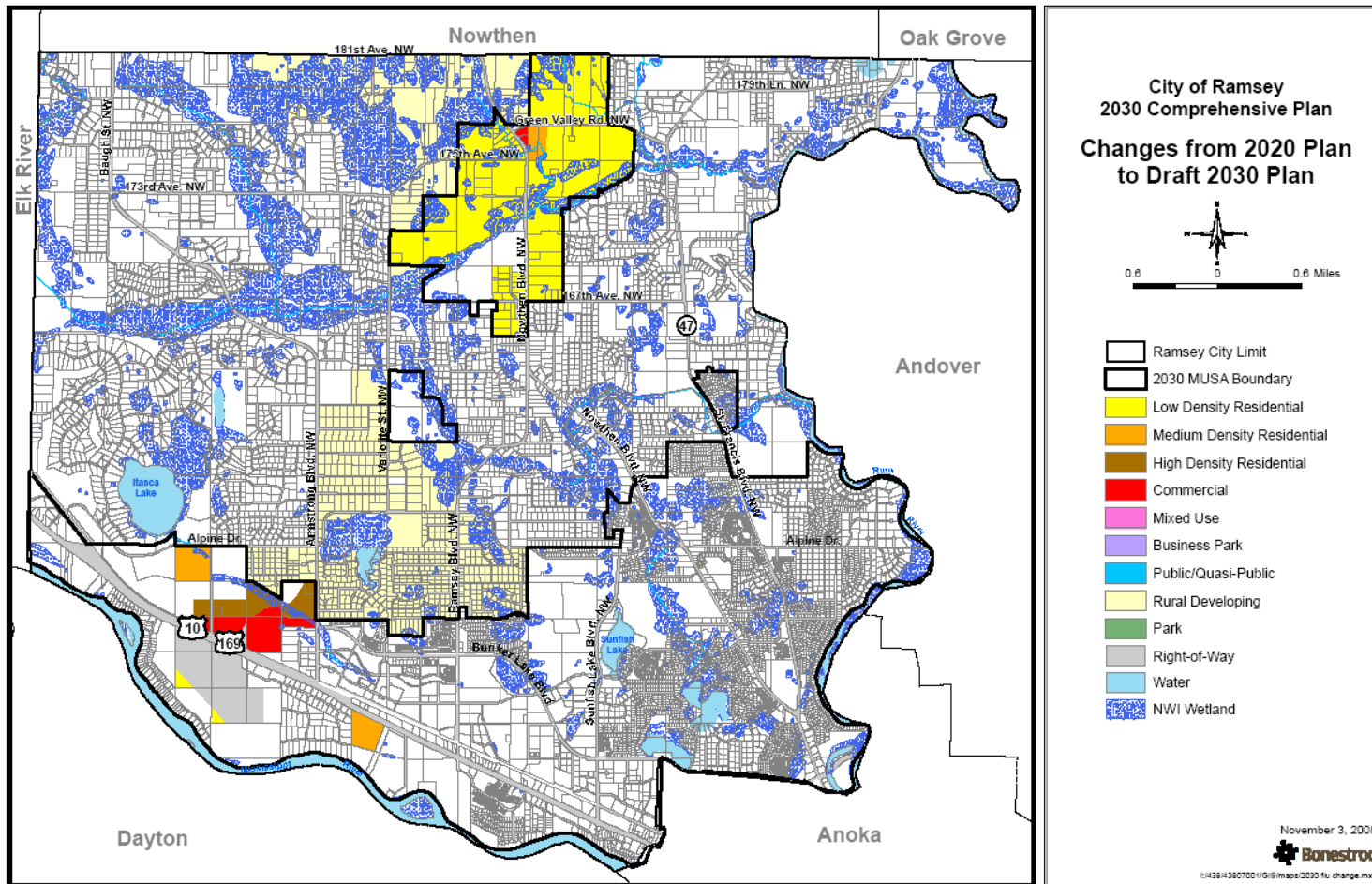
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Figure 5-2 Future Land Use Map



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Figure 5-3 Changes in Land Use from 2020 Plan to 2030 Plan



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3. Future Land Use Calculations

The following table represents a tabulation of land uses based on the future land use plan. The tabulations assume a complete build out of the community, which may or may not happen within the lifetime of this plan. Park and Open Space include the landfill, privately owned golf courses and the Boy Scouts of America camp grounds in addition to public park lands. Although this plan shows the eventual depletion of agriculture lands in Ramsey in terms of a land use category, it is anticipated that agriculture activities that occur today may still occur in the Rural Developing areas. The agriculture land located in areas designated as urban residential, places to work or other urban uses will continue to be farmed until such time that the property owners decide to develop in accordance with the development staging plan or sell to development interests.

Table 5-2 Future Land Use Calculations

2030 Land Use	Gross Acreage	Net Acreage	% of City
Low Density Residential	3,389.52	2,854.72	14.9%
Medium Density Residential	373.49	339.05	1.8%
High Density Residential	122.09	103.07	0.5%
Commercial	401.76	389.92	2.0%
Mixed Use	358.76	333.74	1.7%
Business Park	566.18	552.54	2.9%
Office Park	166.80	166.80	0.9%
Public/Quasi-Public	388.58	342.62	1.8%
Rural Developing	8,660.06	6,644.40	34.7%
Park	2,088.92	1,351.56	7.1%
Right-of-Way	2,043.76	2,043.76	10.7%
Water	568.24	568.24	3.0%
Wetland	-	3,437.74	18.0%
Total City	19,128.16	19,128.16	100.0%

4. Future Land Use Categories

The following is a description of the various land use categories that will guide future development of the community.

a) Residential (Rural Developing, Low Density, Medium Density, High Density and Mixed Use)

Through the year 2030 Ramsey will continue to be primarily a commuter suburb dominated by single-family detached housing. As transportation access to the rest of the metro area and neighboring suburbs improves, more persons will be interested in obtaining part of the rural life-style present in Ramsey. As the population in Ramsey ages, new housing opportunities will be demanded to fulfill the life-cycle housing needs of Ramsey residents. It is critical that growth in Ramsey be guided and managed so that today's residents can continue to enjoy a high quality of life and that future generations will be awarded the same benefits as today's residents.

Residential areas are intended to reflect the continuous greenway corridor (see Environmental Protection Chapter 13.). While lands restricted for development (wetlands, steep slopes, ponds and lakes) are not intended to be eligible for density credit, useable lands, which are voluntarily protected for greenways are intended to receive density credit. Landowners are encouraged to preserve and restore areas of significant natural resources such as open prairie or tree canopy as permanent open space by increasing density in areas more conducive to development.

Residential areas in Ramsey are very diverse in terms of lot sizes, but very similar when it comes to types of housing. Residential lots range from the farmstead of 10 to 20 acres to the rural estate lots averaging 2.5 acres, down to the urban lot of 10,800 square feet served by municipal utilities. In each of these lot size classifications, single-family homes are the dominant housing type.

The future land use plan creates opportunities for the development of a diversity of housing types and styles while preserving the strong single-family character of existing residential neighborhoods.

b) Rural Developing

The Rural Developing area is the largest land use within the City of Ramsey. The existing primary use of this area is very low-density residential development with average densities of *roughly 1 unit per 2.5 acres*, a development pattern that was established in the early 1970s. Because of this very low-density pattern of development and the numerous wetlands, the extension of urban services to the rural developing area is not practical or financially feasible. Regional growth policy would suggest imposing a gross density consistent with the Rural

Preserve area of 1 unit per 10 acres. However, because of the historical development pattern that has already been well established, an overall density of one unit per 10 acres will never be established.

The maximum density for the Rural Developing area shall be *1 unit per 2.5 acres* gross. This density was determined by examining the natural features and the predominant existing density within the Rural Developing area.

Rural Policy

It is the policy of the City of Ramsey to:

1. Enforce a maximum overall density of 1 unit per 2.5 acres in the *Rural Developing* area.
2. Encourage preservation of open space and natural resources beyond what is required by ordinance or other legal means through the PUD process.
3. Develop, implement and enforce a septic system inspection program and wellhead protection program for existing and future private septic systems and wells consistent with Minnesota Rules Chapter 7080.
4. Encourage environmentally sensitive and open space design and construction techniques that preserve natural resources within private control (i.e. other than public land dedication).²
5. Provide for the extension of urban services only when groundwater contamination (due to failing septic systems or other reasons) has the potential to pose a threat to human health and the provisions and process outlined in the City Charter have been followed.
6. Encourage private well users to periodically test the drinking water supply from private wells in order to prevent serious health hazards from occurring due to groundwater contamination.

Rural Performance Criteria

Residential development projects in the Rural Developing area shall be evaluated based on the following criteria:

1. Rural design principles are evident in the plan.

² Good examples of rural design principles can be found in the book Rural by Design by Randall Arendt, an APA publication.

2. The site or sites can support two septic drain fields in accordance with Minnesota Rules Chapter 7080.
3. Owner/developer agree to on-site septic system inspections in accordance with City requirements.
4. The plan reflects a strong sensitivity to protecting and enhancing natural resources (wetlands, tree canopy, ponds, drainage ditches, rivers, etc.) particularly in relation to the greenway corridor system.
5. The site uses landscaping and natural vegetation (such as planting of windrows or shade trees) to improve the energy efficiency of housing.

c) Urban Residential

All future (new) urban residential development will be served by public sewer and water according to the development staging plan as further described later in the future land use plan. Exceptions to this rule may occur in areas where pre-existing large lot development surrounds vacant urban lands and soils are well suited for on-site septic systems. Densities within the urban residential area may vary by district; however, an average *gross* density of all future urban residential development is targeted at 3 or more units per gross acre (a goal consistent with regional growth policy). Overall, the plan encourages a higher density of development in the urban area to provide a wider variety of housing opportunities including single family and multi-family housing affordable to a range of household incomes. Furthermore, higher density development increases land use efficiency.

A concern expressed by many residents living in the rural areas of Ramsey and on large lot developments within the existing Metropolitan Urban Services Area involved the transition between future urban development and existing rural development. It is the intention of this plan to assure compatibility between future urban housing and existing residential developments by establishing some form of transition between existing single family homes and future (new) urban development. Areas where transitions are necessary are primarily (but not exclusively) located along the edges of the urban services boundary and are to be served by municipal sewer and water.

Land uses within the urban residential area include:

- Low and high density housing including predominantly single-family housing but also multi-family housing and accessory apartments
- Limited, small-scale home occupations
- Education and institutional services limited to schools and churches
- Park & open space

The principles of affordable housing and preservation of open space are addressed in the urban residential areas through the provision of density bonuses and density credits. These are voluntary provisions that provide incentives to developers who provide affordable housing or preserve significant natural resources and open space.

Density bonuses for affordable housing should be based on a definition of affordable housing that reflects average wages and incomes of the region. In 2007, the Metropolitan Council defined affordable housing as housing which costs up to \$201,800. It is intended that a density bonus formula may be established as part of the City of Ramsey zoning ordinance update.

Subject to City Council approval as part of the PUD process, density credit may be given to areas of the greenway (see Chapter 13. Environmental Protection and Natural Resource Management for a further description of the Greenway) that are significant environmental areas, which are not protected by ordinance or other legal means. For example, if a 40-acre parcel contained no major road right-of-way and no wetlands but contained 10 acres of land within the greenway³, the developer may receive density credit for the entire 40 acres as net developable acreage. A maximum density of 5 units per net acre (for example) would then yield 200 units. The developer may be allowed to reduce lot sizes or mix housing styles in order to preserve some or all of the remaining 10 acres in the Greenway as permanent open space. This open space would not be left as unmanaged open space (or an outlot) but would be required to be preserved as permanent open space through park dedication or some land preservation tool such as a land trust or permanent conservation easement acceptable to the City Council.

The following further defines urban residential uses: low density residential, medium density residential and high density residential.

Low Density Residential

³ Lands within the Greenway may include significant natural resources, vegetative cover or habitat worth preserving or simply may be vacant land which should be preserved as open space to connect other pockets of open space, parkland, wetlands etc.

Low density residential places an emphasis on single-family detached housing but is designed to allow a variety of housing types and styles (life-cycle housing) including attached single-family housing (townhouses) and two-family homes (twin-homes, duplexes). This area represents over 3,000 acres of total land use in the community.

In order to ensure that low-density mixed-housing projects can be made viable and acceptable to the community, all low-density mixed-housing projects are intended to be the subject of a Planned Unit Development (PUD)⁴. Any residential development proposal containing unit types other than exclusively single-family detached housing will be required to be processed as a PUD. Individual elements (or housing types) within a PUD may range in density as long as the overall density of the PUD does not exceed a maximum of 3 units per net acre.

Low Density Residential Performance Criteria: Projects within the Low Density Residential areas as shown on the Future Land Use Plan shall adhere to the following performance criteria:

1. The project shall be planned as an integral element of the larger neighborhood with interconnecting streets, pedestrian trails and greenways.
2. Higher intensity housing shall be planned as an integrated part of the project and may be used for buffering or transition to major roads or more intense uses.
3. Higher intensity housing shall have direct access to major roadways (local collectors) so excessive traffic is not routed through local streets and lower density neighborhoods.
4. Higher intensity housing shall be located within close proximity to existing or planned park and recreation facilities and connected by an off or on-road trail.
5. Where possible, natural features shall be protected and incorporated into the PUD or site plan as permanent open space for the benefit of the project and the community.
6. Where possible and practical, traffic generated by new development shall be routed to collector streets rather than through adjacent local neighborhood streets.

⁴ The Planned Unit Development is a process by which land use can be more closely tied to design decisions during a subdivision approval process. It allows for more opportunities to preserve open space and natural features and provide a variety of housing types through greater flexibility with zoning regulations.

7. Where possible and practical, parkland and open space shall be situated to act as a buffer between future and existing development.
8. New development that is adjacent to existing single- family detached development shall be compatible in density and type with existing and planned development.

Medium Density Residential

Medium density residential shall not *exceed 6 units per net acre*. Medium density areas include housing units such as attached and detached townhouses, condominiums, duplexes and triplexes or small apartment buildings. These areas are smaller, typically “infill” sites, that would not be conducive to high density housing, yet would be underutilized as single family housing. These areas take advantage of close proximity to park and open spaces, commercial and public services and accessibility to the road network.

If low-density residential land is rezoned to accommodate higher density residential uses, the new high density residential development shall include a transition area between existing single-family detached housing and the new high-density housing. This transition area may consist of single-family detached home, open space or some other transition acceptable to the City Council.

High Density Residential

This category sets aside parcels strictly for high-density housing development with a maximum density of *12 units per net acre* and includes housing units such as townhouses, condominiums and apartments. These areas will provide housing for a variety of residents including seniors. Areas of high-density residential land use should have direct access to the major roadway network in order to promote transit usage and convenient access to city services such as park and recreation uses and the greenway. Locating high density housing with these factors in mind, minimizes traffic through local streets and neighborhoods, creates a larger labor pool for businesses, and allows residents convenient access to shopping, parks and recreation facilities encouraging a more walkable pedestrian oriented community life-style.

If low-density residential land is rezoned to accommodate higher density residential uses, the new high density residential development shall include a transition area between existing single-family detached housing and the new high density housing. This transition area may consist of single-family

detached home, open space or some other transition acceptable to the City Council.

Urban Residential Policy

It is the policy of the City to:

1. Require Low Density Residential developments except those that are exclusively single-family detached units to be completed through a planned unit development.
2. Require a transitioning of new higher density housing to existing single-family detached housing. The transitioning should consist of a more compatible density, open space, or other means acceptable to the City Council.
3. Periodically review the planned unit development section of the zoning ordinance to ensure appropriate guidelines and rules for development of land within the residential areas.
4. Encourage scattered site affordable housing developments as part of each residential housing project rather than segregating affordable housing in one project.
5. Consider allowing density bonuses for providing affordable housing, preservation of natural areas, creating open space connections, or buffering consistent with the plan.
6. Require compatible land use transitions at the edges of neighborhoods through land use, site design and landscaping.
7. Encourage environmentally conscious site design and construction methods to assure that development respects the natural environment.
8. Provide dispersed locations for a diversity of housing styles, types, and price ranges and encourage development of housing and services that meet the needs of nontraditional households.
9. Plan and provide for the housing and service needs of the elderly and disabled.
10. Regularly review and revise, as necessary, zoning and subdivision regulations, building codes, design standards and approval processes to assure that regulations and standards are flexible enough to allow quality and variety of housing options.

11. Require and enforce high design and maintenance standards for all residential development.
12. Require the maintenance of existing and future housing through enforcement of the housing maintenance code.
13. Facilitate and promote housing rehab and renovation programs through partnerships with HUD, Fannie Mae, local banks, MHFA, Metro Council, ACCAP, Anoka County HRA and other non-profit or private organizations.
14. Promote and market first time homebuyer programs such as the Minnesota Cities Participation Program through MHFA.
15. Ensure projects are consistent with the goals and policies of the Mississippi River Critical Area Plan (MNRRA) and are sensitive to the Rivers natural environment.
16. Ensure open space that is part of a residential development is preserved as permanent open space through such means as permanent conservation easements, land trusts, deed restrictions or other legal means to permanently preserve open space.

The following table summarizes maximum density allowances for the various residential districts.

Table 5-3 Density Table

Land Use Category	Average Density
Rural Developing	1 unit per 2.5 acres gross
Low Density Residential	4 units per net acre
Medium Density Residential	7 units per net acre
High Density	15 units per net acre

d) Commercial

Commercially guided land uses are generally located along Highways 10 and 47. Highway 10 is of critical importance in developing a strong community image. Future commercial development and redevelopment should focus on key nodes along the corridor (rather than span an entire corridor) and serve the travelers along the corridor as well as adjacent neighborhood residents. (See chapter 6 for a further discussion on a Highway 10 corridor study). The commercial development along Highway 47 is more of a commercial node pattern. This land use plan supports existing commercial nodes that serve neighborhoods and commuters particularly at the intersections of County Road 116 and Alpine Drive.

The locations of existing commercial within the community (at major intersections such as County Road 116 and Highway 47 or along major roadways such as Highway 10) play an important role in what types of uses go there. The predominant use is gas/convenient stores that serve commuters. Other uses include fast food or sit down restaurant, grocery, small-scale retail trade and services such as drive through banking, real estate, legal services, dry-cleaning, or day care. The Mixed-Use land use (defined later) is also intended to provide shopping and services.

While commercial development along the Highway 10 corridor should be guided by the results of a corridor study and river crossings study, other commercial nodes can be better defined as follows.

167th Avenue and Highway 47: The commercial node at 167th Avenue and Highway 47 functions as a neighborhood service center; however, the viability of this commercial node is somewhat unstable due to the low density development within its primary market area and the lack of adequate public facilities. The surrounding area is guided for future development of a rural character, with plans to study the feasibility to expand the MUSA to certain areas surrounding this node.

Alpine Drive and Highway 47: This area is intended to function as a neighborhood commercial service center with uses that serve the basic convenience needs of Ramsey residents such as grocery, hair salon, gas/convenience, coffee shop, bakery, dry-cleaners, and other convenience uses. The basic intent of this commercial area is to service the immediate residential neighborhood and the travelers on Highway 47. Uses that draw regional traffic such as the typical big box retailers, large department stores, automotive sales, or large screen theaters are not intended for this area. These uses are more destination oriented uses and would likely create traffic volumes that are not supported by the local roadways serving this node.

Bunker Lake Boulevard and Highway 47: This commercial node is largely developed and operates in a similar fashion as Alpine Drive and Highway 47. However, because this node has more accessibility due to Bunker Lake Boulevard (County Road 116) more destination-oriented uses such as banks, postal services, real estate or insurance offices and other services are appropriate uses.

General Goals for Commercial

The following are the goals of the City relative to places to shop:

1. To provide commercial/retail services to satisfy basic needs of Ramsey residents and commuters.
2. To reduce traffic congestion and create an environment that conveniently and efficiently serves the automobile while maintaining a pedestrian friendly atmosphere.

3. To create an image that is attractive, inviting to both pedestrians and automobiles and displays an identity consistent with the overall community identity.
4. To redevelop, improve and clean up underutilized commercial sites along Highway 10.

Commercial Policy

It is the policy of the City to:

1. Allow for the development of community convenience uses at the intersection of Alpine Drive and Highway 47 and County Road 116 and Highway 47.
2. Control access to Highway 47 and Highway 10 in order to reduce traffic congestion and improve accessibility to businesses.
3. Facilitate private sector redevelopment and rehabilitation of underutilized sites along the Highway 10 corridor.
4. Provide safe and convenient access to places to shop from adjacent neighborhoods through pedestrian trails and paths.
5. Discourage strip commercial development along the Highway 10 Corridor and seek solutions to traffic problems associated with multiple access points.
6. Encourage clustering of commercial development at major intersections that can take advantage of good access to and visibility from the major roadway system.
7. Require development within the Mississippi River Corridor to be compatible with the goals and policies of the Mississippi National River and Recreation Area (MNRRA) and the Critical Area Plan.

e) Business Park and Office Park

The City of Ramsey has an existing industrial park area that consists of a variety of heavy and light industrial uses. This area generally lies east of Ramsey Boulevard and south of Bunker Lake Boulevard and the sanitary landfill. During the early 1990's the AEC Energy Park and Ramsey Business Park 95 opened up new land for industrial development with urban services. These parks have rapidly been filling up and have brought over 1,000 new jobs to the community, many of which were new jobs created in the metropolitan area.

Ramsey has a significant supply of available land that is strategically located just north of U.S. Highway 10 and along the BNSF railroad line. The current zoning ordinance designates the majority of this land as Business Warehouse and Industrial property. Since the last plan update,

much of this land has been developed, and vacancy rates for industrial property in Ramsey are generally low.

To increase the supply of land for business and office park development, the plan for 2030 guides land south of Highway 10 near the proposed Mississippi River Bridge crossing for Office Park use.

General Goals for Business Park and Office Park

The following are the goals of the City:

1. To ensure a diversity of good paying jobs to residents of the City of Ramsey.
2. To provide a sound economic base for the City, local school districts and Anoka County.
3. To improve the ratio of jobs to housing in order to lessen Ramsey's dependency on job centers elsewhere in the region.
4. To provide opportunities for growth of existing businesses (business retention).
5. To create opportunities for high quality development that contributes to a good image for the City of Ramsey.
6. To ensure adequate means of transportation and transit for employees to be able to get to and from places to work.

