

City of Ramsey
Agenda
Regular Planning Commission
Thursday, November 3, 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:
Planning Commission meeting minutes dated October 6, 2011
- 5. Note City Council Minutes**
 1. Note the Following City Council Meeting Minutes:
City Council meeting minutes dated September 13, 2011
City Council meeting minutes dated September 27, 2011
- 6. Public Hearing/Commission Business**
 1. Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Ave NW; Case of Rum River Retail Ventures, LLC
 2. Consider Amendments to the Development Review Process
 3. Staff Update
 4. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 11/03/2011

By: JoAnn Shaw, Community Development

Title:

Approve the following Planning Commission meeting minutes:

Planning Commission meeting minutes dated October 6, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

10.06.11

Form Review

Inbox
Tim Gladhill

Reviewed By
Tim Gladhill

Date
10/27/2011 01:03 PM
Started On: 10/27/2011 12:14 PM

Form Started By: JoAnn Shaw

Final Approval Date: 10/27/2011

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 6, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice Chairperson Gary Van Scoy
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Joseph Field

Members Absent: Chairperson Gary Levine
 Commissioner Andrew Dunaway
 Commissioner Rob Schiller

Also Present: Senior Planner Tim Gladhill
 Management Intern Patrick Brama

CALL TO ORDER

Vice Chairperson Van Scoy called the regular meeting to order at 8:05 p.m.

CITIZEN INPUT

None.

APPROVAL OF AGENDA

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

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

APPROVE PLANNING COMMISSION MINUTES

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

- 1) Joint Planning Commission and Environmental Policy Board meeting minutes dated September 8, 2011.
- 2) Planning Commission public hearing and regular meeting minutes dated September 8, 2011

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

NOTE CITY COUNCIL MINUTES

The Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Request for an Amended Conditional Use Permit for an Accessory Dwelling at 16101 Ramsey Blvd. NW; Case of Anthony Reed

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 8:06 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Lisa Clampitt, 16051 Ramsey Blvd. NW, stated that the previous owner's mother-in-law passed away before she could move in so the cottage has been rented out from the beginning. She continued that she is in support of the applicant's request.

Tom Anderson, 16121 Ramsey Blvd. NW, stated it is tucked in the back, but they see it out their porch and see everything that happens there. He stated in the month and a half they have lived at their address, there have been two different tenants. The house is for sale on Craigslist, and he is concerned that the next tenant might not take as good care of it as the current owner.

Vice Chairperson Van Scoy asked if there was an ordinance that addresses maintenance of rental properties.

Senior Planner Gladhill stated that there is a property maintenance code and if the exterior of the building deteriorates code enforcement can be utilized. There is also a nuisance ordinance that would address such issues as long grass or off street parking.

Donald Kottschade, 16135 Ramsey Blvd. NW, stated he also observed that the house was for sale on Craigslist. He stated the rental house is in the back and towards the backyard of his house and he is concerned with the rental traffic. He has lived in his house since 2003 and there have been numerous tenants, fortunately all decent, but rental traffic can be concerning.

Anthony Reed, the applicant, 16101 Ramsey Blvd. NW, stated the history of the property. He stated he is not aware of any parking or police concerns with the cottage.

Vice Chairperson Van Scoy asked if a title search was done on the property and if Mr. Reed received a copy of the conditional use permit at the time of closing.

Mr. Reed stated he assumed it was done, as he purchased title insurance and he received a stack of papers but does not believe he received a copy of the conditional use permit.

Commissioner Brauer asked if the house was for sale on Craigslist.

Mr. Reed stated he is going in a different direction to clean up the neighborhood and is not selling the house at this time.

Commissioner Field asked if the accessory dwelling was currently rented.

Mr. Reed stated no, his uncle and aunt are currently living there.

Motion by Commissioner Bauer, seconded by Commissioner Field, to close the public hearing.

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

Chairperson Levine closed the public hearing at 8:37 p.m.

Commission Business

Discussion ensued regarding the use; is it lawful non-conforming, the CUP states it is not to be a rental property; however, it became a part of the rental licensing program, and how the history of rental of the accessory dwelling affects the amendment to the CUP.

Commissioner Bauer stated that the best use of the existing structure regardless of how it came about or how it has been used. The best case for it to be well maintained is to allow it be used as a residential facility.

Commissioner Field stated he likes that policy however, it appears to be rewarding not following what was previously approved. He likes the policy of allowing accessory dwellings as a potential rental. Today you see more and more relatives moving back in with relatives so there is more of a demand.

Vice Chairperson Van Scoy stated he is frustrated with the fact that we have a CUP that was very specific and the City issued a rental license and created the problem.

Senior Planner Gladhill asked if the Commissioners would like to have the City Attorney's opinion if the Commission is setting any precedence that a rental license was given and on the federal acts as well.

Commissioner Brauer stated that he is not just frustrated but angry, the commission passed this with a very specific requirement and he would like to know what happened that would allow

them to rent the accessory structure outside the terms of the CUP and secondly he needs to hear from the City Attorney on the legality of allowing only relatives before he could vote on the amendment.

Vice Chairperson Van Scoy stated the CUP states that it is not a rental dwelling and it will not be rented and what he needs to know from the City Attorney is if the mistake of issuing a rental license voids out the CUP.

Commissioner Bauer stated he does not favor tabling it, the CUP was given to the previous owner and that owner did not follow the specific conditions and he thinks the best use of this property for the current owner and future owners is to allow the second unit to be used as a rental unit.

Commissioner Field stated the Commission has been requested to recommend a policy related to accessory apartments and they haven't even gotten into the subject. He sees the necessity to deliberate on this particular subject further and is in favor of tabling the case to allow for further input and allow for more measured discussion as how to treat this situation and address the policy the council is seeking.

Motion by Commissioner Brauer, seconded by Commissioner Field to table the case for additional city attorney input.

Further Discussion

Vice Chairperson Van Scoy stated that the intent was not to rent, but to let a relative stay there, so the issue of being a relative is not consequential.

Commissioner Brauer stated that the issue is on the table to look at developing a policy. He interjected to make it clear that his experience has been that the City has done an excellent job at enforcing CUPs and this is very unusual, he didn't want to imply that Staff is not performing well or that we have a problem with staff or issuances of CUPs.

Vice Chairperson Van Scoy stated that this was not an issue created by current staff. We have a motion to table and the applicant agrees with that.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, and Field. Voting No: Commissioner Bauer. Absent: Chairperson Levine, Commissioners Dunaway and Schiller.

Case #3: Staff Update

The Staff Update was noted.

Case #4: Zoning Bulletins

The Zoning Bulletins were noted.

COMMISSION/STAFF INPUT

ADJOURNMENT

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Brauer, to adjourn the meeting.

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

The regular meeting of the Planning Commission adjourned at 8:23 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Regular Planning Commission

5. 1.

Meeting Date: 11/03/2011

By: JoAnn Shaw, Community Development

Title:

Note the Following City Council Meeting Minutes:

City Council meeting minutes dated September 13, 2011

City Council meeting minutes dated September 27, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

[09.13.11 City Council Meeting Minutes](#)

[09.27.11 City Council Meeting Mintues](#)

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	10/26/2011 10:19 AM
Form Started By: JoAnn Shaw		Started On: 10/25/2011 12:15 PM
	Final Approval Date: 10/26/2011	

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

The Ramsey City Council conducted a regular meeting on Tuesday, September 13, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Public Works Director Brian Olson
Senior Planner Timothy Gladhill
City Engineer Tim Himmer
Finance Officer Diane Lund
City Attorney William Goodrich

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., and led in the Pledge of Allegiance.

2. PRESENTATION

Mayor Ramsey read in full a resolution proclaiming October 2011 Domestic Violence Awareness Month and noted this resolution is on this evening's Consent Agenda.

3. CITIZEN INPUT

Jim Bendtsen, 14131 Junkite Street NW, Ramsey, inquired if the anticipated walkway will lead to the proposed apartment project in The COR. Mayor Ramsey said the elevator will connect from the train stop to parking ramp.

Mr. Bendtsen asked how the walkway will be paid for. Mayor Ramsey said the project will be paid for by all of the partners, through a grant, and through a portion of the City's contribution.

City Administrator Ulrich said the total project cost is \$14.2 million, so with the connection to the ramp the City's portion would be \$4.7 million. He stated this amount includes the County's contribution to other projects within the District that supports the rail station of \$3 million, adding the County can only fund up to 10% of the project, therefore their money will be used in other locations.

Mayor Ramsey said the County's Regional Rail Authority wants to contribute \$3 million but by State Statute is allowed to only contribute \$1.3 million, so they will give us another \$1.7 million more for use in other projects, totaling \$3 million.

Finance Officer Lund stated that one existing TIF District is coming offline in a couple years and if there is a shortfall, we can do short-term borrowing against our existing TIF District to pay back that debt service.

Mayor Ramsey noted the funds for this project are not coming from the City's general fund but from TIF District funds.

Mayor Ramsey noted the Consent Agenda should be approved prior to approving the Regular Agenda.

4. CONSENT AGENDA

City Administrator Ulrich stated Items 5.7 and 5.8 were being removed from the Consent Agenda and included as Items 7.6 and 7.7 under Council Business.

Motion by Councilmember Wise, seconded by Mayor Ramsey to approve the following items on the Consent Agenda as amended:

- 5.1 Receive Cash & Investments for Period Ending August 31, 2011
- 5.2 Receive July 2011 Financial Reports – General Fund and Enterprise Funds
- 5.3 Approve the Following Meeting Minutes:
 - 1) City Council Work Session – August 9, 2011
 - 2) City Council Regular – August 9, 2011
 - 3) City Council Special – August 15, 2011
- 5.4 Approval for Exemption for a Gambling License for the Church of St. Katharine Drexel to Hold a Raffle on October 1, 2011
- 5.5 Approval of Application from the Ramsey Women of Today to Conduct Bingo at Ramsey Happy Days on September 16 & 17, 2011
- 5.6 Approve Rental License Application
 - Rental License
 - Rivers Bend Apartments, 13929 St. Francis Boulevard NW, Ramsey, MN 55303
- ~~5.7 Approve Memorial Site Easement Agreement – Ramsey Rotary and the City of Ramsey~~
- ~~5.8 Consider Change Order for Improvement Project 10-22 Parking Ramp Expansion~~
- 5.9 Authorize Requests for Proposals for Audit Services
- 5.10 Approve Rescheduling November 8 City Council Meeting to November 1, Due to School District Election

- 5.11 Adopt Resolution #11-09-154 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the period of August 18, 2011 through September 7, 2011.
- 5.12 Adopt Resolution #11-09-155 Declaring Cost to be Assessed and Calling for a Public Hearing on Proposed Assessment for Past-Due Charges on Municipal Utility Bills (which may include water, sewer, street lighting, recycling, storm water charges and penalties incurred) an Current Services Rendered
- 5.13 Adopt Resolution #11-09-156 Proclaiming October 2011 Domestic Violence Awareness Month
- 5.14 Adopt Resolution #11-09-157 to Assign a Councilmember to Boards and Committees
- 5.15 Adopt Resolution #11-09-158 Accepting the City Administrator's Annual Performance Evaluation
- 5.16 Report from Public Works
 - 1) Review Standard Contract Language Related to Construction Projects – *Ratify the recommendation of the Public Works Committee to include a 3% construction contingency, up to \$15,000, on all projects with City Administrator approval. This would give staff the ability to effectively manage projects to account for unforeseen conditions and necessary project revisions.*
 - 2) Update on Recent Storm and Flooding Complaints – *Ratify the recommendation of the Public Works Committee to authorize staff to prepare the necessary plans and specifications, and receive quotes, to address the immediate corrective actions identified in staff's summary.*
 - 3) Discuss Grading Permit Requirements – *Ratify the recommendation of the Public Works Committee to verify if the grading portion of the State Building Code had already been adopted and that an administrative grading permit process be developed.*

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Backous, Elvig, McGlone, Strommen, Tossey, and Wise. Voting No: None.

5. APPROVE AGENDA

City Administrator Ulrich stated that Item 7.05 is being removed from the agenda and Item 7.08 is being added to Consider Change Order for Improvement Project 11-09 Revised Project Scope Bituminous Overlay for Alpine Drive.

Motion by Councilmember Wise seconded by Councilmember Backous to approve the agenda as amended.

Further discussion: City Attorney Goodrich asked that Item 7.06 be moved first under Council Business.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Backous, Elvig, McGlone, Strommen, and Tossey. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing to Consider Request of Wells Catering, Inc. d/b/a/ Wells Catering for Liquor License at 7533 Sunwood Drive

Presentation

City Attorney Goodrich reviewed the staff report.

Public Hearing

Mayor Ramsey closed the regular portion of the City Council meeting at 7:10 p.m. in order to conduct a public hearing.

Citizen Input

Mayor Ramsey called the public hearing to order at 7:10 p.m.

There was no citizen input.

Motion by Councilmember Wise, seconded by Councilmember McGlone, to close the public hearing at 7:10 p.m.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, McGlone, Backous, Elvig, Strommen, and Tossey. Voting No: None.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:10 p.m.

Councilmember McGlone inquired how they are serving alcohol now. City Attorney Goodrich said Wells Catering has a caterer's license, which allows them to serve alcohol at various locations.

Motion by Councilmember Backous, seconded by Councilmember Strommen, to approve an On-Sale and Sunday Sales Liquor License for Wells Catering, Inc. d/b/a/ Wells Catering at 7533 Sunwood Drive NW, Ramsey, Minnesota.

Further discussion: None.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Backous, Strommen, Elvig, McGlone, Tossey, and Wise. Voting No: None.

7. COUNCIL BUSINESS

7.01: Adopt Resolution #11-09-XXX Approving Proposed 2012 EDA Levy

Finance Officer Lund reviewed the staff report.

Councilmember Backous left the dais at 7:32 p.m.

Councilmember Tossey confirmed that the proposed EDA levy can only be decreased.

Mayor Ramsey inquired about the savings considering what was levied last year. Finance Officer Lund stated the levy is about \$30 on a \$200,000 valued home, or almost half.

Motion by Councilmember Wise, seconded by Mayor Ramsey, to adopt Resolution #11-09-159 approving the recommendation of the EDA and approve the proposed EDA Levy for Payable 2012 in the amount of \$169,853.

Further discussion: None.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise Elvig, McGlone, Strommen, and Tossey. Voting No: None. Councilmember Backous absent for vote.

7.02: Adopt Resolution #11-09-XXX Approving Proposed 2012 Payable Tax Levy

Finance Officer Lund reviewed the staff report. She stated the proposed levy can only be decreased; adding the final levy will be brought forward on December 13, 2011, for adoption and to hold the truth in taxation hearing. She added this is the first year since 2008 that Ramsey has had no levy limits.

Mayor Ramsey said the levy is proposed at a slight increase because we did not have the Market Value Homestead Credit (MVHC) calculations right. He added we are not done with the budget and if we cut too far there is no control and no recourse. He stated that although this is not much of an increase we have every intention of keeping taxes the same or less than last year.

Motion by Councilmember Wise, seconded by Councilmember Elvig, to adopt Resolution #11-09-160 Approving the Proposed 2011, Payable 2012, Tax Levy.

Further discussion: Councilmember Elvig said there have been many changes in the tax structure and while this may look high, Council is still trying to cut costs. He said that the last legislative session changed a lot of things for Ramsey. Councilmember Tossey stated we are not going to raise the levy even 1.2% and will likely decrease it instead.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Elvig, McGlone, Strommen, and Tossey. Voting No: None. Councilmember Backous absent for vote.

Finance Officer Lund explained that this is a preliminary levy because the Department of Revenue wanted to respond to cities wanting an extension because the State's numbers are not available at this time.

Councilmember Backous returned to the dais at 7:39 p.m.

7.03: Review and Adopt Proposed 2012 General Fund Budget

Finance Officer Lund reviewed the staff report.

Mayor Ramsey noted this is a preliminary 2012 General Fund Budget and not a final budget at this time

Motion by Mayor Ramsey, seconded by Elvig, to adopt Resolution #11-09-161 Adopting the Proposed 2012 General Fund Budget.

Further discussion: Councilmember Strommen invited the public to attend the truth in taxation hearing, adding that the State finishing their budget so late made it harder on the cities. Finance Officer Lund stated the preliminary budget will be posted on the City's website. Mayor Ramsey noted the truth in taxation meeting schedule is also posted on the website. Finance Officer Lund stated that after the County sends their preliminary numbers, they set the tax rate, so final numbers should be available around Thanksgiving.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, McGlone, Strommen, Tossey, and Wise. Voting No: None.

7.04: Adopt Ordinance No. XX to Amend City Code Section 117-90 Entitled Map; Case of Stoney River

Associate Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to waive the Charter requirement to read the ordinance aloud and adopt Ordinance #11-12 Approving the Zoning Amendment to R-3 Residential.

A roll call vote was performed by the Recording Secretary:

Councilmember Strommen	aye
Councilmember Tossey	aye
Councilmember McGlone	aye
Councilmember Elvig	aye
Councilmember Backous	aye
Councilmember Wise	aye
Mayor Ramsey	aye

Motion carried.

~~7.05: Consider Sanitary Sewer Options for the Property Located at 5220 156th Lane NW~~

Item removed from the agenda.

7.06: Approve Memorial Site Easement Agreement – Ramsey Rotary and the City of Ramsey

City Attorney Goodrich reviewed the staff report.

Mayor Ramsey said he requested that this item be removed from the Consent Agenda because he understood this memorial was to be for a memorial park and not about the building explosion on Highway 10. He said it is not appropriate to do a memorial for a specific event on public property.

Councilmember Backous said the intended memorial is to be all-inclusive; adding the outer ring of pavers is intended for veterans and others. He stated that Police and Fire have a vested interest in both this event as well as the anniversary of 9-11 and this memorial is a wonderful model.

Mayor Ramsey said the explosion predicated the entire idea but the Council at that time wanted any memorial to be all-encompassing. He stated that Rotary's marketing is only focusing on the specific event.

Councilmember Backous said there may be an issue with the marketing but the monument itself doesn't specify that specific event.

Councilmember Strommen agreed that while a specific event led to the idea she agrees we can't have memorials everywhere so this could create one place in the City for such a memorial. She stated she saw this as a much broader scope.

Councilmember McGlone said the intent changed over time from a public memorial to a memorial for a "private disaster," adding there seems to be a disconnect in the intent.

Councilmember Tossey asked if this project was to be included in The Draw across on Sunwood Drive. Mayor Ramsey said the idea came up in 2009 and was going to be included in the park that in Ramsey Town Center, but when that project did not materialize, the Rotary began searching for an alternative; now the park is available in The Draw.

Councilmember Tossey stated that most memorials are for public service such as military and officers and that he is opposed to a memorial to private citizens on City property.

Mayor Ramsey said the proposed design depicts three women looking upward, which makes him believe the memorial is for the one event. He suggested that Council postpone consideration in order for Rotary to reconsider their design.

Councilmember Elvig agreed with the postponement, stating there needed to be something to inspire this action, which this project does. He said the rings depict everyone and that he would hate to see the concept thrown out. He likened the City's change in The COR's marketing to Rotary's change in marketing which should help the project move forward.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to postpone Approval of the Memorial Site Easement Agreement for Ramsey Rotary and the City of Ramsey.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Elvig, McGlone, Strommen, and Tossey. Voting No: Councilmember Backous.

7.07 Consider Change Order for Improvement Project 10-22 Parking Ramp Expansion

Public Works Director Olson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to Approve Change Order for Improvement Project 10-22 Parking Ramp Expansion.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Backous, Elvig, McGlone, and Strommen. Voting No: Councilmember Tossey.

7.08: Consider Change Order for Improvement Project 11-09 Revised Project Scope for Bituminous Overlay for Alpine Drive

Public Works Director Olson reviewed the staff report.

Motion by Councilmember Backous, seconded by Councilmember Tossey, to Approve Change Order for Improvement Project 11-09 Revised Project Scope for Bituminous Overlay for Alpine Drive.

Further discussion: Councilmember Elvig noted the road is fairly new and asked why it deteriorated so quickly in 12 years. Public Works Director Olson stated that Alpine Drive was built in the mid 1990s, but although the deterioration is still early, this road carries a lot of traffic volume of the City. Councilmember Elvig asked if there are different methods we should be tiling. Public Works Director Olson stated there has been discussion about utilizing technology for overlays for certain segments but stated staff reserved that option for the east side of the City as it stood up much better. Councilmember McGlone said the Public Works Committee discussed this process so we will know how to get a better road next time by utilizing the full depth reclamation rather than a band aid approach.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Backous, Tossey, Elvig, McGlone, Strommen, and Wise. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich outlined the following events, adding that due to this schedule there will be no Council meetings held on September 20.

Mayor's Town Hall Meeting

The Mayor's Town Hall Meeting will be held Wednesday, September 14, 2011, instead of Thursday, September 15, 2011. The meeting will be held in the Trott Brook Room, adjacent to the Lake Itasca Room.

Ribbon Cutting/Open House

The Ribbon Cutting/Open House for MultiSource Manufacturing, 6690 Sunwood Drive NW, will be held on Thursday, September 15, 2011.

Farmer's Market

The Farmer's Market will be open on Thursdays, 3:00 p.m. to 7:00 p.m., at The Draw.

BOB FM Live Broadcast, Community Picnic

Residents are encouraged to shop at the Farmer's Market and receive free food from the grill - The Amphitheater at The Draw.

Taste of Community

The Youth First Community of Promise Fundraiser will take place at the Greenhaven Golf Course, 2800 Greenhaven Road in Anoka from 5:30 p.m. to 9:00 p.m. Proceeds will benefit Youth First and tickets are \$30 per person.

RoofRaiser Event

Mayor Ramsey noted that several Councilmembers will be participating in an event called RoofRaiser to raise money and awareness for the Lee Carlson Center for Mental Health and Well Being. They, along with Senator Jungbauer, will be camped out overnight on the roof of Coborn's. The festivities begin at 6:00 p.m. on Friday, September 16, and end at noon on Saturday. Everyone is invited to stop by to visit and donate, if they would like. He stated he was scheduled to attend but no longer can due to another commitment.

City of Ramsey Happy Days Festival

The City of Ramsey Happy Days Festival will begin with Family Fun Night at 6:00 p.m. on Friday, September 16. There will be events all day Saturday, September 17, and end with a bike tour on Sunday, September 18, from 1:00 p.m. to 4:00 p.m. Interested parties can contact City staff or visit the City's website for the schedule of events.

Statement from Councilmember Elvig

Councilmember Elvig read a statement into the record regarding issues surrounding the closure of his business, stating that while he has been served a complaint he is still in full capacity to serve on the City Council.

