

**City of Ramsey**  
**Agenda**  
**Regular Planning Commission**  
**Thursday June 6, 2013**  
**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 May 2, 2014
- 5. Public Hearing/Commission Business**
  1. PUBLIC HEARING: Consider Request for Conditional Use Permit to Maintain Two Horses on 2.50 Acres Located at 8010 176th Ln NW; Case of Linda Eidem
  2. PUBLIC HEARING: Consider Request for a Conditional Use Permit to Exceed Allowable Square Footage for a Detached Accessory Building; Case of Michael and Diane Dahlberg
  3. PUBLIC HEARING: Consider Request for a Conditional Use Permit for motor vehicle sales located at 7820 Riverdale Drive NW; case of Bethel Properties, LLC.
  4. PUBLIC HEARING: Consider Request for Site Plan Review and Variance to the Front Yard Setback on the Property Located at 6815 McKinley Street NW; Case of Sharp & Associates, LLC
  5. FOR DISCUSSION AND UPDATE ONLY: Consider Authorizing Staff to Prepare Ordinance for Highway Interchange Sign Overlay District
  6. Review Draft of Alternative Urbanwide Area Review (AUAR) Update for The COR (formerly Ramsey Town Center)
  7. FOR UPDATE ONLY: Receive Report on Monthly Activities
  8. Enclosed are zoning periodicals for your review.
- 6. Commission/Staff Input**
  - 1. Determine a July meeting date due to the 4th of July Holiday**
- 7. Adjournment**

**Regular Planning Commission**

**4. 1.**

**Meeting Date:** 06/06/2013

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated May 2, 2014

**Background:**

n/a

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Staff Recommendation:**

**Action:**

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**Attachments**

05.02.13 Minutes

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill	Tim Gladhill	05/31/2013 11:05 AM
Form Started By: JoAnn Shaw		Started On: 05/30/2013 02:18 PM

Final Approval Date: 05/31/2013

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, May 2, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:                   Chairperson Gary Levine  
  Commissioner Randy Bauer  
  Commissioner Ralph Brauer (arrived at 7:02 p.m.)  
  Commissioner Joseph Field  
  Commissioner Matthew Maul  
  Commissioner Cindy Nosan  
  Commissioner Gary VanScoy

Members Absent:                   None

Also Present:                       Development Services Manager Timothy Gladhill  
  Associate Planner/Environmental Coordinator Chris Anderson

**1.     CALL TO ORDER**

Chairperson Levine called the regular meeting to order at 7:00 p.m.

**2.     CITIZEN INPUT**

None.

**3.     APPROVAL OF AGENDA**

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Nosan, Bauer, Field, and Maul. Voting No: None. Absent: Commissioner Brauer.

*Note: The agenda was revised following approval of Planning Commission minutes.*

**4.     APPROVE PLANNING COMMISSION MINUTES**

**4.01: Approve the Following Planning Commission Minutes:**

#### **4.01.1: Planning Commission Meeting Minutes Dated April 4, 2013**

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to approve the following minutes as presented: Planning Commission Meeting Minutes dated April 4, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Field, Maul, and Nosan. Voting No: None. Absent: Commissioner Brauer.

Commissioner Brauer arrived at the meeting at 7:02 p.m.

### **3. APPROVAL OF AGENDA (continued)**

Chairperson Levine requested the agenda be amended to consider Item 5.04 prior to Item 5.01.

Motion by Commissioner Field, seconded by Commissioner VanScoy, to revise the agenda as requested.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, VanScoy, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

### **5. PUBLIC HEARINGS/COMMISSION BUSINESS**

#### **5.04: For Discussion Only: Receive Update on Former Municipal Center Land Use Open House**

##### **Presentation**

Development Services Manager Gladhill presented the staff report. He explained the City hosted an Open House on April 18, 2013 to discuss potential future land uses for the former municipal center located at 15153 Nowthen Boulevard. It was noted the site would need to be rezoned. He provided a detailed presentation to the Commission on potential uses for the 20-acre site. Two potential land uses were discussed which included a 47 lot single-family development and a data center. He commented the preferred concept after holding the Open House was the single-family residential development as it was most compatible with the surrounding land uses. The pros and cons of each proposal were reviewed with the Commission in detail. A response from the Anoka County Highway Department was discussed. He requested the Commission discuss the concepts and provide comments to Staff.

Commissioner Bauer questioned how many households were able to attend the Open House.

Development Services Manager Gladhill explained that there were approximately 30 residents present at the event and an additional 69 households had signed a petition. He indicated that

there was a snow event on the date of the Open House and a second Open House may be scheduled to gain additional feedback from the public.

Commissioner Bauer commented the primary access point to the former municipal site could greatly impact the adjacent residents if the site were to be developed as single family residential lots.

Development Services Manager Gladhill reviewed the proposed access points as recommended by the Anoka County Highway Department.

Commissioner VanScoy questioned how the traffic would differ between a residential development and the data center. He anticipated that the data center would create less traffic to the neighborhood.

Development Services Manager Gladhill stated the data center would not create a large number of jobs and traffic, but would create a large building adjacent to the residential neighborhood. He estimated the traffic trips per day to the data center would be less than the trips created by the proposed 47 unit single-family residential development.

Commissioner Brauer discussed the history of this property noting a residential development had been considered in the past; however, this was never completed. He commented there has also been discussion of a high school or middle school on this parcel. He noted this was not going to happen due to the fact an elementary school was located across the street. He discussed the valuable infrastructure the City of Ramsey had in place for future technology developments. He expressed frustration with Connexus Energy and their inability to work with the City on the data center. He questioned why the railroad tracks were a concern. He suggested the data center be located in the Town Center.