It is the intent of the plan to create industrial/office park settings where buildings and uses relate to each other to become places rather than function as freestanding elements. Future business park and office park uses will be served by urban utilities in order to insure the highest quality of public infrastructure and public and private investment. Development of these areas is intended to maximize the efficiency of land use by optimizing street widths and utility lengths and creating centralized storm ponds that function not only to filter sediments from surface runoff but also provide amenities for the employees and businesses there.

The Business Park designation accommodates uses such as business and professional offices, showrooms, warehousing, light industrial/manufacturing, heavy industrial/manufacturing, and public works facilities.

This Office Park designation is intended to accommodate corporate campus, office, office-showroom and other low-impact, job-producing uses that are less intense than those found in the Business Park areas.

Business Park and Office Park Policy

It is the policy of the City to:

1. Require developments to adhere to environmentally sensitive design and construction standards. (See “Protecting Water Quality in Urban Areas” a publication on Best Management Practices by the MPCA).
2. Encourage high quality and unique design and site planning.
3. Allow for techniques to minimize infrastructure costs such as centralized storm ponds, shared driveways and loading docks and optimum street widths.
4. Facilitate the clean up and redevelopment of brownfields and underutilized sites within the places to work area.
5. Promote economic development in the City of Ramsey.
6. Continue to market, develop and expand the Ramsey Business Park.
7. Develop and implement a business retention and expansion program.
8. Work with the educational entities such as the Anoka High School and Anoka Hennepin Technical College to enhance employee-training programs and connect welfare recipients to work opportunities as part of the welfare to work program.
9. Require individual sites to be connected to a trail system that links employees with the Town Center, parks and neighborhoods.
10. Work with the Anoka County Traveler and the Metropolitan Council Transit Organization to address transit and employee transportation issues.

Business Park, Office Park and Commercial Performance Criteria

In order to ensure proper siting and development of commercial, office and industrial uses within the designated areas all projects should be evaluated based on the following criteria:

1. The project is planned as an integral element of the larger community with interconnecting streets, paths and greenways.
2. The project is planned to minimize conflicts between non-business/industrial uses (for example parking lots and loading docks should be located away from or adequately buffered from residential neighborhoods).
3. Opportunities to minimize infrastructure and other elements of the built environment are incorporated into the design (for example shared parking and driveways or decked parking).
4. The project displays elements that enhance or build upon the identity and image of the Ramsey Community and the project.

f) Mixed-Use

Mixed Use includes retail, commercial, entertainment, office, institutional, high density residential, transit hubs and park and recreation uses. The Comprehensive Plan anticipates two areas of Ramsey to be designated as Mixed Use; the first area stretching from the west side of Armstrong Blvd. to the west side of Ramsey Blvd. and a second area south of State Highway 10 west of Feldspar St.

The COR Mixed Use Area: The COR Mixed Use area is proposed to be located in portions of Section 28 and 29 stretching from the west side of Armstrong Blvd. to the west side of Ramsey Blvd., north of the railroad. Mixed Use was chosen for this site because of the proximity to major employment areas, major transportation corridors and a future commuter rail station serving the Northstar Commuter Rail Corridor. The Northstar Commuter Rail began service in 2009. The area east of Armstrong Boulevard is governed by The COR Master Plan, which provides specific land use and design guidance for this area. The purpose of The COR Mixed Use Area is to establish a community hub that integrates places to work, play and live and embraces transit oriented design in anticipation of the potential future commuter rail station.

In 2009, the City's Housing and Redevelopment Authority (HRA) purchased a portion of the project to release from a foreclosure process. The City began a revision exercise to take a fresh look at the project and clean up certain title issues that were preventing the project from moving forward. The result was a new development plan that anticipated larger-scale retail to anchor the development to support the goals of the center of the development. This area was largely guided as medium density residential.

Mixed-Use enhances the functionality of a transit hub at this location because it creates efficiencies by being able to send and receive people who might work or live in the area. Because a large portion of the area is undeveloped, it has the opportunity to be organized in a pedestrian friendly environment that supports mass transit. A commuter rail station in this location would be spaced approximately 3-5 miles from stations to the north near downtown Elk River and south in Anoka near 7th Avenue. It will take advantage of good accessibility from the north via Armstrong Boulevard and from the east and west via Industry Avenue and Highway 10, all arterial roadways. Mixed use development would be transit oriented to support the station. Development should be intense with multi-story buildings rather than one level building. Commercial and residential buildings should be linked by a pedestrian-way so people can park at the station and stroll through commercial shops. It should be directly connected to areas of major employment (Ramsey Business Park, AEC Energy Park, Anoka Enterprise Park and future places to work) and Anoka Hennepin Technical College. This could be done through a shuttle bus service, which would serve not only places to work but also residential neighborhoods. It also should make connections to

the new hotel project south of Highway 10 near Sunfish Lake Boulevard and the Mississippi West Regional Park.

Ramsey does not have much choice for local shopping, eating out or doing business within its own community. Ramsey has no identifiable downtown for its citizens. The downtowns of neighboring communities such as Elk River and Anoka and the many features of the Twin Cities Metropolitan Area are the primary sources of entertainment for Ramsey residents. There is one grocery store in Ramsey, which is Coborn's at the western edge of The COR area near Armstrong Boulevard. The other commercial areas focus on special services like used car lots or recreational vehicle sales.

The COR is meant to identify a place in the community where a variety of social activities may occur more convenient to Ramsey residents. Its location should take advantage of being central to the Ramsey population base, connected through a strong pedestrian trail or sidewalk system, easily accessible by the automobile and visible to the shopper's eye. The COR is intended to receive a mix of land uses including:

- Civic places where people can gather or events can be held (a park, community center, library or history museum).
- Commercial/retail where people can take care of casual everyday shopping or sit down at a local restaurant (grocery, hardware, restaurant, or hair salon).
- Professional Offices/places to work or take care of everyday business (real estate, banking, accounting, legal services and local post office).
- High-density residential/places to live including senior housing (owner and renter occupied).

By mixing high density residential with civic, commercial and office uses, a vibrant core can be created where life goes on all day and into the evening. Housing is located within walking distance to jobs and shopping. Sidewalks and trails link neighborhoods to The COR and link civic facilities with commercial and housing facilities creating a pedestrian oriented environment within The COR. Civic places are well lit and aesthetically pleasing, inviting the public into a defined public space. Buildings are well designed and areas of landscaping reflect the identity of strong natural features in the Ramsey Community. These characteristics create The COR of Ramsey's future.

An important decision will need to be made in the future about whether to construct a new bridge over the Mississippi River and what alignment it should follow. This potential connection will have a significant impact on the future of the Mixed-Use site because a future bridge corridor will likely alter traffic patterns in this general area. If a bridge is constructed near the Mixed-Use site, Ramsey must be able to influence the design of the roadways so that the Mixed-Use area can survive and benefit. However, should a bridge crossing not be constructed, the Mixed Use

area must be designed to function on existing surrounding land use patterns. Furthermore, if development of this area should come to fruition prior to the establishment of a definitive alignment for a future bridge that crosses the Mississippi River, the City of Ramsey should work with Anoka County and Mn/DOT to ensure a future alignment to satisfy local and regional needs. The approval of Legacy Christian Academy impacts the alternatives available for the future river crossing. In 2011, the City is in the process of final design stages for a future Armstrong Boulevard interchange over the existing railroad tracks and Highway 10.

Careful design and planning for the Mixed-Use site can offer a wonderful image to Ramsey that will serve residents, workers and travelers using Highway 10. The location along the BNSF Railroad Tracks is highly visible from Highway 10 and demands high quality design. Specific standards and design elements for The COR area have been developed through amendments to the Zoning Code, the creation of a zoning overlay district and adoption of The COR design guidelines.

Mixed Use Area – South of Highway 10: Another area of mixed use is located south of Highway 10 just east of Mississippi West Regional Park. The intended mixed-use pattern on this location is to provide opportunity for higher density housing integrated with commercial uses which are supported by both the higher density housing and the traffic from Highway 10. The amount of housing contemplated in this mixed use area has been achieved, and thus, the remainder of this area is anticipated to develop as commercial.

General Goals for Mixed Use

The following are the goals of the City relative to Mixed Use:

1. To provide an area where people can live, work and play, which supports alternative modes of transit while still accommodating the automobile.
2. To ensure adequate service and retail opportunities to meet the needs of major employment areas and businesses.
3. To enhance the local labor supply through provision of high density housing in close proximity to major places to work.
4. To create an attractive high quality, community oriented development that positively reflects on the image and identity of the Ramsey Community.

Mixed-Use Policy

Within the areas designated for Mixed-Use, it is the policy of the City to:

1. Work with the landowners to develop a master plan consistent with the intent of the Mixed-Use designation.

2. Encourage consistent design standards based on transit orientated development practices that serve as a framework for both public and private improvements addressing streets, lighting, landscaping, and building materials and placements.
3. Allow higher density residential development within the Mixed-Use area.
4. Provide safe walkway and trail linkages from the Town Center Mixed-Use area to other public facilities, major employment centers (such as Ramsey Business Park 95) and residential neighborhoods.
5. Encourage the Northstar Corridor Development Authority to consider the Town Center Mixed-Use area site for a commuter rail station site and work with the corridor to plan for such a facility.
6. Communicate with Anoka County and MnDot regarding development impacts associated with a potential bridge crossing.
8. Encourage all high-density residential developments to include a commercial/retail component within the same building at street level.

5. Staging of Development--MUSA Expansion

Future expansion of Urban Services must be done in a manner consistent with the provisions and process outlined in the City Charter.

Between 2008 and 2030, sewered development will continue in a contiguous fashion from the existing sewered areas. However, since large portions of the city have already been developed at in a very low density pattern, it is unlikely that many of these areas will be served by municipal services before 2030.

Based on extensive public input, it was determined that it was logical to extend services north of Trott Brook with the understanding that private development would likely bear the cost of any future extension. This area is the last area of the city that has significant undeveloped larger lots, which provide the opportunity for development concepts which incorporate key elements such as density transition and natural resources protection and still allow for economic feasibility.

In 2011, the City hopes to establish a Special Area Plan over the area of the TH 47/167th Avenue commercial node in order to study an appropriate means to support this commercial district. At this time, the special area plan does not carry any additional restrictions or contemplate an overlay district on the Official Zoning Map. The special area plan is intended to be a tool to begin discussions with surrounding property owners to assist in the creation of a master plan for the commercial node. Finally, with the availability of water and future sanitary

sewer, the City will discuss with property owners any desires to expand the MUSA to the surrounding area.

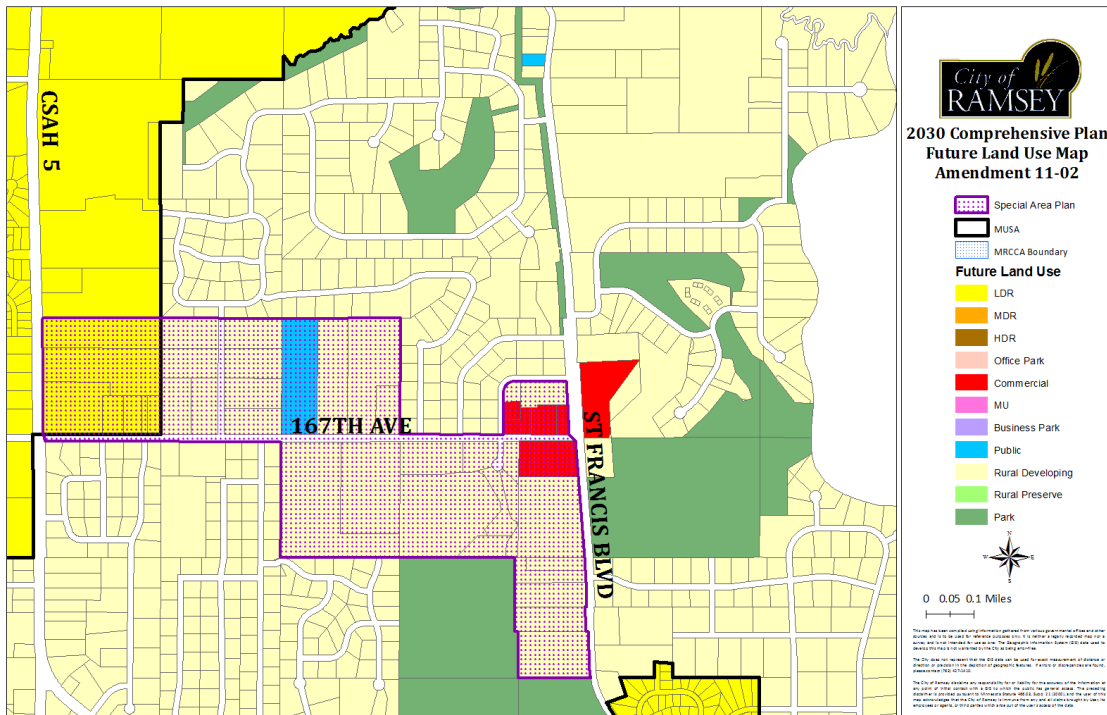


Table 5-4 demonstrates the staging of sewer development in 5-year increments to 2030 consistent with the 2030 Land Use Plan map.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)

North Trott Brook Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses			0	124	248	372	496	621	621
Low Density Residential	3	4	0	120	241	361	482	602	602
Medium Density Residential	3	7	0	4	7	11	15	18	18
High Density Residential	7	15	0	0	0	0	0	0	0
Mixed Use Primarily Residential*	10		0	0	0	0	0	0	0
C/I Land Uses	Est. Employees/Acre		0	1	2	3	4	5	5
Commercial	15		0	1	2	3	4	5	5
Industrial	8								0
Office	10								0
Mixed Use Primarily C/I*									0
Extractive									0
Public/Semi Public Land Uses			0	185	186	186	186	186	186
Public/Semi Public Land Uses			0	0	1	1	1	1	1
Parks and Recreation									0
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									0
Vacant/Agricultural									0
Wetlands and Open Space			0	185	185	185	185	185	185
Subtotal Sewered			0	310	436	561	687	812	812
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less	2.5		1973	2104	2234	2365	2496	2626	654
Public/Semi Public Land Uses									0
Public/Semi Public Land Uses			12	12	11	11	10	10	(2)
Parks and Recreation			56	65	75	84	93	102	46
Subtotal Unsewered			2041	2181	2320	2460	2599	2739	698
Vacant/Agricultural									
Vacant/Agricultural	40		1325	1060	795	530	265	0	(1325)
Wetlands and Open Space			1557	1372	1372	1372	1372	1372	(185)
Total			4923	4923	4923	4923	4923	4923	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)-Cont.

Mississippi River Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses			468	586	704	822	940	1058	590
Low Density Residential	3	4	357	386	415	443	472	501	143
Medium Density Residential	3	7	111	120	130	139	148	157	46
High Density Residential	7	15	0	13	27	40	53	66	66
Mixed Use Primarily Residential*	10		0	67	133	200	267	334	334
C/I Land Uses	Est. Employees/Acre		738	798	858	918	978	1038	301
Commercial	15		205	228	250	273	296	319	114
Industrial	8		422	448	474	500	526	553	131
Office	10		0	33	67	100	133	167	167
Mixed Use Primarily C/I*									0
Landfill			111	89	67	44	22	0	(111)
Public/Semi Public Land Uses			1546	1368	1184	1001	817	633	(912)
Public/Semi Public Land Uses			10	43	75	108	141	173	163
Parks and Recreation			293	301	309	317	324	332	39
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									0
Vacant/Agricultural			1120	896	672	448	224	0	(1120)
Wetlands and Open Space			123	128	128	128	128	128	5
Subtotal			2752	2752	2746	2741	2735	2729	
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2000-2030
Rural Residential 2.5 acres or less	3		1517	1560	1603	1646	1689	1732	215
C/I Land Uses									
Commercial			56	45	34	22	11	0	
Industrial/Business Park									
Public/Semi Public Land Uses									0
Public/Semi Public Land Uses									0
Parks and Recreation			210	219	228	237	246	255	45
Subtotal			1782	1823	1864	1905	1946	1987	261
Vacant/Agricultural									
Vacant/Agricultural	40		176	141	106	70	35	0	(176)
Wetlands and Open Space			364	358	358	358	358	358	(6)
Total			5074	5074	5074	5074	5075	5074	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Table 5-4 Land Use Staging in 5-Year Increments (By Sewer District)-Cont.

Rum River Sewer District (in acres)

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008) acres	2010 acres	2015 acres	2020 acres	2025 acres	2030 acres	Change 2008-2030 acres
	Minimum	Maximum							
Residential Land Uses									
Low Density Residential	3	4	1568	1645	1722	1799	1875	1952	384
Medium Density Residential	3	7	1389	1462	1534	1607	1679	1752	362
High Density Residential	7	15	129	136	143	150	157	164	35
Rural Residential	0		0	7	15	22	29	37	37
			50	40	30	20	10	0	(50)
C/I Land Uses									
	Est. Employees/Acre		91	83	75	67	59	51	(39)
Commercial	15		51	51	51	51	51	51	0
Industrial	8								0
Office	10								0
Mixed Use Primarily C/I*									0
Landfill			40	32	24	16	8	0	(40)
Public/Semi Public Land Uses									
			881	876	847	817	788	758	(123)
Public/Semi Public Land Uses			108	115	122	129	136	143	35
Parks and Recreation			127	127	126	126	126	126	(1)
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									
Vacant/Agricultural			181	145	109	73	36	0	(181)
Wetlands and Open Space			465	489	489	489	489	489	24
Subtotal			2540	2604	2643	2683	2722	2762	
Outside Urban Service Area									
	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2008-2030
Rural Residential 2.5 acres or less	3		2032	2083	2134	2184	2235	2286	254
C/I Land Uses									
Commercial			14	14	14	14	14	14	
Industrial/Business Park									
Public/Semi Public Land Uses									
			154	126	98	70	42	14	(139)
Public/Semi Public Land Uses			270	289	308	327	347	366	96
Parks and Recreation									
Subtotal			2470	2512	2554	2596	2638	2681	211
Vacant/Agricultural									
Vacant/Agricultural	40		409	327	245	163	82	0	(409)
Wetlands and Open Space			791	767	767	767	767	767	(24)
Total			6210	6210	6210	6210	6210	6210	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

Consolidated/All Districts

Within Urban Service Area	Allowed Density Range Housing Units/Acre		Existing (2008)	2010	2015	2020	2025	2030	Change 2008-2030
	Minimum	Maximum							
Residential Land Uses			2037	2356	2874	2993	3312	3631	1694
Low Density Residential	3	4	1747	1988	2190	2412	2633	2855	1108
Medium Density Residential	3	7	240	280	280	299	319	339	99
High Density Residential	7	16	0	21	41	62	82	103	103
Rural Residential	0.4		50	40	30	20	10	0	-50
Mixed Use Primarily Residential*	10		0	67	133	200	267	334	334
C/I Land Uses	Est. Employees/Acre**		828	882	935	988	1042	1095	268
Commercial	15		258	280	304	328	352	376	120
Industrial	8		422	448	474	500	526	553	131
Office	10		0	33	67	100	133	167	167
Landfill			151	121	90	60	30	0	-151
Public/Semi Public Land Uses			2427	2429	2218	2004	1791	1578	-849
Public/Semi Public Land Uses			118	158	198	238	278	318	200
Parks and Recreation			420	428	435	443	450	458	38
Open Space									0
Roadway Rights of Way									0
Vacant/Agricultural									
Vacant/Agricultural			1301	1041	781	620	280	0	-1301
Wetlands and Open Space			587	802	802	802	802	801	214
Subtotal			5292	5666	5826	5985	6144	6303	
Outside Urban Service Area	Minimum lot size	Maximum lot size	Existing (2008)	2010	2015	2020	2025	2030	Change 2008-2030
Rural Residential 2.5 acres or less	2.5		5521	5746	5971	6195	6420	6644	1123
C/I Land Uses									
Commercial			70	59	48	37	26	14	-58
Public/Semi Public Land Uses									
Public/Semi Public Land Uses			188	137	109	81	53	24	-141
Parks and Recreation			536	573	611	648	686	723	188
Subtotal			6293	6616	6738	6961	7184	7406	1113
Vacant/Agricultural									
Vacant/Agricultural	40		1910	1528	1148	784	382	0	-1910
Wetlands and Open Space			2712	2497	2497	2497	2497	2497	-215
Total			16207	16207	16207	16207	16207	16207	

* For Mixed Use categories include information regarding the estimated minimum and maximum housing density ranges and acres/percentage of residential use.

** Values shown for estimated employees per acre are the anticipated 2030 densities and represent an increase in employment density over the 2008 actual. Over the 2008-2030 time period, steadily increasing employment density estimates are used for each decade to forecast anticipated increase in employment density.

Table 5-4 also contains information on the planned density levels of households and employment per acre. The Metropolitan Council uses this calculation to determine how much of the planned regional growth can be accommodated by a particular community. Development typically occurs at range of densities in a community and therefore, in order to maintain consistent application across the region, the Metropolitan Council directs communities to calculate a community's growth capacity using the lowest density in the planned range. A summary of the Ramsey planned household and employment capacity are in Tables 5-5 and 5-6.

Table 5-5 Planned Household Capacity (2030) (By Sewer District)

North Trott Brook SD

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	602	1,807
Medium Density Residential	3	18	54
Outside 2030 MUSA			
Rural Residential	0.4	2,626	1,051
Total Household Capacity			2,912

Mississippi River SD

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	501	1,502
Medium Density Residential	3	157	472
High Density Residential	7	66	465
Mixed Use	10	334	3,337
Outside 2030 MUSA			
Rural Residential	0.4	1,732	693
Total Household Capacity			6,469

Rum River

	Min. Density	Net Acres	Household Capacity
Within 2030 MUSA			
Low Density Residential	3	1,752	5,255
Medium Density Residential	3	164	491
High Density Residential	7	37	256
Outside 2030 MUSA			
Rural Residential	0.4	2,286	914
Total Household Capacity			6,916

Not in a Sewer District

	Min. Density	Net Acres	Household Capacity
Outside 2030 MUSA			
Rural Residential	0.4	0	0
Total Household Capacity			0
TOTAL HOUSEHOLD CAPACITY			16,297

Table 5-6 Planned Employment Capacity (2030) (By Sewer District)

North Trott Brook SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	5	80
Total Employment Capacity			
			80

Mississippi River SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	319	4,783
Industrial/Business Park	8	553	4,421
Office	10	167	1,668
Total Employment Capacity			
			10,872

Rum River SD

	Employment Density	Net Acres	Employment Capacity
Within 2030 MUSA			
Commercial	15	50	771
Outside 2030 MUSA			
Commercial	15	16	215
Total Employment Capacity			
			986

Not in a Sewer District

	Employment Density	Net Acres	Employment Capacity
Outside 2030 MUSA			
None	0	0	0
Total Employment Capacity			
			0

TOTAL EMPLOYMENT CAPACITY			11,938
----------------------------------	--	--	--------

These planned capacities appear to be in general compliance with the Metropolitan Council’s published forecasts of 16,500 households and 11,300 employment by 2030. It should be noted that the density of employment can be highly variable due to the wide range of business and structure types in each commercial and industrial category.