More on Happy Days

Councilmember McGlone stated the Happy Days carnival has been discontinued but is being replaced with free inflatables sponsored by a local church.

Councilmember Elvig added that a bonfire will be held on Friday night of Happy Days as well.

Happy Days, Concert Events & Town Hall Meeting

Mayor Ramsey stated that Ramsey Foundation will be hosting a pancake breakfast after the 5K run at City Hall. He added that the final concert of the season will be held this week and is sponsored by BOB FM. He also invited residents to attend his Town Hall meeting on September 15.

County Road Project(s) Update

Public Works Director Olson stated the County Board met today and awarded a contract for County Road, which will begin soon. He stated the project will be done under traffic and will be a County road project. He said there will be a temporary road closure this week on Bunker Lake Boulevard in order to conduct an emergency culvert replacement for Anoka County, which will require some rerouting. Public Works Director Olson stated that Sunfish Lake Boulevard and Alpine Drive is also a County road project and will continue through the week of September 12 with final paving on Wednesday and striping on Thursday, with full closure until complete. He concluded that they are working through Dysprosium Street underground utility issues but that they hope to pour curb by the end of this week, which will be followed by sidewalks and paving.

Councilmember Elvig confirmed that the final lift will occur on the pavement prior to winter.

Public Works Director Olson shared that a traffic change on Armstrong Boulevard occurred last week but completion will likely be next month. He added that there will be progress on the change order soon as well.

Councilmember McGlone confirmed that Armstrong will include two left turn lanes so the new side of the road is not the completed road.

9. ADJOURNMENT

Motion by Councilmember Tossey, seconded by Councilmember Backous, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 8:03 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Cathy Sorensen
TimeSaver Off Site Secretarial, Inc.

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

The Ramsey City Council conducted a regular meeting on Tuesday, September 27, 2011 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Jeffrey
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Fire Chief Dean Kapler
Public Works Director Brian Olson
Associate Planner Timothy Gladhill
City Engineer Tim Himmer
Police Chief James Way
Finance Director Diana Lund
Parks Supervisor Mark Riverblood
City Attorney William Goodrich
Development Manager Darren Lazan

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Wise, seconded by Councilmember McGlone, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, McGlone, Backous, Elvig, Strommen, and Tossey. Voting No: None.

5. CONSENT AGENDA

Motion by Councilmember Strommen, seconded by Councilmember Wise, to approve the following items on the Consent Agenda as presented.

- 5.01 Note the Following Commission and Boards Meeting Minutes:
 - 1) Board of Adjustment meeting minutes dated June 2, 2011
 - 2) Economic Development Authority meeting minutes dated July 14, 2011
 - 3) Environmental Policy Board meeting minutes dated August 1, 2011
 - 4) Planning Commission meeting minutes dated August 4, 2011
- 5.02 Approve License Applications:
 - Motor Vehicle
 - B Brothers Auto LLC, 7103 Highway #10 NW, Suite A, Ramsey, MN 55303
- 5.03 Approve the following Meeting Minutes:
 - 1) Canvassing Board – August 23, 2011
 - 2) City Council Work Session – August 23, 2011
 - 3) City Council Regular Session – August 23, 2011
- 5.04 Introduce Ordinance to Assign Board of Adjustment and Appeals Duties to the Planning Commission
- 5.05 Adopt Resolution #11-09-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of September 8, 2011 through September 21, 2011
- 5.06 Adopt Resolution #11-09-XXX Approving the Classification and Sale of Tax-Forfeit Parcel in the City of Ramsey - Namely Lot 1, Block 3, Pondvale Estates 2nd Addition - PIN 23-32-25-44-0040
- 5.07 Adopt Resolution #11-09-XXX Authorizing Distribution of Non-TIF Funds (Interest Earnings) to HRA & PIR Funds in the Amount of \$357,250
- 5.08 Adopt Resolution #11-09-XXX Authorizing Partial Payment to Omann Brothers Paving Inc. for IP 10-25 Chameleon Street Paving
- 5.09 Adopt Resolution #11-09-XXX Authorizing Partial Payment to Asphalt Surface Technologies Corporation for IP 11-01 through 11-04; 2011 Street Maintenance
- 5.10 Adopt Resolution #11-09-XXX Authorizing Partial Payment to North Valley Inc for IP 11-05 through 11-06 Dive B 2011 Street Maintenance Program
- 5.11 Adopt Resolution #11-09-XXX Authorizing Partial Payment to County Line Excavating, LLC for IP 09-25 Dysprosium Street Reconstruction
- 5.12 Adopt Resolution #11-09-XXX Authorizing Final Payment to Rum River Contracting for IP 08-34 151st, 152nd, and Fluorine Street

- 5.13 Adopt Resolution #11-09-XXX Authorizing Partial Payment to Rum River Contracting for IP 10-07 Alpine/Roanoke Street Improvements
- 5.14 Adopt Resolution #11-09-XXX Authorizing Final Payment to Gohman Construction for IP 10-23 East Meandering Commons Park (aka, *The Draw*)
- 5.15 Adopt Resolution #11-09-XXX Authorizing Final Payment to CB&I Inc. for IP 08-21 Water Tower No. 3
- 5.16 Adopt Resolution #11-09-XXX Authorizing Partial Payment to Douglas-Kerr Underground, LLC for IP 11-21 Armstrong and Bunker
- 5.17 Report from the Personnel Committee meeting held on September 13, 2011.
 - 1) Discussion Regarding the Recent All-staff Employee Satisfaction Survey – *No action required.*
 - 2) Consider a Resolution to Approve a Non-union Sick Leave for Wellness Policy – *Ratify the recommendation of the Personnel Committee adopting Resolution #11-09-XXX to approve a Non-union Sick Leave for Wellness Policy.*

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Strommen, Wise, Backous, Elvig, McGlone, and Tossey. Voting No: None.

6. PUBLIC HEARING

6.01: Public Hearing and Levy of Assessments for Past-Due Charges on Municipal Utility Bills and Current Services Rendered

Mayor Ramsey closed the regular portion of the City Council meeting at 7:03 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:03 p.m.

Presentation

Finance Director Lund reviewed the staff report.

Citizen Input

There was none.

Motion by Councilmember Elvig, seconded by Mayor Ramsey 7:04 p.m., to close the public hearing.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, McGlone, Strommen, Tossey, and Wise. Voting No: None.

The public hearing was closed at 7:04 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:04 p.m.

Councilmember Elvig pointed out the property taxes stay with the property; they do not follow the owner.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to adopt Resolution #11-09-XXX Adopting Assessments for Past-Due Charges on Municipal Utility Bills [Which May Include Water, Sewer, Street Lighting, Recycling, Storm Water Charges and Penalties Incurred] and Current Services Rendered.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, McGlone, Strommen, Tossey, and Wise. Voting No: None.

7. COUNCIL BUSINESS

7.01: Request for Conditional Use Permit to Exceed Sign Size Restrictions at 7545 Veterans Drive NW; Case of PSD, LLC.

Environmental Coordinator Chris Anderson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to adopt findings of fact relating to PSD, LLC's request for a conditional use permit to exceed sign size restrictions established in City code subject to review by the City Attorney as to legal form and to approve PSD, LLC's request to exceed sign size restrictions based on the findings of fact, and adopt a resolution declaring terms of conditional use permit subject to review by the City Attorney as to legal form.

Further discussion: Councilmember Wise questioned the reason for denial when Allina requested overages in sign size. Environmental Coordinator Anderson responded their overages were ultimately approved. The concern was signage at the access point versus wall signage. The signage on the monument sign was a height difference of 6 inches from what was originally requested. Councilmember Elvig inquired if staff will readdress the signage policy. Environmental Coordinator Anderson noted staff is aware of the difficulties maintaining some of the requirements. He added this is something staff is working on with the Planning Consultant. Councilmember McGlone said he watched the meeting and learned one of the findings referred to the federal sign requirement standards. Environmental Coordinator Anderson stated the builder is following those standards.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Wise, Backous, Elvig, Strommen, and Tossey. Voting No: None.

7.02: Consider Award of Bids for IP 11-09, the Bituminous Overlay of Alpine Drive

Public Works Director Olson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to enter into a contract for IP 11-09 Bituminous Overlay of Alpine Drive with North Valley, Inc. in the amount of \$363,222.71 for the full depth reclamation of Alpine Drive.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Wise, Backous, Elvig, Strommen, and Tossey. Voting No: None.

7.03: Consider Extension of the Ramsey Star Express Service

Public Works Director Olson reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to ratify the negotiations for the Ramsey Star Express service until December of 2012 or until the opening of the Ramsey Rail Station, whichever comes first.

Further discussion: Councilmember Tossey questioned the amount left in the Landfill Trust. Finance Director Lund answered there is approximately \$2 million; the projected amount at the end of 2013 is \$2,800,000. She explained the City will do an Interfund Loan until revenues come in to pay back the Landfill Trust Fund.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, McGlone, Backous, Strommen, Tossey, and Wise. Voting No: None.

7.04: Consider approval of Master Cooperation, Funding and Delegation Agreement for the Ramsey Rail Station

Public Works Director Olson reviewed the staff report.

Councilmember Elvig stated he would prefer to negotiate an earlier and later bus service than Express currently offers.

Public Works Director Olson responded this is what he meant when he discussed expanding the service that goes to Anoka Technical College. He explained the idea behind the Agreement is that it outlines the roles for the project and the responsibility of the costs. ACCRA approved the Consultant Agreement to move forward with the skyway from the parking ramp to the station earlier in the day. The skyway is in the definition of the project. This sets forth the implementation to the project. He noted another Agreement will document the financing.

Councilmember McGlone clarified a rumor that private money was used to for the rail is false. No private money was used in this deal.

Motion by Councilmember Ramsey, seconded by Councilmember Elvig, to ratify the negotiations for the Ramsey Star Express service until December of 2012 or until the opening of the Ramsey rail station, whichever comes first.

Further discussion: Councilmember Tossey stated he will vote for this motion with the understanding that citizens spend more for the bus as it is currently than they will spend when the TIF district is in effect. He also clarified the skyway is not included in this specific agreement at this time.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, McGlone, Strommen, Tossey, and Wise. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced the Anoka Area Chamber of Commerce will meet Tuesday October 11 at Greenhaven Country Club at 7:30 pm.

Mayor Ramsey noted Happy Days was a successful event. Councilmember Elvig thanked those involved.

City Administrator Ulrich noted the Councilmembers and HRA Commissioners will tour the City. He also indicated there is no Council meeting next Tuesday, October 4; it will be a work session.

9. ADJOURNMENT

Motion by Councilmember Wise, seconded by Councilmember Tossey, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 7:34 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

6. 1.

Meeting Date: 11/03/2011

By: Chris Anderson, Community
Development

Title:

Request for an Interim Use Permit to Allow for the Operation of a Church in the B-1 Business District on the Property Located at 5900 167th Ave NW; Case of Rum River Retail Ventures, LLC

Background:

On October 3, 2011, the City received an application for an Interim Use Permit (IUP) from Rum River Retail Ventures, LLC to allow for the temporary operation of a church in the B-1 Business District. The church operation would be located in a multi-tenant facility located at 5900 167th Ave NW and would utilize the space for church offices, Sunday services and to provide other services, such as youth group meetings/activities, throughout the week.

Notification:

In accordance with State statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The Public Hearing was also noticed in the Anoka County Union, the City's official newsletter for public notices.

Observations:

There is currently an active IUP for this use (church operation in the B-1 Business District) on the Subject Property that will expire on January 2, 2012. When the initial IUP request was reviewed in 2008, essentially all aspects of the use were considered to be harmonious with the surrounding uses and there was and remains adequate parking on site for the use. However, the change in use in 2008 triggered the requirement of fire suppression as outlined in MN State Building Code Chapter 1306. However, there was an understanding that when the current IUP expired, the Property Owner would need to install a fire suppression per City Code or the church would need to relocate to an alternate location. Ultimately, Staff negotiated the term of the IUP down from five (5) to three (3) years and granted a waiver to the fire suppression requirement due to the temporary use. The waiving of the fire suppression was strictly due to the temporary use of the property (three years), which provided the church time to locate a permanent site for its operation.

The Property Owner has now requested an extension of the IUP for a term of five (5) years. It is Staff's opinion that requesting a new IUP for the same use eliminates the temporary nature of the use and as such, fire suppression shall be required per City Code.

Funding Source:

All costs associated with the application are the responsibility of the Applicant.

Staff Recommendation:

The new IUP request is for a full five (5) years. Staff has no objection to the use associated with the IUP request; however, Staff is only supportive of a nine (9) month term that includes very clear benchmarks to ensure that fire suppression is installed. This will provide some assurance that a fire suppression system is installed prior to the expiration of the IUP. A clearly defined schedule will provide adequate time to plan, design, and construct the fire suppression system with ample time before the IUP would be scheduled to expire. Benchmarks that have been incorporated into the IUP include:

- Complete Automatic Fire Suppression Permit Application submittal along with design on or before March 1, 2012; and
- Payment of Automatic Fire Suppression Permit Application fees and issuance of Automatic Fire Suppression Permit on or before July 1, 2012; and
- Automatic fire suppression system approved by City and operational on or before September 1, 2012.

It is Staff's opinion that including these benchmarks will help ensure that there is progression toward installation of a fire suppression system. If the Applicant fails to comply with any of the aforementioned benchmarks, than the IUP would be subject to revocation as outlined in City Code Section 117-52.

Committee Action:

Motion to recommend that City Council adopt findings of fact relating to the request for an Interim Use Permit to allow for a church operation in the H-1 Highway 10 Business District.

-and-

Motion to recommend that City Council adopt Resolution # _____ approving the request for an Interim Use Permit for a term of nine (9) months and declaring the terms as proposed.

Attachments

Site Location Map

Site Layout

Proposed Findings of Fact

Proposed Interim Use Permit

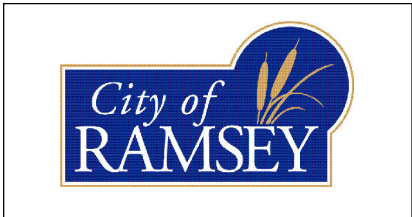
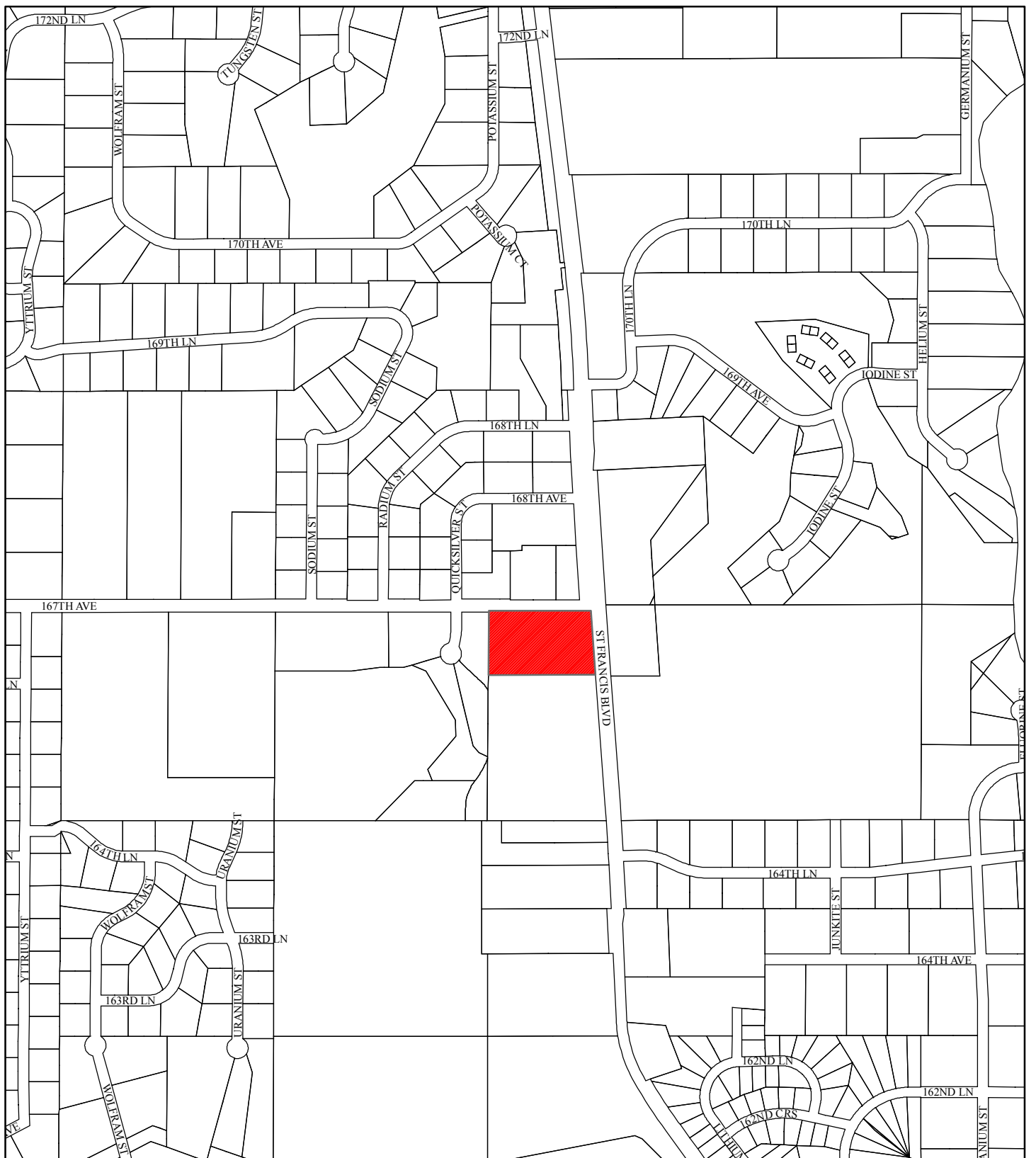
Form Review

Inbox	Reviewed By	Date
Mick Kaehler	Mick Kaehler	10/26/2011 01:29 PM
Matt Kohner	Matt Kohner	10/28/2011 09:02 AM
Tim Gladhill	Tim Gladhill	10/28/2011 09:20 AM
Heidi Nelson	JoAnn Shaw	10/28/2011 02:02 PM

Form Started By: Chris Anderson

Started On: 10/21/2011 11:04 AM

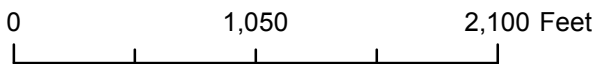
Final Approval Date: 10/28/2011



Rum River Retail Ventures
6002 167th Avenue NW

Legend

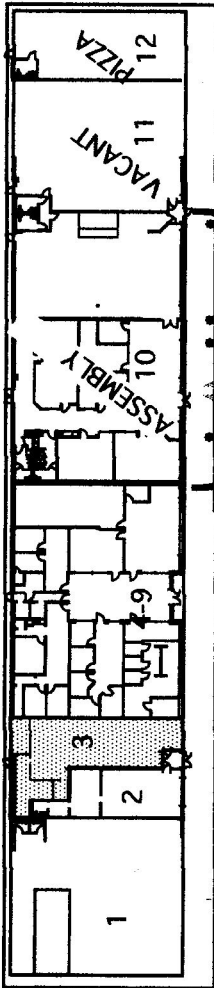
- Site
- Parcels



ST. FRANCIS BLVD NW

70'-0"

PHASE I PHASE II
bldg const



2011 IUP

HOPE FELLOWSHIP

6002 167TH AVENUE NORTHWEST

SITE PLAN

167th AVENUE NORTH

5906 - 6014 167TH AVE NW



1" = 200'-0"

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-11-___

A RESOLUTION ADOPTING FINDINGS OF FACT #___ RELATING TO A REQUEST TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT

WHEREAS, Rum River Retail Ventures, LLC, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit (the "Permit") to operate a Church in the B-1 Business District on the property located at 5900 167th Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on November 3, 2011, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-1 Business District; the parcels to the north (across 167th Ave) are zoned B-1 Business District, the parcels to the east (across Highway 47), which is the golf course, are zoned PUD, and the parcels to the south and west are zoned R-1 Residential (Rural Developing).
3. That the B-1 Business District does not expressly identify churches as a permitted use.
4. That the Applicant is proposing to utilize 8,184 square feet of the multi-tenant building located at 5900 167th Ave NW for the purpose of a temporary Church facility.
5. That the Applicant is requesting that the Permit be granted for five (5) years.
6. That Section 117-52 of City Code allows for an Interim Use Permit to be granted for a maximum of five (5) years.
7. That on October 14, 2008, the City approved an Interim Use Permit (the "2008 Permit") for the Applicant allowing a temporary Church operation on the Subject Property through January 2, 2012.
8. That the change in occupancy in 2008 required the installation of a fire suppression system per MN State Building Code Chapter 1306.
9. That as part of the 2008 Permit request, the fire suppression requirement was waived by the Fire Chief and Building Official due to the limited term of the permit (three [3] years).

10. That as part of the 2008 Permit review process, it was clearly indicated to the Applicant that at the expiration of the 2008 Permit, any application for an extension or for a new Interim Use Permit would be subject to the fire suppression requirement.
11. That the Applicant is required to install a fire suppression system that is approved by the City and operational by September 1, 2012.
12. That the Applicant shall adhere to specific benchmarks outlined in the Permit to ensure timely installation of a fire suppression system prior to the expiration of the Permit; failure to comply with any of the benchmarks shall be cause for the City to review the Permit and consider revocation. The benchmarks are as follows:
 - Complete Automatic Fire Suppression Permit Application submittal on or before March 1, 2012; and
 - Payment of Automatic Fire Suppression Permit Application fees and issuance of Automatic Fire Suppression Permit on or before July 1, 2012; and
 - Automatic fire suppression system approved by City and operational on or before September 1, 2012.
13. That the proposed use will/will not adversely impact traffic in the area.
14. That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
15. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
16. That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
17. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
18. That the proposed use will/will not be detrimental to the economic welfare of the community.
19. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
20. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
21. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-52 (Interim Use Permits) of the City Code.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of November, 2011.

Mayor

ATTEST:

City Clerk

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-11-___

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #_____, AND DECLARING THE TERMS OF SAME.

WHEREAS, Rum River Retail Ventures, LLC has properly applied to the City of Ramsey (the "City") for an interim use permit to operate a church in the B-1 Business District on the property located at 5900 167th Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on November 3, 2011, conducted a public hearing and recommended that the City Council approve/deny the request to operate a church in the B-1 Business District for a term of nine (9) months; and

WHEREAS, the City Council met on November 22, 2011 to review the request for an interim use permit to operate a church in the B-1 Business District on the Subject Property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

This permit is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this permit are as follows:

- 1) Based on Findings of Fact #_____, an Interim Use Permit ("Permit") to allow the temporary operation of Church and Church Offices on the **Subject Property** is hereby granted to Rum River Ventures, LLC ("Permittee").
- 2) The term of the **Permit** shall commence on January 3, 2012 and shall expire nine (9) months thereafter (October 3, 2012).
- 3) This **Permit** is applicable only to the operation of a Church and Church Offices on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the B-1 Business District.
- 4) That in accordance with MN State Building Code Chapter 1306, a fire suppression system is required. This **Permit** is contingent on certain benchmarks being completed as outlined herein:

- Complete Automatic Fire Suppression Permit Application submittal on or before March 1, 2012; and
 - Payment of Automatic Fire Suppression Permit Application fees and issuance of Automatic Fire Suppression Permit on or before July 1, 2012; and
 - Automatic fire suppression system approved by City and operational on or before September 1, 2012.
- 5) This **Permit** is subject to termination if any of the benchmarks identified in Condition #4 are not satisfied.
 - 6) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
 - 7) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
 - 8) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance, safety measures and quantities and storage of combustibles at any time.
 - 9) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
 - 10) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
 - 11) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
 - 12) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this permit unless compliance is waived or excused by the **City**.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of November, 2011.

RUM RIVER RETAIL VENTURES, LLC.

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Rum River Retail Ventures, LLC, a limited liability corporation under the laws of Minnesota, on behalf of the corporation.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, _____, before me, a Notary Public, personally appeared Bob Ramsey and JoAnn M. Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Bob Ramsey and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

This document reviewed by:
Randall & Goodrich
2140 Fourth Avenue
Anoka, MN 55303

Regular Planning Commission

6. 2.

Meeting Date: 11/03/2011

By: Tim Gladhill, Community Development

Title:

Consider Amendments to the Development Review Process

Background:

Part of the City Council's Strategic Goals is to refine the development review process to identify areas for improvement. Staff has prepared several recommendations that fulfill several goals set to achieve an improved review process:

- Make it easy to navigate the process
- Provide sufficient information to understand requirements
- Identify areas to improve timelines
- Make better use of Development Review Meetings (prior to Planning Commission Meetings)

Attached are several documents that outline Staff's recommendations to improve the process.

Notification:

None required.

Observations:

Staff's recommendations are as follows:

Administrative Processes Already Implemented

1. Restructure webpage to act as a Development Review Portal (*in process*)
 - a. All resources stored here
2. Set up planning@ci.ramsey.mn.us as a place to submit applications and plans (*in process*)
 - a. Calendar used as tracking tool
3. Applications (change over as of 1/1/12)
 - a. Single application for all requests
 - b. Separate packets as part of Development Review Manual
 - c. Property Owner acknowledges certification of delinquent escrows
4. Development Review Meetings (internal Staff meetings prior to PC)
 - a. Now prepared as part of AgendaQuick
 - b. Held one (1) week later
 - c. All review comments due prior to the Development Review Meeting Agenda
 - i. Submitted through the Review Comment Sheet
 - d. Application materials and Review Comment Sheet routed through planning@ci.ramsey.mn.us

Additional Recommendations

1. Create Development Review Manual
 - a. See draft manual for specific information
2. Supplemental Questionnaire/Matrix
 - a. Filled out by Developer
 - b. Speeds up review process
 - c. Easily find required data
3. Fee Calculator
4. Planning Commission
 - a. Implement CUP authorization previously discussed with City Council

- b. Identify other potential PC approvals
 - i. Simple Lot Split
 - ii. Administrative Site Plat
- 5. City Council
 - a. Consider certain routine approvals on Consent Agenda
 - b. Preliminary Plat and Final Plat approval on same evening

As a note on the Development Review Manual, this document is in the process of being completed. Prior to completing the document for all applications, Staff wanted to get approval from the Planning Commission and City Council. The intent of this draft is to illustrate the structure of the manual.

Funding Source:

Amendments are being processed as part of regular staff duties.

Staff Recommendation:

Staff recommends adopting the attached recommendations.

Committee Action:

Motion to recommend that the City Council adopt the attached recommendations related to the development review process.

Attachments

[Development Review Recommendations](#)

[Development Review Manual](#)

[Revised Land Use Application](#)

[Review Matrix Questionnaire](#)

[Proposed Development Review Portal](#)

[Staff Review Comments](#)

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	10/14/2011 09:13 AM
Tim Himmer	Tim Gladhill	10/17/2011 08:54 AM
Tim Gladhill (Originator)	Tim Gladhill	10/17/2011 12:12 PM
Chris Anderson	Chris Anderson	10/17/2011 01:51 PM
Tim Himmer	Tim Himmer	10/18/2011 09:55 AM
Brian Olson	Brian Olson	10/20/2011 09:00 AM
Dean Kapler	JoAnn Shaw	10/20/2011 02:19 PM
Jim Way	Jim Way	10/20/2011 03:16 PM
Aaron Backman	Tim Gladhill	10/21/2011 11:47 AM
Tim Gladhill (Originator)	JoAnn Shaw	10/24/2011 08:10 AM
Chris Anderson	JoAnn Shaw	10/24/2011 08:11 AM
Tim Himmer	JoAnn Shaw	10/24/2011 08:11 AM
Brian Olson	JoAnn Shaw	10/24/2011 08:11 AM
Dean Kapler	JoAnn Shaw	10/24/2011 08:12 AM
Jim Way	Jim Way	10/24/2011 08:12 AM
Aaron Backman	Aaron Backman	10/24/2011 08:48 AM
Heidi Nelson	Heidi Nelson	10/27/2011 11:26 AM
Tim Gladhill (Originator)	Tim Gladhill	10/27/2011 11:29 AM
Tim Gladhill (Originator)	Tim Gladhill	10/27/2011 11:29 AM

Form Started By: Tim Gladhill

Started On: 10/12/2011 09:02 AM

Final Approval Date: 10/27/2011

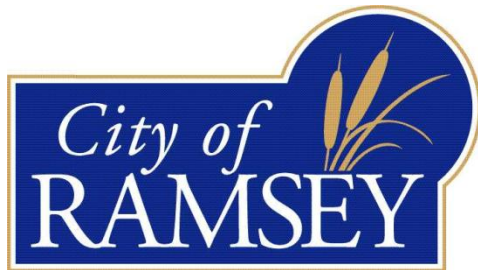
Development Review Process Improvements

Administrative Processes Already Implemented

1. Restructure webpage to act as a Development Review Portal (*in process*)
 - a. All resources stored here
2. Set up planning@cityoframsey.com as place to submit applications and plans (*in process*)
 - a. Calendar used as tracking tool-visible to all DRC members
 - b. Planning Division to manage tracking and distribution process
3. Applications (*change over as of 1/1/12*)
 - a. Single application for all requests
 - b. Separate packets as part of Development Review Manual
 - c. Property Owner acknowledges City may certify delinquent escrows.
4. Development Review Meetings (internal Staff meeting pre-Planning Commission)
 - a. Now prepared on AgendaQuick
 - b. Held one week later
 - c. All review comments due prior to the Development Review Meeting Agenda
 - i. Submitted through the Review Comment Sheet
 - d. Application materials and Review Comment Sheet routed through planning@cityoframsey.com

Additional Recommendations

1. Create Development Review Manual
 - a. See draft manual for specific information
2. Developer fills out supplemental questionnaire-matrix of zoning requirements
3. Fee Calculator available online for Developer to plug in own numbers
4. Planning Commission
 - a. Implement CUP authorization previously discussed with City Council
 - b. Identify other potential Planning Commission approvals
 - i. Simple lot split
 - ii. Lot consolidation
 - iii. Administrative Site Plan Approval
5. City Council
 - a. Consider certain routine approvals on Consent Agenda
 - b. Preliminary Plat and Final Plat on same night



Developer Handbook

A guide for land use application in the City of Ramsey

Created September, 2011

This document is designed to be a user-friendly tool for navigating the development review process in the City of Ramsey. The Table of Contents is designed to hyperlink to the appropriate page by simply clicking on that section in the Table of Contents. If you are having troubles navigating the document, or have additional questions, please call the Ramsey Planning Division at 763-433-9824.

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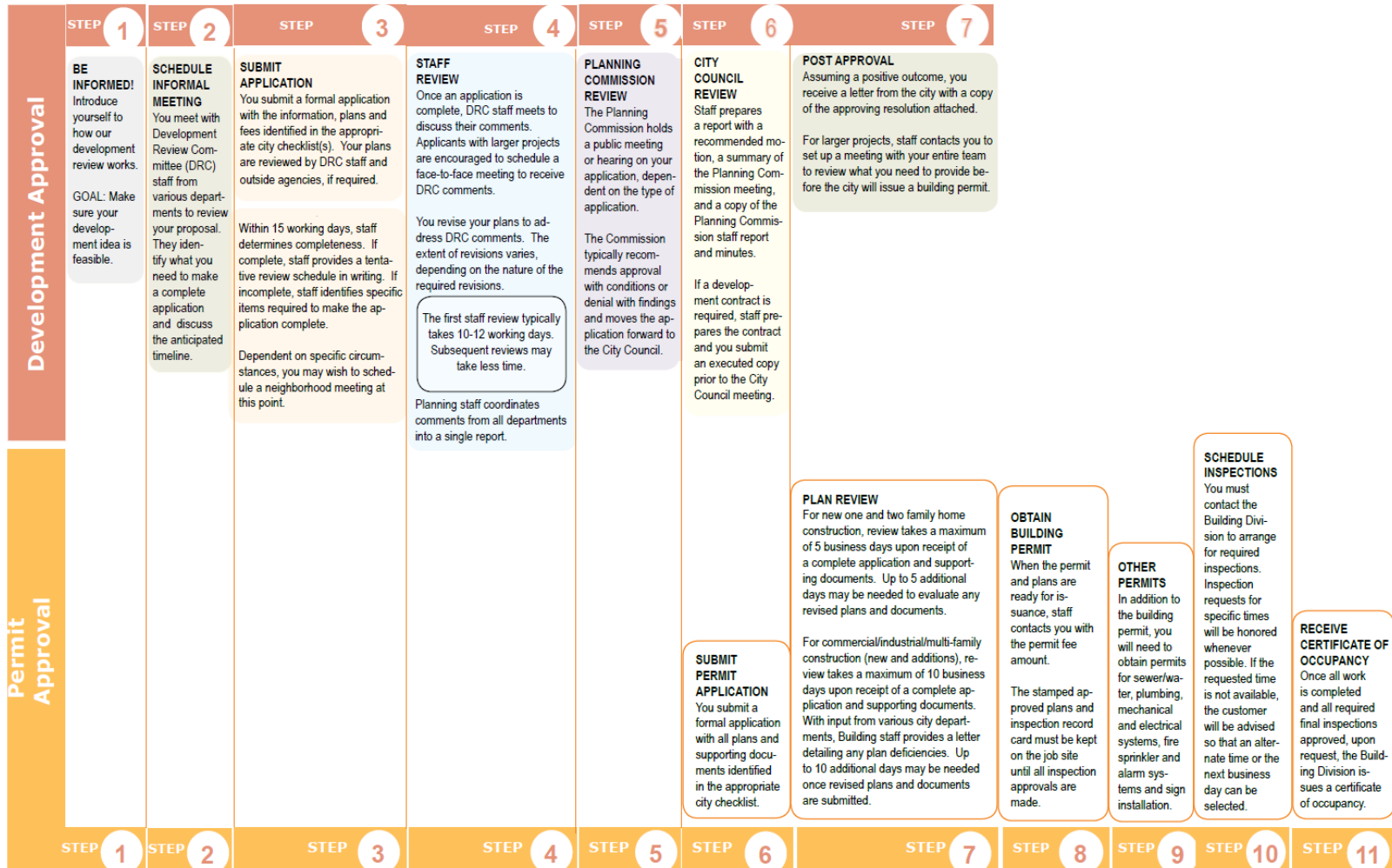
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2011 Land Use Application Review Schedule

Application Deadline	Planning Commission Date	Regular City Council Date
12/06/2011	01/06/2011	01/25/2011 (02/08/2011)
01/03/2011	02/03/2011	02/22/2011 (03/08/2011)
02/03/2011	03/03/2011	03/22/2011 (04/12/2011)
03/07/2011	04/07/2011	04/26/2011 (05/10/2011)
04/05/2011	05/05/2011	05/24/2011 (06/14/2011)
05/02/2011	06/02/2011	06/28/2011 (07/12/2011)
06/07/2011	07/07/2011	07/26/2011 (08/09/2011)
07/05/2011	08/04/2011	08/21/2011 (09/13/2011)
08/01/2011	09/01/2011	09/27/2011 (10/11/2011)
09/06/2011	10/06/2011	10/25/2011 (11/08/2011)
10/03/2011	11/03/2011	11/22/2011 (12/13/2011)
11/01/2011	12/01/2011	Pending

Review Process Flowchart



Steps for Submitting an Application for Plat/Subdivision

There are three (3) types of Subdivisions in the City of Ramsey:

- 1) Major Plat
- 2) Minor Plat
- 3) Administrative Plat

Major Plat:

A major plat is used when a subdivision or consolidation of unplatted parcels exceeds three parcels and/or requires the construction of public streets or utilities. A major plat is also used for the subdivision or consolidation of platted tracts of land when construction of public streets or utilities is required. All major plat approvals require that the Developer enter into a Development Agreement with the City.

Minor Plat:

A minor plat is used when a subdivision or consolidation of unplatted parcels does not exceed three (3) parcels and does not require the construction of public streets or utilities. A minor plat is also used for the subdivision or consolidation of platted tracts of land, in any number, that does not require the construction of public streets or utilities. All minor plat approvals require that the Developer enter into a Development Agreement with the City.

Administrative Plat:

An administrative plat is used when a subdivision or consolidation of parcels does not result in the creation of a buildable parcel.

Applying for a Major Plat

Utilize this section if applying for a Major Plat. A major plat consists of three (3) steps:

1. Sketch Plan
2. Preliminary Plat
3. Final Plat

Procedures to apply for a major plat:

1. Fill out the enclosed applicable application (sketch plan, preliminary plat, or final plat) and pay the applicable application and escrow fee. Applications ***cannot*** be processed until the application and escrow fees have been paid. The escrow fee and application fee is collected at time of sketch plan submittal. Additional deposits may be required during preliminary plat and final plat submittal if the project escrow account shows a negative balance.
2. The sketch plan is submitted to the Planning Commission for their review. The applicant has the option to bring forward the proposed sketch plan to the City Council. The Planning Commission and City Council will review the Preliminary Plat and the City Council will review the Final Plat. The Planning Commission meets the first Thursday of every month. The sketch plan and preliminary plat application must be submitted to staff thirty (30) days prior to the Planning Commission meeting (see attached meeting date schedule). The City Council meets the 2nd and 4th Tuesday of every month. Final plat application must be submitted to staff thirty (30) days prior to the City Council meeting date desired.
3. The City has 15 days to determine if the application is complete. In the event that the application is incomplete, staff will notify the applicant within the 15 days and provide direction on what information is still required.
4. A minimum of two full scale and one 11x17 reduction of each sheet must be submitted to Staff for the sketch plan, preliminary plat and final plat. Additionally, a portable document format (PDF) copy of each sheet must be submitted as well. The following additional copies will be required during preliminary plat submittal if the project area contains any wetlands or abuts a County or State road.
 - a. County Road (1 full size, 1 11 x 17)

- b. State Highway (1 11 x 17 PDF –or- 7 full size)
 - c. DNR (1 full size, 1 11 x 17)
5. No grading shall proceed until the final plat has been received and approved by the City Council and the Developer has obtained all permits required by other regulatory agencies.

Sketch Plan Requirements:

The Sketch Plan will be reviewed by the Planning Commission. The Application for Sketch Plan Review must be submitted no less than 30 days prior to the next available Planning Commission Meeting.

- 1. Name of subdivision, which name shall not duplicate any plat already recorded in Anoka County.
- 2. Full Legal description of the land involved in said plat.
- 3. Names and addresses of the owner and subdivider of the land, and the designer and surveyor of said plat.
- 4. Graphic scale of not more than one inch to 100 feet.
- 5. Date and north point.
- 6. Boundary line survey, including measured distances and angles, which shall be tied into the nearest quarter section or section line by traverse and certified by a registered land surveyor.
- 7. Total acreage and square feet of project area.
- 8. Location and names of existing or platted streets and other public ways, parks and public open spaces, permanent buildings and structures, easements and section and municipal boundary lines within the plat and to a distance of 100 feet beyond.
- 9. Identify all wetlands on the property.
- 10. Locations and widths of public right-of-way, public and private streets and pedestrian trails and sidewalks.
- 11. Other areas intended to be dedicated or reserved for public use, including the size of such areas.
- 12. If residential, state type, number of dwelling units, and approximate net density (excluding major road right-of-ways and wetlands).
- 13. Additional information as requested by Staff.

Preliminary Plat Requirements

The preliminary plat will be reviewed by the Planning Commission and City Council. The Planning Commission will hold a Public Hearing. The application for Preliminary Plat review must be submitted no less than 30 days prior to the next available Planning Commission Meeting.

Preliminary Plat Sheet:

1. Name of subdivision, which name shall not duplicate any plat already recorded in Anoka County.
2. Full Legal description of the land involved in said plat.
3. Names and addresses of the owner and subdivider of the land, and the designer and surveyor of said plat.
4. Graphic scale of not more than one inch to 100 feet.
5. Date and north point.
6. Boundary line survey, including measured distances and angles, which shall be tied into the nearest quarter section or section line by traverse and certified by a registered land surveyor.
7. Total acreage and square feet of project area.
8. Existing zoning classifications for tract of land in and abutting the project area
9. Location and names of existing or platted streets and other public ways, parks and public open spaces, permanent buildings and structures, easements and section and municipal boundary lines within the plat and to a distance of 100 feet beyond.
10. If the preliminary plat is a rearrangement or a re-plat of any recorded plat, the lot and block arrangement of the original plat, its original name and all revised or vacated roadways shall be shown by dotted or dashed lines.
11. Layouts of lots and blocks with number of each, square footage of lots and dimensions scaled to the nearest tenth of a foot.
12. Location of existing and proposed public and private streets.
13. Whenever a portion of a tract of land is proposed for subdividing and said tract is large enough or is intended for future enlargement, a tentative plan for the future Subdivision of the entire tract shall be submitted.
14. If residential, state type, number of dwelling units, and approximate net density (excluding State, County, and MSA road right-of-ways and wetlands).
15. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such areas.
16. Building setback lines.
17. Additional information as requested by Staff.

Development Review Manual (September 2011)

Plat/Subdivision Review

Page 10 of 45

Grading Plan:

1. Topographic data, including contours at vertical intervals of not more than two feet, except that where the horizontal contour interval is 100 feet or more, a one foot vertical interval shall be shown. Watercourses, lakes wetlands, limits of flood plains and other significant physical features shall be delineated. The ordinary high water elevation and 100-Year Flood Plain elevation shall be identified. U.S.G.S datum survey shall be used for topographic mapping.
2. All high points and emergency overflow elevations shall be provided.
3. Soils data, including classification of all surface soils, in accordance with the Soil Conservation Service Classification system and logs of borings sufficient in number and depth to establish the elevation of the water table and soil types throughout the plat.
4. If the subdivision is to be serviced with on site systems, the soil types shall be identified. For each lot having less than 30,000 square feet Class I soils, the location of a septic field and alternative field must be identified.
5. Locations and invert elevations of storm sewers and drainage ditches and culverts within the plat and to a distance of 100 feet beyond the plat.
6. Drainage area map of existing subdivisions showing the acreage of each drainage area (existing and proposed) as well as providing the predevelopment and post development runoff rate, in cfs, for the 10 year and 100 year storm events.
7. Pre and post runoff calculations.
8. Size and type of each storm sewer facility proposed.
9. Proposed method of disposing of surface water drainage and method of conveying surface water drainage within and beyond the limits of the plat to publicly owned or controlled drainage facilities or storm sewers. There shall be no grades less than 1%. When grades are less than 2%, a certificate of grading will be required prior to occupancy. The lots subject to this requirement should also be noted on the final grading plan.
10. A development plan for each lot specifying house type, garage elevation, minimum floor elevation, and lowest opening elevation.
11. A table specifying house type, garage elevation, minimum floor elevation, lowest opening elevation, street centerline grade, 100-year flood elevation, and back yard and front yard slopes must be provided.
12. Additional information as requested by the City.

Street Plan:

1. Layout of existing and proposed public and private streets, showing right-of-way and pavement widths and proposed names of streets. The name of any street used in the City must be an extension of an already named street.
2. Existing and proposed centerline grades of public and private streets.
3. Location and widths of existing railroad right-of-ways.
4. Locations and widths of trails and sidewalks.
5. Length of street identified by centerline stationing.
6. Angle of intersection as measured 100 feet from the intersection.
7. Horizontal and vertical curve information.
8. For streets intended to be continued as through streets, a temporary road easement shall be provided having a minimum radius of 65 feet.
9. Additional information as requested by the City.

Utility Plan:

1. Locations and widths of existing and proposed utility easements.
2. Location, width, size, type, and invert elevations of existing and proposed sanitary sewers, water mains, storm sewers, culverts, manholes, lift stations, hydrants, valves, and any other underground facilities within the plat and to a distance of 100 feet beyond shall be shown.
3. Location and size of utility laterals and irrigation taps. The connection to the City municipal water system must be constructed of ductile iron piping with a gate valve in the street for operation. The size of irrigation meters is subject to the approval of the City Engineer.
4. Additional information as requested by the City.

Landscape Plan/Tree Preservation Plan:

(See the Ramsey Tree Book for preferred/prohibited species)

1. Survey of existing tree cover prepared by an International Society of Arboriculture (ISA) certified arborist that shall include the following information:
 - a. Location of proposed lots and building pads.
 - b. Tree species, diameter (dbh), condition (healthy, dead or diseased). Any development involving Oak trees on or adjacent to the development area must submit a plan in conjunction with the preliminary plat.
 - c. Soil conditions.
 - d. Existing contour data for the entire property with vertical contour data consistent with City standards for all areas to be distributed by proposed tree removal operations, extending for

a distance of at least fifty (50) feet beyond the limits of the proposed plat. Elevations may be based on U.S. Geological Survey Data.

- e. Proposed tree removal limits. Any clearing of Oak stands shall be performed prior to April 15 or after July 15 of each season.
 - f. Proposed number, species, and size of trees and shrubs to be planted.
2. All irrigation systems must have an approved backflow device installed in the irrigation enclosure. Irrigation enclosure location and construction materials are subject to the approval of the City Engineer. Further, all new or updated systems must install a Rain Sensor device to stop irrigation during rain events.
 3. Additional information as requested by the City.