6. Net Density of New Planned Residential Land

The Metropolitan Council requires a calculation of the net density of areas of new *planned* residential development that have changed since the last Comprehensive Plan. They require a minimum density of three units per net developable acre. Net density is calculated by dividing the total number of planned units by the acres of land guided for residential use (minus wetlands and road right-of-way). Table 5-7 shows the net density of the areas guided for a residential land use within the MUSA between 2008 – existing development – and the new 2030 Land Use Plan.

Table 5-7 Net Density of New Planned Residential Land

Land Use Change - 2008 (Existing) to 2030 Plan	Additional Net Acres	Min Density	Total Units	Avg Density
Low Density Residential	1,108	3.0	3,324	3.0
Medium Density Residential	99	3.0	297	3.0
High Density Residential	105	7.0	735	7.0
Mixed Use (Residential portion)	334	10.0	3,340	10.0
Total	1,646		7,696	4.7

C. Historic Preservation

Historic preservation is an important element of Ramsey’s identity even though there are not many historically significant buildings or sites in Ramsey. In fact the Town Hall is the only building on the National Registrar of Historic Places. However, any time a community is located on a major transportation route such as the Mississippi River, it is bound to be rich with stories and adventures of early settlement. Many of these stories are important because they begin to tell us how Ramsey became the community that it is today.

Although Ramsey does not have a historic preservation district or an official body that responds to issues of historic significance, Anoka County has an active Historical

Society that responds to countywide issues. Located in the City of Anoka, the Anoka County Historical Museum maintains historical materials such as letters, photos, books and legal documents. The Museum is currently short on space and is looking to expand. The Oliver J. Kelly Farm, a Minnesota State Historical site, provides a regional resource for historic information. It also provides a recreational and educational source at its real life living history farm. The site is located approximately 3 miles north of Ramsey along the Mississippi River and is an excellent source of historical information for the City of Ramsey.

Historic Preservation Policy

It is the policy of the City of Ramsey to:

1. Review local building permit applications, site plan proposals and PUDs for historic significance through consultation and communications with the State Historical Preservation Office (SHPO) and the Anoka County Historical Society and other historic preservation resources and agencies.
2. Encourage restoration efforts of historic structures to use compatible building materials and styles to the era of the structure.
3. Promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of this community and state.
4. Require future trail development along the Mississippi River, within the MNRRA corridor, to plan for or consider historical markers that explain the significance of the river corridor.
5. Work with federal, state, and local organizations including the Anoka County Historical Society, the State Historic Preservation Office, the Secretary of the Interior and local citizen groups in planning and designing for historic preservation projects.

D. Solar Access Protection

Solar energy provides an alternative means to energy that has less impact on the natural resource base of the world. Use of solar energy reduces the need for fossil fuels and nuclear power to heat or cool our homes and businesses or fuel our automobiles. State legislation enacted in 1978 requires local Comprehensive Plans to address solar access protection to ensure that direct sunlight access to solar panels is not subjected to shading from nearby trees, buildings or other structures.

Policies for Solar Access Protection

It is the policy of the City of Ramsey to:




1. Ensure existing levels of solar access are maintained in developed neighborhoods.
2. Encourage the use of solar energy in future housing developments through such programs as the “Energy House”.

3. Ensure future site and building plans maximize efforts to design for efficient use of solar energy including such elements as the location of windows, shade trees (and types), windrows, and driveways.
4. Use where possible solar energy design elements for future public facilities and infrastructure development.
5. Encourage and support educational programs and research that focuses on alternative or renewable energy systems.
6. Work with the League of Minnesota Cities, University of Minnesota Extension Services, Minnesota Office of Environmental Assistance, Anoka County and other agencies to develop programs that increase usage of solar energy systems.



Wellhead Protection

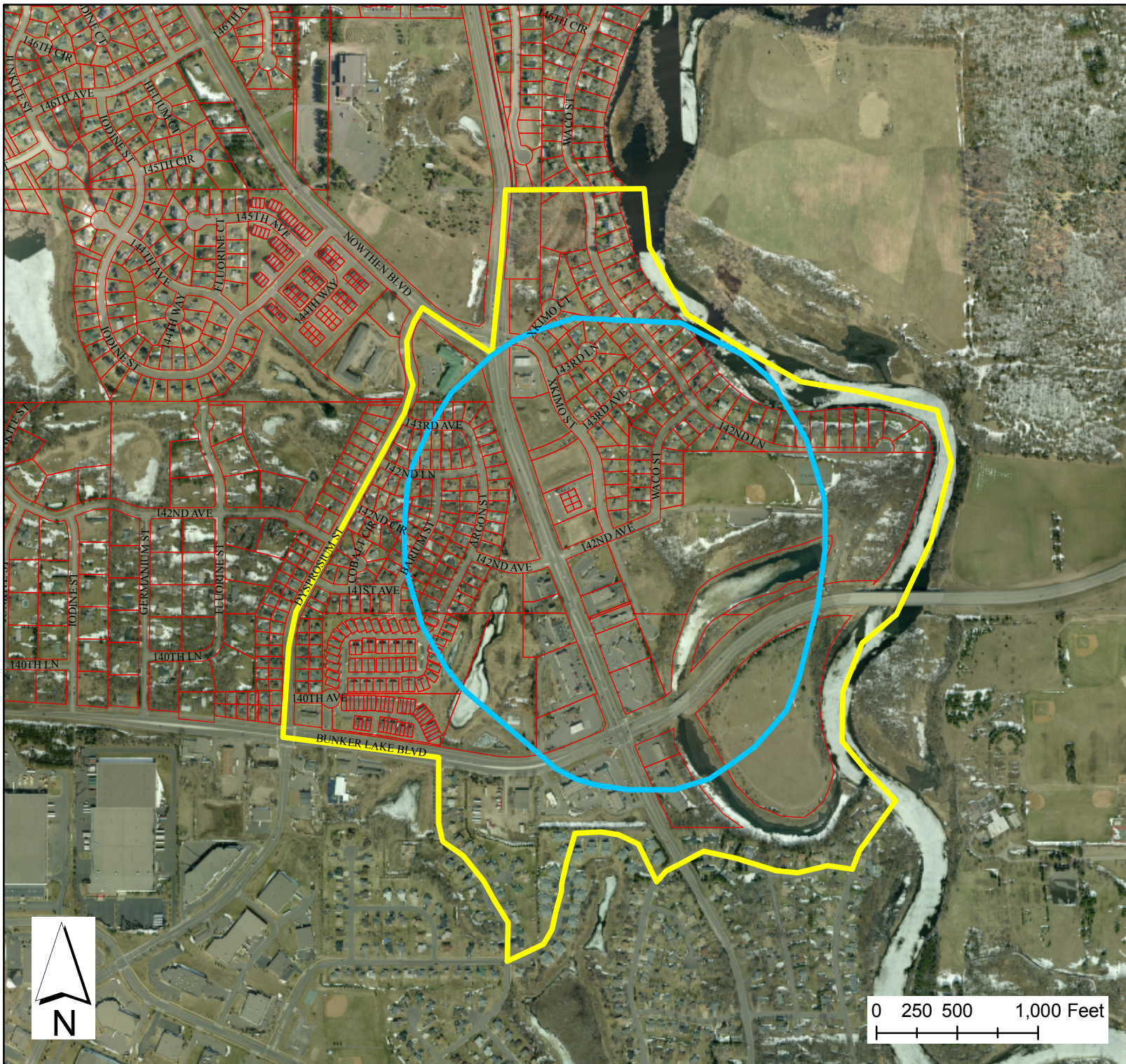
Exhibit 2 East DWSMA Wellhead Protection Area

-  WHPA
-  East DWSMA Boundary
-  Parcels

This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

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Wellhead Protection

Exhibit 4

West DWSMA

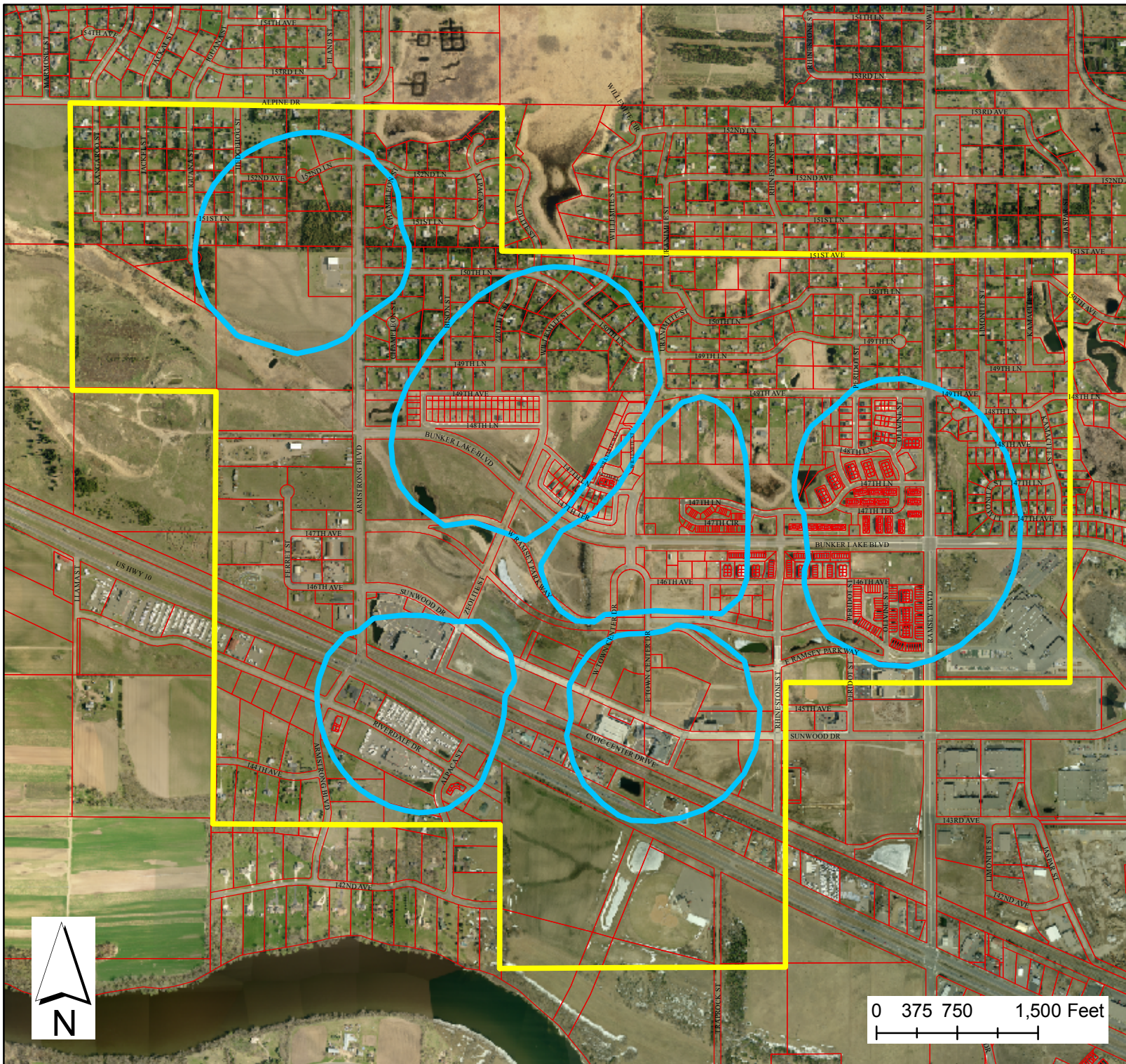
Wellhead Protection Areas

-  West DWSMA Boundary
-  WHPA
-  Parcels

This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

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9. WATER ELEMENT

Municipal Water Supply

In 2004 the City of Ramsey completed a Water Supply and Distribution plan as required by State Legislation adopted in 1993, which required public water suppliers to adopt plans to promote the efficient use of water. This plan prepared by consulting engineers Bolton & Menk, Inc. documented the water supply, demand and use characteristics of the existing municipal water system and projected future municipal water system needs. The plan also established a conservation plan and an emergency preparedness plan.

Recent growth and changes in development plans of the future community have prompted a need to update this study as part of the comprehensive plan. The water supply plan completed by Bolton Menk and Associates is incorporated to this Plan by reference. Figure 9-1 attached is the Water Storage and Distribution Improvements map (Figure ES-2 from the Bolton and Menk study) and Figure 9-2 attached is the Water Supply and Treatment Improvements map (Figure 5-1 from the Bolton and Menk study). In addition, there is a 2008 updated and Department of Natural Resources approved water supply plan.

The City of Ramsey will continue to explore opportunities for water conservation, including the recently adopted topsoil ordinance for new primary structures.

Wellhead Protection Plan

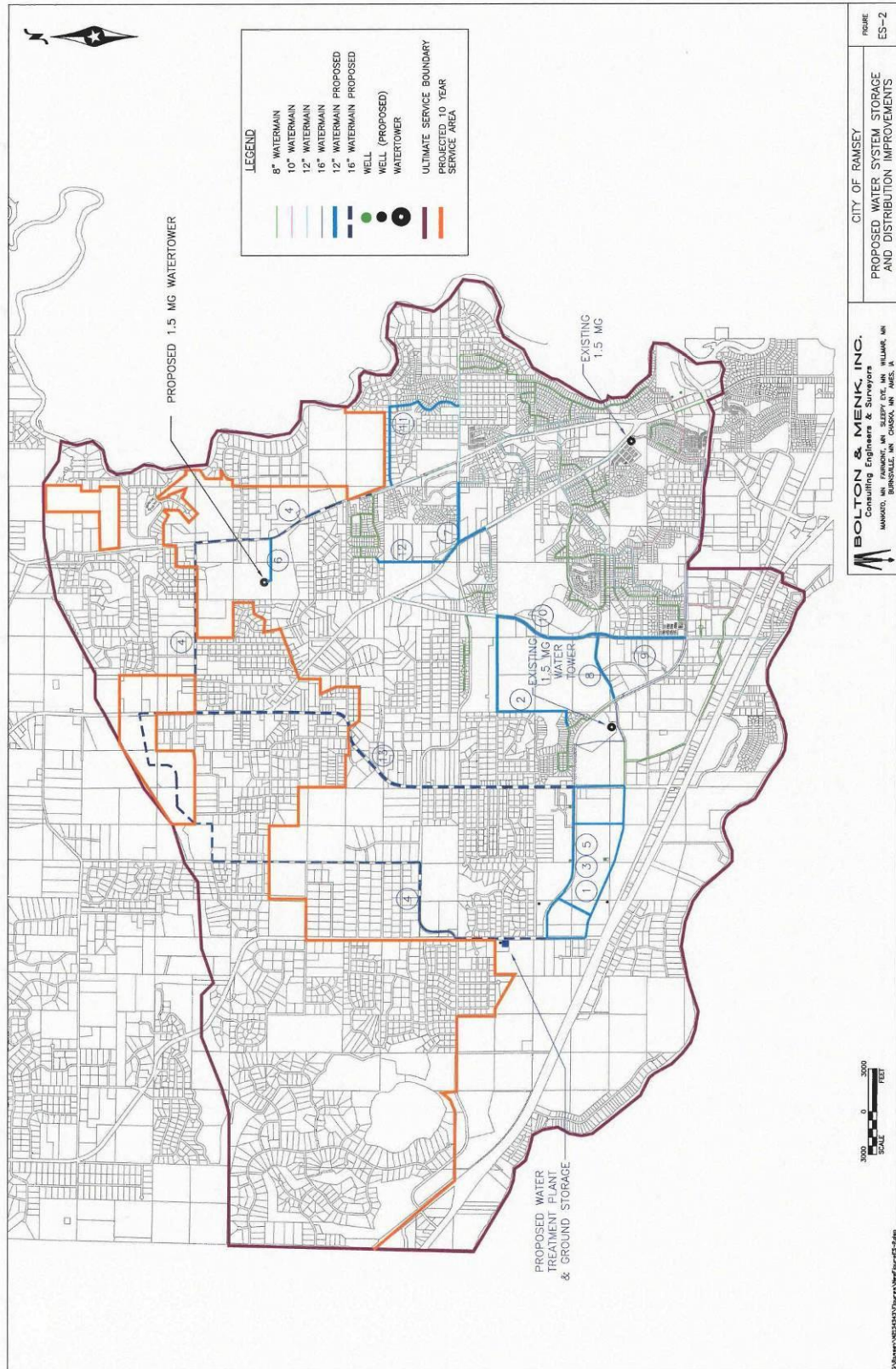
In 2009, the City of Ramsey completed a draft of a Wellhead Protection Plan as required by the Minnesota Department of Health. The purpose of this study is an effort to protect the city's water supply system from pollution by updating information regarding private wells, storage tanks, hazardous waste generators, etc. within close proximity to public wells. ~~In July of 2009, this draft was under review by adjacent jurisdiction~~The plan was reviewed and approved by the Minnesota Department of Health.

~~In addition, there is a 2008 updated and Department of Natural Resources approved water supply plan.~~

~~The City of Ramsey will continue to explore opportunities for water conservation, including the recently adopted topsoil ordinance for new primary structures.~~

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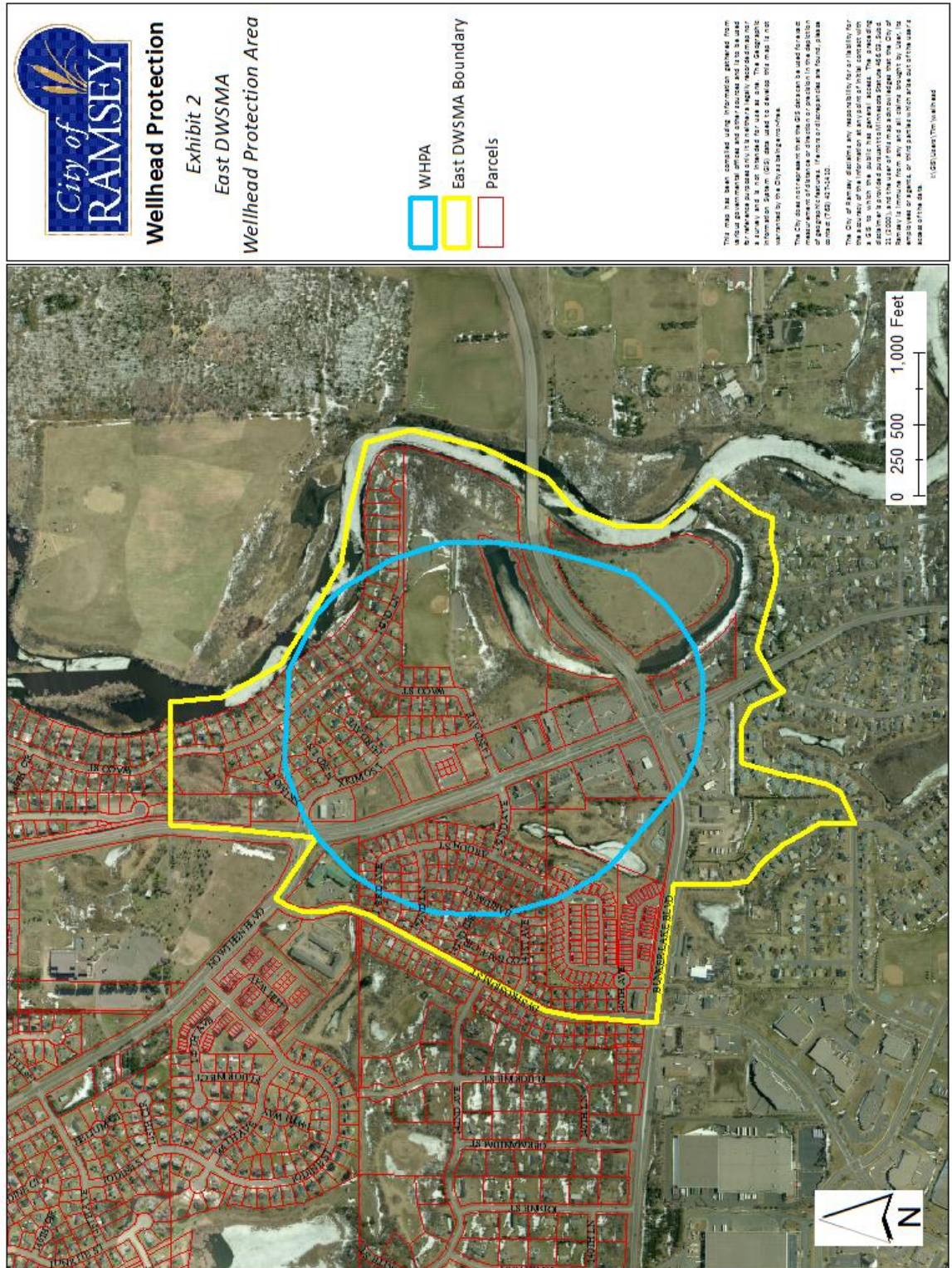
Figure 9-1 Water Storage and Distribution Improvements