Final Plat Requirements:

The Final Plat will be reviewed by the City Council. The application for Final Plat Review may not be submitted until Preliminary Plat approval.

Final Plat Sheet:

1. Name of the Subdivision, which name shall not duplicate or too closely approximate the name of any existing subdivision.
2. Municipal, township, county or section lines accurately tied to the boundaries of the boundaries of the Subdivision by distances and angles.
3. Scale of plat, date and north arrow.
4. A numbering system for all lots and blocks shall be shown clearly.
5. Streets shall be named and all names shall be shown. A sequence of street naming shall conform with the Anoka County name grid or the pattern that has been established in the area.
6. In the event the final plat is a re-plat of earlier subdivision, the original platting of the subdivision shall be shown and identified by dotted lines.
7. Official monuments as designated and adopted by the county surveyor and approved by the District Court for use as judicial monuments shall be set at each corner or angle of the outside boundary of the final plat.
8. Judicial and county ditches shall be shown by dimensions and angles as determined from county record and encumbered with a 66-foot wide drainage and utility easement.
9. Delineated water courses, lakes, and wetlands shall be encumbered with a drainage and utility easement.
10. Statement dedicating all streets, alleys and other public areas.

11. Name and address of subdivider and the surveyor preparing the plat.
12. An appropriate statement dedicating all easements.
13. Revised in accordance with preliminary plat comments and staff review letter.
14. Additional information as requested by the City.

Final Grading Plan:

1. Topographic data, including contours at vertical intervals of not more than two feet, except that where the horizontal contour interval is 100 feet or more, a one-foot vertical interval shall be shown. Watercourses, lakes wetlands, limits of flood plains and other significant physical features shall be delineated. The ordinary high water elevation and 100-year Flood Plain elevation shall be identified. U.S.G.S datum survey shall be used for topographic mapping.
2. Soils data, including classification of all surface soils, in accordance with the Soil Conservation Service Classification system and logs of borings sufficient in number and depth to establish the elevation of the water table and soil types throughout the plat.
3. If the subdivision is to be serviced with on site systems, the soil types shall be identified. For each lot having less than 30,000 square feet of Class I soils, the location of a septic field and alternative field must be identified.
4. Locations and invert elevations of storm sewers and drainage ditches and culverts within the plat and to a distance of 100 feet beyond the plat.
5. Drainage area map of existing subdivisions showing the acreage of each drainage area (existing and proposed) as well as providing the predevelopment and post development runoff rate, in cfs, for the 10 year and 100 year storm events.
6. Pre and post runoff calculations.
7. Size and type of each storm sewer facility proposed.
8. Proposed method of disposing of surface water drainage and method of conveying surface water drainage within and beyond the limits of the plat to publicly owned or controlled drainage facilities or storm sewers. There shall be no grades less than 1%. When grades are less than 2%, a certificate of grading will be required prior to occupancy. The lots subject to this requirement should also be noted on the final grading plan.
9. Lot corner elevations as well as drainage swale centerline grades at intersections of lot lines.
10. Drainage and utility easements.
11. Direction of flow arrows in and around house pads.
12. Revised in accordance with preliminary plat comments and staff review letter.
13. Additional information as requested by the City.

Final Street Plan:

1. Layout of existing and proposed public and private streets, showing right-of-way and pavement widths and proposed names of streets. The name of any street used in the City must be an extension of an already named street.
2. Existing and proposed centerline grades of public and private streets.
3. Location and widths of existing railroad right-of-ways.
4. Locations and widths of trails and sidewalks.
5. Length of street identified by centerline stationing.
6. Angle of intersection as measured 100 feet from the intersection.
7. Horizontal and vertical curve information.
8. For streets intended to be continued as through streets, a temporary road easement shall be provided having a minimum radius of 65 feet.
9. Revised in accordance with preliminary plat comments and staff review letter.
10. Additional information as requested by the City.

Final Utility Plan:

1. Locations and widths of existing and proposed utility easements.
2. Location, width, size, and type of existing and proposed sanitary sewers, water mains, storm sewers, culverts, manholes, lift stations, hydrants, valves, and any other underground facilities within the plat and to a distance of 100 feet beyond shall be shown.
3. Location and size of utility laterals and irrigation taps.
4. Revised in accordance with preliminary plat comments and staff review letter.
5. Additional information as requested by the City.

Final Landscape Plan/Tree Preservation Plan:

(See the Ramsey Tree Book for preferred/prohibited species)

1. Survey of existing tree cover prepared by an International Society of Arboriculture (ISA) certified arborist that shall include the following information:
 - a. Location of proposed lots and building pads.
 - b. Tree species, diameter (dbh), condition (healthy, dead or diseased). Any development involving Oak trees on or adjacent to the development area must submit a plan in conjunction with the preliminary plat.
 - c. Soil conditions.

- d. Existing contour data for the entire property with vertical contour data consistent with City standards for all areas to be distributed by proposed tree removal operations, extending for a distance of at least fifty (50) feet beyond the limits of the proposed plat. Elevations may be based on U.S. Geological Survey Data.
 - e. Proposed tree removal limits. Any clearing of Oak stands shall be performed prior to April 15 or after July 15 of each season.
 - f. Proposed number, species, and size of trees and shrubs to be planted.
2. All irrigation systems must have an approved backflow device installed in the irrigation enclosure. Irrigation enclosure location and construction materials are subject to the approval of the City Engineer. Further, all new or updated systems must install a Rain Sensor device to stop irrigation during rain events.
 3. Additional information as requested by the City.
 4. Revised in accordance with preliminary plat comments and staff review letter.

Final Construction Plans and Specifications:

1. Title page to include a vicinity map, as well as an index, and certified by a professional engineer.
2. Traffic control and tabulation.
3. Construction details including a typical section.
4. Existing topography with miscellaneous removals.
5. Sanitary sewer and water main plan and profile sheets with plan scale not to exceed 1 inch equal to 50 feet and profile no greater than 1 inch equal to 5 feet in vertical.
6. Storm sewer construction plans with plan 1 inch equal to 50 feet and profile no greater than 1 inch equal to 5 feet in vertical.
7. Street and trail construction plans with plan scale 1 inch equal to 50 feet and profile no greater than 1 inch equal to 5 feet in vertical.
8. If applicable, lift station detail.
9. Specifications to include City Engineers Association of Minnesota Standard Specifications For Construction and special provisions outlining the types of materials that are to be required as well as completion date and a full set of contract documents.
10. Additional information as requested by the City.

Applying for a Minor Plat

Utilize this section if applying for a Minor Plat. A major plat consists of two (2) steps:

1. Sketch Plan
2. Final Plat

Applying for an Administrative Plat

Utilize this section if applying for an Administrative Plat. An administrative plat consists of one (1) step:

1. City Staff Review

Development Fees, Surety Requirements, and Other Financial Information

The City has made its best effort to provide a comprehensive list of applicable development fee and financial surety requirements related to subdivision requests. Each request may include additional requirements due to unique circumstances. Please contact City Staff for other potential impacts.

Development fees and financial sureties will be included in the required Development Agreement. A boilerplate development agreement is available on the City’s website found at www.cityoframsey.com.

Residential Development Fees for Major Plats

Application Fee	\$200
Escrow Requirement (minimum)	\$1,500 + City cost exceeding \$1,500
Financial Surety	125% of the estimated cost of any public improvements required (including, but not limited to sanitary sewer, water, curb and gutter, streets, storm-water sewer)
Inspection fee	5% of the estimated cost of any public improvement required
Park Dedication Fees	<p>Cash</p> <ul style="list-style-type: none"> \$2,475/unit (0-11.99 units/acre) \$2,289/unit (12-19.99 units/acre) \$2,104/unit (20+ units/acre) \$4,738/acre (assisted living) <p>Land</p> <ul style="list-style-type: none"> 10% (0-3.0 units/acre) 15% (3.1-5.0 units/acre) 15% + 0.5%/each 5 units/acre (5.1 units/acre) 5% (assisted living) <p>Planned Unit Development</p> <ul style="list-style-type: none"> 10% gross land + \$2,475/unit
Trail Development Fee	\$600/unit
Water Trunk Fee	\$2,308/unit
Sewer Trunk Fee	\$1,318/unit
Water Lateral	Actual cost or \$9,102/connection if available

Sewer Lateral	Actual cost or \$3,989/connection if available
Stormwater Management Fee	\$465/unit
Street/Traffic Sign	\$225/sign
Future Sealcoating	\$1.45/yd ²
Street Lights	Cobra \$1,300/light Traditionaire Subdivision \$1,700/light The COR \$2,600/light 3 Year O & M \$294/light
Fees Collected in Building Permit	Sewer Availability Charge (SAC)* \$2,230/SAC Unit** Water Availability Charge (WAC) \$1,701/SAC Unit** SAC Handling Fee \$200/residential equivalent
* Metropolitan Council Charge **Unit determined by the Metropolitan Council	
On-going Utility Fees	Sewer Utility \$66.79 + 2.89/gallon in excess of 20,000 gallons Water Utility \$34.05 minimum (\$2.27/1,000 gallons for 0-15,000 gallons) (\$2.36/1,000 gallons for 15,001-25,000 gallons) (\$2.44/1,000 gallons for 25,001-40,000 gallons) (\$2.58/1,000 gallons for 40,001-60,000 gallons) (\$2.78/1,000 gallons for 60,001-99,000 gallons) (\$3.08/1,000 gallons for 99,001-201,000 gallons) (\$3.68/1,000 gallons for 201,001+ gallons) Stormwater Utility \$9.27/quarter Recycling

	<p>\$8.85/quarter</p> <p>Street Lights</p> <p>\$9.01/quarter (urban subdivision after 7/92)</p> <p>\$14.85/quarter (rural subdivision)</p> <p>Priority Street Lights</p> <p>\$1.37/quarter (all residential lots)</p>
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Commercial/Industrial Development Fees

Letter of Credit Information

For developers choosing to utilize a Letter of Credit to satisfy financial surety obligations, Letters of Credit must meet the following obligations:

1. The attached sample form is preferred by the City. Variations from this sample may cause a delay in the acceptance of the LOC by the City. Delay in acceptance may cause a delay in the approval process for your project.
2. The LOC must be drawn on a bank. The LOC must be from a state or federally chartered bank or savings and loan association, insured by the Federal Deposit Insurance Corporation, that has an office in the state of Minnesota or a subsidiary of such bank or savings association with an office in the state of Minnesota. LOC's for less than \$25,000 must also include a provision allowing for drawing on the LOC without presenting or sending the original LOC. If a LOC is drawn on, it will be returned to the originating bank after funds are received.
3. The bank must submit a copy of their latest call report along with the LOC.
4. The bank the LOC is drawn on should have assets of at least \$25 million.
5. The LOC must be for a minimum term of one (1) year.
6. The LOC must contain a provision allowing for drawing on the LOC if it is not renewed, or replaced, by sixty (60) days prior to its maturity.
7. The LOC and any financial information must be received by the City not less than seven (7) days prior to the City Council taking action on the request.
8. The City reserves the right to request additional financial information it deems appropriate from the bank providing the LOC. The City reserves the right to not accept a particular LOC.
9. Questions concerning the requirements outlined or the format required should be directed to Diana J. Lund, Finance Director, City of Ramsey, 7550 Sunwood Drive N.W., Ramsey, MN 55303, telephone (763) 433-9847.

Sample Letter of Credit

Bank Letterhead

Date

Irrevocable Letter of Credit No. _____

To: City of Ramsey
7550 Sunwood Drive N.W.
Ramsey, MN 55303

Gentlemen:

We hereby establish in favor of the City of Ramsey this Irrevocable Letter of Credit Number _____ for the account of (name and address of developer) for (name of development/project) in an aggregate amount of (amount of the letter of credit).

This LETTER OF CREDIT shall be deemed automatically renewed without modification for one (1) year from (one year after date of letter of credit) or any extended expiration date unless sixty (60) days or more prior to such date we shall notify you by registered or certified mail that we elect not to extend this LETTER OF CREDIT for any such additional period.

Partial drawings permitted.

Each draft drawn under this Letter of credit must:

Be signed on behalf of the City;

Bear on its face the clause “drawn under (name of the bank) Letter of Credit Number _____ dated _____”; and

Be accompanied by a certification signed on behalf of the City of Ramsey that either (i) (name of developer) has failed to comply with the terms of the grading permit, or (ii) (name of developer) has failed to comply with the terms of the developers agreement, or (iii) this Letter of Credit will expire within sixty (60) days and this Letter of Credit has not been renewed or replaced as required.

The original of this Letter of Credit is NOT required to be presented to draw upon this Letter of Credit.

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored upon presentation.

Except as otherwise stated herein, this Letter of Credit shall be governed by the most recent version of the Uniform Customs and Practice for Documentary Credits (1983 Revision*), International Chamber of Commerce Publication No. 400.

Bank Name

By: _____
Name and title of appropriate bank officer

*Must be most recent version

Development Agreement

You are required to enter into a Development Agreement with the City for all Major and Minor Plats. A boilerplate agreement is available at www.cityoframsey.com. You are responsible for downloading a copy of this boilerplate agreement prior to review by the Planning Commission and City Council as to legal form. A final version of the Development Agreement will be made available prior to review by the City Council. ***It is highly recommended that you review the boilerplate agreement with a licensed real estate attorney.***

Noise Study Requirements

Insert text here.

WMO Information

Insert text here.

MPCA NPDES Permit

Insert text here.

Traffic Study

Insert text here.

429 Assessment Projects

City constructed assessed projects. [Link to Minnesota Statute and City Charter.](#)

Application for Plat (Major, Minor, and Administrative)

[Insert new consolidated land use application page here]

Steps for Submitting an Application for Site Plan Review

Site Plan Review is required in the City of Ramsey for the following projects:

- 1) Multiple family dwellings (three [3] or more units)
- 2) Mobile home parks
- 3) Commercial developments
- 4) Industrial developments
- 5) Developments proposed within the Flood Plan, Scenic Rivers, Environmental Protection, and Critical Area Overlay Districts
- 6) Prior to issuance of conditional use permit in any commercial or industrial zone

Applying for Site Plan Review

Utilize this section if applying for Site Plan Review.

Procedures to apply for a site plan:

1. Fill out the enclosed applicable application (sketch plan, preliminary plat, or final plat) and pay the applicable application and escrow fee. Applications ***cannot*** be processed until the application and escrow fees have been paid. The escrow fee and application fee is collected at time of sketch plan submittal. Additional deposits may be required during preliminary plat and final plat submittal if the project escrow account shows a negative balance.
2. The sketch plan is submitted to the Planning Commission for their review. The applicant has the option to bring forward the proposed sketch plan to the City Council. The Planning Commission and City Council will review the Preliminary Plat and the City Council will review the Final Plat. The Planning Commission meets the first Thursday of every month. The sketch plan and preliminary plat application must be submitted to staff thirty (30) days prior to the Planning Commission meeting (see attached meeting date schedule). The City Council meets the 2nd and 4th Tuesday of every month. Final plat application must be submitted to staff thirty (30) days prior to the City Council meeting date desired.
3. The City has 15 days to determine if the application is complete. In the event that the application is incomplete, staff will notify the applicant within the 15 days and provide direction on what information is still required.
4. A minimum of two full scale and one 11x17 reduction of each sheet must be submitted to Staff for the sketch plan, preliminary plat and final plat. Additionally, a portable document format (PDF) copy of each sheet must be submitted as well. The following additional copies will be required during preliminary plat submittal if the project area contains any wetlands or abuts a County or State road.
 - a. County Road (1 full size, 1 11 x 17)
 - b. State Highway (1 11 x 17 PDF –or- 7 full size)
 - c. DNR (1 full size, 1 11 x 17)
5. No grading shall proceed until the final plat has been received and approved by the City Council and the Developer has obtained all permits required by other regulatory agencies.

Site Plan Requirements:

The Site Plan will be reviewed by the Planning Commission and City Council. The Application for Site Plan Review must be submitted no less than 30 days prior to the next available Planning Commission Meeting.

Site Plan Sheet:

1. Type of use, proposed name, legal description and property address.
2. Name(s) and address(es) of owner(s) of land, and of engineer and/or architect preparing the plans.
3. A property survey certified by a registered land surveyor.
4. The number of employees expected to work at the site.
5. A site plan accurately scaled and dimensioned specifically showing the location of all buildings.
6. The building design plan must be certified by an architect or engineer registered in the State of Minnesota, certifying that the design of the building has been prepared under their direct supervision.
7. Present use and zoning of the subject property and the present use and zoning of all directly adjacent parcels. Proposed zoning must also be included if a rezoning is being requested.
8. Location of all existing and proposed structures and improvements on the property.
9. Location of significant historical and natural features, including but not limited to wetlands, lakes, rivers, ditches and woodlands.
10. Site access(es).
11. Loading docks.
12. Location of all bituminous and concrete surfaces and curbing areas.
13. Waste storage area location and construction materials.
14. All townhouse developments must provide the location of the building footprint for each unit on the site plan.
15. All setbacks must be shown on the site plan
16. If the site plan pertains to a residential development, the number of residential units and net density for the proposed project must be provided.
17. Proposed building(s) square footage calculations.
18. The subject property square footage and acreage calculations.
19. Building coverage calculation in square feet and total percentage.
20. Impervious and building surface calculation in percentage and square feet.
21. Green space calculation in percentage and square feet.
22. Off-street parking and outside storage or display areas, including dimensions
23. Dimensions (particularly in regard to the lengths) of all private drive.
24. Scale of plat, date and north arrow.
25. Traffic Generation Analysis, as determined necessary by the City.
26. Additional information as requested by the City

Landscaping Plan/Tree Preservation Plan:

Development Review Manual (September 2011)

Site Plan Review

Page 30 of 45

(See the Ramsey Tree Book for preferred/prohibited species)

4. Survey of existing tree cover prepared by an International Society of Arboriculture (ISA) certified arborist that shall include the following information:
 - a. Location of proposed lots and building pads.
 - b. Tree species, diameter (dbh), condition (healthy, dead or diseased). Any development involving Oak trees on or adjacent to the development area must submit a plan in conjunction with the preliminary plat.
 - c. Soil conditions.
 - d. Existing contour data for the entire property with vertical contour data consistent with City standards for all areas to be distributed by proposed tree removal operations, extending for a distance of at least fifty (50) feet beyond the limits of the proposed plat. Elevations may be based on U.S. Geological Survey Data.
 - e. Proposed tree removal limits. Any clearing of Oak stands shall be performed prior to April 15 or after July 15 of each season.
 - f. Proposed number, species, and size of trees and shrubs to be planted.
5. All irrigation systems must have an approved backflow device installed in the irrigation enclosure. Irrigation enclosure location and construction materials are subject to the approval of the City Engineer. Further, all new or updated systems must install a Rain Sensor device to stop irrigation during rain events.
6. Additional information as requested by the City.

Utility Plan:

6. Location, width, size, and type of existing and proposed sanitary sewers, water mains, storm sewers, culverts, manholes, lift stations, hydrants, valves, and any other underground facilities within the plat and to a distance of 100 feet beyond shall be shown.
7. Location and size of utility laterals and irrigation taps.
8. Additional information as requested by the City.

Grading Plan:

1. A topographical map and grading plan.
2. Calculations of projected water usage using Minnesota Pollution Control Agency and/or Minnesota Department of Health guidelines.
3. Topographic data, including contours at vertical intervals of not more than two feet, except that where the horizontal contour interval is 100 feet or more, a one foot vertical interval shall be shown. Watercourses, lakes wetlands, limits of flood plains and other significant physical features shall be delineated. The ordinary high water elevation and 100-year Flood Plain elevation shall be identified. U.S.G.S datum survey shall be used for topographic mapping.
4. Soils data, including classification of all surface soils, in accordance with the Soil Conservation Service Classification system and logs of borings sufficient in number and depth to establish the elevation of the water table and soil types throughout the plat.

5. If the site is to be serviced with on site systems, the soil types shall be identified. For each lot having less than 30,000 square feet of Class I soils, the location of a septic field and alternative field must be identified.
6. Locations and invert elevations of storm sewers and drainage ditches and culverts within the plat and to a distance of 100 feet beyond the plat.
7. Drainage area map of existing subdivisions showing the acreage of each drainage area (existing and proposed) as well as providing the predevelopment and post development runoff rate, in cfs, for the 10 year and 100 year storm events.
8. Pre and post runoff calculations.
9. Size and type of each storm sewer facility proposed.
10. Proposed method of disposing of surface water drainage and method of conveying surface water drainage within and beyond the limits of the plat to publicly owned or controlled drainage facilities or storm sewers.
11. Drainage and utility easements
12. Additional information as requested by the City.

Lighting Plan:

1. Exterior lighting locations, specifications and diagrams of lighting fixtures for the building, parking areas, site entrances, and site in general.
2. Shop drawings of light fixtures
3. Additional information as requested by the City.

Building Elevation Plan:

1. Building elevation plan that includes the height and the proposed exterior building materials for all structures. A coloring rendering of the proposed building(s) must be provided at the Planning Commission and City Council meeting.
2. Additional information as requested by the City.

Development Fees, Surety Requirements, and Other Financial Information

The City has made its best effort to provide a comprehensive list of applicable development fee and financial surety requirements related to subdivision requests. Each request may include additional requirements due to unique circumstances. Please contact City Staff for other potential impacts.

Development fees and financial sureties will be included in the required Development Agreement. A boilerplate development agreement is available on the City’s website found at www.cityoframsey.com.

Residential Development Fees for Site Plan Review

Application Fee	\$200
Escrow Requirement (minimum)	\$800 + City cost exceeding \$800
Financial Surety	125% of the estimated cost of any required private improvements required (including, but not limited to sanitary sewer, water, curb and gutter, streets, storm-water sewer)
Inspection fee	5% of the estimated cost of any public improvement required
Park Dedication Fees <i>(if not already paid as part of plat)</i>	<p>Cash</p> <p>\$2,475/unit (0-11.99 units/acre) \$2,289/unit (12-19.99 units/acre) \$2,104/unit (20+ units/acre) \$4,738/acre (assisted living)</p> <p>Land</p> <p>10% (0-3.0 units/acre) 15% (3.1-5.0 units/acre) 15% + 0.5%/each 5 units/acre (5.1 units/acre) 5% (assisted living)</p> <p>Planned Unit Development</p> <p>10% gross land + \$2,475/unit</p>
Trail Development Fee <i>(if not already paid as part of plat)</i>	\$600/unit
Water Trunk Fee <i>(if not already paid as part of plat)</i>	\$2,308/unit

Sewer Trunk Fee <i>(if not already paid as part of plat)</i>	\$1,318/unit
Water Lateral <i>(if not already paid as part of plat)</i>	Actual cost or \$9,102/connection if available
Sewer Lateral <i>(if not already paid as part of plat)</i>	Actual cost or \$3,989/connection if available
Stormwater Management Fee <i>(if not already paid as part of plat)</i>	\$465/unit
Street/Traffic Sign <i>(if not already paid as part of plat)</i>	\$225/sign
Future Sealcoating <i>(if not already paid as part of plat)</i>	\$1.45/yd ²
Street Lights <i>(if not already paid as part of plat)</i>	Cobra \$1,300/light Traditionaire Subdivision \$1,700/light The COR \$2,600/light 3 Year O & M \$294/light
Fees Collected in Building Permit	Sewer Availability Charge (SAC)* \$2,230/SAC Unit** Water Availability Charge (WAC) \$1,701/SAC Unit** SAC Handling Fee \$200/residential equivalent
* Metropolitan Council Charge **Unit determined by the Metropolitan Council	
On-going Utility Fees	Sewer Utility \$66.79 + 2.89/gallon in excess of 20,000 gallons Water Utility \$34.05 minimum <i>(\$2.27/1,000 gallons for 0-15,000 gallons)</i>

	<p><i>(\$2.36/1,000 gallons for 15,001-25,000 gallons)</i> <i>(\$2.44/1,000 gallons for 25,001-40,000 gallons)</i> <i>(\$2.58/1,000 gallons for 40,001-60,000 gallons)</i> <i>(\$2.78/1,000 gallons for 60,001-99,000 gallons)</i> <i>(\$3.08/1,000 gallons for 99,001-201,000 gallons)</i> <i>(\$3.68/1,000 gallons for 201,001+ gallons)</i></p> <p>Stormwater Utility \$9.27/quarter</p> <p>Recycling \$8.85/quarter</p> <p>Street Lights \$9.01/quarter (urban subdivision after 7/92) \$14.85/quarter (rural subdivision)</p> <p>Priority Street Lights \$1.37/quarter (all residential lots)</p>
--	--

Commercial/Industrial Development Fees

Letter of Credit Information

For developers choosing to utilize a Letter of Credit to satisfy financial surety obligations, Letters of Credit must meet the following obligations:

1. The attached sample form is preferred by the City. Variations from this sample may cause a delay in the acceptance of the LOC by the City. Delay in acceptance may cause a delay in the approval process for your project.
2. The LOC must be drawn on a bank. The LOC must be from a state or federally chartered bank or savings and loan association, insured by the Federal Deposit Insurance Corporation, that has an office in the state of Minnesota or a subsidiary of such bank or savings association with an office in the state of Minnesota. LOC's for less than \$25,000 must also include a provision allowing for drawing on the LOC without presenting or sending the original LOC. If a LOC is drawn on, it will be returned to the originating bank after funds are received.
3. The bank must submit a copy of their latest call report along with the LOC.
4. The bank the LOC is drawn on should have assets of at least \$25 million.
5. The LOC must be for a minimum term of one (1) year.
6. The LOC must contain a provision allowing for drawing on the LOC if it is not renewed, or replaced, by sixty (60) days prior to its maturity.
7. The LOC and any financial information must be received by the City not less than seven (7) days prior to the City Council taking action on the request.
8. The City reserves the right to request additional financial information it deems appropriate from the bank providing the LOC. The City reserves the right to not accept a particular LOC.
9. Questions concerning the requirements outlined or the format required should be directed to Diana J. Lund, Finance Director, City of Ramsey, 7550 Sunwood Drive N.W., Ramsey, MN 55303, telephone (763) 433-9847.

Sample Letter of Credit

Bank Letterhead

Date

Irrevocable Letter of Credit No. _____

To: City of Ramsey
7550 Sunwood Drive N.W.
Ramsey, MN 55303

Gentlemen:

We hereby establish in favor of the City of Ramsey this Irrevocable Letter of Credit Number _____ for the account of (name and address of developer) for (name of development/project) in an aggregate amount of (amount of the letter of credit).

This LETTER OF CREDIT shall be deemed automatically renewed without modification for one (1) year from (one year after date of letter of credit) or any extended expiration date unless sixty (60) days or more prior to such date we shall notify you by registered or certified mail that we elect not to extend this LETTER OF CREDIT for any such additional period.

Partial drawings permitted.

Each draft drawn under this Letter of credit must:

Be signed on behalf of the City;

Bear on its face the clause "drawn under (name of the bank) Letter of Credit Number _____ dated _____"; and

Be accompanied by a certification signed on behalf of the City of Ramsey that either (i) (name of developer) has failed to comply with the terms of the grading permit, or (ii) (name of developer) has failed to comply with the terms of the developers agreement, or (iii) this Letter of Credit will expire within sixty (60) days and this Letter of Credit has not been renewed or replaced as required.

Development Review Manual (September 2011)

Site Plan Review

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The original of this Letter of Credit is NOT required to be presented to draw upon this Letter of Credit.

We hereby engage with drawers and/or bona fide holders that drafts drawn and negotiated in conformity with the terms of this credit will be duly honored upon presentation.

Except as otherwise stated herein, this Letter of Credit shall be governed by the most recent version of the Uniform Customs and Practice for Documentary Credits (1983 Revision*), International Chamber of Commerce Publication No. 400.

Bank Name

By: _____
Name and title of appropriate bank officer

*Must be most recent version

Development Permit

You are required to enter into a Development Permit with the City for all Site Plan reviews. A boilerplate permit is available at www.cityoframsey.com. You are responsible for downloading a copy of this boilerplate permit prior to review by the Planning Commission and City Council as to legal form. A final version of the Development Permit will be made available prior to review by the City Council. ***It is highly recommended that you review the boilerplate permit with a licensed real estate attorney.***

Noise Study Requirements

When noise levels may exceed MPCA standards, especially for residential developments, a noise study shall be required.

Application for Site Plan Review

[Insert new consolidated land use application page here]

Steps for Submitting an Application for Conditional Use Permit

Zoning Information

This is just a sample. Not actual zoning.

Consolidated Use List

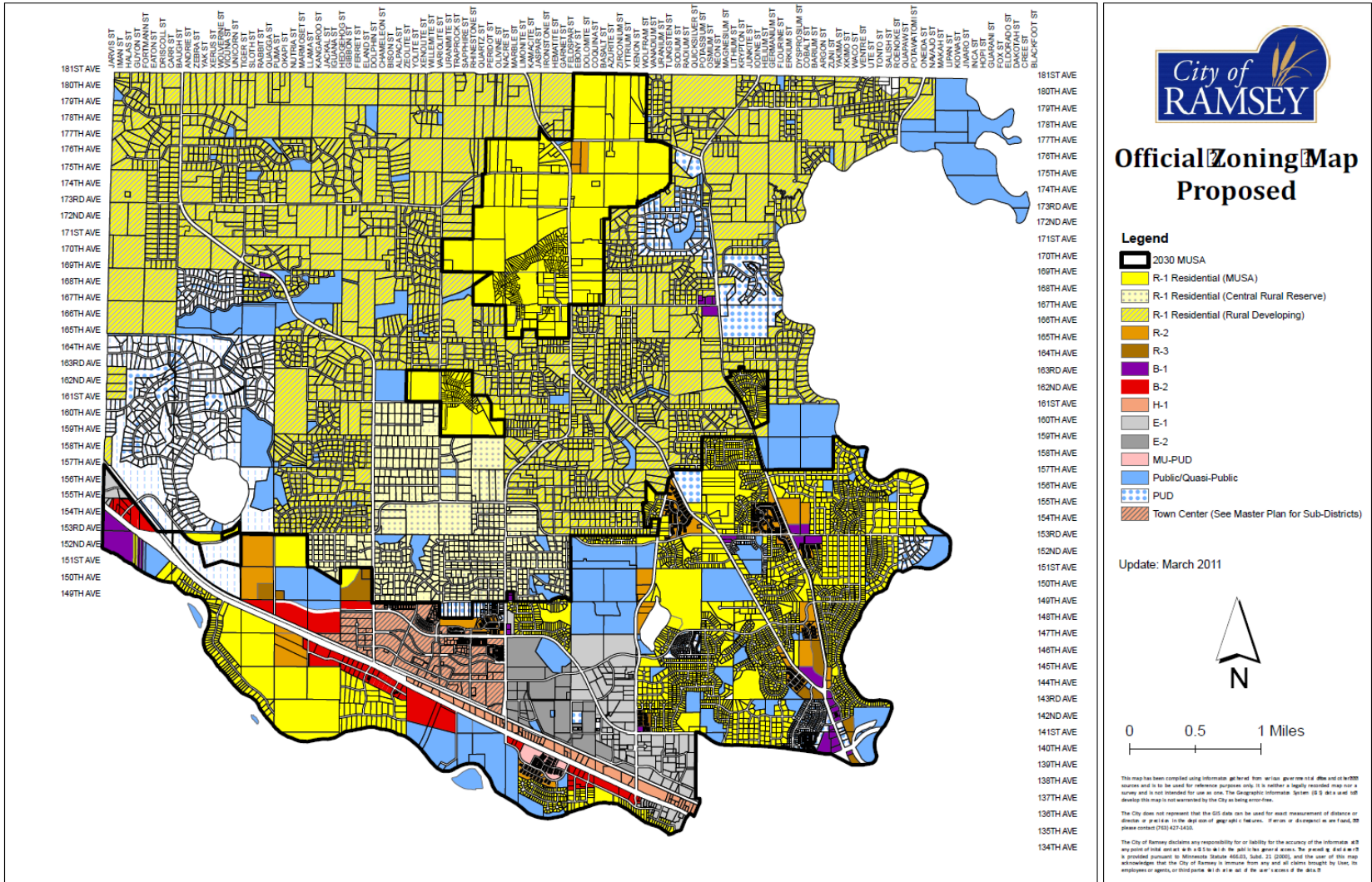
	R-1	R-2	R-3	B-1	B-2	E-1	E-2	COR-1	COR-2	COR-3	COR-4	COR-5	H-1
Single Family Dwelling	P	N	N	N	N	N	N	N	N	N	P	N	N
Multiple Family Dwelling	C	P	N	N	N	N	N	N	N	N	P	N	N
Apartment	N	N	P	N	N	N	N	P	N	N	P	N	N
Retail	N	N	N	P	P	C	C	P	P	P	N	C	P
Manufacturing	N	N	N	N	N	P	P	N	N	N	N	N	N
Mixed Use	N	N	N	N	N	N	N	P	P	P	P	P	N
Official Map	N	N	N	N	N	N	N	N	N	N	N	N	P

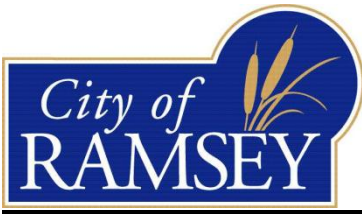
P = Permitted Use

C = Conditional Use

N = Not Permitted

Zoning Map





Land Use Application

<input type="checkbox"/> Major Plat	<input type="checkbox"/> Minor Plat	<input type="checkbox"/> Administrative Plat
<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Preliminary Site Plan (COR)	<input type="checkbox"/> Final Site Plan (COR)
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Zoning Amendment	<input type="checkbox"/> Home Occupation Permit	<input type="checkbox"/> Easement Vacation

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address ¹	
PIN ¹	
Legal Description ¹	
Zoning District ²	R-1 Residential (MUSA)

¹Property information can be found on the Planning Division webpage by clicking on 'gGov'.

²Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

(If different than Applicant)

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	

Please provide a detailed description of your request and attached a copy of a scaled site plan

A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature		Co-Applicant Signature	
Printed Name		Printed Name	
Title		Title	
Date		Date	

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature		Property Owner Signature	
Printed Name		Printed Name	
Title		Title	
Date		Date	

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

Information and Instructions: This Site Plan Review Checklist must be completed and submitted with each new site plan application. Applicants shall provide copies of all supporting documentation. Applicants may provide any additional explanatory remarks in the "NOTES" section. Additional comments may be provided using a separate sheet that identifies the appropriate Item No.

Item No.	Description of Site Plan Requirements	Check One "Yes", "No", or "NA"		
Note: All Site Plans must be accompanied by a project narrative and must include the following items				
Section A: Site Plan Sheet		Description (if applicable)	Sheet #	NA
A1	Type of use			
A2	Proposed Name			
A3	Legal Description			
A4	Property Survey by a registered land surveyor	N/A		
A5	The number of employees expected to work at the site			
A6	A site plan accurately scaled and dimension specifically showing the location of all buildings	N/A		
A7	A building plan certified by an architect or engineer registered in the State of MN (or under direct superv.)	N/A		
A8	Present use and zoning of the subject property and all directly adjacent parcels			
A9	Proposed zoning			
A10	Location of all existing and proposed structure and improvements on the property			
A11	Location of significant historical and natural features including, but not limited to, wetlands, lakes, river, etc.	N/A		
A12	Site access(es)	N/A		
A13	Loading docks	N/A		
A14	Location of all bituminous and concrete surfaces and curbing areas	N/A		
A15	Waste storage area location and construction materials			
A16	Townhouse developments: location of building footprint for each unit	N/A		
A17	Setbacks (include front, side, rear in response)			
A18	Residential developments: number of residential units and net density for project			
A19	Proposed building(s) square footage calculations			
A20	Subject property square footage and acreage calculations			
A21	Building coverage calculation in square feet and total percentage			
A22	Impervious and building surface calculation in percentage and square feet			
A23	Green space calculation in percentage and square feet			
A24	Off-street parking and outside storage or display areas, including dimensions	N/A		
A25	Dimensions (length and width) of all private drives			
A26	Scale of plat, date, and north arrow	N/A		
A27	Traffic Generation Analysis, as determined necessary by the City	N/A		
A28	Additional information as requested by the City	N/A		
Section B: Landscape and Tree Preservation Plan				
Survey of existing tree cover prepared by ISA certified arborist				
B1	Location of proposed lots and building pad			
B2	Tree species			
B3	Tree diameter (dbh)			
B4	Tree condition			
B5	Oak Trees: submittal required with preliminary plat			
B6	Soil conditions			
B7	Existing contour data in tree disturbance or removal extending 50 feet beyond limits of plat (USGS data)			

B8	Proposed tree removal limits (no removal April 15-July 15)			
B9	Proposed number of trees to be planted			
B10	Proposed species of trees to be planted			
B11	Proposed size of trees to be planted			
	Irrigation System			
B12	Specifications on backflow device, rain sensor, and enclosure			
	General			
B13	Additional information as requested by the City			

Development Review Portal

This webpage is a clearinghouse for applications and necessary information related to the development review process in the City of Ramsey. Please contact the Planning Division at 763-576-4308 or planning@cityoframsey.com for more information.

List/Status of Current Projects Under Review

The City of Ramsey has prepared a Development Review Manual to help navigate you through the development review process. A full copy of the Development Review Manual can be downloaded here. Below, the Development Review Manual is divided into individual sections.

Development Review Manual

Background Information

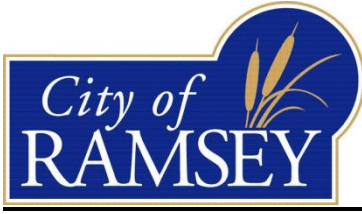
- Table of Contents
- Review Schedule
- Review Flowchart

Application Packets

- Plats/Subdivisions
- Site Plan Review
- Conditional Use Permits
- Interim Use Permits
- Easement Vacation
- Variance
- Zoning Amendment
- Comprehensive Plan Amendment

Developer Resources

- Applications
- Submittal Requirements
- Development Fee Schedule
- Letter of Credit Information
- Boilerplate Development Agreement (Plats/Subdivisions)
- Boilerplate Development Permit (Site Plan Reviews)
- Boilerplate Stormwater Maintenance Agreement
- Noise Study Requirements



Review Comment Sheet

DATE		PROJECT ADDRESS	
PROJECT. TITLE			
ESCROW #			
APPLICANT:			
REVIEWER:			
PROJECT DESCRIPTION			
COMMENT DEADLINE:			

Review Comments

Submittal Requirements:

1. Area for additional data needed.

General Comments:

1. Area for required plan amendments.

Regular Planning Commission

6.3.

Meeting Date: 11/03/2011

By: Tim Gladhill, Community Development

Title:

Staff Update

Background:

The following is a brief summary of approvals given in October that may be of interest to the Planning Commission :

- Adopt Ordinance to Assign Board of Appeals and Adjustment duties to the Planning Commission
- Adopt Ordinance to Amend City Code Section 117-117 and 117-118 (E1 and E2 Employment Districts) related to retail sales of compressed natural gas (CNG)
- Approve response to City of Anoka Comprehensive Plan Amendment
- Approve Interim Use Permit for Northern Light Church at 6701 Hwy 10 NW

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	10/28/2011 08:34 AM
Form Started By: Tim Gladhill		Started On: 10/28/2011
	Final Approval Date: 10/28/2011	

Regular Planning Commission

6. 4.

Meeting Date: 11/03/2011

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	Reviewed By	Date
Tim Gladhill	Tim Gladhill	10/27/2011 07:57 AM
Form Started By: JoAnn Shaw		Started On: 10/25/2011 12:23 PM
	Final Approval Date: 10/27/2011	

QUINLAN™

Zoning Bulletin

in this issue:

Religious Discrimination—City Zoning Code
Requires Religious Organizations to Obtain
Conditional Use Permit 2

Housing Discrimination—City Enacts Ordinances
Forbidding Conversion of Mobile Home Park
from “Senior-Only” to “All-Age” 5

Home Rule Powers—Municipalities Challenge
State Agency Regulatory Amendments 7

Modification—Developer Receives Approvals for
One Project, Then Obtains Approvals for Different Project 9

Zoning News from Around the Nation 11

WEST®

41059280

Religious Discrimination—City Zoning Code Requires Religious Organizations to Obtain Conditional Use Permit

Code does not require such a permit for other secular membership organizations

Citation: *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 2011 WL 2685288 (9th Cir. 2011)

The Ninth Circuit has jurisdiction over Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

NINTH CIRCUIT (ARIZONA) (07/12/11)—This case addressed the issue of whether a local zoning ordinance violated the federal Religious Land Use and Institutionalized Persons Act (“RLUIPA”). In addressing this issue, the United States Court of Appeals, Ninth Circuit, set forth criteria for analyzing whether a municipal zoning code treats religious organizations “on less than equal terms” than similarly situated nonreligious assemblies, in violation of RLUIPA.

The Background/Facts: Centro Familiar Cristiano Buenas Nuevas (the “Church”) was a Christian congregation of around 250 members.

Contributors
Corey E. Burnham-Howard

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In 2007, the Church bought a vacant building on Main Street in the city of Yuma, Arizona (the "City").

The City's zoning code (the "Code") required "religious organizations" and "educational services" to obtain a conditional use permit ("CUP") to operate in the zoning district. Many other uses, including "membership organizations (except religious organization)" and entertainment venues, were permitted as of right (not requiring a CUP). Apparently, the reason for requiring the CUP for religious organizations and educational services was that the City had been attempting to revitalize its Main Street into an "entertainment district." Under state law in effect in 2007, liquor licenses for bars, nightclubs and liquor stores were prohibited within 300 feet of a "church" or a K through 12 school.

The Church applied for a CUP, which the City denied. That denial was based on the finding that the use of the building as a church would be inconsistent with a "24/7 downtown neighborhood involving retail, residential, office and entertainment." The liquor license problem was the "pivotal factor."

The Church subsequently sued the City. It asked the district court to declare that the City Code provision subjecting religious organizations but not secular membership organizations to CUPs was invalid under RLUIPA. RLUIPA prohibits: (1) governments from implementing land use regulations that impose "a substantial burden" on religious exercise unless the government demonstrates that they further a "compelling government interest" by the "least restrictive means" (42 U.S.C.A. § 2000cc(a)); and (2) governments from imposing a land use restriction on a religious assembly "on less than equal terms" with a nonreligious assembly (42 U.S.C.A. § 2000cc(b)). The Church argued that the "equal terms" provision was violated by the City Code. The Church also asked the court to require the City to issue it a CUP, and the Church sued for damages for the financial consequences it suffered from the CUP denial.

The district court concluded that the different treatment of churches did not violate RLUIPA. It entered judgment for the City.

The Church appealed. Notably, while the appeal was pending: the church lost the property to foreclosure; and the state of Arizona passed a state version of RLUIPA which allowed for a waiver on the statutory ban on liquor licenses within 300 feet of a church. These subsequent events made moot the Church's claims for declaratory judgment and injunction. However, the Church's damages claims were not moot so the matter proceeded on appeal.

DECISION: Reversed, and matter remanded.

The United States Court of Appeals, Ninth Circuit, held that the relevant City Code provision violated RLUIPA.

In so holding, the court first concluded that monetary damages may be awarded against municipal entities under RLUIPA.

The court next analyzed the “equal terms” provision of RLUIPA against the language of the City Code. The statutory text of the equal terms provision says:

No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

The City Code said that “religious organizations” were permitted only upon the granting of a CUP. Meanwhile, numerous other uses were permitted as of right and did not need a CUP. Among the uses not requiring a CUP were “membership organizations (except religious organization).” The court found it “hard to see how an express exclusion of ‘religious organizations’ from uses permitted as of right by other ‘membership organizations’ could be other than ‘less than equal terms’ for religious organizations.”

In reaching its conclusion, the court noted a municipality cannot treat a religious organization “on less than equal terms with a nonreligious assembly” based on a compelling government interest. The language of the equal terms provision does not allow for it. Moreover, Congress mandated that the RLUIPA be interpreted “in favor of a broad protection of religious exercise.”

The court made clear that a municipality would be found to have violated the equal terms provision only if it treated a church on a less than equal basis with a secular comparator that was similarly situated with respect to an accepted zoning criteria. In other words, a city ordinance that, on its face, treated a church on “less than equal terms” would not be in violation of RLUIPA only if the distinction was based on “accepted zoning criteria”—such as parking, vehicular traffic, or generation of tax revenue. Thus, a city “may be able to justify some distinctions drawn with respect to churches, if it can demonstrate that the less-than-equal-terms are on account of a legitimate regulatory purpose, not the fact that the institution is religious in nature.”

Here, the court found that the City Code’s exclusion of religious organizations was “not reasonably adapted to the zoning criteria it [was] purported to serve” (i.e., preventing a damper on liquor license issuances). The court found that the “300-foot restriction on liquor [did] not vitiate the inequality” because: (1) the language of the City Code said “religious organizations,” not “uses which would impair issuance of liquor licenses”; (2) the Code’s exception was “too broad to be explained away by a liquor license restriction,” as it excluded not only churches and K-12 schools (which affected liquor licenses), but also “religious organizations that were not churches” (and thus did not affect liquor licenses); and (3) “many of the uses permitted as of right [—such as a post

office or prison—] would have the same practical effect as a church of blighting a potential block of bars and nightclubs.”