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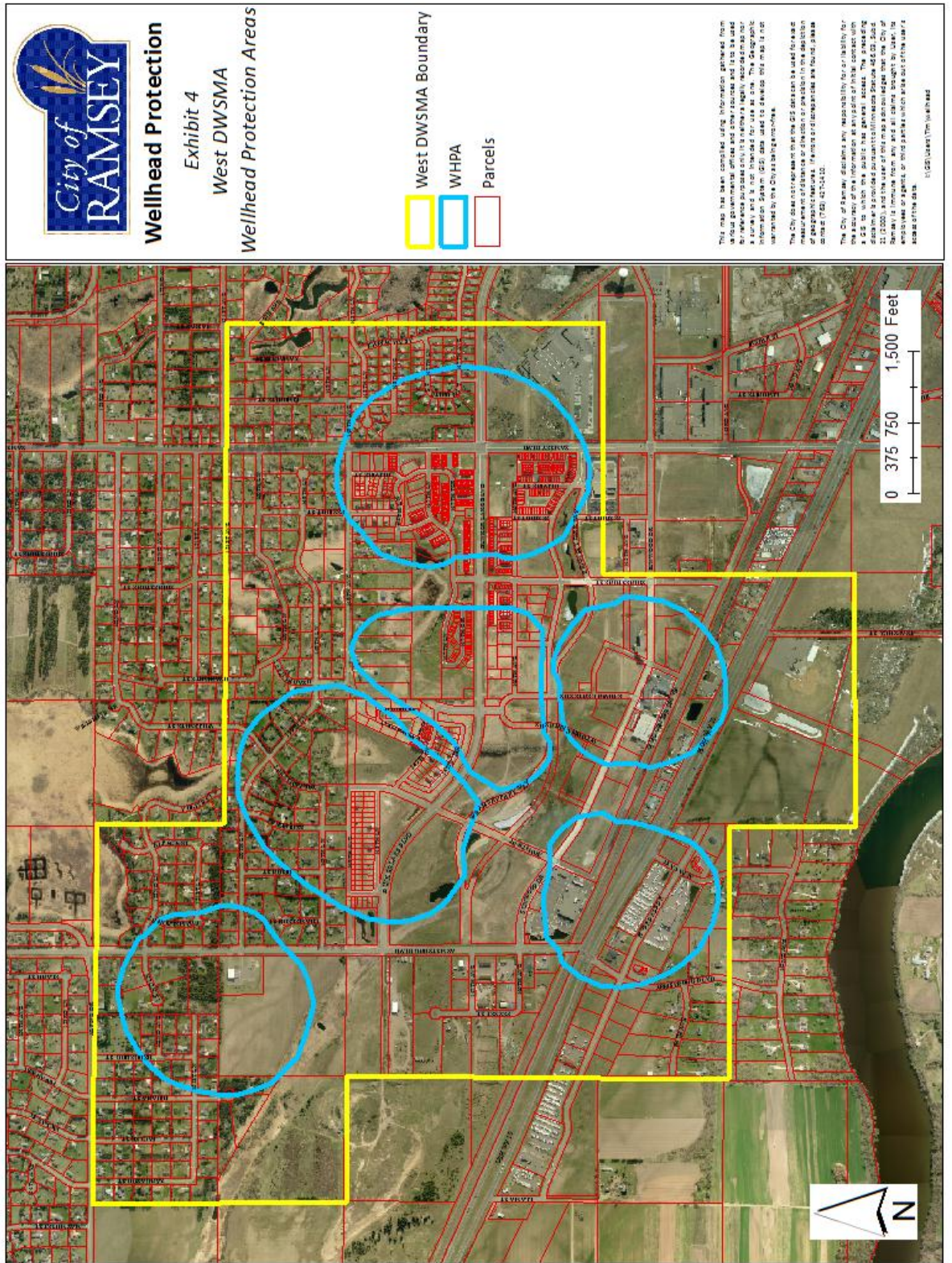
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Figure 9-3: East DWSMA and WHPA (Wellhead Protection Plan)



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Figure 9-4: East DWSMA and WHPA (Wellhead Protection Plan)



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Regular Planning Commission

6. 2.

Meeting Date: 08/04/2011

By: Patrick Brama, Administrative Services

Title:

PUBLIC HEARING-Consider ordinance to amend section 117-117 (E1 Employment District) and Section 117-116 (E2 Employment District).

Background:

The proposed ordinance would amend E-1 and E-2 Employment standards to permit the retail sales compressed natural gas (CNG) fuel stations. Presently, the City of Ramsey does not have formal language within city zoning code to address the use of retail CNG fuel stations. Therefore, city staff proposes amending city ordinances to allow CNG fueling stations, as a conditional use, in both the E-1 and E-2 Employment Districts. This ordinance, to amend city code, is consistent with City Council strategic goals to encourage sustainable development. The ordinance would allow for an alternative fuel source to be sold within close proximity of potential users.

Notification:

The Ordinance was properly notified in the Anoka County Union.

Observations:

The proposed ordinance originated from a request from Ace Solid Waste. The intentions of Ace Solid Waste are to add 4-5 CNG fueled trucks to their fleet; and, to construct a CNG fueling station. Currently, Ace Solid Waste does not have any CNG fueled vehicles. Ace Solid Waste has set April 2012 as their target project completion date. NOTE: CNG is an efficient and clean alternative fuel. It's clean, CNG vehicles are even cleaner than hybrid vehicles because they use no gasoline or diesel.

The proposed ordinance, to amend city code, is modeled after the City of Blaine; which recently went through a similar process. The retail activity is the trigger for the need for an ordinance amendment at this time. Ace Solid Waste does not have any immediate plans for including a retail component to the fuel station. The station would solely serve Ace's needs. Thus, at this time, Ace Solid Waste would be able to construct their proposed station without additional land use permits (building permits would apply).

Attached to this case are the amending ordinances for both the E-1 and E-2 Employment Districts. Upon final adoption, both sections will be consolidated in one amending ordinance.

Funding Source:

NA

Staff Recommendation:

Adopt the proposed amendment to section 117-117 (E1 Employment District) and Section 117-116 (E2 Employment District).

Committee Action:

Motion to recommend that the City Council adopt the ordinance related to retail sales of CNG fuel stations.

Attachments

E1 Employment District

E2 Employment District

Form Review

Inbox
Tim Gladhill
Aaron Backman

Reviewed By
Tim Gladhill
Aaron Backman

Date
07/27/2011 02:19 PM
07/28/2011 02:24 PM
Started On: 07/20/2011 12:43 PM

Form Started By: Patrick Brama

Final Approval Date: 07/28/2011

ORDINANCE #11-__

**CITY OF RAMSEY
ANOKA COUNTY STATE OF MINNESOTA**

AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISION OF LAND CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-117 (d) “CONDITIONAL USES” OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.

The City of Ramsey ordains:

SECTION 1. AMENDMENT

Section 117-117 (d) of Ramsey City Code shall be amended as follows:

(d) *Conditional uses.* The following are conditional uses and require a conditional use permit based upon procedures set forth in and regulated by section 117-50

- (1) Open and outdoor storage as a principal use, provided that:
 - a. Storage area is surfaced to control dust and subject to the approval of the zoning administrator.
 - b. This use does not take up parking space or loading area as required for conformity to this chapter.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (2) Open or outdoor service, sale, display and rental as a principal use, provided that:
 - a. The use does not take up parking space or loading area as required for conformity to this chapter.
 - b. Sales area is surfaced with asphalt or concrete material to control dust.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (3) Indoor retail, rental or service activity, or industrial uses other than that allowed as a permitted use or conditional use within this section provided that:
 - a. Such use meets the stated intent of this district.
 - b. Adequate off-street parking and off-street loading in compliance with the requirements of this chapter is provided.
 - c. All signing and informational or visual communication devices shall be in compliance with the applicable provisions of this Code.

- d. The provisions of section 117-51 are considered and satisfactorily met.
- (4) Heavy manufacturing provided that:
 - a. The operation does not adversely impact abutting properties.
 - b. The physical facilities and operation are in keeping with the character of the district and surrounding properties.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (5) Oversizing of signs.
- (6) Expansion or enlargement of lawful nonconforming uses.
- (7) Cell towers.
- (8) Micro-scale WECS.
- (9) Medium-scale WECS.
- (10) Retail sales facility for CNG (Compressed Natural Gas) or other alternative automotive fuels. Retail sales must be an accessory to an onsite fleet fueling operation.

SECTION 2. SUMMARY

The following official summary of Ordinance #11-__ has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent of this Ordinance to amend the E-1 Conditional Uses in Section 117 of Chapter 117 of the Ramsey City Code to provide conditional use of Compressed Natural Gas (CNG) fuel stations.

SECTION 3. EFFECTIVE DATE

The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 3.9.

Adopted by the Ramsey City Council the ___ day of _____, 2011.

Mayor

ATTEST:

City Administrator

Introduction Date: _____
Posting Dates: _____
Adoption Date: _____
Publication Date: _____
Effective Date: _____

ORDINANCE #11-__

**CITY OF RAMSEY
ANOKA COUNTY STATE OF MINNESOTA**

AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISION OF LAND CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-116 (d) “CONDITIONAL USES” OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.

The City of Ramsey ordains:

SECTION 1. AMENDMENT

Section 117-117 (d) of Ramsey City Code shall be amended as follows:

(d) *Conditional uses.* The following are conditional uses and require a conditional use permit based upon procedures set forth in and regulated by section 117-50

- (1) Open and outdoor storage as a principal use, provided that:
 - a. Storage area is surfaced with concrete or bituminous.
 - b. This use does not take up parking space or loading area as required for conformity to this chapter.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (2) Open or outdoor service, sale, display and rental as a principal use, provided that:
 - a. The use does not take up parking space or loading area as required for conformity to this chapter.
 - b. Sales area is surfaced with asphalt or concrete material to control dust.
 - c. The provisions of section 117-51 are considered and satisfactorily met.
- (3) Oversizing of signs.
- (4) Expansion or enlargement of lawful nonconforming uses.
- (5) Cell towers.
- (6) Micro-scale WECS.
- (7) Medium-scale WECS.
- (8) Retail sales facility for CNG (Compressed Natural Gas) or other alternative automotive fuels. Retail sales must be an accessory to an onsite fleet fueling operation.

SECTION 2. SUMMARY

The following official summary of Ordinance #11-__ has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent of this Ordinance to amend the E-2 Conditional Uses in Section 116 of Chapter 117 of the Ramsey City Code to provide conditional use of Compressed Natural Gas (CNG) fuel stations.

SECTION 3. EFFECTIVE DATE

The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 3.9.

Adopted by the Ramsey City Council the ___ day of _____, 2011.

Mayor

ATTEST:

City Administrator

Introduction Date: _____

Posting Dates: _____

Adoption Date: _____

Publication Date: _____

Effective Date: _____

Regular Planning Commission

6.3.

Meeting Date: 08/04/2011

By: Chris Anderson, Community
Development

Title:

Site Plan Review for Ramsey Northstar Commuter Rail Station; Case of City of Ramsey

Background:

The recently approved state bonding bill included partial funding for a Northstar Commuter Rail Station in Ramsey. That, together with funding from the City, Anoka County Regional Rail Authority, the Counties Transit Investment Board and the Metropolitan Council, positions the City to proceed with plans for a commuter rail station across the street from the Municipal Center and municipal parking ramp. The City has received an application for site plan review of Ramsey's Northstar Commuter Rail Station.

Notification:

Observations:

The proposed commuter rail station will be located mostly within BNSF Railway Company (BNSF) right-of-way and thus, is not being reviewed using traditional zoning standards (since it does not fall within a specific zoning district); rather, it is considered more as a transportation improvement, similar to a new bridge or interchange. Nonetheless, there are components that warrant review and consideration.

The proposed rail station will have platforms on both the north and south sides of the tracks accessed by enclosed stair cases connected by an enclosed pedestrian bridge above the tracks. While not included in the final design plans, the ultimate intent is to connect the rail station to the municipal parking ramp via a skyway. This feature is currently being designed by Kimley-Horn and could be bid as an add-on alternate. The exterior finish of the rail station (enclosed stairways and pedestrian bridge) consists primarily of a combination of cast-in-place concrete, metal/aluminum paneling and glazed glass.

A small portion of the southern stair tower and platform infrastructure does encroach onto a city-owned parcel. An appropriate mechanism will need to be implemented to account for this encroachment (potentially a permanent easement or encroachment agreement) and Staff will be working with the City Attorney to determine the best course of action for this matter. It should be noted though that this parcel was acquired to accommodate the future expansion of Highway 10 and thus, a slight encroachment should not negatively impact it in terms of future development.

The proposed landscaping plan has been reviewed and is generally acceptable with just a couple items yet to be resolved. The plan indicates the use of sod in limited areas with most disturbed areas being improved with seed. Furthermore, irrigation is only proposed within the areas improved with sod. While this project is not necessarily bound by specific zoning standards as previously noted, Staff believes that these deviations from traditional zoning requirements should be subject to City Council review and approval.

The final design plans also include a sign package. Again, since the bulk of this project falls within right-of-way (both BNSF railroad and public road right-of-way), there are not specific sign regulations that are applicable. Furthermore, there is a desire to maintenance consistency among all the stations for the benefit of passengers. It appears that none of the lettering exceeds twelve (12) inches in height, which is consistent with sign standards for a majority of the adjacent COR zoning districts. Additionally, the majority of the signage appears to be instructional/directional in nature rather than advertising copy. Considering this, Staff is of the opinion that the proposed sign package is acceptable.

In addition to the final design plans submitted by Kimley-Horn and Associates, Inc., the City's most current

development plan for The COR, dated May 19, 2011, includes an additional platform to accommodate longer trains, a potential site for relocating the old town hall, and indicates future bike lockers and racks. As these options are identified within the current development plan for The COR. Should any or all of these potential additional amenities be implemented, they would not be subject to future site plan review.

Other agencies, such as the Metropolitan Council, MnDOT and BNSF have reviewed the preliminary design plans (90% design) and their comments have been incorporated into the final plans.

Funding Source:

As noted above, there are multiple partners providing funding for this project. The overall cost of the project is estimated to be \$14,350,000. The following are the funding partners and their respective contributions:

- State bonding: \$4,000,000
- Counties Transit Investment Board: \$3,000,000
- Metropolitan Council: \$1,300,000
- Anoka County Regional Rail Authority: \$3,000,000
- City of Ramsey: \$3,050,000

Staff Recommendation:

Staff recommends forwarding the site plan to City Council for review and approval contingent upon compliance with the Staff Review Letter dated July 29, 2011.

Committee Action:

Motion to recommend that City Council approve the site plan for the Ramsey Northstar Commuter Rail Station contingent upon compliance with the City Staff Review Letter dated July 29, 2011.

Attachments

Site Location Map

Site Plan

Proposed Signage

Landscaping Plan

Architectural Elevations

Current Development Plan for The COR

Staff Review Letter Dated July 29, 2011

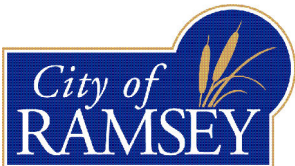
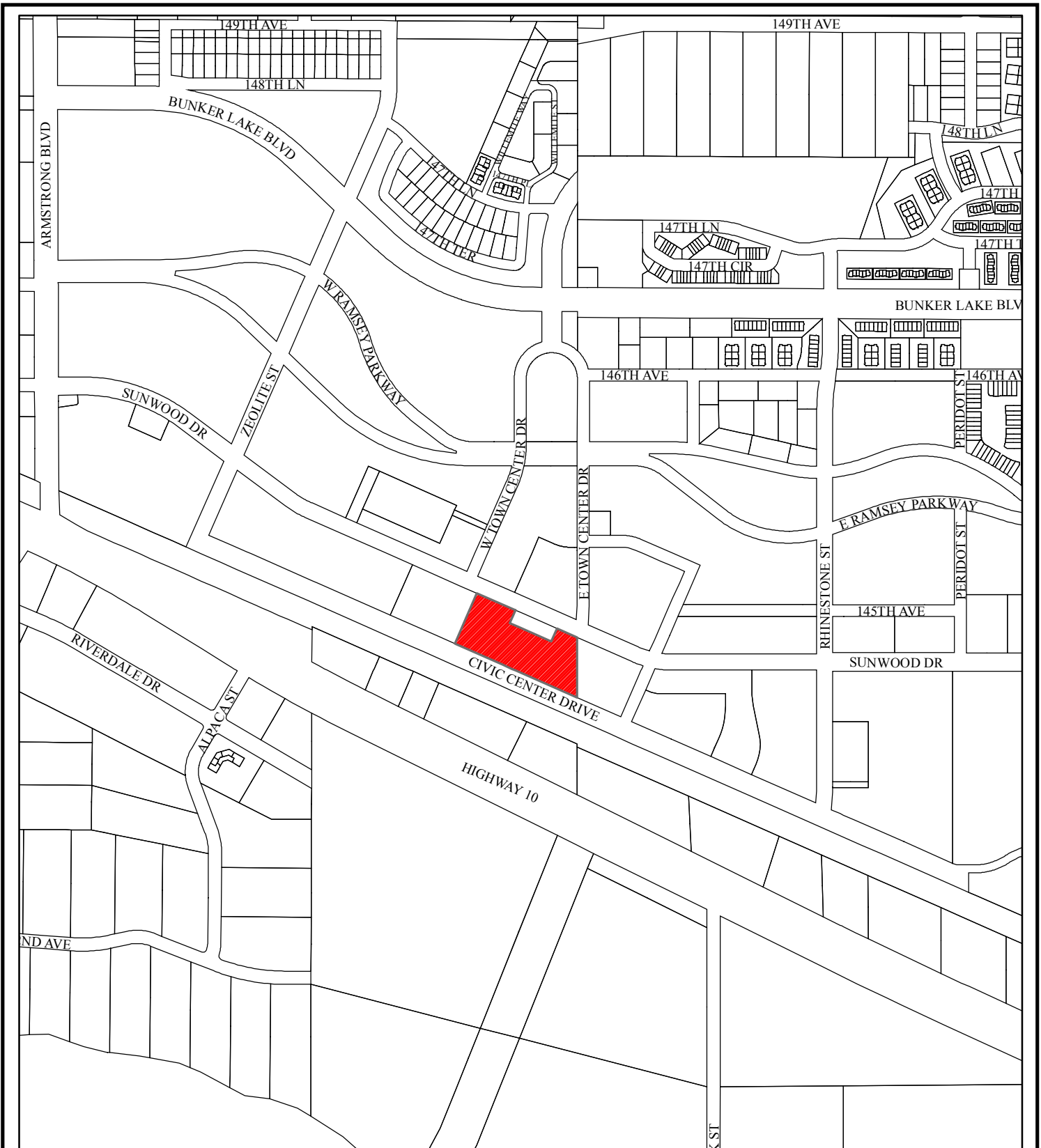
Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/29/2011 08:00 AM
Aaron Backman	Aaron Backman	07/29/2011 08:20 AM
Heidi Nelson	JoAnn Shaw	07/29/2011 11:07 AM

Form Started By: Chris Anderson

Started On: 07/25/2011 04:10 PM

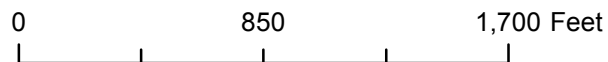
Final Approval Date: 07/29/2011



Northstar Commuter Rail Station

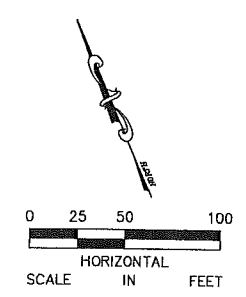
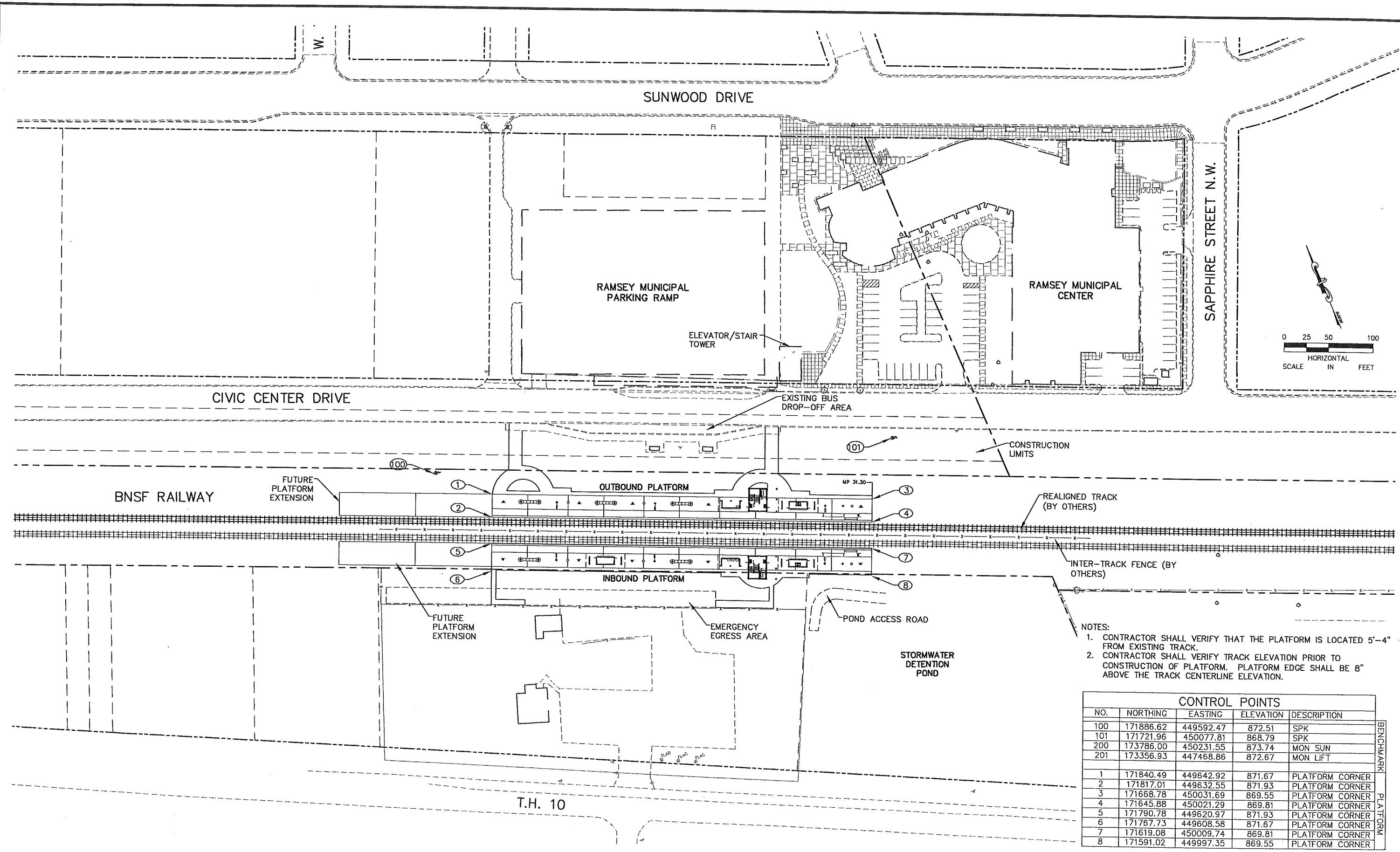
Legend

- Site
- Parcels



XREFS
 RMSY-22-24_BDR-BOT-519
 RMSY-22-24_BDR-EXP-519
 RMSY-STA
 RMSY-SIT

K:\TWC_Transit\NORTH_STAR\NSTAR-Ramsey Station\CADD\DWG\PLAN_SHEETS\RMSY_CIV-KEYMAP.dwg April 08, 2010 - 10:05am



- NOTES:
- CONTRACTOR SHALL VERIFY THAT THE PLATFORM IS LOCATED 5'-4" FROM EXISTING TRACK.
 - CONTRACTOR SHALL VERIFY TRACK ELEVATION PRIOR TO CONSTRUCTION OF PLATFORM. PLATFORM EDGE SHALL BE 8" ABOVE THE TRACK CENTERLINE ELEVATION.