The court concluded that the City Code provision violated RLUIPA's equal terms provision because: it required religious assemblies to obtain a CUP and did not require similarly situated secular membership assemblies to do the same.

The court remanded the matter to the district court to adjudicate the Church's claim to damages.

See also: *Lighthouse Institute for Evangelism, Inc. v. City of Long Branch*, 510 F.3d 253 (3d Cir. 2007).

See also: *River of Life Kingdom Ministries v. Village of Hazel Crest, Ill.*, 611 F.3d 367 (7th Cir. 2010).

Case Note: In its decision, the court noted that RLUIPA's equal terms provision did not necessarily require that “anything allowable for any institution ... be allowed for a church.” Again, the court reiterated that a distinction in the treatment of churches and nonreligious assemblies may be based on “accepted zoning criteria.”

Housing Discrimination—City Enacts Ordinances Forbidding Conversion of Mobile Home Park from “Senior-Only” to “All-Age”

Park owners charge ordinances violate the Fair Housing Act

Citation: *Waterhouse v. City of American Canyon*, 2011 WL 2197977 (N.D. Cal. 2011)

CALIFORNIA (06/06/11)—This case addressed the issue of whether a city ordinance creating a “Senior Mobile Home Park Overlay Zone” violated the Fair Housing Act by discriminating against non-seniors based on familial status.

The Background/Facts: Ken Waterhouse, Ron Ubaldi, Napa Olympia I, LLC, Waterhouse Management, Inc., and Napa Olympia (collectively, “Waterhouse”) assumed ownership of a 201-unit mobile home park (the “Park”) in the City of American Canyon (the “City”) in May 2005. Prior to Waterhouse's ownership, the Park rules defined the Park as “a park for older person[s], 55 years & older,” with “at least 85% of the households within the Park [to] be occupied by at least one person age 55 years or older.” When Waterhouse purchased the Park, it conducted due diligence to ensure the Park was complying with, among other laws, the federal Fair Housing Act (“FHA”).

Among other things, the FHA prohibits discrimination against any person in the sale or rental of a dwelling based on familial status (i.e., FHA prohibits discrimination in housing against families with children). Discrimination based on familial status is, however, permitted in housing developments that qualify as “housing for older persons” (42 U.S.C.A. § 3617). To qualify as “housing for older persons,” “at least 80 percent of [the Park’s] occupied units [had to be] occupied by at least one person 55 years of age or older.” (24 C.F.R. 100.305). Additionally, to qualify for the senior exemption from the prohibition on discrimination based on familial status, the Park had to “comply” with certain requirements. Specifically, the Park had to: publish and adhere to policies and procedures that demonstrate its intent to operate as housing for persons 55 years of age or older (24 C.F.R. 100.306); and identify methods for verification of occupancy required by the exemption from housing for older persons (24 C.F.R. 100.307).

Through due diligence, Waterhouse apparently determined that Park rules were not in compliance with the FHA. The Park had no historical records to provide verification that at least 80% of the Park’s spaces were occupied by at least one person 55 years of age or older. The Park did not have procedures in place for routinely determining the occupancy of each unit. Waterhouse subsequently “endeavored to change the [P]ark rules so that the rules would be consistent with the [P]ark’s existing operation as an all-age park.”

Seeking to maintain housing for seniors, the City enacted a series of moratoria forbidding the conversion of the Park from what the City considered a senior park to an all-age park. In March 2010, the City adopted a Senior Mobile Home Park Overlay Zone “to maintain senior residency status in areas that already maintain at least 80 percent senior residency.” A City survey determined that the Park had 91% senior residency. Accordingly, under the new ordinance, the Park had to “maintain senior residency status” of at least 80%.

The Park sued the City. The Park argued that the City’s ordinances violated the FHA.

The City countered that the Park was always a senior park and that its ordinances merely protected seniors—consistent with the FHA—from Waterhouse’s attempted conversion.

Each party asked the court to find there were no material issues of fact in dispute and to issue summary judgment on the law alone in their favor.

DECISION: Waterhouse’s motion for partial summary judgment granted.

The United States District Court, N.D. California, held that the City’s ordinances violated the FHA. Although the Park had, prior to Waterhouse ownership, had rules stating that it was a seniors-only park, the

Park had not adhered to the requirements of the FHA necessary to qualify as “housing for older persons.” Accordingly, the court found that the “housing for older persons exemption” never applied to the Park. Waterhouse attempted to amend Park rules to make clear it was open to all applicants on a nondiscriminatory basis. Instead, found the court, the City “forced [Waterhouse] to violate federal law by directing them specifically to lock in their discriminatory rule.”

Specifically, the court held that the City’s ordinances violated the FHA by: “mak[ing] unavailable ... dwelling[s] to any person because of familial status,’ 42 U.S.C. 3604(a); by ‘discriminat[ing] against any person in the terms conditions, or privileges of sale or rental of a dwelling ... because of ... familial status,’ 42 U.S.C. 3604(b); and by ‘interfer[ing] with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, ... any right granted or protected by [the FHA’s prohibitions on discrimination],’ 42 U.S.C. 3617.” In other words, “[t]he restrictions contained in the subject ordinances necessarily impede[d] non-seniors from obtaining housing in the [Park] and thus discriminate[d] on the basis of familial status,” concluded the court. Having found the ordinances “purported to require or permit actions that [were] discriminatory under the [FHA]” (i.e., requiring the continued operation of a seniors-only park that had not been adhering to FHA requirements regarding policies and verification of senior occupancy), the court found the ordinances were invalid.

Home Rule Powers—Municipalities Challenge State Agency Regulatory Amendments

Municipalities claim amendments “steal” their legislative capacity for enacting land use controls

Citation: *New York Blue Line Council, Inc. v. Adirondack Park Agency*, 86 A.D.3d 756, 927 N.Y.S.2d 432 (3d Dep’t 2011)

NEW YORK (07/14/11)—This case addressed the issue of whether municipalities can challenge state agency interpretation of statutes and regulations where the result impacts the municipality in its governmental capacity. It also addressed whether certain state agency rule making violates municipal home rule powers.

The Background/Facts: The Adirondack Park Agency (the “APA”) is charged with regulating land use and development within the Adirondack Park. The APA is empowered to, among other things, adopt, amend, and repeal rules and regulations consistent with the Adirondack Park Agency Act (the “Act”). In 2008, the APA adopted nine such regulatory amendments. Thereafter, counties, towns, persons, and entities brought legal actions challenging four of those 2008 amendments. The

four challenged amendments all increased regulatory review for certain activities within the Adirondack Park.

The municipalities had asserted that the challenged amendments affected them in their governmental capacity. More specifically, they had asserted that the amendments “directly [stole] ... their legislative capacity for enacting land use controls.”

The Supreme Court determined that the municipal petitioners lacked the capacity to sue on all claims except that related to the alleged violation of their home rule powers. As to that issue the Supreme Court found the municipalities’ arguments lacked merit and dismissed their claim.

The municipalities appealed.

DECISION: Affirmed as to that issue.

The Supreme Court, Appellate Division, Third Department, New York, held that the APA’s 2008 rule making did not violate municipal home rule powers.

In so concluding, the court first reiterated the lower court’s conclusion that the municipal petitioners lacked the capacity to sue on all claims other than that alleging a violation of their home rule powers. The court noted that it was “well settled” that municipalities “cannot contest the actions of the state which affect them in their governmental capacity or as representatives of their inhabitants.” The municipalities had argued that rule did not apply to the actions of state agencies (as compared to the actions of the state). The court rejected that argument, noting that, to the contrary, the rule applied “with equal force to the actions of state agencies: ‘a municipality lacks the capacity to challenge a state agency’s interpretation of statutes and regulations where ... the result impacts the municipality in its governmental capacity.’”

Next, the court acknowledged that the municipalities did have the capacity to raise the claim that the 2008 amendments violated the home rule protections contained in article IX of the New York Constitution. However, the court found the claim lacked merit. The Act “addressed an issue of substantial [s]tate concern”: the “comprehensive zoning and planning program for all of the public and private lands with the [Adirondack] [P]ark.” The Act related to a “matter reserved to the state,” as it was not related to the property, affairs or government of a local government. Accordingly, the court found the 2008 amendments did “not impermissibly infringe upon the home rule powers of municipalities with the Adirondack Park.”

See also: *County of Oswego v. Travis*, 16 A.D.3d 733, 791 N.Y.S.2d 189 (3d Dep’t 2005).

See also: *Town of Black Brook v. State*, 41 N.Y.2d 486, 393 N.Y.S.2d 946, 362 N.E.2d 579 (1977).

See also: *Wambat Realty Corp. v. State*, 41 N.Y.2d 490, 393 N.Y.S.2d 949, 362 N.E.2d 581, 7 *Env'tl. L. Rep.* 20363 (1977).

Case Note: The court also found that the challenges of the persons and entities failed because “none of their allegations constitute[d] concrete injuries sufficient to state a justiciable claim.” “The mere fact that petitioners may have to endure the APA review process [was] not sufficient, without more, to constitute injury for this purpose.”

Modification—Developer Receives Approvals for One Project, Then Obtains Approvals for Different Project

Objector says subsequent project approvals resulted in automatic rescission of prior project approvals

Citation: *Price v. Martinetti*, 2011 WL 2977124 (N.J. Super. Ct. App. Div. 2011)

NEW JERSEY (07/25/11)—This case addressed the issue of whether subsequent land use approvals for a development site result in automatic rescission of any prior approvals.

The Background/Facts: A developer, 315; 7th St., LLC (the “Developer”), owned property (the “Property”) in the city of Union City (the “City”). The previous owner of the Property had received from the City’s Board of Adjustment (the “Board”) site plan approval and associated variances. The site plan approval and variances were for the proposed construction of a seven-story, 20-unit apartment building on a 5,000-square-foot property (“Project 1”). Thereafter, the Developer took steps to proceed with construction of Project 1, demolishing existing buildings and performing site preparation work on the Property.

In January 2006, the Developer decided to change its development plan. It acquired adjacent lots, and sought approval for construction of an 18-story, 84-unit apartment building on the now 10,000-square-foot property (“Project 2”). The Board granted the Developer’s application for site plan approval.

An objector, Larry Price (“Price”) then brought a legal action challenging the approval of Project 2. That action resulted in a Law Division decision invalidating the approvals for Project 2.

Subsequently, the Developer again decided to change its development plan. It purchased additional adjacent property. It applied to the Board for the site plan and variance approvals required to construct a 14-story,

129-unit apartment building on the now 20,000-square-foot property (“Project 3”). The Board granted the application. Price again challenged the approvals. Ultimately, the approvals for Project 3 were invalidated in court.

The Developer then decided to revert to its original plan for Project 1. In 2008 and 2010, the Developer applied for and received necessary construction permits.

In September 2010, Price once again filed a legal action seeking to stop construction of the apartment building. This time, Price argued that the Developer had “abandoned” the land use approvals for Project 1 by applying for and obtaining approvals for Projects 2 and 3.

The Superior Court, Law Division rejected Price’s argument.

Price appealed.

DECISION: Affirmed.

The Superior Court of New Jersey held that, under New Jersey’s Municipal Land Use Law (the “MLUL”) (N.J.S.A. 40:55D-1 to -163), subsequent land use approvals for a development site do not result in automatic rescission of any prior approvals, unless the subsequent approvals were conditioned upon such rescission.

In so holding, the court clarified the issue: “[Does] a landowner who obtains the land use approvals required for a development project, and subsequently obtains the land use approvals for a different form of development project on the site, lose[] the benefit of the approvals authorizing construction of the originally planned project?” The court said the MLUL (and not case law) governed the issue as it relates to site plan approvals and variances. The court found “[t]here is no express authorization in the MLUL for a municipality to condition the grant of site plan approval upon a developer agreeing to rescission of a previously granted approval for the same site.” The court also found nothing in the MLUL’s provisions dealing with the granting of variances that “indicat[es] that a property owner who has obtained the variance required for one form of development loses the benefits of those variances simply by obtaining the variance required for a different form of development.”

The court also found the City had not adopted an ordinance providing that: subsequent land use approvals for a site result in rescission of any prior approvals; or the Board condition its grant of a subsequent application for land use approvals upon the landowner’s agreement to rescission of any prior approvals. The court further found that the Board had not imposed such a condition in this case when it granted the approvals for Projects 2 and 3.

The court did acknowledge that a variance could be lost by “abandonment.” However, the court explained that it was “only the actual use of the property in a manner different from the one authorized by the [variance] that resulted in its abandonment.” In any case, here, the court found that

the Developer never used its property in the manner authorized by the approvals for Projects 2 and 3 because Price had successfully challenged the validity of those approvals. "Thus, even assuming a property owner could be found to have abandoned a site plan approval and associated variances if it actually developed the property in accordance with subsequent land use approvals, that [was] not what occurred in this case."

See also: *Stop & Shop Supermarket Co. v. Board of Adjustment of Tp. of Springfield*, 162 N.J. 418, 744 A.2d 1169 (2000).

See also: *Dimitrov v. Carlson*, 138 N.J. Super. 52, 350 A.2d 246 (App. Div. 1975).

Case Note: In its decision, the court found additional support for its conclusion in "substantial policy considerations." The court noted that one of the purposes of the MLUL is to "encourage the most appropriate use of land." Consequently, the court said that a landowner should not be "precluded from seeking the approvals required for an alternative, [more productive,] form of development"; or "inhibited [from seeking such approval] out of a concern that it will forfeit the prior approvals."

Zoning News from Around the Nation

CALIFORNIA

The U.S. Justice Department recently settled a religious discrimination lawsuit against the Southern California city of Walnut. The Justice Department had alleged that Walnut violated federal law prohibiting religious discrimination in land use and zoning decisions when it denied a permit to a group seeking to build a Buddhist center. The Justice Department alleged that Walnut treated the Zen Center differently than the city had treated other religious facilities.

Source: *San Francisco Chronicle*; <http://articles.sfgate.com/>

MICHIGAN

A bill (HB 4746 and SB 470), recently signed into law by Governor Rick Snyder, amends the state Zoning Enabling Act by prohibiting local governments from restricting mining activities unless "very serious consequences" would result. The new law negates a 2010 Michigan Supreme Court decision that held that Leelanau County's Kasson Township may restrict gravel mining through zoning.

Source: *Leelanau Enterprise*; www.leelanaunews.com

MICHIGAN

A Wayne County judge recently upheld a Livonia city zoning ordinance that forbids violating any federal law—including drug laws that criminalize possession of marijuana. The American Civil Liberties Union had reportedly argued that the ordinance amounted to a ban on state sanctioned medical-marijuana use.

Source: *Detroit Free Press*; www.freep.com

SOUTH DAKOTA

The South Dakota Supreme Court was expected to hear arguments in late August on a Sioux Falls zoning ordinance. The ordinance, which would make much of the city off-limits to new video lottery casinos, was struck down by a circuit judge last year. The judge ruled that the South Dakota Constitution and state laws allowed only the state to regulate video lottery. The city appealed the decision.

Source: *Rapid City Journal*; <http://rapidcityjournal.com>

WASHINGTON

As of early August, Tacoma was considering a ban on digital billboards, which include signs bigger than 72 square feet.

Source: *The News Tribune*; www.thenewstribune.com

Zoning Bulletin

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Rezoning—Statute Requires County Approval of City Rezone Within One Mile of Airport

When county rejects rezone, landowner says “approval” means review, not independent determination

Citation: 143rd Street Investors, L.L.C. v. Board of County Com’rs of Johnson County, 2011 WL 3366451 (Kan. 2011)

KANSAS (08/05/11)—This case addresses the interpretation and application of Kansas statutory law, K.S.A. 3-307e, which relates to the rezoning of property within one mile of an airport. More specifically, the case addresses whether the statute’s requirement of both city and county “approval” of a proposed rezoning, authorizes the county to make an independent, discretionary rezoning determination or simply gives the county the role of reviewing the city’s action.

The Background/Facts: “Landowners” owned approximately 95 acres of land (the “Property”) in the City of Olathe (the “City”), in Johnson County (the “County”). A portion of the Property lay within the “primary flight corridor subarea A” of the Johnson County Executive Airport (the “Airport”). Most of the Property was located adjacent to this corridor.

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For several decades, the Property had been zoned agricultural. Landowners sought to develop the Property with a 230-lot subdivision. In furtherance of that proposal, Landowners filed an application with the City to rezone the Property as "RP-1" (planned single-family residential).

Because the Property was located within one mile of an airport, it was subject to Kansas statutory law, K.S.A. 3-307e. That statute provides that any changes in existing city zoning within one mile of public airports that is approved by a city "must have the approval of the board of county commissioners."

Here, the City approved the Landowners' rezoning request for the Property. A copy of the Landowner's application was then sent to the County for consideration. The County Commissioners denied the Landowners' rezoning application. The Johnson County Executive Airport Comprehensive Compatibility Plan (the "Airport Compatibility Plan"), which had been adopted by the County but not the City, allowed a housing density of one dwelling unit per acre on the Property. The County Commissioners determined that the Landowners' proposed subdivision's density of 2.4 dwellings per acre was incompatible with the Airport Compatibility Plan and raised safety concerns.

The Landowners appealed the County's denial of their rezoning application.

The district court held, in part, "that the City was the zoning authority and the County took a quasi-judicial review in reviewing the City's zoning decision." The district court concluded that in order to deny the Landowner's rezoning application after the City had approved it, the County had to overcome the presumption that the City's decision was reasonable. The district court determined that the County had failed to meet this burden of proof. The court "deemed the City's decision to rezone the [P]roperty lawful and ordered the publication of the City's rezoning ordinance."

The County appealed. Among other things, the County argued that: K.S.A. 3-307e authorized the County to make an independent, discretionary rezoning determination; and the County's decision to disapprove the Landowners' proposed rezoning was entitled to a presumption of reasonableness that the Landowners were required to overcome by proving that the County's action was unreasonable.

DECISION: Reversed and matter remanded.

The Supreme Court of Kansas agreed with the County. Interpreting K.S.A. 3-307e, the court held that the statute did "not relegate the county to the role of reviewing the city's action." "Rather," found the court, "K.S.A. 3-307e clearly indicates that the county is a vital authority in the rezoning decision-making process and is entitled to make its own independent, discretionary determination to approve or disapprove any proposed rezoning."

In so concluding, the court said that the statutory requirement of county approval of any city rezoning within one mile of a public airport would be meaningless if it were purely ministerial. "In common usage, if one must have approval as a condition precedent, one knows that disapproval is possible," noted the court. Most importantly, found the court, K.S.A. 3-307e was not worded as a review provision. "Not only does the statute use the term 'approval' rather than 'review' or a similar term, it does not provide any criteria for a review. Rather, under the statute, the County exercises its full discretion to approve or disapprove the rezoning application," said the court.

The court further held that, under K.S.A. 3-307e, both the decision of a city and the decision of a county regarding a request to rezone property located within one mile of a public airport were entitled to a presumption of reasonableness. Both the city and the county should be recognized as a zoning authority with the discretion to independently evaluate an application for rezoning, said the court. The burden is on the landowner in challenging a rezoning decision to establish by a preponderance of the evidence that the challenged decision is not reasonable.

Here, the court remanded the matter to the district court for findings regarding the reasonableness of the County's decision.

See also: *State ex rel. Tice v. Brooks*, 160 Kan. 526, 163 P.2d 414 (1945).

See also: *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978).

See also: *Combined Inv. Co. v. Board of County Com'rs of Butler County*, 227 Kan. 17, 605 P.2d 533 (1980).

Case Note: The City and Landowners had suggested that the lack of guidance regarding the procedure for the County's approval process meant that the legislature could not have intended the County to be a zoning authority. The Supreme Court disagreed, finding: other statutes defined the procedures (see K.S.A. 2010 Supp. 19-2960); and the court had previously provided guidance as to nonexclusive factors to be considered (see *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978)).

Case Note: The City had also argued that "giving the County the power to 'veto' the City's rezoning ordinance [was] contrary to the City's home rule authority." The Supreme Court also rejected this argument. The court found, by enacting K.S.A. 3-307e, the legislature created an exception to the city's authority.

Variance—County Grants Variance and Special Exception, Allowing Landowners to Park Paving Equipment on Their Property

Neighbors object, arguing variances may not be granted for reasons of mere convenience

Citation: *Mills v. Godlove*, 2011 WL 2652481 (Md. Ct. Spec. App. 2011)

MARYLAND (07/07/11)—This case addresses the issue of whether a zoning board had properly granted a special exception and variance. The case addresses the standards that must be met in granting special exceptions and variances.

The Background/Facts: James L. Mills and Korina Mills (the “Mills”) owned property in Washington County. Their property was divided by a road. They resided on the east side of the road and maintained a garage and paving equipment on the west side. The Mills parked the paving equipment—including four dump trucks, a backhoe, and a trailer with a paver and roller—on the west side of the property for seven years. Then, a complaint was filed, challenging the legality of this parking practice. As a result, the Mills sought a special exception and variance to continue parking the paving equipment on their property. They asserted that it would be a “big hassle” to park the equipment off-site because the nearest storage area was 30 miles away. They also argued that keeping the paving equipment on their property would prevent “theft, vandalism, and other adverse acts.”

Several neighbors, including Ronald Godlove and Gail McDowell (collectively, the “Neighbors”), opposed the variance and special exception. They primarily argued that parking paving equipment on the Mills’ property would be detrimental to the environment and would affect property values in the area. More specifically, among other things, they argued it would: be disruptive to the Neighbors’ quiet enjoyment; be detrimental to property values; and create excessive odors, dust, gas, smoke, fumes, vibrations, or glare.

Ultimately, the County Board of Zoning Appeals (the “Board”) granted the requested zoning variance and special exception. The Board explained that a variance was necessary because: the Mills’ property was unique due to the size and shape of the lot; and strict compliance with the special exception requirements would be impossible. The Board also noted that denying the variance would “be a substantial injustice.” The Board specifically noted that the Mills’ request for a variance and special exception was “primarily one of convenience,” since the Mills had a snow removal contract with the state which required them to mobilize within one hour’s notice.

The Neighbors appealed.

The circuit court reversed the Board's grant of a special exception and variance. The court found there was insufficient analysis of the inherent adverse effects associated with an equipment storage yard.

The Mills appealed.

DECISION: Affirmed.