CONTROL POINTS				
NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
100	171886.62	449592.47	872.51	SPK
101	171721.96	450077.81	868.79	SPK
200	173786.00	450231.55	873.74	MON SUN
201	173356.93	447468.86	872.67	MON LIFT
PLATFORM				
1	171840.49	449642.92	871.67	PLATFORM CORNER
2	171817.01	449632.55	871.93	PLATFORM CORNER
3	171668.78	450031.69	869.55	PLATFORM CORNER
4	171645.88	450021.29	869.81	PLATFORM CORNER
5	171790.78	449620.97	871.93	PLATFORM CORNER
6	171767.73	449608.58	871.67	PLATFORM CORNER
7	171619.08	450009.74	869.81	PLATFORM CORNER
8	171591.02	449997.35	869.55	PLATFORM CORNER

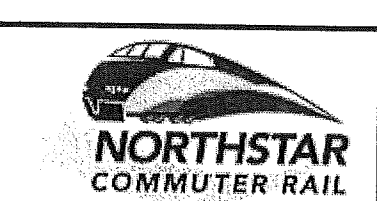
No.	Date	Revisions

App.	DRAWING NAME
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	DESIGNED BY: LMR
	DRAWN BY: JDC
	CHECKED BY: PBD
	DATE: 03/12/10
	PROJECT NO. 16058001.3.200

**Kimley-Horn
and Associates, Inc.**

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

PAUL B. DANIELSON, PE
DATE: 03/12/10 MN LIC. NO. PE N01

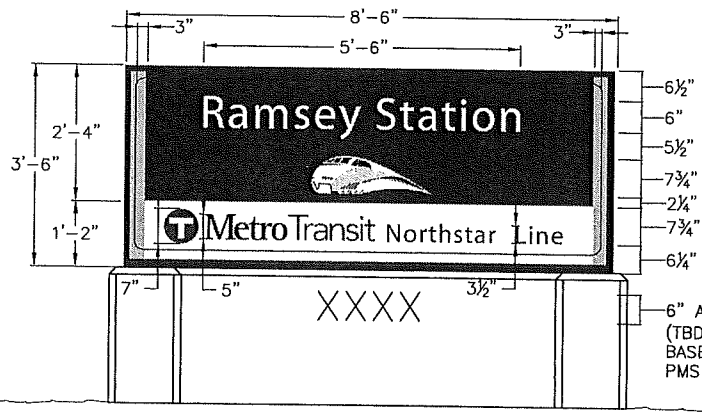


ANOKA COUNTY REGIONAL RAIL AUTHORITY
NORTHSTAR CORRIDOR COMMUTER RAIL
RAMSEY STATION
RAMSEY, MINNESOTA

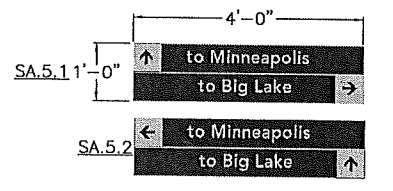
KEY MAP AND SURVEY CONTROL

STATION
RAMSEY
SHEET NO.
C100

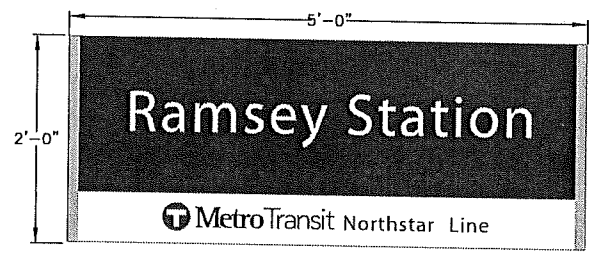
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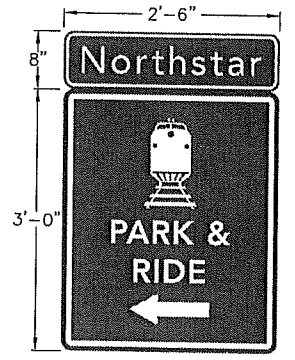
SA.2 - STATION SITE IDENTIFICATION



SA.5 - PEDESTRIAN DIRECTIONAL



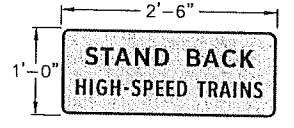
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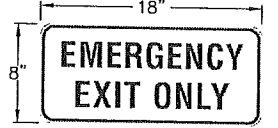
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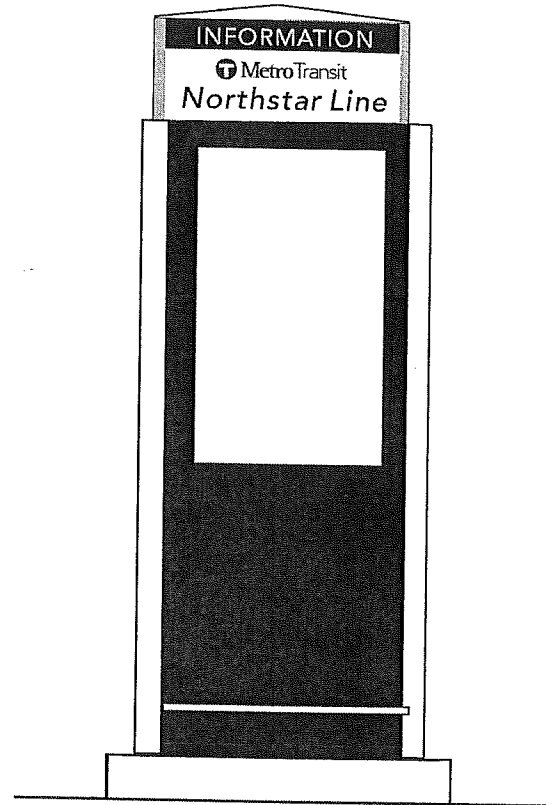
SA.6 - NO TRESPASSING



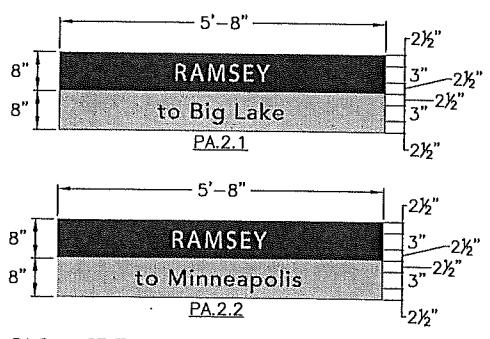
SA.7 - TRACK WARNING



SA.8 - EMERGENCY EXIT



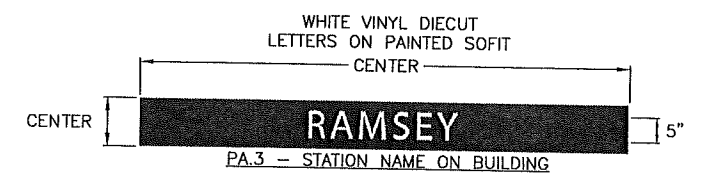
PA.1 - PLATFORM INFORMATION KIOSK



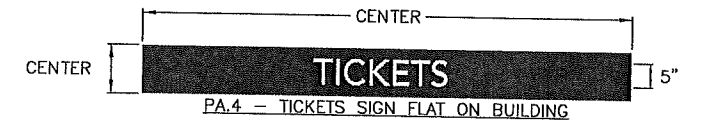
PA.2 - STATION NAME SIGN WITH DESTINATION

- Metro Transit Northstar Line**
- No smoking is permitted in station areas or on trains
 - No food or beverage in open containers
 - No alcohol
 - No skating or skateboarding
 - No music without headphones
 - Bikes must be walked
 - Unattended items will be removed immediately
 - No loitering

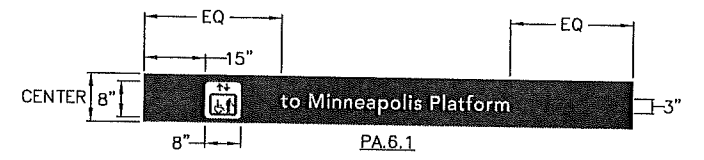
PA.9 - PROHIBITED BEHAVIORS SIGN



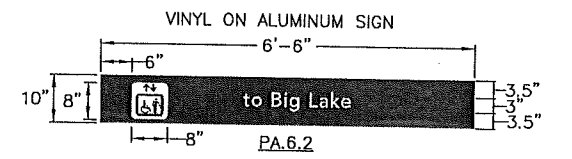
PA.3 - STATION NAME ON BUILDING



PA.4 - TICKETS SIGN FLAT ON BUILDING



PA.6.1

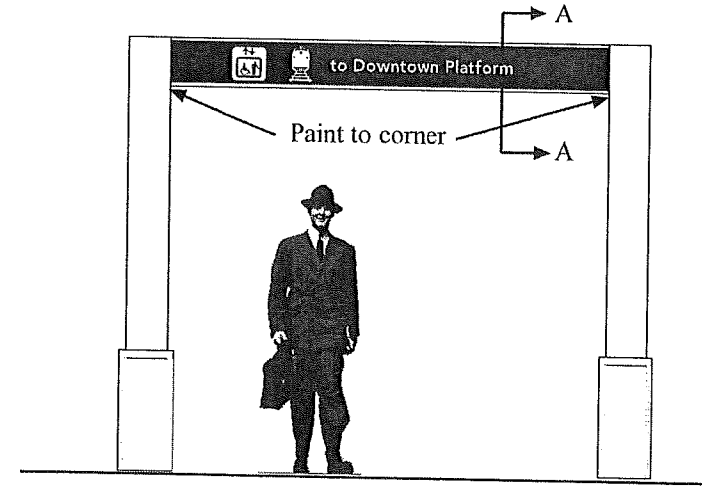


PA.6.2

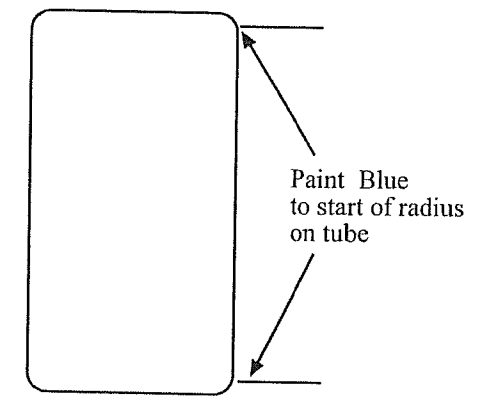


PA.6.3

PA.6 - BUILDING MOUNT WAYFINDING SIGN



PAINTED SOFIT DETAILS
SIGN TYPE PA-3, PA-4, & PA-6



Section A-A
view of soffit Steel Tube paint detail

No.	Date	Revisions	App.

DRAWING NAME	RMSY_SGN-SCH01.DWG
DESIGNED BY:	TRH
DRAWN BY:	ALA
CHECKED BY:	TRH
DATE:	03/12/10
PROJECT NO.	16058001.3.200

Kimley-Horn and Associates, Inc.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

THOMAS R. HARRINGTON, ASLA
DATE: 03/12/10 MN LIC. NO. 20349

NORTHSTAR COMMUTER RAIL

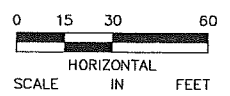
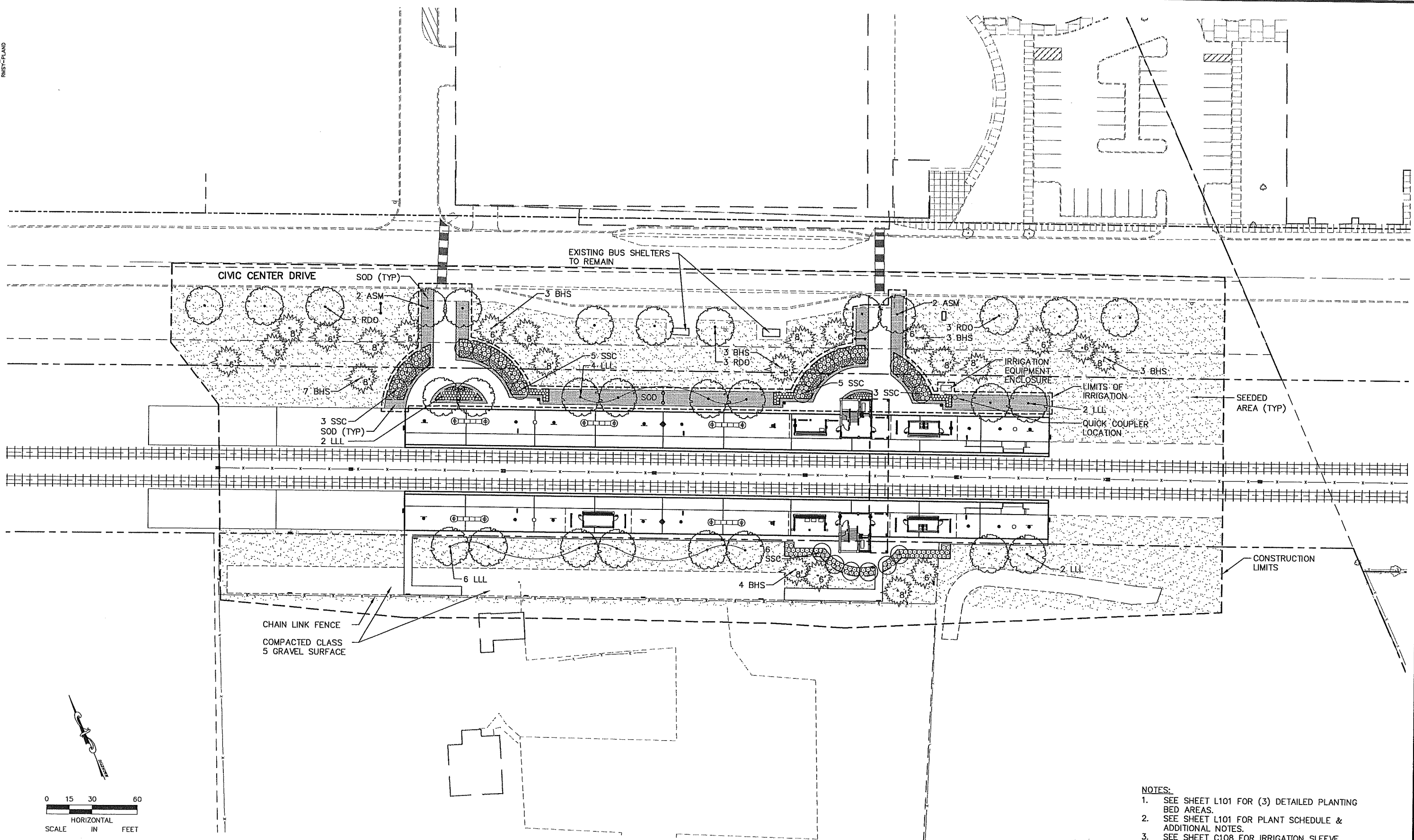
ANOKA COUNTY REGIONAL RAIL AUTHORITY
NORTHSTAR CORRIDOR COMMUTER RAIL
RAMSEY STATION
RAMSEY, MINNESOTA

STATION
RAMSEY
SHEET NO.
C119

SIGN SCHEDULE

XREFS
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 RMSY-EXP02
 RMSY-EXP03
 RMSY-EXP04
 RMSY-EXP05
 RMSY-EXP06
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- NOTES:**
- SEE SHEET L101 FOR (3) DETAILED PLANTING BED AREAS.
 - SEE SHEET L101 FOR PLANT SCHEDULE & ADDITIONAL NOTES.
 - SEE SHEET C108 FOR IRRIGATION SLEEVE LOCATIONS.

No.	Date	Revisions	App.

DRAWING NAME RMSY_LSP01.DWG	
DESIGNED BY:	TRH
DRAWN BY:	ALA
CHECKED BY:	TRH
DATE:	03/12/10
PROJECT NO.	16058001.3.200



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THOMAS R. HARRINGTON, ASLA
 DATE: 03/12/10 MN LIC. NO. 20349

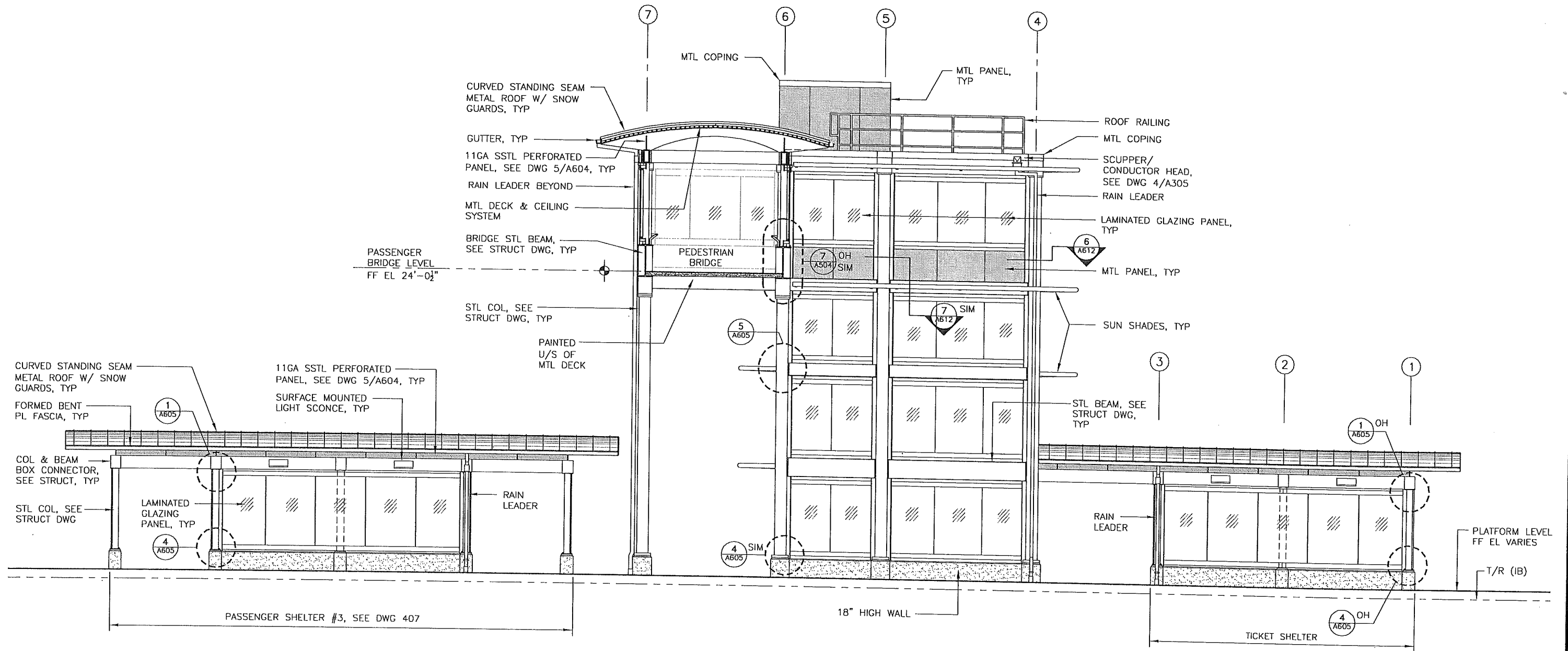


ANOKA COUNTY REGIONAL RAIL AUTHORITY
 NORTHSTAR CORRIDOR COMMUTER RAIL
 RAMSEY STATION
 RAMSEY, MINNESOTA

LANDSCAPE PLAN

STATION
RAMSEY
 SHEET NO.
L100

J:\TRACKWORK\6708_NORTHSTAR\NorthStarCommuterRail\100% submit\01\STATION\1000-RAMSEY\SHEET\A201.dwg April 01, 2010 - 11:25am



1 NORTH ELEVATION - INBOUND PLATFORM
 A201
 0 2' 4' 6'
 1/4" = 1'-0"

No.	Date	Revisions	App.	DRAWING NAME
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				DESIGNED BY: RA
				DRAWN BY: RA
				CHECKED BY: PD
				DATE: 03-12-10
				PROJECT NO. PROJ NO

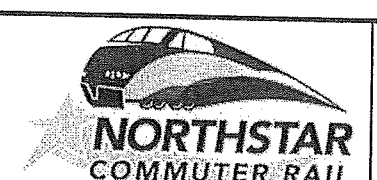
Kimley-Horn and Associates, Inc.