The Court of Special Appeals of Maryland held that the zoning variance to permit the Mills to park paving equipment on their property was primarily one of convenience, and convenience was not sufficient to justify an exception to the zoning requirement.

In so holding, the court explained that: "[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." The court said that in order for a variance to issue: (1) the property had to be unique and unusual such that the zoning provision impacted it disproportionately; and (2) a practical difficulty and/or unreasonable hardship resulted from that disproportionate impact.

Moreover, the county zoning ordinance provided that a variance could only be granted if there is a showing of practical difficulty or undue hardship. The court said that, in regard to area variance requests—as was the request here—the less restrictive "practical difficulties" standard applied. The county zoning ordinance defined "practical difficulty" as where: strict compliance would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; denying the variance would do substantial injustice to the applicant; and granting the variance would observe the spirit of the ordinance and secure public safety and welfare.

Here, all parties agreed that the Mills' property was unique due to the size and shape of the lot. However, the court found that the Mills' stated reasons for the variance (i.e., security issues, increased time to retrieve equipment, and increased costs) were valid but primarily reasons of convenience. The law was clear, said the court: "[t]he need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant"

The court also concluded that the Board's conclusions as to the grant of the special exception were: "insufficient because it merely presented conclusions without pointing to any evidentiary basis." The court explained that, in evaluating the Mills' special exception request, the Board's duty was to judge: whether the neighboring properties in the general neighborhood would be adversely affected; and whether the Mills' proposed use was in harmony with the general purpose and intent of the zoning plan. The Board "did not address the adverse effects of storing contractor's equipment, nor did it address how [the Mills'] storage of paving equipment would be different," found the court. The

Board merely stated, “without support,” that there was no evidence to support the Neighbors’ concerns. This was inadequate, concluded the court.

See also: *Carney v. City of Baltimore*, 201 Md. 130, 93 A.2d 74 (1952).

See also: *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (2006).

See also: *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981).

See also: *Bucktail, LLC v. County Council of Talbot County*, 352 Md. 530, 723 A.2d 440 (1999).

Standing—Landowners Challenge Amendment Redefining Buildable Lot in Zoning District

Landowners maintain they can bring the challenge based on their established statutory aggrievement

Citation: *Lucas v. Zoning Com’n of Town of Harwinton*, 130 Conn. App. 587, 2011 WL 3274243 (2011)

CONNECTICUT (08/09/11)—This case addresses the types of aggrievement—classic and statutory—that must be alleged and proven in order to bring a case in trial court.

The Background/Facts: James Lucas and Leslie B. Lucas (the “Lucases”) owned property in a country residential zone (“CR zone”) in the town of Harwinton, Connecticut (the “Town”). In September 2008, the Town adopted an amendment to § 2.3 of its zoning regulations. The adopted amendment redefined buildable area in the CR zone.

The Lucases’ appealed to court on several grounds from the Town’s decision approving the amendment. The court dismissed the appeal on the ground that the Lucases failed to plead facts sufficient to establish either classical or statutory aggrievement.

The Lucases appealed.

DECISION: Reversed, and matter remanded.

The Appellate Court of Connecticut held that the Lucases had pleaded sufficient facts in their complaint to allege statutory aggrievement.

The court explained that in order for the Lucases to have standing to bring this administrative appeal, they had to be aggrieved. In other words, for the trial court to have subject matter jurisdiction over the Lucases’ appeal of the amendment, the Lucases had to plead and prove aggrievement. The court further explained that there are “[t]wo broad yet distinct categories of aggrievement”: classical and statutory. The

court explained that a party bringing a complaint has standing based on statutory aggrievement if they claim an injury to an interest protected by legislation. The court explained that if a person can prove statutory aggrievement, they are not required to plead and to prove the elements of classical aggrievement (i.e., a unique personal interest has been specifically and injuriously affected by the decision).

The court looked to Connecticut General Statutes § 8-8, which provides in relevant part that “Aggrieved [P]erson” means: “ a person aggrieved by a decision of a board and includes ... any person owning land that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision of the board.”

The court found that the Lucases had plead: that they owned property located in the CR zone; that the Town redefined buildable area solely in the CR zone; and that therefore their property was specifically affected by the decision to amend § 2.3 of the regulations. The court concluded that the Lucases’ pled sufficient facts in their complaint to allege statutory aggrievement.

This, however, did not end the court’s analysis. Again, the court had said that in order to have standing to bring their appeal, the Lucases had to allege *and prove* statutory aggrievement. The court concluded that the matter should be remanded to the trial court with direction to consider the appeal, including the issue of whether, on the basis of the existing record, the Lucases proved aggrievement (i.e., proved that they owned property within one hundred feet of the CR zone, which the amendment affected).

See also: *Timber Trails Corp. v. Planning and Zoning Com’n of Town of Sherman*, 222 Conn. 374, 610 A.2d 617 (1992).

See also: *Cole v. Planning and Zoning Com’n of Town of Cornwall*, 30 Conn. App. 511, 620 A.2d 1324 (1993).

See also: *Lewis v. Planning and Zoning Com’n of the Town of Ridgefield*, 62 Conn. App. 284, 771 A.2d 167 (2001).

Case Note: The Town had argued that in order to allege statutory aggrievement, the Lucases also had to have alleged that they sustained an injury. The court commented: “A statutorily aggrieved person need not have sustained any injury.” In any case, the court found the Lucases had alleged that the amendment redefining buildable area in a CR zone caused them injury in that it affected their property and amounted to a taking of their property.

Validity of Ordinance—Town Regulates Off-Street Parking Through General Ordinance

Landowner argues parking should have been regulated under zoning powers, requiring compliance with statutory procedure

Citation: *Spenlinhauer v. Town of Barnstable*, 2011 WL 3594493 (Mass. Ct. App. 2011)

MASSACHUSETTS (08/18/11)—This case addresses the issue of whether parking limitations contained in a town's general ordinance were invalid because they were improperly regulated by general bylaws when they were actually zoning regulations, the enactment of which required compliance with state statutory requirements.

The Background/Facts: On June 1, 2006, the Town of Barnstable, Massachusetts (the "Town"), adopted a "Comprehensive Occupancy" ordinance (the "Ordinance"). Among other things, the Ordinance limited the number of people who could occupy a single-family dwelling. The Ordinance also limited the number of motor vehicles that could be parked overnight, off-street and in the open, outside of a single-family dwelling. The Ordinance committed enforcement to "the Building Commissioner ... the Board of Health ... or the police."

Robert J. Spenlinhauer owned a single-family home in the Town. Under the formula in the Ordinance, he was permitted to park no more than three vehicles outdoors on his property overnight. Spenlinhauer, however, regularly exceeded the number of permitted vehicles.

In June 2007, after receiving complaints from neighbors, the Town's director of public health issued an order requiring Spenlinhauer cease and desist from exceeding the vehicle parking limit. The order stated that he would be fined, as the Ordinance provided, \$100 for each day of violation.

Spenlinhauer appealed the order to the Town's board of health. The board of health upheld the order and imposed a \$100 fine.

Spenlinhauer then brought a legal action in superior court. He challenged the validity of the Ordinance. Essentially, he argued that the Ordinance was invalid because it amounted to an attempt to impose a zoning regulation without following the procedures required under Massachusetts statutory law, G.L. c. 40A. Under Massachusetts law, valid zoning measures can be implemented only by following the procedures spelled out in G.L. c. 40A. Here, the Town did not contend that those procedures were followed.

The Town countered with an assertion that the Ordinance was a perfectly valid health regulation.

The superior court agreed with the Town.

Spenlinhauer appealed.

DECISION: Vacated and matter remanded.

The Appeals Court of Massachusetts held that the Town Ordinance imposing limits on overnight parking was a matter for regulation through the Town's zoning power, not through its general ordinance. The court further held that the Ordinance was therefore invalid because it was not promulgated in accordance with the requirements of G.L. c. 40A.

The court explained that "[t]he distinction between zoning and other regulations is not an empty formality." Valid zoning measures can be implemented only by following the procedures spelled out in G.L. c. 40A. "Moreover, changes in zoning ordinances protect some prior existing uses ... but general ordinances typically do not." Therefore, if a town uses its general police power to adopt an ordinance that is a matter for regulation through the town's zoning powers without following the procedures contained in c. 40A, the ordinance is invalid.

Here, the court concluded that the parking component of the challenged Ordinance was a matter of regulation though the Town's zoning power, not through its use of a general ordinance because: (1) historically, prior to the adoption of the Ordinance, the Town had regulated off-street parking through its zoning bylaws; (2) the Town historically and currently regulates all other aspects of parking under its zoning bylaws; and (3) at the hearings adopting the Ordinance, there was no mention of public health issues, only concerns over character and quality of neighborhoods—"precisely the target at which the [T]own's zoning ordinance is so thoroughly and comprehensively aimed." "Against that backdrop," the court found: "the town's attempt to use its general ordinance power to regulate off-street parking undercut[] 'the assorted protections contained in' c. 40A, in the process of frustrating the purposes for which c. 40A was enacted."

The court vacated the superior court's judgment and remanded the matter for entry of judgment in accordance with its decision. The court also vacated the Town board of health orders against Spenlinhauer.

See also: *Rayco Inv. Corp. v. Board of Selectmen of Raynham*, 368 Mass. 385, 331 N.E.2d 910 (1975).

Zoning News from Around the Nation

MARYLAND

Governor Martin O'Malley has proposed new land development rules known as the "PlanMaryland" proposal. The plan, which reportedly would not require legislative approval, is being billed as "a strategy to more effectively implement 'smart growth' and prevent sprawl." The

proposed plan would not require compliance by localities, but would link local aid to compliance with the statewide goals. Localities would be offered incentives to follow the plan and “help ‘fast-track’ growth where dense development already exists.”

Source: *The Baltimore Sun*; www.baltimoresun.com

NEW YORK

A Douglaston councilman has introduced two bills that “would enable community boards and the borough president to fight decisions made by the city’s Board of Standards and Appeals [(the ‘BSA’)].” One bill would give local community boards and the Borough President the ability to appeal decisions made by the BSA. The appeal would then be heard by the City Council, which would vote on whether to grant the variance. Another bill proposes that the BSA be required to notify a property owner that they must apply for a new variance six months before their current one expires. Failure to do so would result in a fine.

Source: *Douglaston Patch*; <http://douglaston.patch.com>

PENNSYLVANIA

Scranton Mayor Chris Doherty recently vetoed city council legislation that rezoned an area of the city from neighborhood commercial to medium-density residential. The rezone essentially blocked a proposed housing project because the new zone did not permit apartments. The mayor said he vetoed the legislation because it was “flawed” in that it was illegal and violated the city’s Administrative Code, as well as local, state, and federal laws, including the Pennsylvania Human Relations Act and the federal Fair Housing and Civil Rights acts.

Source: *The Times-Tribune*; <http://thetimes-tribune.com>

PENNSYLVANIA

A South Fayette drilling ordinance is being challenged as “illegal” by a Texas-based company, Range Resources. Range Resources reportedly alleges that the ordinance enforces buffer zones around schools, hospitals, and certain commercial areas “that force a de facto moratorium on drilling throughout the entire township.” Range Resources says that violates the portion of Pennsylvania’s Municipalities Planning Code that requires all municipalities to “allow for reasonable development of minerals” as part of any zoning ordinance. The company also alleges that the conditions of the ordinance violate the Fifth Amendment of the U.S. Constitution, which says private property cannot be taken for public use “without just compensation.”

Source: *Pittsburgh Post-Gazette*; www.post-gazette.com

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ZONING PRACTICE

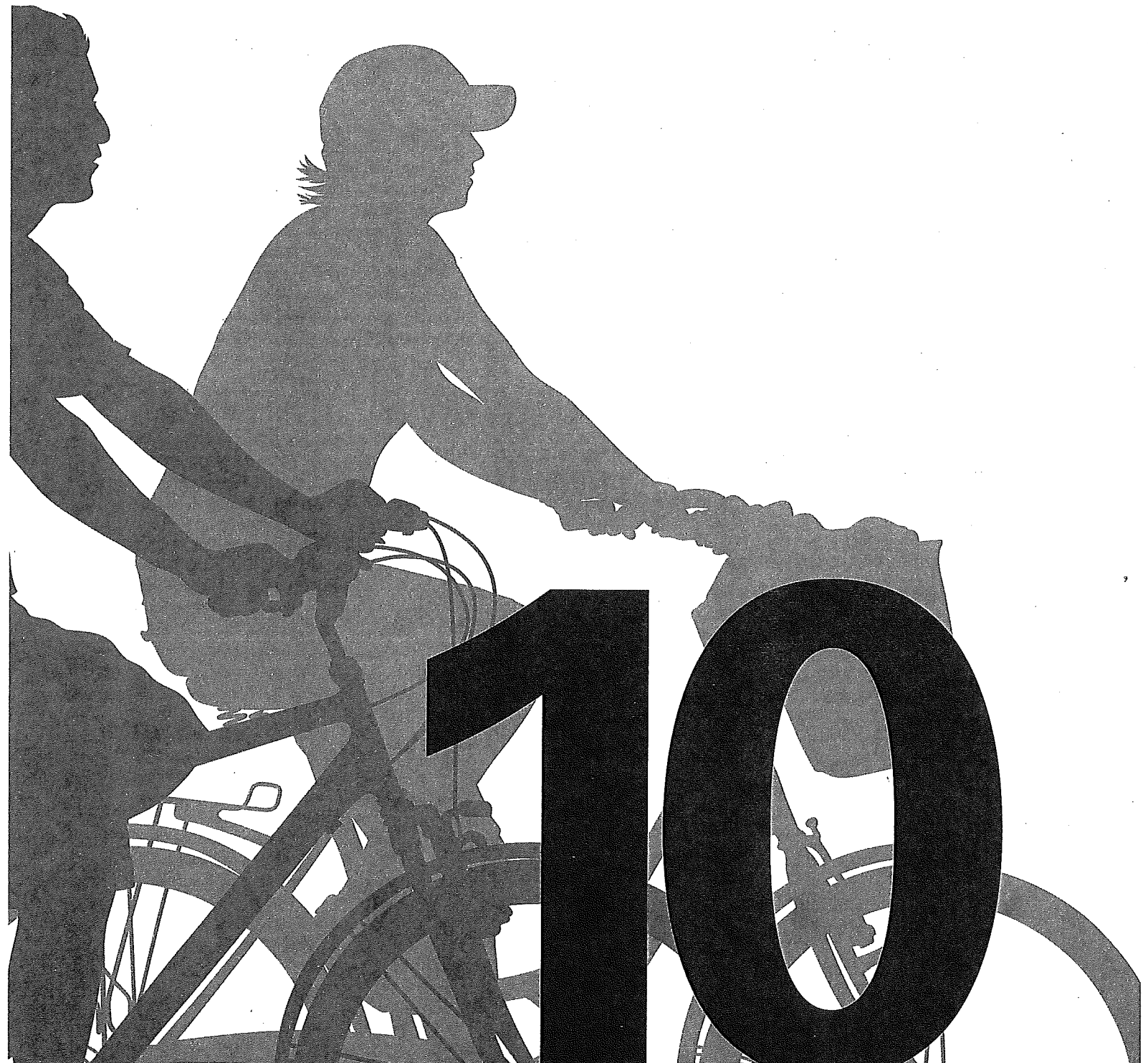
OCTOBER 2011



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 10

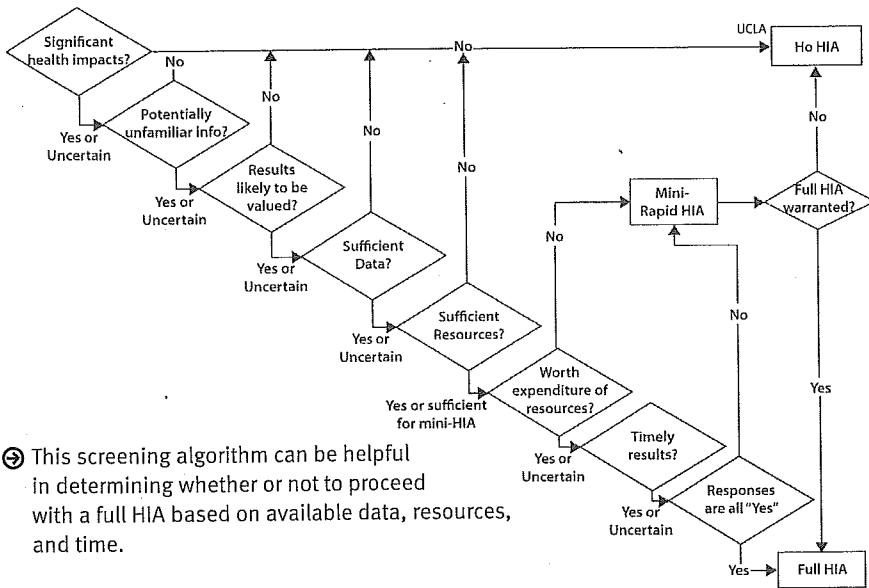
PRACTICE HEALTH IMPACT ASSESSMENT



The Effective Use of Health Impact Assessment in Land-Use Decision Making

By Patricia E. Salkin and Pamela Ko

The way land is used can impact health determinants and health outcomes, yet decisions about land-use planning and regulation are often made without specific review or discussion of the potential health consequences.



⊕ This screening algorithm can be helpful in determining whether or not to proceed with a full HIA based on available data, resources, and time.

For example, public health professionals assert that development that does not enable physical activity (no sidewalks, dangerous intersections, poorly lighted areas), access to healthy food (no grocery stores, farmers markets, or other convenient opportunities to obtain fresh food), or provide for clean air and water can reduce positive health outcomes and lead to increases in obesity, heart disease, asthma, and other preventable illnesses. One tool planners can use to inform community decisions about the health implications of development policies or proposals is Health Impact Assessment (HIA). The goal of HIA is to apply available research about health impacts to specific land-use questions to develop evidence-based recommendations to inform decision making.

HIA is a process or procedure that is used to judge the potential health effects of a policy or project on a given population with the aim of maximizing the proposal's positive health effects. Specifically, HIA can convert public health data into practical information that is useful to a decision maker in planning a new program or policy. HIA systematically evaluates the potential impact of a policy, program, or project on the health of a population as well as the distribution of those effects within the population. Information obtained from HIA regarding land-use decisions can be used to predict health outcomes based on quantitative and qualitative data and scientific findings.

HIA also promotes public health objectives and improves communication between local governments and their associated

health agencies. Because HIA has its roots in assessments familiar to planners, such as environmental impact assessment (EIA), HIA tools may have a familiar look and feel for most planners and other key stakeholders involved in regional and local development. Furthermore, the participatory and evidence-based approaches and processes of an HIA framework may assist with plan making, project and proposal review, and regulatory ordinances in a manner that will inform, and is informed by, the specific health outcomes for a specific population.

ELEMENTS OF HIA

Because the field of HIA is relatively new and there is a great deal of diversity in the practices and methods used to perform HIAs in the United States, the North American HIA Practice Standards Working Group (Working Group) has attempted to establish minimum standards of good practice to guide the growth of HIA (Working Group 2010). The Working Group emphasizes that a typical HIA should involve six steps, each of which plays a specific role in gathering and evaluating all available information related to the land-use decision in question. Those steps include screening, scoping, assessment, reporting, monitoring, and evaluation of the proposed action. Screening is used to determine the value and purpose of the HIA, focusing on issues of its feasibility and the capability to add value to the discussions regarding the land-use decision. The scoping phase is designed to identify health issues and research methods and to determine how the population(s) will likely be affected by the health outcomes of the proposed action. Available evidence and existing research should also be evaluated at this point in an attempt

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of October to participate in our "Ask the Author" forum, an interactive feature of *Zoning Practice*. Patricia E. Salkin and Pamela Ko will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and *Zoning Practice* will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of *Zoning Practice* at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA *Zoning Practice* web pages.

About the Authors

Patricia E. Salkin is the Raymond and Ella Smith Distinguished Professor of Law and associate dean and director of the Government Law Center of Albany Law School. She is the chair of APA's Amicus Curiae Committee and the author of numerous books, articles, and studies on all facets of land-use law. She is also the author of the popular *Law of the Land* blog (www.lawoftheland.wordpress.com).

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to find a wide range of necessary resources. Assessment involves establishing baseline conditions, impacts, alternatives, and mitigation for the proposed action in order to report and evaluate the likely health outcomes—such as unnecessary exposure to air pollution and particulate matter—and their effects, such as increased respiratory disease and asthma, on the targeted population(s). Assessing the available information, research, and resources will allow HIA practitioners to evaluate risks and benefits in light of the specific details of the individual HIA. The assessment should also clearly identify who may be affected and how they will be affected.

During the reporting phase, the findings from the HIA should be developed in such a way so as to facilitate health-based recommendations to aid the decision-making process with respect to the proposed action. Recommendations should also include a viable plan for implementation. Involvement and input from the various stakeholders in the process is crucial. Finally, the monitoring phase allows for continuing evaluation by engaged stakeholders and others in order to track the outcomes of a decision and its implementation.

HISTORY AND GROWTH OF HIA USE

HIA in the U.S. evolved from EIAs required by the National Environmental Policy Act of 1969 (NEPA) or state-enacted "mini-NEPAs" in response to the need for a more interdisciplinary approach to health inequities. Historically, EIAs were criticized for failing to take into consideration the effects of projects on health generally, rather than evaluating only toxic exposures and sources of biophysical concerns unrelated to a "com-

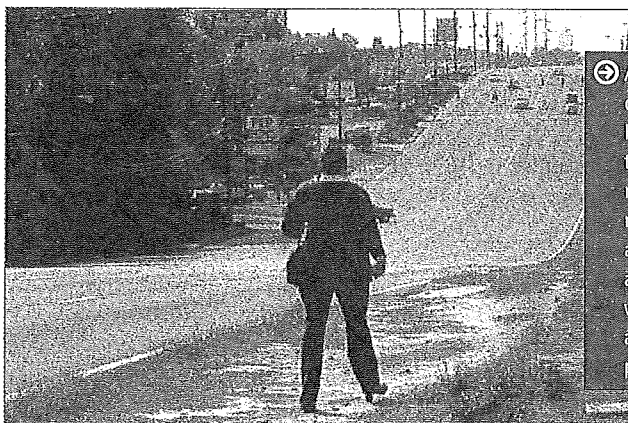
prehensive and systematic approach to human health impacts" (Bhatia and Wernham 2008). However, by the late 1980s, the term "environment" grew to include social, cultural, and human health considerations, which in turn led to the growth of interest in the health outcomes of development projects and other land-use decisions. In 1999, the World Health Organization produced the *Gothenburg Consensus Paper*, which introduced and clearly outlined the concept of HIA and eventually led to the development and implementation of HIA as a method for evaluating the potential effects of changes to the built environment.