AECOM

AECOM USA, Inc.
7 St. Paul Street, 17th Floor
Bellevue, WA 98005
T 410.837.1700 F 410.578.1306
www.aecom.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

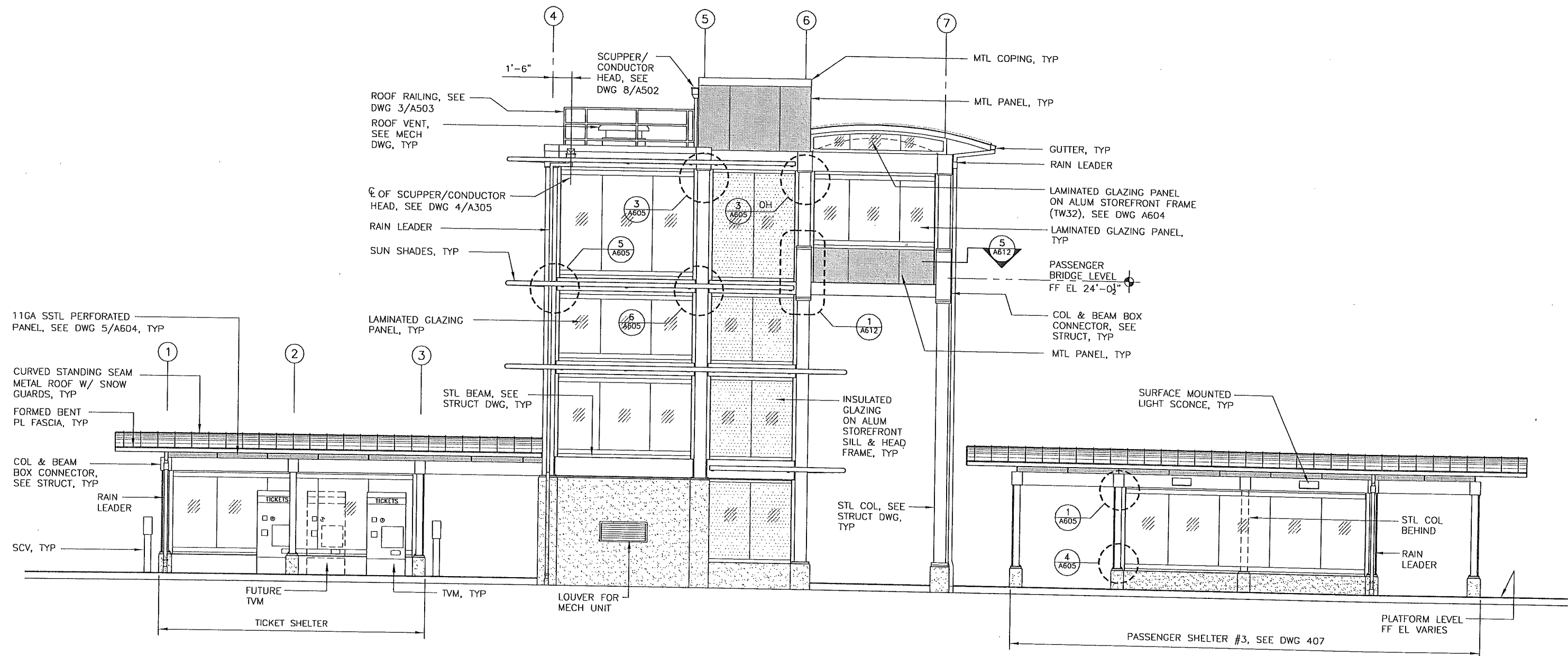
Kenneth W. Griffin
 DATE: 03-12-10 MN LIC. NO. 44872



ANOKA COUNTY REGIONAL RAIL AUTHORITY
 NORTHSTAR CORRIDOR COMMUTER RAIL
 RAMSEY STATION
 RAMSEY, MINNESOTA
 INBOUND
 ELEVATOR /STAIR TOWER, PASSENGER AND TICKET SHELTER
 NORTH ELEVATION

STATION	RAMSEY
SHEET NO.	A201

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1 SOUTH ELEVATION - INBOUND PLATFORM
 A202
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 1/4"=1'-0"

No.	Date	Revisions	App.

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DRAWN BY:	RA
CHECKED BY:	PD
DATE:	03-12-10
PROJECT NO.	PROJ NO

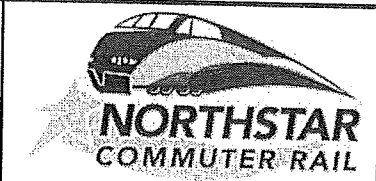
Kimley-Horn and Associates, Inc.

708 Paul Street, 17th Floor
 Baltimore, MD 21202
 T 410.527.1700 F 410.578.1306
 www.aecom.com

AECOM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

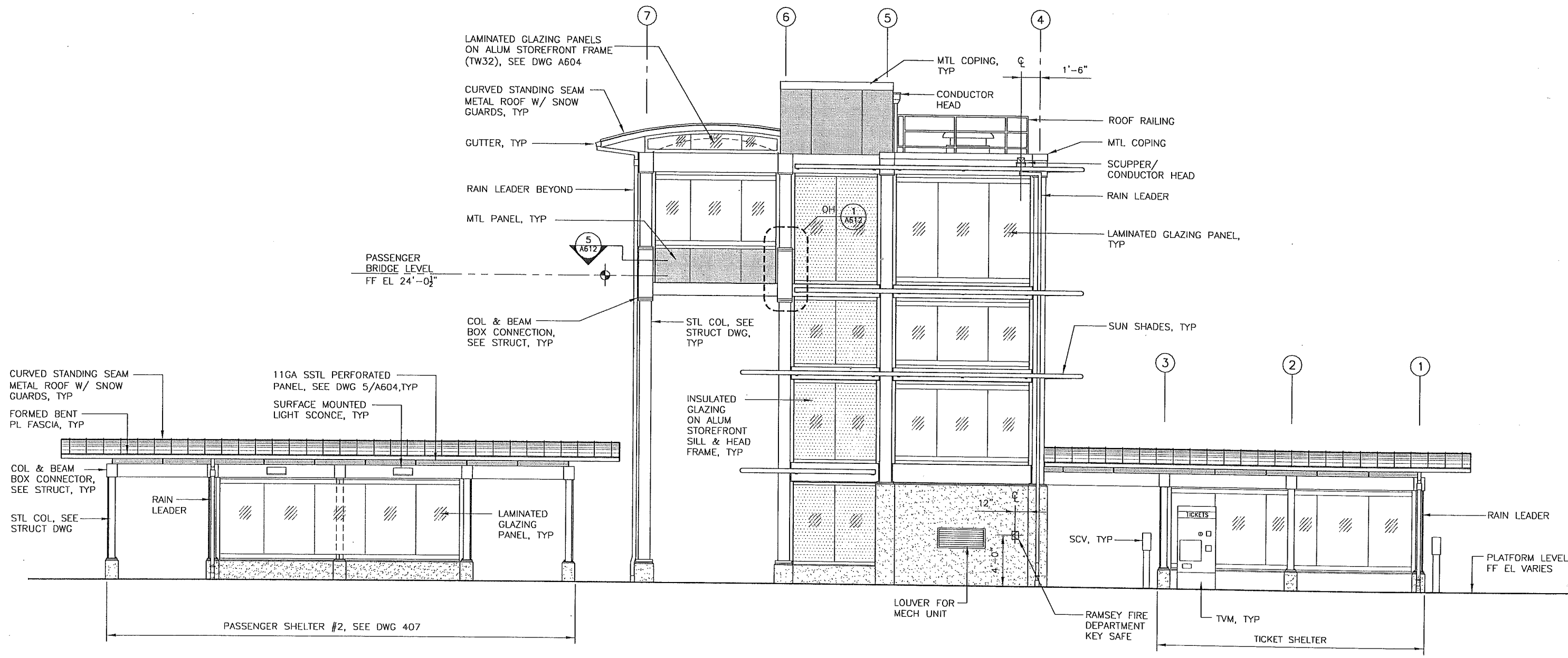
Kenneth W. Griffin
 DATE: 03-12-10 MN LIC. NO. 44872



ANOKA COUNTY REGIONAL RAIL AUTHORITY
 NORTHSTAR CORRIDOR COMMUTER RAIL
 RAMSEY STATION
 RAMSEY, MINNESOTA
 INBOUND
 ELEVATOR STAIR/TOWER, PASSENGER AND TICKET SHELTER
 SOUTH ELEVATION

STATION	RAMSEY
SHEET NO.	A202

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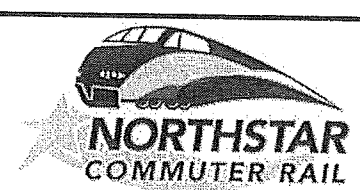
No.	Date	Revisions	App.

DRAWING NAME A204	
DESIGNED BY:	RA
DRAWN BY:	RA
CHECKED BY:	PD
DATE:	03-12-10
PROJECT NO.	PROJ NO

Kimley-Horn and Associates, Inc.
 AECOM

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

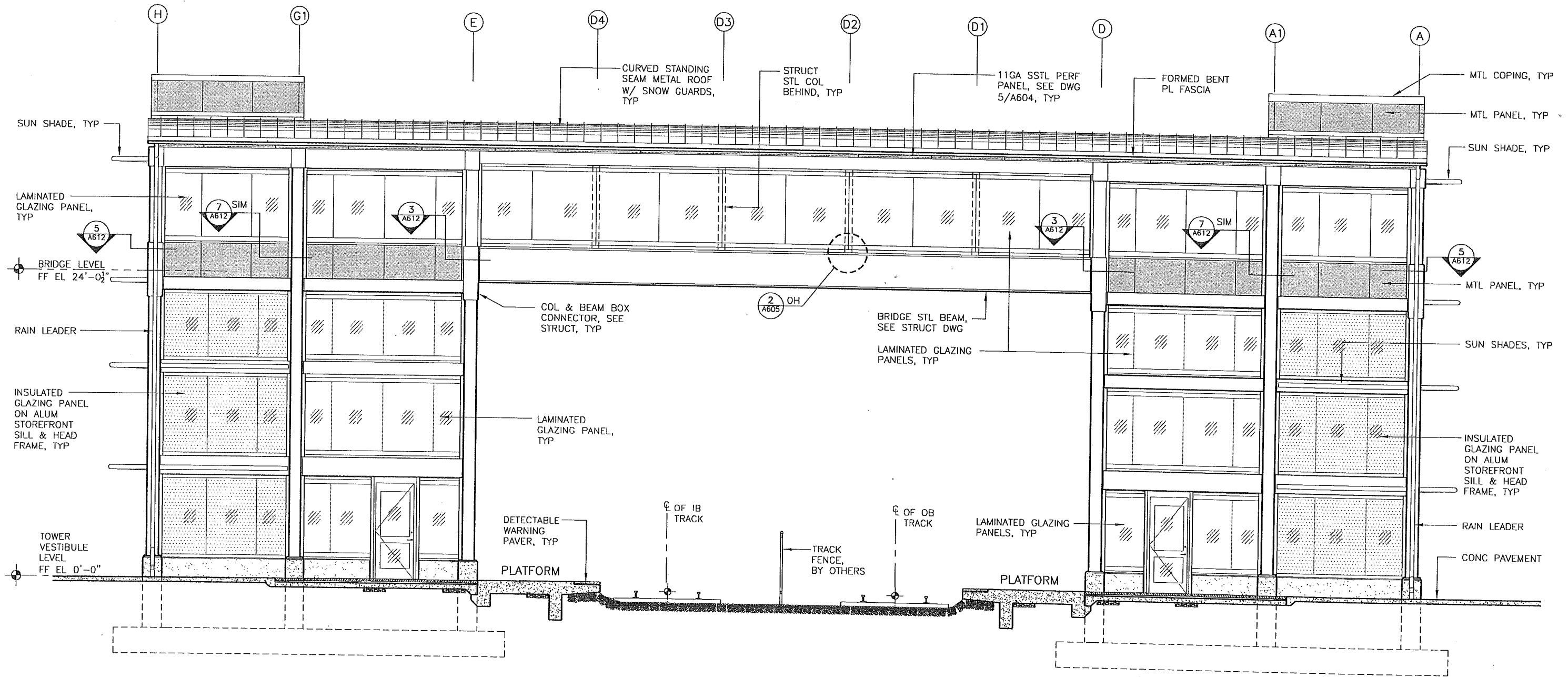
Kenneth W. Griffin
 DATE: 03-12-10 MH LIC. NO. 44872



ANOKA COUNTY REGIONAL RAIL AUTHORITY
 NORTHSTAR CORRIDOR COMMUTER RAIL
 RAMSEY STATION
 RAMSEY, MINNESOTA
 OUTBOUND
 ELEVATOR/STAIR TOWER, PASSENGER AND TICKET SHELTER
 NORTH ELEVATION

STATION	RAMSEY
SHEET NO.	A204

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1 EAST ELEVATION
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1/4"=1'-0"

No.	Date	Revisions	App.

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DRAWN BY:	RA
CHECKED BY:	PD
DATE:	03-12-10
PROJECT NO.	PROJ NO

Kimley-Horn and Associates, Inc.

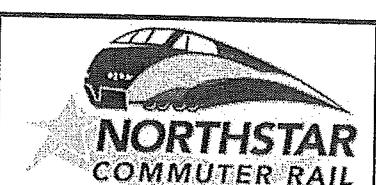
TRANSPORTATION

AECOM

AECOM USA, Inc.
7 St. Paul Street, 17th Floor
Baltimore, MD 21202
T 410.657.1700 F 410.578.1305
www.aecom.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kenneth W. Griffin
DATE: 03-12-10 MN LIC. NO. 44872

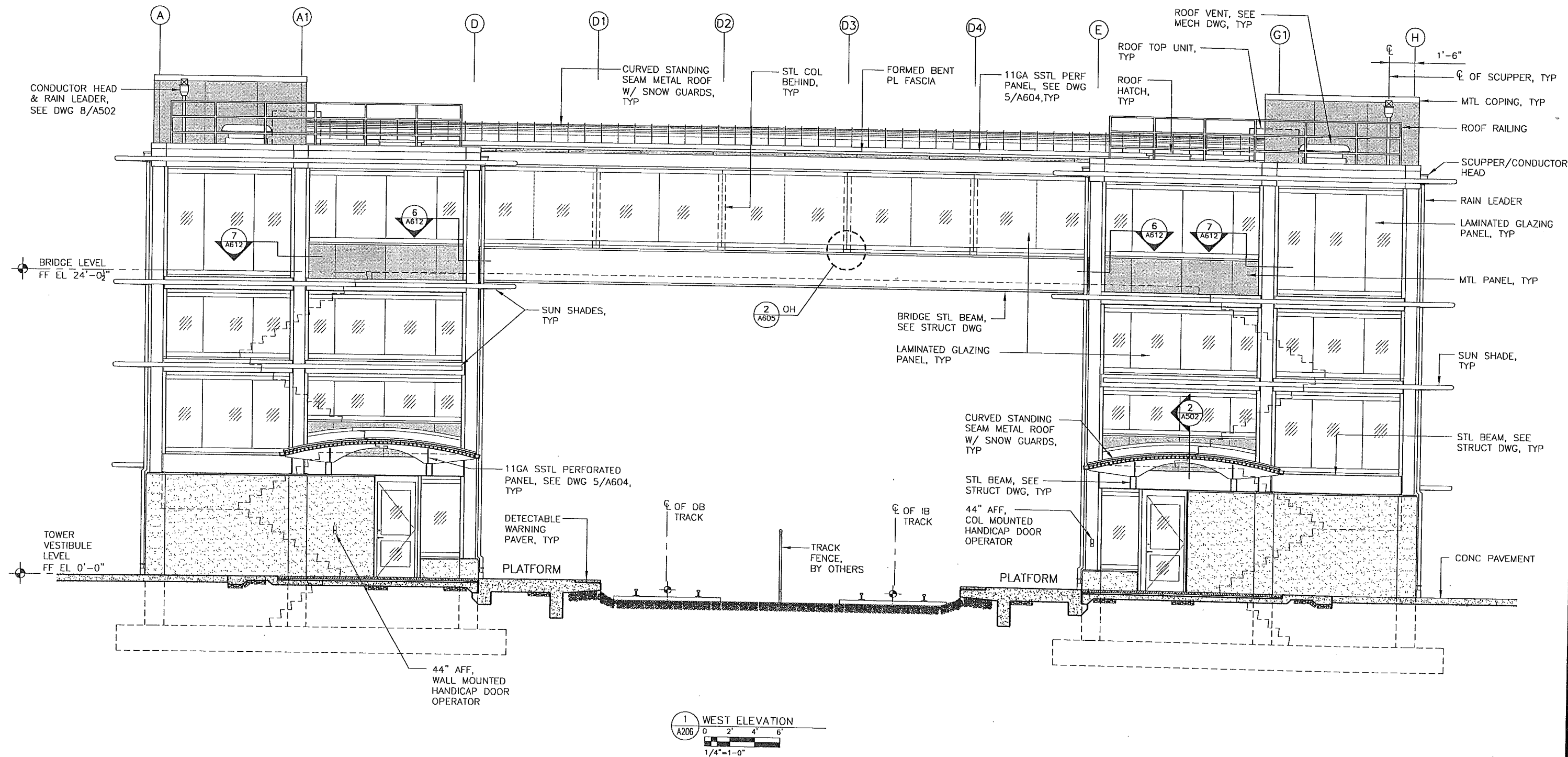


ANOKA COUNTY REGIONAL RAIL AUTHORITY
NORTHSTAR CORRIDOR COMMUTER RAIL
RAMSEY STATION
RAMSEY, MINNESOTA




ELEVATOR/STAIR TOWER
EAST ELEVATION

STATION	RAMSEY
SHEET NO.	A205

J:\TRACKWORK\6706_NORTHSTAR\NorthStarCommuterRail\100%_submit\A206.dwg April 01, 2010 - 11:30am



1 WEST ELEVATION
A206
0 2' 4' 6'
1/4"=1'-0"

No.	Date	Revisions	App.	DRAWING NAME A206	 Kimley-Horn and Associates, Inc. <small>TRANSPORTATION</small>  <small>AECOM USA, Inc. 7 St. Paul Street, 17th Floor Baltimore, MD 21202 T 410.627.1700 F 410.578.1305 www.aecom.com</small>	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA. Kenneth W. Griffin DATE: 03-12-10 MN LIC. NO. 44872	 NORTHSTAR COMMUTER RAIL	ANOKA COUNTY REGIONAL RAIL AUTHORITY NORTHSTAR CORRIDOR COMMUTER RAIL RAMSEY STATION RAMSEY, MINNESOTA		STATION		
				DESIGNED BY: RA								RAMSEY
				DRAWN BY: RA								SHEET NO.
				CHECKED BY: PD								A206
				DATE: 03-12-10								ELEVATOR /STAIR TOWER WEST ELEVATION
				PROJECT NO. PROJ NO								

THE COR

RAMSEY, MINNESOTA



LAND DESIGNATION

- PARK/PUBLIC SPACES
- PARCELS FOR SALE
- PARCELS OWNED BY OTHERS

DEVELOPMENT STATUS

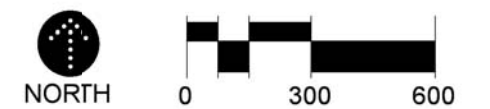
- EXISTING DEVELOPMENT
- PROPOSED DEVELOPMENT
- ACTIVE DEALS
- UNDER CONTRACT

ACCESS

- EXISTING SIGNALIZED INTERSECTION
- FUTURE SIGNALIZED INTERSECTION
- F FULL INTERSECTION
- 3/4 NO LEFT OUTBOUND MOVEMENTS
- P PARKING RAMP

TRAFFIC INFORMATION

ADT INFORMATION TAKEN FROM 2009 ACTUAL COUNTS AND 2030 PROJECTED VOLUMES



DEVELOPMENT PLAN 5.03

05.19.2011

July 29, 2011

Mr. Kurt Ulrich
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

Re: Preliminary Site Plan – Northstar Commuter Rail Station

Dear Mr. Ulrich:

We are in receipt of a Site Plan, Landscaping, Grading, Utility, Architectural, and Electrical Plans as well as Building Elevations for the Northstar Commuter Rail Station to be located in The COR, prepared by Kimley-Horn and Associates, Inc. and dated March 12, 2010. The City offers the following comments:

General: The site plan is proposing to develop a commuter rail station across from the municipal parking ramp and Municipal Center within The COR. The rail station includes platforms on both sides of the railway tracks that will be connected via an enclosed pedestrian bridge over the tracks. The bulk of the proposed project lies within right-of-way (both BNSF and public road right-of-way) and therefore, for reviewing purposes, this is being considered as a transportation improvement.

Zoning: As noted above, the bulk of the project falls within right-of-way and therefore is not subject to a specific set of zoning standards or zoning classification. It is adjacent to zoning district COR-1 as well as H-1 Highway 10 Business District.

Setbacks: There are no required setbacks applicable to this improvement. However, it appears that a portion of the inbound platform and roofline slightly encroach onto a city-owned parcel to the south of the tracks. This parcel was acquired for future transportation improvements (expansion of Highway 10) and thus, the encroachment does not necessarily represent a conflict. Nonetheless, some mechanism, such as a permanent easement or encroachment agreement for example, will need to be implemented to address this encroachment. Staff will review this matter with the City Attorney to determine what may be the most appropriate procedure and will provide further comment prior to review by City Council.

Landscaping: The proposed landscaping includes seventy-four (74) trees and 198 shrubs. There is a decent mix of deciduous and coniferous trees and only a single shrub species. Only a limited portion of the site is proposed to be improved with sod, the remainder of the area is shown as being seeded. Additionally, the limits of irrigation only encompass the areas receiving sod rather than covering the entire site.

Staff provided some initial feedback on the 90% plan design that encouraged the use of additional and/or alternate species, noting that all disturbed areas should be improved with sod, and that all landscaped areas should be irrigated. Through correspondence with Kimley-Horn, we understand the desire for consistent, standardized station sites for maintenance purposes (performed by Metro Transit) and are accepting the proposed plantings. However, Staff still has a concern regarding the limited irrigation and the extensive use of seed. Staff will be asking for direction from City Council regarding these two items.

Architectural Standards: The exterior finish of the proposed rail station includes a combination of cast-in-place concrete, metal paneling and glass. The structure includes sun shades on each of the enclosed stair cases as well. Height of the structure is roughly forty (40) feet. There is a proposed radio antenna located on the roof of the pedestrian bridge and it is unclear from the plans what the height of this antenna will be. Please provide clarification on the antenna height.

Signage: The plans also include a sign package for the rail station. Most of the signage will be located on the platforms and appear to be instructional. Two ground signs, SA.2 and SA.4 as labeled on Sheet C119, will identify the site as the Ramsey Station and will be positioned on the south side of Civic Center Drive near the entrances to the station. The details submitted for the signage have been reviewed and are sufficient enough that no additional sign permit will be required. Any future signs noted on the plan will be subject to review by the City and may potentially require a sign permit.

Fencing: A six (6) foot tall chain link fence is shown between the inbound and outbound tracks as well as around the southern edge of the station site (on the City-owned parcel). The proposed fencing complies with current fence regulations but it should be noted that no part of the fence shall include vinyl slats used for screening.

Drainage and Grading: Staff has reviewed the drainage and grading plans and any previous concerns and/or comments have been addressed in the final plans.

Access: The rail station will not have direct vehicle access. Parking for the rail station will be accommodated by the municipal parking structure across Civic Center Dr NW. There are two pedestrian entrances for the station at the east and west ends of the outbound platform. City Staff has reviewed these accesses and finds them acceptable.

The Planning Commission will be meeting at 7:00 p.m. on Thursday, August 4, 2011 at the Ramsey Municipal Center, 7550 Sunwood Dr NW, to review the proposed site plan. You or your representative may want to be present to answer any questions that may arise. Thank you for your cooperation in this process.

If you have any questions, please call us at (763) 427-1410.

Respectfully,

CITY OF RAMSEY

Chris Anderson

Associate Planner/Environmental Coordinator

Regular Planning Commission

6. 4.

Meeting Date: 08/04/2011

By: Tim Gladhill, Community Development

Title:

Discussion of Duties Assigned to the Planning Commission and Board of Adjustment

Background:

Currently, the seven (7) members of the Planning Commission also serve as the Board of Adjustment. The duties of the Planning Commission and Board of Adjustment given by the State of Minnesota are found in Minnesota Statute Chapter 462 (Housing, Redevelopment, Planning, Zoning). Through City Code, the City has created two separate boards, the Planning Commission and the Board of Adjustment. Minnesota Statute 462 allows the City to assign the tasks of the Board of Adjustment to an existing board, such as the Planning Commission. Staff would like to discuss the potential and merits of combining these two boards into one, thus streamlining the administrative portions of these two boards.

Minnesota Statute Chapter 462 can be found on-line at <https://www.revisor.mn.gov/statutes/?id=462>.

Notification:

No notification required.

Observations:

Minnesota Statute Section 462.354 enables the City to create a planning agency, including a planning commission, either by charter or ordinance. This section also enables the City to create a Board of Adjustment and Appeals to hear and decide appeals to administrative decisions of City Staff and to hear requests for a variance from the literal provisions of City Code. The Board of Adjustment and Appeals is also given the authority to hear appeals for land uses within Official Map Areas (such as the Highway 10 Official Map). This section essentially requires a Board of Adjustment and Appeals in order for the City to provide a zoning and subdivision ordinance. Finally, this section allows the City to assign these tasks to an existing board (such as the Planning Commission) or to create a separate board.

Historically, the City has chosen to separate the Planning Commission and Board of Adjustment for functional reasons. The Board of Adjustment has quasi-judicial authority, meaning the board has the authority to make the final decision, subject to appeal to the City Council. The Planning Commission is an advisory/recommending body, meaning it does not have the ability to make a final decision on an application. Two separate agendas are prepared. Two separate sets of minutes are prepared. Two separate sets of officers are selected.

Staff finds certain merit in assigning the tasks of the Board of Adjustment and Appeals to the Planning Commission. The Planning Commission is the most likely choice for assigning task, as this board is tasked with reviewing all land use applications and policy decisions for review. This is made evident in the fact that the same members of the Planning Commission serve as the Board of Adjustment. The format of cases presented to the Planning Commission would have to be revised slightly to ensure the Planning Commission is aware of what capacity they are reviewing certain cases (quasi-judicial versus advisory).

Staff would also like to discuss the Planning Commission having the ability to make final decisions on certain land use applications, subject to appeal to the City Council. Staff has identified two (2) possibilities on a trial basis. These applications would include Conditional Use Permits (CUP) for four (4) or more dogs and site plan review for smaller expansions of existing buildings in the business and employment districts.

The City Council reviewed the proposal at the July 26th City Council Work Session. Consensus was to move forward with the proposal, after seeking feedback from the Planning Commission.

Funding Source:

Review is being handled as part of regular staff duties.

Staff Recommendation:

Staff recommends approval of the proposed changes to the duties of the Planning Commission and Board of Adjustment.

Committee Action:

Motion to direct staff to prepare an ordinance to institute the proposed changes to the duties of the Planning Commission and Board of Adjustment.

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	07/27/2011 02:10 PM
Aaron Backman	Aaron Backman	07/28/2011 04:27 PM
Form Started By: Tim Gladhill		Started On: 07/15/2011 04:17 PM
	Final Approval Date: 07/28/2011	

Regular Planning Commission

6.5.

Meeting Date: 08/04/2011

By: Tim Gladhill, Community Development

Title:

Staff Update

Background:

The following is a brief summary of actions taken in June that may be of interest to the Planning Commission:

Request for a Conditional Use Permit for Motor Vehicle Sales at 6740 Highway 10 NW. The City Council approved the request for a CUP for motor vehicle sales at 6740 Highway 10 NW for Tris Star Auto.

Introduce Ordinance Related to Variances. The City Council introduce the ordinance to amend Variance procedures to reflect recent Minnesota Statute amendments.

Bonestroo announces merger with Stantec. Bonestroo has announced a merger with Stantec, a multi-disciplinary engineering firm. As the Planning Commission may recall, the City recently selected Bonestroo as a consulting planner for the City. Tina Goodroach, project manager for Bonestroo, has assured that daily activities will not change as it relates to the City's contract. The existing Bonestroo office will remain open and provide services already provided. Bonestroo is excited about the merger and the expanded services it will be able to provide. The newly merged company will use the Stantec name. For more information, visit the Bonestroo website at <http://www.bonestroo.com/>.

Training Opportunities. As a reminder, the following training opportunities are available. Contact Senior Planner Gladhill for more information.

League of Minnesota Cities
LU501: Land Use Basics: Grasping the Ground Rules
Web-based
www.lmc.org/page/1/landuse.jsp

American Planning Association (APA) Minnesota Chapter Conference
September 28-30
St. Cloud, MN
www.plannersconference.com

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	07/27/2011 02:51 PM
Aaron Backman	Aaron Backman	07/28/2011 02:03 PM
Form Started By: Tim Gladhill		Started On: 07/27/2011

Final Approval Date: 07/28/2011

Regular Planning Commission

6. 6.

Meeting Date: 08/04/2011

By: JoAnn Shaw, Community Development

Title:

Zoning Bulletins

Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Zoning Bulletins

Form Review

Inbox
Tim Gladhill
Aaron Backman

Reviewed By
Tim Gladhill
Aaron Backman

Date
07/28/2011 09:52 AM
07/28/2011 01:54 PM
Started On: 07/28/2011 09:26 AM

Form Started By: JoAnn Shaw

Final Approval Date: 07/28/2011

Zoning Bulletin

in this issue:

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Standing—City Residents Appeal Subdivision Plat Approval..... 7

Nonconforming Use—Property Owner Claims Use
is a Valid Nonconforming Use 9

Zoning News from Around the Nation 11

Estoppel—City Employee Provides Applicant with Wrong Survey on Which Building Permit is then Based

Applicant says this error equitably estops the city from enforcing related zoning regulations against him

Citation: *City of North Oaks v. Sarpal*, 2011 WL 1775532 (Minn. 2011)

MINNESOTA (05/11/11)—This case addressed the issue of whether a municipality can be estopped from enforcing zoning laws when a mistake by the city contributes to the zoning violation.

The Background/Facts: Dr. Rajbir S. Sarpal (“Dr. Sarpal”) and his wife, Dr. Carol L. Sarpal, (the “Sarpals”) sought to build a shed on property (the “Property”) they owned in North Oaks, Minnesota. The Sarpals’ use of their property was subject to relevant restrictions: (1) the North Oaks Company reserved an easement over the northernmost 15 feet and the westernmost 15 feet of the Property for use as a future trail; and (2) city ordinances provided that structures could not be built within 30 feet of property lines.

Contributors
Corey E. Burnham-Howard

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In obtaining a building permit for the shed, the Sarpals needed an "as-built survey" showing the "location of [the] proposed shed." Dr. Sarpal asked a city employee for an "as-built survey" for his Property. The employee gave Dr. Sarpal a document, which the employee said was what Dr. Sarpal needed. The survey was dated before the Sarpals' house was constructed and showed a "proposed house" and the 30-foot setback.

Dr. Sarpal drew the location of the proposed shed on the survey. As drawn by Dr. Sarpal, the shed did not encroach on the 30-foot setback or the trail easement.

The city granted the Sarpals a building permit to construct the shed. When Mr. Sarpal constructed the shed, he located it by measuring from the house as it was actually built on his property; he did not measure the location from the lot lines on his property. After the shed was constructed, the city issued a certification of completion.

Sometime thereafter, the Sarpals received notice from the City that the Sarpals' shed encroached upon the trail easement and the 30-foot setback. The Sarpals applied for a variance, which the city denied. The city told the Sarpals that the shed would have to be moved. The Sarpals never moved the shed.

In 2008, the City brought a legal action against the Sarpals. The action alleged a violation of the city code, trespass, and nuisance. It asked the court to order the Sarpals to remove the shed from the easement area.

The Sarpals argued that the city was equitably estopped from enforcing its zoning ordinance against them because the city provided the survey on which Dr. Sarpal relied in applying for his building permit.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the court issued summary judgment in favor of the Sarpals. The court dismissed all of the city's claims against the Sarpals.

The city appealed, and the court of appeals affirmed.

The city again appealed.

DECISION: Reversed; matter remanded.

The Supreme Court of Minnesota held that: "A simple mistake by a government official does not constitute the wrongful conduct necessary to establish [a defense] of equitable estoppel." In other words, the city could not be estopped from enforcing zoning laws because of the mistake by the city employee, which contributed to the Sarpals' zoning violation.

The court explained that the Sarpals, in seeking equitable estoppel against the city, had to establish four elements: (1) "wrongful

conduct” on the part of an authorized city agent; (2) that the Sarpals reasonably relied on the wrongful conduct; (3) that the Sarpals incurred a unique expenditure in reliance on the wrongful conduct; and (4) that the balance of equities weighed in favor of estoppel.

The city had argued that the Sarpals could not establish the first of those necessary elements: wrongful conduct by the city employee. The Supreme Court of Minnesota agreed. It said that “wrongful conduct” required “some degree of malfeasance.” Wrongful conduct could not be established by “simple inadvertence, mistake, or imperfect conduct.” It found that, here, “the City’s actions did not constitute anything other than a simple mistake.” The city employee made a mistake in giving the Sarpals a survey that was not, in fact, an as-built survey. The court also found that the city’s building inspector did not act wrongfully when reviewing the plans submitted by the Sarpals, as “there was no reason why the City should have noticed or corrected the Sarpals’ error, or declined to issue a permit on the basis of the Sarpals’ error.”

Having found the Sarpals failed to satisfy the first element of equitable estoppel, the court concluded that the city was not estopped from enforcing its zoning ordinance against the Sarpals. The court remanded the matter to the district court for further proceedings.

See also: *Mesaba Aviation Division of Halvorson of Duluth, Inc. v. Itasca County*, 258 N.W.2d 877 (Minn. 1977).

See also: *Brown v. Minnesota Dept. of Public Welfare*, 368 N.W.2d 906 (Minn. 1985).

See also: *Ridgewood Development Co. v. State*, 294 N.W.2d 288 (Minn. 1980).

See also: *Bond v. Commissioner of Revenue*, 691 N.W.2d 831 (Minn. 2005).

Conditions—Board Requires, as a Condition of Subdivision Approval, Transfer of Open Space to Town

Applicant argues condition violates state statutory law

Citation: *Collings v. Planning Bd. of Stow*, 79 Mass. App. Ct. 447, 2011 WL 1744264 (2011)

MASSACHUSETTS (05/10/11)—This case addressed the issue of “whether, as a condition of granting approval, [a municipal planning

board in Massachusetts] may require dedication of open space for public use and actual conveyance of that open space to the town in exchange for certain waivers without violating [state statutory law].”

The Background/Facts: Robert and Caroline Collings and Linda S. Cornell (collectively, the “Collings”) owned over 55 acres of land in the town of Stow, Massachusetts (the “town”). The Collings submitted to the town’s planning board (the “Board”) a definitive subdivision plan seeking approval for five residential lots.

As a condition of approval of the subdivision plan, the Board required the Collings to modify the plan to show a minimum of 10% (5½ acres) of the land to be dedicated for open space with public access acceptable to the Board. Additionally, the Board required that the Collings offer the open space parcels: first to the town’s conservation commission for open space and “passive recreation with public access in perpetuity”; or should the commission decline, “to a land trust or similar nonprofit organization subject to a Conservation Restriction with the [t]own named as a benefitted party.”

The Collings appealed to Land Court. They argued that the Board exceeded its authority in imposing the condition that the Collings transfer open space to the conservation commission or a land trust. They pointed to Massachusetts statutory law, Mass. Gen. L. c. 41, § 81Q. Section 81Q prohibits, as a condition of approval of a subdivision, dedication of subdivision land to the public use or conveyance to the town for any public purpose without just compensation.

The Board maintained that the condition was permissible pursuant to Mass. Gen. L. c. 41, § 81R. Section 81R provides that: “[a] planning board may ... where such action is in the public interest and not inconsistent with the intent and purpose of the subdivision control law, waive strict compliance with its rules and regulations, and ... approve a plan on conditions limiting the lots upon which buildings may be erected” The Board maintained that § 81R gave it the authority to require open space for passive recreation with public access in exchange for strict compliance—waivers—from the requirements of the town’s subdivision rules and regulations. Here, the Board had waived a street length regulation—allowing a 1300-foot cul-de-sac instead of limiting the Collings to a 500-foot cul-de-sac.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the Land Court issued summary judgment in favor of the Board. The judge reasoned that the Board’s condition did not violate § 81Q because it was in exchange “for proper and rational consideration”—the waiver of the street length rule.

The Collings appealed.

DECISION: Vacated, and matter remanded.

The Appeals Court of Massachusetts held that the Board exceeded its authority under § 81Q when it required, as a condition of subdivision plan approval, that the Collings reserve open space for public use and transfer the property to the town or a land trust.

In reaching its decision, the Appeals Court looked to the language of §§ 81Q and 81R. The court agreed that, in general: “a condition requiring the dedication of open space which in effect reasonably limits the number of buildable lots, imposed out of safety concerns arising from the length of the street, would not run afoul of § 81Q.” However, it found that, here, the Board “did not limit itself to a reasonable open space requirement”; instead, it “went much farther and required dedication of open space for public use, including the actual transfer of that open space to the town or a land trust.”

Moreover, disagreeing with the Land Court, the Appeals Court found the condition was “imposed without compensation and [did] not serve the purposes of the subdivision control law.” The court found “no authority for the proposition that the grant of a waiver may constitute ‘just compensation’ as that term is used in § 81Q.” “That waivers from some of the subdivision rules and regulations [were] required [did] not authorize [the Board] to exact conditions expressly prohibited by § 81Q, and unrelated to the regulation sought to be waived or the purposes of the subdivision control law.”

Furthermore, the court said, the prohibition of § 81Q applied “where a planning board requires a subdivision applicant to grant land for a public purpose unrelated to adequate access and safety of the subdivision.” The court found that was exactly what happened here: the Board failed to identify concerns within the scope of the subdivision control law that justified the transfer of the property to the public without compensation which were not already addressed by simply requiring a dedication of open space (without a transfer of the property to the public). The court concluded that, while an open space requirement may be acceptable, the dedication of the open space for public use and the transfer to the town had no relation to the waiver of the dead-end street length rule or safety issues.

See also: *Sullivan v. Planning Bd. of Acton*, 38 Mass. App. Ct. 918, 645 N.E.2d 703 (1995).

Case Note: In its decision, the court noted that it thought that “if the Legislature intended to eliminate the prohibition of § 81Q where waivers are required in the context of subdivision control, it would have expressly so provided.”

Case Note: The court also “[could] not resist concluding” that, however worthy the objectives, the conditions imposed by the Board attempted “to achieve a result which properly should be the subject of eminent domain.”

Standing—City Residents Appeal Subdivision Plat Approval

City argues residents lack standing because their alleged injuries are too general

Citation: *Heffernan v. Missoula City Council*, 2011 MT 91, 2011 WL 1652154 (Mont. 2011)

MONTANA (05/3/11)—This case addressed the issue of whether city residents had standing (i.e., the legal right) to challenge a city’s decision to approve zoning a preliminary plat for a subdivision.

The Background/Facts: In December 2007, the Missoula City Council (the “City”) approved zoning and preliminary plat for a 37-lot subdivision known as Sonata Park in an area of the city known as Rattlesnake Valley. Several city residents (the “Residents”) opposed the subdivision. The Residents included an adjacent landowner, neighbors who lived within 600 feet of the proposed subdivision, and a neighborhood association. The Residents appealed to court the City’s decisions. Among other things, they alleged that the City: had violated subdivision and zoning laws; and that the City’s approval of Sonata Park was arbitrary, capricious, and unlawful because the subdivision was not in substantial compliance with the Rattlesnake Valley neighborhood growth plan (the “Rattlesnake Plan”).

The City asked the court to dismiss the Residents’ action. It argued that the Residents did not have standing (i.e., the legal right to bring the action). Specifically, the City argued that none of the Residents had alleged or shown: “material injury to their property or its value, a specific personal and legal interest, and a special and injurious effect flowing from subdivision approval.”

The district court disagreed. It reasoned that the adverse impacts cited by the Residents (such as increased traffic, noise, and pollution, and disruption of wildlife in the area) could materially injure the Residents’ properties or the value of the Residents’ properties. Eventually, finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the court issued summary

judgment in favor of the Residents. It found that the City's approval of the Sonata Park subdivision was a "significant deviation from the Rattlesnake Plan and therefore arbitrary and capricious."

The City appealed. Among other things, the City, on appeal, argued that the Residents did not have standing because their alleged injuries "could apply to any new residence" and "[were] ambiguous and too general to meet the standard set out in [Montana Statutory law—] § 76-3-625, MCA."

DECISION: Affirmed.

The Supreme Court of Montana held that the Residents all had standing to bring the action.

The court explained that to have standing, the Residents had to "clearly allege a past, present, or threatened injury to a property or civil right—i.e., an invasion of a legally protected interest." The court noted that "there is no right to appeal a governing board's approval of a preliminary subdivision plat, except as provided by statute." The court acknowledged that Montana had such a statute that provided a right to such an appeal.

Section 76-3-625 provides that certain parties who are "aggrieved" by a decision of the governing body to approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision or a final subdivision plat may appeal to the district court. Pursuant to the statute, those parties who may appeal include: "landowner[s] with a property boundary contiguous to the proposed subdivision"; or "private landowner[s] with property within the county or municipality where the subdivision is proposed if th[e] landowner[s] can show a likelihood of material injury to the landowner's property or its value." Also pursuant to the statute, an "aggrieved" party is: "a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specifically and injuriously affected by the decision."

Again, the City had argued that the Residents did not have standing here because they were not "aggrieved" since their alleged injuries "could apply to any new residence" and "[were] ambiguous and too general" to meet the standard set out in the statute. The Supreme Court of Montana disagreed.

The court noted that the Montana Subdivision and Platting Act was enacted to "promote the public health, safety, and general welfare by regulating the subdivision of land." As such, the court found § 76-3-625 was "entitled to liberal construction with a view towards the accomplishment of its highly beneficial objectives." The court found that the adjacent landowner had standing to challenge the City's decisions because: she shared a boundary with the subdivision; and was

aggrieved in that she alleged that development and traffic would affect wildlife and the rural quality of her neighborhood. The court found that the neighbors who lived within 600 feet of the subdivision had standing because: they were adjacent to its sole access road such that they would be directly affected by increased traffic; and they had averred that the development would have an adverse impact on wildlife, noise, and traffic, and would create light pollution. The court found that the neighborhood association had standing because: some of its members had standing to sue; the interests the association sought to protect were germane to its purpose of dealing with the land use issues in the neighborhood and protection of the area plan; and the declaratory and injunctive relief sought by the action did not require individual participation of association members.

See also: *Aspen Trails Ranch, LLC v. Simmons*, 2010 MT 79, 356 Mont. 41, 230 P.3d 808 (2010).

See also: *Little v. Board of County Com'rs of Flathead County*, 193 Mont. 334, 631 P.2d 1282 (1981).

See also: *Warth v. Seldin*, 422 U.S. 490, 95 S. Ct. 2197, 45 L. Ed. 2d 343 (1975).

Nonconforming Use—Property Owner Claims Use is a Valid Nonconforming Use

He says nonconforming use was established when prior owners of adjacent property used portions of his property for such use

Citation: *McMilian v. King County*, 2011 WL 1631853 (Wash. Ct. App. Div. 1 2011)

WASHINGTON (05/02/11)—This case addressed the issue of whether a nonconforming use can be lawfully established even where the individual engaging in the use of property is a trespasser.

The Background/Facts: Leo McMilian (“McMilian”) owned two adjacent parcels in an unincorporated area in the county. He purchased the parcels—a northern parcel and a southern parcel—in 2002. The northern parcel had been used as a wrecking yard business since prior to 1958. The southern parcel was used by prior owners for logging. However, prior owners of the northern parcel had also used part of the southern parcel for the wrecking yard business. Thus, the wrecking yard “bulged” past the northern parcel’s property lines.

In 2007, McMilian was using both parcels for an automobile wrecking yard. At that time, both parcels were zoned for residential development. In 1958, the county's zoning ordinances were amended such that a wrecking yard was prohibited in the area.

Also in 2007, the county's Department of Development and Environmental Services (DDES) investigated numerous complaints about McMilian's use of the southern parcel. The DDES notified McMilian that, among other things, his use of the southern parcel for the wrecking business violated the county code because it was not a residential use in the residential zone.

McMilian appealed. He argued that the operation of the wrecking yard on the southern parcel was a valid nonconforming use. He said this was because the wrecking yard business on the northern parcel, which was in effect before the zoning amendments of 1958, had spilled over onto the southern parcel for years.

The hearing examiner concluded that the owners of the northern parcel, as trespassers on the southern parcel, could not establish a valid nonconforming use.

McMilian appealed. The superior court reversed in favor of McMilian.

The County appealed.

DECISION: Affirmed in part and remanded.

The Court of Appeals of Washington, Division 1, held that a trespasser cannot establish a valid nonconforming use.