Today, HIAs may be linked to EIAs or they may be conducted as independent processes. While EIAs do occasionally include health risk assessments, and the U.S. Environmental Protection Agency does conduct formal health-effects forecasting as part of legally mandated cost-benefit analyses, HIAs are not routinely required or performed in any setting in the U.S. More-

over, as contrasted with EIA preparation by engineers and land-use or environmental consulting firms, HIA preparation is typically performed by public health professionals. The use of HIA, therefore, has relied on voluntary inclusion of such assessment into the development project or plan, rather than the required processes of EIA under NEPA.

HIA vs. EIA

Discussions surrounding the potential benefits from the increased use of HIA have raised questions about whether such assessments can, and should, be mandatory and whether the means are available for incorporating HIA into existing legislative, regulatory, or administrative procedures (Ko 2011). While some proponents agree that conducting an HIA during the course of a required EIA could save time and money, others are concerned that the inclusion of an HIA into an EIA will diminish the importance and relevance of the public health issues and could lead to legal challenges. Opponents of HIA have also argued



Candace Butt

➡ A health impact assessment of this stretch of the Buford Highway in Atlanta evaluated the health effects of redeveloping the roadway to reduce the number of lanes, add sidewalks, crosswalks, and on-street parking, all with the goal of making the area less dangerous for people on foot or bike.

Checklist



NATIONAL
ASSOCIATION OF
COUNTY & CITY
HEALTH OFFICIALS

Public Health in Land Use Planning & Community Design

Water Quantity

- Is there a sustainable water supply for the proposed use?
- Has the permitting agency (e.g., State Engineer's Office) provided written confirmation that the applicant owns sufficient water rights for the proposed development?
- Does the landscaping plan include appropriate water conservation measures?
- Are there opportunities for recycling or reuse of water and wastewater generated by the project?

For more information, visit:

www.epa.gov/ost/stormwater/usw_a.pdf
www.epa.gov/ord/nrt/ORD/WebPubs/runoff.pdf
www.epa.gov/owow/mpa/ld/natl.pdf
www.epa.gov/livability/pdf/growthwater.pdf

Air Quality

- From an air quality perspective, is the proposed use compatible with adjacent uses?
- Will the proposed use emit air pollutants? Does it require an emissions permit?
- Are fugitive dust emissions a potential problem? During construction? Post-construction? What mitigation measures should be taken?
- Will the project be served by paved roads? If not, is paving recommended?
- Does the proposed use generate odors? If the project will emit air pollutants or odors, what measures should be employed to eliminate or mitigate the emissions?
- As the project develops, will there be adequate transportation infrastructure in place to absorb the volume of traffic generated by the project without degrading air quality?
- Is the project designed to reduce vehicle emissions? E.g. grid layout or non-circuitous street system, internal and external connectivity, mixed uses
- Is the project designed to offer and encourage the use of travel choices in addition to the automobile? E.g., Transit-friendly design, bike/pedestrian trails, etc.
- Is the project in close proximity to cell towers, power lines or other uses that emit potentially harmful electromagnetic radiation?

For more information, visit:

www.epa.gov/oaqa/transp/transcont/r01001.pdf
www.fhwa.dot.gov/environment/aic_ahs.htm

Opportunities for Physical Fitness

- Are open spaces and trails included to provide regular opportunity for physical activities such as walking and biking?
- Are communities built with mixed-use commercial and residential purposes, and with sidewalks so that people can walk to movies, restaurants, and so on?
- Are schools built within communities so that young people can walk to school?
- Are sidewalks wide enough for multiple uses (e.g., bikes and walkers)?
- Is lighting placed along trails and sidewalks to increase the comfort level of those using them?
- Is there park space and equipment for children to play with?

For more information, visit:

www.surgeongeneral.gov/topics/obesity/
www.sprawlwatch.org/health.pdf
www.nga.org/common/issueBriefDetailPrint/1.1434.2473.00.html
www.vtpi.org/walkability.pdf

Transportation and Injury Prevention

- If the proposed use involves significant truck traffic, does the site plan provide adequate room for truck turnarounds and safe truck access and egress, relative to neighboring developments?
- Does the proposed project include safe routes to school with a minimum of street crossings and high visibility for children walking to school?
- Does the proposed plan include pedestrian signals and mid-street islands on busy streets, and presence of bicycle lanes and trails?
- Does the project include traffic quieting road designs in both subdivisions and shopping districts?
- Does the project provide adequate neighborhood access to public transportation?
- Does the proposed project include ramps, depressed curbs or periodic breaks in curbs that act as ramps for people with disabilities?
- Does the proposed project include voice/audio or visual clues provided at crosswalks and transit stops?
- Does the project comply with ADA requirements for design of curb ramps, cross slopes and detectable warnings for new construction or retrofit projects?

Tri-County (CO) Health Department

Impact Statement (DEIS) for the project was released and detailed how construction and implementation of the project might affect the environment, including air, water, noise, and traffic volume. However, it did not identify how these factors would impact community health through changes to the built environment. Also, although the DEIS enabled informed choices to be made about the best location for the Red Line and did illustrate some of the health outcomes for each of the transit options, it did not “emphasize human-centric design options.” Accordingly, the City Department of Transportation, with assistance from the City Health Department, initiated efforts to complete the HIA to “more fully explore how the Red Line will impact health and examine the potential to improve the quality of life in Baltimore.” The authors of the Red Line HIA reiterated that the HIA would serve “as a comment to and supplemental analysis of the DEIS and identify] where the DEIS could have gone further to assess health impacts.”

HOW HIAs ARE USED

While the type of policy, plan, or project evaluated under an HIA can vary, a number of the HIAs recently conducted in the U.S. have analyzed either changes to zoning ordinances or comprehensive plans, such as the Transform Baltimore HIA, or have evaluated the specific health outcomes of redevelopment projects, such as the Jack London Gateway HIA.

Recently, an HIA was conducted to evaluate a proposed plan for development in El Cerrito and Richmond, California, to analyze the possible inclusion of affordable housing sites with other land uses. Prior to the completion of the HIA, land-use planning agencies had not determined specific sites for affordable housing nor the percentage and type of affordable housing at any site. Urban Habitat, an organization that advocates for social, economic, and environmental justice in the Bay Area, asked Human Impact Partners to assess health benefits and liabilities associated with three sites they proposed to include in their campaign for affordable housing. Following the release of the HIA, a letter from the participants to the city council and city staff discussed the health-based recommendations, and inclusion of affordable housing sites is now being considered.

In San Francisco, the Department of Public Health undertook the Eastern Neighborhoods Community Health Impact Assessment (ENCHIA) project to explicitly un-

⊕ The Tri-County (Colorado) Health Department developed this checklist to assist local public health agencies in their review of applications for new development and redevelopment plans in their communities. The full checklist is available at www.tchd.org.

that unlike EIAs, which are seen as largely quantitative, HIAs are largely qualitative in nature. Because they may differ substantially in both the scope of impacts analyzed and the implementation process of the assessments themselves, combining the two assessments in a single document may prove to be difficult. Further, due to the nature of the factors assessed, the qualitative modeling of some HIA outcomes may be more difficult than modeling of EIA outcomes.

However, some level of integration of HIA into a required EIA may result in important and significant benefits. As discussed below, the San Francisco Department of Public Health found that, after sustained HIA efforts to integrate analysis of health outcomes in land-use decision making, several “complementary

strategies” began to evolve. These strategies included integrating some analysis of health impacts in EIAs required by the California Environmental Quality Act, building a dialogue on the relationship between land use and public health, and promoting official health agency positions on urban policy planning questions. The Department of City Planning began to request analysis of public health concerns for specific planning questions. In fact, the efforts in San Francisco “suggest that HIA can significantly influence urban land use policy” (Bhatia 2005).

The Red Line Transit Project HIA in Baltimore was designed to evaluate the significant impacts to the geography, health, and social environment of the communities that would be affected by a proposed new light-rail line. A Draft Environmental

derstand and articulate how San Francisco land-use development could promote and protect health. The goals of the ENCHIA were to identify and analyze the likely impacts of land-use plans and zoning controls on community concerns—including housing, jobs, and public infrastructure—and to provide recommendations for land-use policies and zoning controls that promoted community priorities through consensus in land-use policy making (San Francisco Department of Public Health 2007).

The Eastern Neighborhoods community planning process began in 2001 with the goal of developing new zoning controls for the industrial portions of these neighborhoods. Starting in 2005, the planning department began working with the neighborhood stakeholders to create area plans for each neighborhood to articulate a vision for the future. The resulting Eastern Neighborhoods Development Plan required that a Draft Environmental Impact Review (DEIR) be completed. The DEIR specifically referenced the 18-month-long HIA and acknowledged that the ENCHIA explicitly called attention to the “growing scientific understanding that optimal health could not be achieved by health services and individual behaviors alone.” The DEIR also indicated that the planning department, in conjunction with the public health department, was committed to monitoring the progress in community health indicators (Ko 2011).

Overall, participants felt that the ENCHIA was successful in a number of significant ways. It broadened participant understanding of how development affects health, built new relationships among participants, and created a practical tool for evaluating land-use plans and projects. It also showed that a government-led public process could sustain diverse participation, employ consensus techniques, and shift participant focus from problems to solutions. The Eastern Neighborhoods area plans and rezoning were adopted by the board of supervisors, signed by the mayor, and became effective on January 19, 2009.

THE ROLE OF PLANNERS IN USING HIAs

The information obtained from an HIA can provide guidance on land-use decision making in a way that can promote or improve the health of a given population and mitigate the negative effects of changes to the built environment. Planners who understand and utilize the methods or tools provided by an HIA can make important contributions to the

health and sustainability of the communities they serve. Specifically, planners can

- educate public officials about the health implications of their decisions regarding growth, development, and transportation;
- analyze local land-use decisions related to transportation, safety, environment, and health in a manner that considers the diverse needs of the population while evaluating the benefits, as appropriate, of mitigating factors such as planned unit development (PUD), mixed use development, changes to zoning laws and comprehensive plans, and crime prevention through environmental design (CPTED);
- guide or influence development and other land-use decisions in a positive manner while preserving and strengthening the communities through the creation of affordable housing opportunities, transportation options, pedestrian-safe roadways, and access to healthy foods; and
- utilize the different HIA tools available for planning and land-use decision making to determine when, and if, HIA is appropriate.

INCORPORATING HIA INTO LAND-USE DECISION MAKING

To date, most of the HIAs completed in the U.S. that deal with land use focus on one of five main objectives: pedestrian and transit-related improvements; zoning changes; neighborhood density/use restrictions; housing development projects; and various redevelopment projects for residential, commercial, or industrial sites. Notably, the majority of land-use-related HIAs were designed to evaluate factors that might impact health determinants or health outcomes that may be caused by rezoning, redevelopment, or other significant changes to the built environment, with transportation projects and redevelopment accounting for at least half of the HIAs completed. The following discussion of three specific initiatives highlights how HIAs may be used to inform land-use decisions.

TransForm Baltimore HIA

The TransForm Baltimore HIA was one of the first to evaluate comprehensive changes to a municipal zoning code. When the decision to rewrite Baltimore’s zoning code was made, the Center for Child & Community Health Research at Johns Hopkins University was enlisted by the Baltimore City Health Department to conduct an analysis of the impact the changes would have on the community. The goal of the HIA was to contribute information and resources that would be used to revise

the code and inform the mapping phase of the process. The Baltimore City Health Department determined that collaboration on an HIA targeted to identify areas of potential health impacts, both negative and positive, could influence policy decisions and could also help to promote the growth and development of a healthier city.

The aim of the TransForm Baltimore HIA was to research and evaluate how zoning can be used to improve overall health of the citizens in an urban environment and how to optimize the utility of the HIA in informing and influencing policy decisions. The recommendations made in the completed HIA included retaining several elements of the proposed new code that the HIA team demonstrated were “likely to contribute positively to creating healthy communities,” including improving access to healthy foods, creating walkable environments, and expanding mixed use areas. Further recommendations by the HIA team included revisions that should be made to the proposed new code, including the prevention of off-premise alcohol sales outlets in transit-oriented development and industrial mixed use zones, and the use of CPTED principles in landscaping and design standards.

The Department of Planning released a draft of the new code in June 2010. Since then, the department has held several major public presentations and discussions around the city to broaden the opportunity for public input. The department also extended the comment period on the draft code and, due to strong interest and the number of comments, ideas, and suggestions to date, has decided to prepare a second draft prior to presenting legislation to the city council. This second version is expected to reflect, among other things, the input of the HIA.

HIA ON TRANSPORTATION POLICIES IN THE EUGENE CLIMATE AND ENERGY ACTION PLAN

In Oregon, the Health Impact Assessment on Transportation Policies in the Eugene Climate and Energy Action Plan was completed in August 2010 through a collaborative effort of Upstream Public Health, the City of Eugene Office of Sustainability, the Community Health Partnership (Oregon’s Public Health Institute), and Lane County Public Health. The HIA was designed to evaluate the proposed action plan because it had the potential to impact not only the environment but also public health. As a result, the HIA focused on a section of the Climate and Energy Action Plan (CEAP) called “Land Use and Transportation” to assess po-

HIA RESOURCES FOR PLANNERS

The following resources are available for planners interested in obtaining more information on HIAs.

■ General Information on HIA Use in the United States

Bhatia, Rajiv. 2005. "Towards Equity in Land Use Development Using Health Impact Assessment." *NACCHO Exchange*, Winter. Available at www.sfpbes.org/publications/CP_NEEcerpto5.pdf.

Bhatia, Rajiv and Aaron Wernham. 2008. "Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice." *Environmental Health Perspectives*, 116(8): 991-1000. Available at <http://ehp03.niehs.nih.gov/article/lookupArticle.action?articleURI=info:doi/10.1289/ehp.11132>.

Centers for Disease Control and Prevention—Health Impact Assessment: www.cdc.gov/healthyplaces/hia.htm.

Dannenberg, Andrew, et al. 2006. "Growing the Field of Health Impact Assessment in the United States: An Agenda for Research and Practice." *American Journal of Public Health*, 96(2): 19-27. Available at www.rwjf.org/pr/product.jsp?id=15158.

Dannenberg, Andrew, et al. 2008. "Use of Health Impact Assessment in the United States: 27 Case Studies, 1999-2007." *American Journal of Preventive Medicine*, 34(3): 243. Available at www.cdc.gov/healthyplaces/publications/AJPM_HIACasestudies_March2008.pdf.

Forsyth, Ann, Carissa Schively Slotterback, and Kevin J. Krizek. 2010. "Health Impact Assessment in Planning: Development of the Design for Health HIA Tools." *Environmental Impact Assessment Review*, 30: 42-50. Available at <http://carbon.ucdenver.edu/~kkrizek/pdfs/EIARinpress.pdf>.

Forsyth, Ann, Carissa Schively Slotterback, and Kevin Krizek. 2010. "Health Impact Assessment (HIA) for Planners: What Tools Are Useful?" *Journal of Planning Literature*, 24(3): 231-245. Available at <http://carbon.ucdenver.edu/~kkrizek/pdfs/hiajpl.pdf>.

Health Impact Assessment Blog, the latest news and information on HIA: <http://healthimpactassessment.blogspot.com/2011/03/usa-hia-update-from-human-impact.html>.

Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts: www.healthimpactproject.org/hia/us.

Ko, Pamela. 2011. "Incorporating Health Impact Assessment into Land Use Decision Making in the United States." *Zoning and Planning Law Report*, June 2011, Vol. 34, No. 6.

North American HIA Practice Standards Working Group, "Minimum Elements and Practice Standards for Health Impact Assessment," Version 2, November 2010. Available at www.healthimpactproject.org/resources/document/NA-HIA-Practice-Stds-Wrkg-Grp-2010_Minimum-Elements-and-Practice-Standards-v2.pdf.

Steinemann, Anne. 2000. "Rethinking Human Health Impact Assessment." *Environmental Impact Assessment Review*, 20: 627-645. Available at http://water.washington.edu/Research/Articles/2000_rethinking.pdf.

UCLA Health Impact Assessment Clearinghouse—Learning and Information Center: www.hiaguide.org; with a complete list of HIA completed in the U.S., www.hiaguide.org/hias.

■ Examples of HIAs

Guenin, Heidi, et al. 2010. *Health Impact Assessment on Transportation Policies in the Eugene Climate and Energy Action Plan*. Portland, Oregon: Upstream Public Health. Available at www.upstreampublichealth.org/sites/default/files/HIAEugene.pdf.

Heller, Jonathan C., Margaret Gordon, and Rajiv Bhatia. 2007. "Jack London Gateway Rapid Health Impact Assessment." Oakland, California: Human Impact Partners. Available at www.hiaguide.org/sites/default/files/JackLondonG_RHIA_casestudy.pdf.

Human Impact Partners. 2009. *Pathways to Community Health: Evaluating the Healthfulness of Affordable Housing Opportunity Sites Along the San Pablo Avenue Corridor Using Health Impact Assessment*. Oakland, California: Human Impact Partners. Available at www.hiaguide.org/sites/default/files/SanPabloAve.pdf.

Ricklin, Anna. 2008. "The Red Line Transit Project Health Impact Assessment." Baltimore, Maryland: Baltimore City Department of Transportation. Available at www.hiaguide.org/sites/default/files/Red_Line_HIA_final.pdf.

RLJ Thornton, et al. 2010. *Zoning for a Healthy Baltimore: A Health Impact Assessment of the Transform Baltimore Comprehensive Zoning Code Rewrite*. Baltimore, Maryland: Johns Hopkins University Center for Child and Community Health Research. Available at www.hopkinsbayview.org/pediatrics/zoning/index.html.

San Francisco Department of Public Health. 2007. *San Francisco Eastern Neighborhood Rezoning and Area Plans Environmental Impact Report and Eastern Neighborhoods Community Health Impact Assessment*. Available at www.sf-planning.org/index.aspx?page=1678#bos_pres and www.sfpbes.org/ENCHIA.htm.

■ Information on HIA Tools for Planners

Several tools can assist with incorporating health determinants and health outcomes into planning assessments. Three tools in particular can assist planners and other land-use decision makers: the Healthy Development Measurement Tool, the Leadership in Energy and Environment Design—Neighborhood Development, and the Design for Health suite of tools. Links to information on each are listed below.

Slide presentation on various HIA Tools: www.designforhealth.net/pdfs/hia_presentations/MNHIA_8_OtherHIA_bw.pdf.

Design for Health Tool: www.designforhealth.net/resources/hiatools.html and www.designforhealth.net/resources/planningtools.html.

Healthy Development Measurement Tool: www.thehdmtool.org and www.sfpbes.org/enchia/enchia_HDMT.htm.

Leadership in Energy and Environment Design—Neighborhood Development Tool: www.usgbc.org/DisplayPage.aspx?CMSPageID=148#randt; www.usgbc.org/DisplayPage.aspx?CMSPageID=2451; www.nrdc.org/cities/smartgrowth/leed.asp; www.cnu.org/leednd.

tential health impacts and recommend ways to improve those impacts while still reducing greenhouse gas emissions and fossil fuel use. The HIA included eight objectives and associated priority actions, and explored how each had the potential to impact health. For example, the first two objectives addressed the need for higher density areas and the

creation of "20-minute neighborhoods," defined by the CEAP as "those in which a significant number of regular trips can be made in 20 minutes without using an automobile." According to the CEAP, 20-minute neighborhoods could increase physical activity, decrease collision fatalities, and lower air pollution by encouraging travel by walking or biking.

To create effective 20-minute neighborhoods, the CEAP cites the need for necessary retail destinations such as a grocery store, park, bank, and library so that residents can easily access goods and services by foot or bicycle. High street connectivity, safe pedestrian conditions, and access to public transit are also important factors in the success of a 20-minute neighborhood. However, the HIA noted that higher density areas may increase the urban heat island effect, which could have negative health outcomes on vulnerable populations like the elderly. Overall, it was determined that most of the objectives in CEAP have positive effects on both the environment and public health; however, the HIA did recommend that the few negative health impacts of CEAP (like increased urban density) be mitigated with improved urban design features and land-use planning.

with recommendations for potential mitigation of negative health consequences. These four health determinants focused on air quality, noise, safety, and retail planning. For example, the community concern surrounding air quality at the JLG site—given the close proximity to the major highways and the Port of Oakland—focused on the relatively high levels of ambient particulate matter and other vehicle-related pollutants, which could cause individuals living in the senior housing to experience “relatively higher rates of chronic and acute respiratory illnesses and higher rates of morbidity due to asthma compared to people living further from these pollution centers.”

This was significant since the HIA revealed that no central ventilation system was originally planned for the individual residences in the housing unit. Accordingly,

the working group was able to engage with the developer to discuss how the proposal might affect health determinants and outcomes and to work together to identify possible solutions.

CONCLUSION

The growing use of HIA to inform land-use decisions in the U.S. highlights the potential this tool has to promote positive health outcomes. The growing experience with HIA, through collaboration with the public health community, is yielding results that produce healthier and more sustainable communities. Today, there are many resources and opportunities for planners to incorporate some aspects of HIA into research on specific land-use issues. Planners should familiarize themselves with the HIA tools available and evaluate the potential benefits of the use of HIA in land-use decision making.



➔ Neighborhood parks provide space for exercise and positive social interaction. HIAs can draw attention to the effects of development proposals or policies on the availability and quality of parks and active recreation areas.

www.pedbikeimages.org/Laura_Sandt

Jack London Gateway HIA

The Jack London Gateway (JLG) project was a proposal by the East Bay Asian Local Development Corporation (EBALDC) to build a 55-unit low-income housing development for seniors with additional retail space to be completed in the underutilized parking lot of the existing Jack London Gateway Shopping Plaza located in West Oakland, California. The location for the proposed project was less than 400 feet from Interstate 980 and within 1,100 feet of both Interstate 880 and the Port of Oakland.

Health Impact Partners (HIP) expressed interest in providing technical assistance to several local organizations to perform an analysis of the development project. During the assessment phase, HIP, in conjunction with other key stakeholders, isolated and prioritized four specific health determinants

the HIA participants recommended measuring and modeling wind and air patterns in order to define the extent of the potential problem objectively and to aid in planning appropriate solutions, such as the inclusion of mechanical ventilation systems with modest filtration to reduce pollution indoors. Although EBALDC would not commit to including a ventilation system with air filters for the private residences, it did undertake several steps as a result of the HIA process, including changing proposed balconies facing the freeway into bay windows, designing the ventilation system for the common spaces with air filters, modifying the plans to include a main rear entrance through the garden area for increased safety and connection with the existing community, and further engaging the community around security issues. This HIA is notable because

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