The court explained that in order to establish that a valid nonconforming use exists, a landowner must prove that: (1) the use existed before the county enacted the contrary zoning ordinance; (2) the use was lawful at the time; and (3) the applicant did not abandon or discontinue the use for over a year prior to the relevant change in the zoning code. Thus, said the court, generally speaking, a valid nonconforming use is one which lawfully existed prior to the adoption of the contrary zoning legislation. "The requirement that the use be lawfully established is not limited to compliance with zoning legislation but, rather, also demands compliance with general statutory requirements," said the court. This is because "[n]onconforming use ordinances 'are not intended to protect uses which were not legally commenced or continued.'" Thus, "an illegality, even one arising from a violation of legislation other than land use laws, would render a use unlawful such that it could not be established as a valid nonconforming use."

This rule—requiring compliance with both land use legislation and with general legislation, explained the court, is consistent with the purpose underlying the continuance of nonconforming uses: to avoid constitutional due process concerns arising from interference with a landowner's property rights. It is the property owner whose property rights are affected by changes in zoning legislation, and, thus, it is the property owner who is afforded constitutional due process protection. Since such constitutional concerns do not arise where a trespasser establishes the use, a trespasser onto land cannot lawfully establish a nonconforming use, concluded the court.

See also: *State ex rel. Miller v. Cain*, 40 Wash. 2d 216, 242 P.2d 505 (1952).

See also: *First Pioneer Trading Co., Inc. v. Pierce County*, 146 Wash. App. 606, 191 P.3d 928 (Div. 2 2008), review denied, 165 Wash. 2d 1053, 208 P.3d 554 (2009).

Case Note: The court also found that the hearing examiner improperly presumed that the owner of the northern parcel who used part of the southern parcel as a wrecking yard was trespassing. The court said that where the southern parcel was "vacant, open, unenclosed, and unimproved," use by the owner of the northern parcel was presumed to be permissive. Therefore, said the court, if McMilian could establish that the southern parcel was being used by the owners of the northern parcel for a wrecking yard prior to 1958, then McMilian would be entitled to the presumption that the operators of the wrecking yard were using the southern parcel "with the true owner's permission"—and thus were not trespassers.

Zoning News from Around the Nation

GEORGIA

Governor Nathan Deal recently signed legislation authorizing the incorporation of Peachtree Corners, a community near Norcross in Gwinnett County. Area residents will vote in November on whether to incorporate.

Source: *The Atlanta Journal Constitution*; www.ajc.com

MINNESOTA

The state senate's Local Government and Election Committee recently voted to advance proposed legislation—Senate File 270, which would prevent local units of government from halting the construction of any project through the use of an interim ordinance once the developer has applied for permits. Reportedly, local officials oppose the measure, saying they often do not get information about a project until after permit application.

Source: *Timberjay*; www.timberjay.com

NEW YORK

The state senate recently approved legislation, which reinstates a former law—"Article 10." The legislation would "speed the development of new power plants by establishing state oversight of the siting and permitting process, trumping local zoning boards." Essentially, the legislation would allow power plant developers to avoid the process of completing separate reviews before various municipal and county governments and agencies. The bill does not yet have a sponsor in the assembly.

Source: *The Business Review*; www.bizjournals.com

OREGON

The state senate is considering proposed legislation—Senate Bill 766, which would "streamline the permit process for up to 10 industrial plants and designate up to 15 more regionally significant industrial areas" The bill reportedly: "shortens the time line for permits and narrows the grounds for appeal but still allows public comment and local government control."

Source: *The Oregonian*; www.oregonlive.com

WASHINGTON

The Tacoma City Council is considering an ordinance that would place a six-month moratorium on any new conventional or digital billboards in the city. Reportedly, "[i]t's meant as a way to more thoughtfully contemplate the complicated issues surrounding proposed billboard regulation changes" If the ordinance is approved, it "would enact a moratorium for 180 days and refer the issue to the Planning Commission. The commission would then take up the issue and hold a public hearing on July 12 to determine how long the moratorium is needed."

Source: *The News Tribune*; <http://blog.thenewstribune.com/politic>

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Zoning Bulletin

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Standing—After Being Sued For Denying Variance, Town Settles With Project Proponent.

Abutting landowners, who intervened in the matter, appeal, seeking to defend denial of variance

Citation: *Industrial Communications And Electronics, Inc. v. Town of Alton, N.H.*, 2011 WL 1887334 (1st Cir. 2011)

The First Circuit has jurisdiction over Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico.

FIRST CIRCUIT (NEW HAMPSHIRE) (05/19/11)—This case addressed the issue of whether property owners who had intervened in a case had standing to defend denial of a zoning variance even after the town had sought to enter into a consent decree with the party seeking the variance.

The Background/Facts: Industrial Communications and Electronics, Inc. (“Industrial Communications”) sought to construct for two wireless companies a cell phone tower in the Town of Alton, New Hampshire (the “Town”). Industrial Communications

Contributors

Corey E. Burnham-Howard

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claimed that only one site was suitable for the tower and that the tower needed to be 120 feet above ground level to be effective. The Town's zoning ordinance limited cell phone towers to 10 feet above the average tree canopy. In this case, the ordinance would have limited Industrial Communications tower to 71 feet above ground level. Industrial Communications applied for a variance to construct the tower.

The Town's Zoning Board of Adjustment (the "Board") denied the variance. The Board found that Industrial Communications "failed to meet the criteria for a variance under New Hampshire law."

Industrial Communications and the two wireless providers then filed a lawsuit in federal district court against the Town under § 704(a) of the federal Telecommunications Act of 1996 (the "Act"), 47 U.S.C.A. § 332(c)(7). Section 704(a) allows—in defined circumstances—an aggrieved person or entity to bring a suit to override state or local law in order to construct cell phone towers. Section 704(a) allows a court to override a local restriction if the court finds that the local action or refusal to act violates one or more of the Act's grounds for relief. Here, Industrial Communications claimed that the Town's denial of the variance would effectively "prohibit[] the provision of personal wireless services in violation of the Act."

The Town initially defended the case. David and Marilyn Slade (the "Slades"), who owned property within 200 feet of the proposed tower, intervened in the case. The Slades "stood silent as the Town handled the defense."

Eventually, the Town and Industrial Communications negotiated a settlement. They agreed to vacate the Board's variance denial and to permit a 100-foot tower—without further meetings, hearings, or decisions of the Board.

The federal court entered, as a judgment in the case, the consent decree proposed by Industrial Communications.

The Slades then appealed. On appeal, Industrial Communications argued that the Slades were not entitled to make claims on their own behalf under the Act and therefore did not have standing (i.e., the legal right) to pursue the case.

DECISION: Vacated, and matter remanded.

The United States Court of Appeals, First Circuit, first agreed with Industrial Communications that the Slades were not entitled to

make claims on their own behalf under the Act. The Act empowers only those “adversely affected” by denials of requests to construct wireless facilities, found the court. Therefore, the Slades, who were offended by the grant of the variance under the settlement, had no claim of their own under the Act.

However, the court held that the Slades did have standing to defend the denial of the zoning variance even after the town sought to enter into the consent decree. The court found that the Slades had standing under Article III of the United States Constitution.

The court explained that to have Article III standing to act as independent litigants, the Slades had to have “suffered an ‘injury in fact’ that [was] causally connected to the complained-of conduct and that [would] likely be redressed by a favorable federal court decision.” The court found that the Slades had claimed protectable economic and other interests that would be directly impaired by the construction of a tower. (They had claimed that the tower would “stand[] prominently in the line of sight of the panoramic view ... of Lake Winnepesaukee and the surrounding mountains” that they currently enjoyed from their property, and that the construction of the tower would cause them economic as well as aesthetic harm by diminishing the property’s value.) More importantly, found the court, the Slades had a legal interest under state law in the protection that the zoning laws afforded to their property (i.e., they could sue in state court to overturn the variance if it were granted unlawfully). In other words, the consent decree would effectively serve as a “legally operative judgment that overrides state law and the Slades’ rights under state law that would prevail unless overridden by the decree.” The court found this injury fulfilled the Article III requisites. The court therefore concluded that, unless a violation of the Act was proven, the Slades were entitled to resist the entry of the consent decree between the Town and Industrial Communications because the consent decree would terminate the Slades’ protectable state rights.

Industrial Communications maintained that denial of the variance did violate the Act. The court found the Slades could defend that denial of the variance, as parties to the case, with independent interests to protect that were threatened by the decree. The court concluded that the Town was not obliged to defend the suit but that the Slades were free to carry on the suit and protect their interests directly.

The court remanded the matter for further proceedings to determine whether Industrial Communications was entitled to relief—from the denial of the variance—under the Act.

See also: *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S. Ct. 2130, 119 L. Ed. 2d 351, 34 Env't. Rep. Cas. (BNA) 1785, 22 Env'tl. L. Rep. 20913 (1992).

See also: *Daniels v. Town of Londonderry*, 157 N.H. 519, 953 A.2d 406 (2008).

Case Note: The court acknowledged that “[t]he situation could be quite different if the Slades’ legal rights under state law were unaffected by the decree.” However, since the consent decree would eliminate those rights, the court determined that the “most appropriate time and place” to raise the issue of the validity of the decree was in the court considering the decree.

Case Note: The Slades had also challenged, under state law, the authority of the town to settle the case on behalf of the Board. The court found that that state law issue need not be resolved in this case because the Slades were free to carry on the suit and protect their interests directly.

Nonconforming Use—City Refuses to “Grandfather In” Property Owners’ Short-Term Rental Use

Owners argue use is legally nonconforming because they complied with unchallenged interpretation of old ordinance

Citation: *Allen v. City of Key West*, 2011 WL 1485992 (Fla. Dist. Ct. App. 3d Dist. 2011)

FLORIDA (04/20/11)—This case addressed the issue of whether owners’ use of their properties for short-term rentals was a lawful nonconforming use in light of the fact that their use complied with their unchallenged interpretation of the old ordinance.

The Background/Facts: Russell and Linda Allen and several others (collectively, the “Owners”) owned property in the City of Key West

(the “City”). The Owners purchased their properties in the City “with the intent to use them as short-term rentals for a portion of each year in order to offset their purchase costs.” At the time the Owners purchased their properties, the City’s 1986 Growth Management Ordinance (“GMO”) was in effect, as part of the City’s Land Development Regulations (“LDRs”). The GMO defined “transient housing” as: “commercially operated housing, principally available to short-term visitors ...” (the “Former Transient Definition”).

The City eventually revised its ordinances, modifying the definition of “transient housing” to remove the “principally available” language.

The Owners then asked the City to have their short-term rental use deemed a “grandfathered in,” lawful nonconforming use. The City denied that request. The Owners then filed the instant suit for declaratory and injunctive relief. The trial court issued judgment denying the Owners’ claims against the City.

The Owners appealed.

DECISION: Reversed, and matter remanded.

The District Court of Appeal of Florida, Third District, held that the Owners’ use of their respective properties for short-term rental was a lawful nonconforming use that was “grandfathered.”

In so holding, the court found that some property owners and developers had interpreted the Former Transient Definition (which contained the “principally available” language) to mean that an owner could rent his or her residential dwelling for less than half the year without the dwelling losing its residential status (the “50% rule”), and therefore without the need for a City-issued transient license. Under that interpretation, the Owners involved in this case believed that their properties were nontransient because they were used for short-term rentals for less than half of any given year. Under that belief, the Owners had secured necessary nontransient occupational licenses. Because that interpretation of the ordinance went “unchallenged by the City,” the court found that the Owners’ use of their properties for short-term rentals complied with the Former Transient Definition—and thus was now a lawful nonconforming use given that: (1) the Owners had engaged in short-term rental of their units prior to the change in the definition of “transient housing”; (2) the Owners complied with the 50% rule; and (3) the Owners had obtained nontransient occupational licenses.

See also: *Rollison v. City Of Key West*, 875 So. 2d 659 (Fla. Dist. Ct. App. 3d Dist. 2004).

Limitation of Actions—Individuals Challenge City's Action in Rejecting a Project Proposal, Saying It Violated State Laws

City contends challenge is untimely because it was not brought within statutory limitations period

Citation: *Haro v. City of Solana Beach*, 2011 WL 1797292 (Cal. App. 4th Dist. 2011)

CALIFORNIA (05/12/11)—This case addressed the issue of when a cause of action challenging a city's denial of a project accrued, and thus, whether the action was brought timely.

The Background/Facts: In April 2008, the City of Solana Beach (the "City") determined that a mixed-use development proposal—the Cedros Crossing proposal—was inconsistent with certain local zoning and specific plan requirements. The city directed the project's proponents to redesign the project.

About two months later, on July 3, 2008, Rosa Haro and Carlos Ibarra (collectively, the "Plaintiffs") gave the City written notice that the City's failure to approve the project constituted a failure to implement the City's Housing Element. The City's Housing Element was a required part of the City's general plan. It contained policies to provide for the City's regional housing needs.

The Plaintiffs indicated that they intended to take formal legal action if the City did not amend and/or implement the Housing Element.

The City responded by adopting Resolution 2008-152, retaining outside defense counsel to represent the City in the challenge to the Housing Element.

More than one year later, on September 2, 2009, the Plaintiffs filed a legal action against the City. Among other things, the Plaintiffs action alleged that the City "failed to implement" its Housing Element by rejecting the Cedros Crossing proposal.

The City demurred to all causes of action. The City argued that the Plaintiffs' claims were untimely. The City pointed to California Government Code § 66499.37, which establishes a 90-day limitations period for claims challenging a public entity's actions "concerning a subdivision," including "the approval of a tentative map or final map."

The Plaintiffs argued that the suit was governed by the one-year limitations period of § 65009(d) because it pertained to affordable housing and alleged violations of housing element law.

The trial court agreed with the City that § 66499.37 applied. It held that the Plaintiffs' claims were untimely because they were filed more than 90 days after the City took action on the Cedros Crossing project.

The Plaintiffs appealed. On appeal, they again argued that the one-year limitations period of § 65009(d) applied.

DECISION: Affirmed.

The Court of Appeal, Forth District, Division 1, California, concluded that, even assuming the Plaintiffs were correct that § 65009(d) applied, their action was untimely because they filed it more than one year after the limitations period commenced.

Section 65009(d)(2) states in relevant part: "A cause of action brought pursuant to [§ 65009(d)] shall not be maintained until 60 days have expired following notice to the city ... by the party bringing the cause of action A cause of action brought pursuant to [§ 65009(d)] shall accrue 60 days after notice is filed *or* the legislative body takes a final action in response to the notice, whichever comes first."

The court found that the City's "final action" on the Plaintiffs' notice occurred before "60 days after notice [was] filed"; the City's "final action" in response to the Plaintiffs' notice was its August 27, 2008 resolution. Thus, here, the City's final action came first (occurring prior to 60 days postnotice). It was therefore from August 27, 2008, that the one-year limitations period ran. Thus, under § 65009(d), the limitations in the case ended on August 28, 2009, concluded the court. Since the Plaintiffs did not file their complaint until September 2, 2009, it was untimely.

Case Note: The Plaintiffs had contended that under § 65009(d), the statute did not begin to accrue until 60 days after the City took "final action" on the notice. This argument was based on a grammatical construction of § 65009(d)(2). The court rejected that interpretation, finding it would violate the fundamental statutory interpretation principles because the statutory phrase "whichever occurs first" would become meaningless.

Standing—Abutting Property Owners Challenge Grant of Variance to Neighbor

Neighbor maintains abutters' alleged injury to view is insufficient for abutters to establish standing

Citation: *Marhefka v. Zoning Bd. of Appeals of Sutton*, 79 Mass. App. Ct. 515, 2011 WL 1796528 (2011)

MASSACHUSETTS (05/13/11)—This case addressed the issue of whether abutting property owners' alleged injury to their view from their neighbors proposed project was sufficient to give them standing (i.e., the legal right) to challenge the grant of a variance for the project to their neighbors.

The Background/Facts: Rosanne LaBarre and Jon Scott (collectively, the "Scotts") owned a home in the Town of Sutton (the "Town"). Their property had frontage on a pond and was within an R-1 zoning district. The Town's bylaw provided certain dimensional and density provisions for lots in the R-1 zoning district.

The Scotts sought to build a two-car garage, with attic space above, on a building footprint 24 feet by 24 feet. The Scott's existing use, while historically consistent with the cottage-campsite character of several surrounding properties, was nonconforming as to density and dimensions under the bylaw. The addition of the garage would increase the existing density and dimensional nonconformity. It would also partially obscure the view of the pond from the home of the abutting property owners—Robert and Linda Marhefka (the "Marhefkas").

In furtherance of their proposed garage, the Scotts applied to the Town's Zoning Board of Appeals (the "Board") for a necessary variance from the density and dimensional requirements of the bylaw.

The Board granted the Scotts' requested variance.

The Marhefkas appealed the grant of the variance to Land Court.

The Scotts argued that the Marhefkas' action failed because the Marhefkas lacked standing (i.e., legal right) to bring the action. The Scotts argued that the Marhefkas had not alleged violation of an interest protected by the Town's bylaw, which was required for standing.

The Land Court judge agreed with the Scotts. Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the judge issued summary judgment in favor of the Scotts. The judge determined that the Marhefkas' claims of loss of view and resulting diminution of property value were not protected

interests under the bylaw, as required for standing under Massachusetts statutory law (Mass. G.L. c. 40A, § 17).

The Marhefkas appealed.

DECISION: Reversed, and matter remanded.

The Appeals Court of Massachusetts concluded that the Marhefkas “did assert a competent basis for standing.”

The court explained that under the Zoning Act, Mass. G.L. c. 40A, § 17, only a “person aggrieved” may appeal a decision of a zoning board. In order to qualify as a “person aggrieved,” said the court, one must assert “a plausible claim of a definite violation of a private right, property interest, or legal interest.” Moreover, “[t]he right or interest asserted must be one that the [bylaw] under which a plaintiff claims aggrievement intends to protect.” Such a protected interest, further explained the court, can arise from: the bylaw’s express language, or implicitly from the intent of the bylaw’s provisions.

Here, the court noted that the applicable bylaw “extensively regulate[d] the dimensions of the lots and density of use. The front, rear, and side yard criteria [were] extensive.” The bylaw defined “open space” as “[t]he portion of the lot area not covered by any structure and not used for drives, parking, or storage” The bylaw also described “yard” as: “[a]n undeveloped, naturally vegetated and/or landscaped strip ... unobstructed from the ground upward and unoccupied except by specific structures and/or uses allowed by the provisions of [the bylaw].” The bylaw specifically noted: “Said yard is intended to provide aesthetic value as well as serve as a spatial and visual buffer between lots.”

Disagreeing with the Land Court judge, the appellate court found that the bylaw clearly “identifie[d] open space and describe[d] ‘yard’ in such a manner as to make protection of view an implicit interest protected by the density and dimensional provisions of the by-law.” The court found that “[a]s a matter of common sense, the yard and setback requirements ha[d] a purpose to preserve open space, implying the ability to see through the open space.” As such, the court found that the Marhefkas’ claims of diminished water view did allege a violation of an interest protected by the bylaw; this alleged view injury related to protected density and dimensional interests. Finding the Marhefkas had, in alleging the injury to their water view, alleged an injury of the density and dimensional interests protected by the bylaw, the court concluded that the Marhefkas “did assert a competent basis for standing.”

See also: *Harvard Square Defense Fund, Inc. v. Planning Bd. of Cambridge*, 27 Mass. App. Ct. 491, 540 N.E.2d 182 (1989).

See also: *Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 849 N.E.2d 197 (2006).

See also: *Dwyer v. Gallo*, 73 Mass. App. Ct. 292, 897 N.E.2d 612 (2008), *review denied*, 453 Mass. 1103, 901 N.E.2d 138 (2009).

Case Note: In its decision, the court also acknowledged that “of course, [a] claim of an impairment of water view, without more, does not confer standing. But where, as here, a neighbor asserts diminished water view as a result of further violation of by-law density and dimensional provisions, including those calling for a ‘visual buffer’ between lots, on an already non-conforming lot, then such an intrusion can confer standing.”

Case Note: Because there was a “disputed degree of the injury,” the court found the case was inappropriate for summary judgment. It therefore remanded the matter to the Land Court for further proceedings consistent with the appellate court’s opinion.

Zoning News from Around the Nation

CALIFORNIA

Whittier city officials are considering a zoning ordinance that would allow and set standards for outdoor displays for businesses.

Source: *Whittier Daily News*; www.whittierdailynews.com

CONNECTICUT

Bridgeport City Council members have reportedly “submitted a proposal that would create a new law to further regulate adult entertainment establishments.” The proposed resolution “would create a sexually-oriented business ordinance.”

Source: *Connecticut Post*; www.ctpost.com

INDIANA

Dowagiac officials “are proposing an amendment to the zoning ordinance that would essentially ban the use of marijuana at all locations

other than a cardholder's residence." Essentially, the ordinance would "treat medical marijuana as a home occupation," requiring a business license. The proposed ordinance would also ban medical marijuana dispensaries from the city, and prohibit the sale of marijuana from storefronts or other businesses.

Source: *South Bend Tribune*; www.southbendtribune.com

MASSACHUSETTS

The state senate is considering Senate Bill 1019, the Comprehensive Land Use Reform and Partnership Act ("CLURPA"). The bill reportedly would "overhaul Chapter 40-A, the zoning enabling statute, which is essentially the set of rules that dictate how and what gets built on land in the Commonwealth."

Source: *Boston Globe*; www.boston.com

NEW YORK

Recently proposed state legislation, S. 3472, seeks to "empower local governments and allow them to regulate natural gas drilling through local planning and zoning." Reportedly, "[u]nder the legislation, local governments would be given clear authority to enact and enforce local zoning ordinances or laws governing oil, gas, and other solution mining development."

Source: *WKTV*; www.wktv.com

PENNSYLVANIA

The state House Local Government Committee has "shelved" proposed legislation that "would have dispensed of existing law requiring government entities to advertise public notices in [newspapers]" and instead required online notification.

Source: *Williamsport Sun-Gazette*; www.sungazette.com

The state senate is considering a bill, Senate Bill 898, that would reportedly "grant preemption to quarries from all local ordinances." Reportedly, although the bill would "not exempt applications from quarry operators from complying with zoning," it provides that "all local ordinances and enactments purporting to regulate surface mining are hereby superceded" and proposes that it "shall apply to any subdivision and land development plan pending on or after the effective date of this section."

Source: *The Mercury*; <http://pottsmmerc.com>