Development Services Manager Gladhill commented the City would be receiving a second opinion on this matter. He stated the City welcomed a data center somewhere within the community as well.

Commissioner Nosan asked if the data center were built if the current structure on the site would be taken down.

Development Services Manager Gladhill stated this was the case.

Chairperson Levine thanked the Commission for their input this evening and recommended further comments be forwarded to Staff.

**5.01: Public Hearing: Request for an Extension of Existing Interim Use Permit for Grading and Mining Activities on Outlot A & B Elmcrest Sanctuary; Case of Oakwood Land Development, Inc.**

## **Public Hearing**

Chairperson Levine called the public hearing to order at 7:47 p.m.

## **Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained that Oakwood Land Development, Inc. was granted an Interim Use Permit (IUP) for grading and mining activities on Outlot A and B, Elmcrest Sanctuary in July of 2012. The IUP allowed the applicant to export approximately 60,000 cubic yards of soil from the site to create/expand a wetland for the purposes of a wetland mitigation bank. The IUP was set to expire on August 1, 2013 or six months following approval by the Lower Rum River Watershed Management Organization (LRRWMO). The applicant received permit approval from LRRWMO; however, the applicant was unable to find a qualified contractor and end market for the exported soil.

Associate Planner/Environmental Coordinator Anderson indicated that Forest Lake Contracting has been hired for the work and would be capable of completing the project and finding a home for the exported soil. The applicant has requested an extension to the existing IUP to December 31, 2014 to allow for the completion of the grading and mining activities. He reported all other basic terms of the IUP would remain the same. Staff recommended the Commission approve an extension to the IUP.

## **Citizen Input**

John Peterson, applicant, indicated he had difficulty in finding a contractor willing to remove the soil from the site. He stated Forest Lake Contracting has agreed to complete the work after they find a home for the material. This has taken time, which led to the request for the IUP extension. He noted all truck hauling operations would be conducted around the park use. Mr. Peterson thanked the Commission for considering his request this evening.

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Brauer, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:01 p.m.

## **Commission Business**

Commissioner VanScoy asked why the applicant was proposing to create a wetland bank.

Mr. Peterson stated the proposed wetland bank would give the City wetland credits with 7.4 acres of new ponding, which would be an asset to the community.

Associate Planner/Environmental Coordinator Anderson explained the site proposed for grading and mining would be challenging to develop due to the existing wetlands.

Commissioner Nosan approved of the proposed grading and mining.

Commissioner Brauer questioned if it would be possible to assure that the project was completed entirely by Forest Lake Contracting in one phase.

Mr. Peterson stated Forest Lake Contracting would be providing him with a bond to assure the work was done in its entirety. This would assure the project was not left half-done.

Commissioner VanScoy inquired if six months was an adequate amount of time to complete the project, once started.

Associate Planner/Environmental Coordinator Anderson stated the extension would allow 18 months to complete the entire project. It was Staff's opinion this was a reasonable amount of time to complete the proposed grading and mining. He commented that once the work begins the applicant would have six months to finish the work.

Mr. Peterson stated if the contractor was not able to find the right combination of projects to take all of the material he may be requesting another extension. He discussed that flexibility within the project was somewhat necessary as he did not know what projects the contractor would find for the soil. He requested he be allowed until December 31, 2014 to complete the project.

Associate Planner/Environmental Coordinator Anderson stated Staff was comfortable with this request noting the six month clause could be eliminated from the IUP.

Development Services Manager Gladhill recommended the drop dead date remain five years from the IUP first being approved. He suggested that if the work does not begin in the next year, that another notification be sent to the surrounding neighbors. He commented the Commission could consider a six month clause, excluding the winter months.

Commissioner Bauer was in favor of having a 12 month completion clause once the hauling begins.

Chairperson Levine indicated the Planning Commission was trying to protect the surrounding properties and City streets to assure that gravel was not going to be hauled from this site "on and off" for the next five years.

Commissioner Brauer stated the applicant does not currently have a plan on how the dirt would be removed and that was what the Commission was looking for.

Development Services Manager Gladhill suggested the terms of the IUP be amended as follows to have the permit expire on December 31, 2018 and upon commencement of activities the

applicant would have 12 months to complete the work. In addition, the City would be added to the contractor's bond and notification would be sent to the surrounding property owners upon commencement of the grading and mining work.

Mr. Peterson supported the recommended amendments.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to amend the Interim Use Permit as recommended by Staff.

### **Further discussion**

Commissioner VanScoy requested the permit expire five years from the date the Council approves the IUP.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #13-05-068 adopting Findings of Fact relating to the request for an extension of an existing Interim Use Permit.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, Field, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt Resolution #13-05-069 approving the request for an extension of an existing Interim Use Permit with the following amendments to the IUP:

- Permit is extended to May 14, 2018 (five [5] years from the date of City Council approval); and
- Once excavation and hauling activities commence, that work shall be completed within twelve (12) months; and
- The City will be named on the contractor's bond; and
- Applicant would notify the City and surrounding property owners prior to commencing excavation and hauling activities.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Brauer, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

### **5.02: Public Hearing: Consider Amendments to the Tree Preservation Ordinance.**

#### **Public Hearing**

Chairperson Levine called the public hearing to order at 8:26 p.m.

## **Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report. He commented in 2003 the City adopted a Tree Preservation Ordinance to establish reasonable protection of the community forest during development. The intent of this Ordinance was to guide more sustainable development and encourage preservation of existing trees. He indicated the Environmental Policy Board (EPB) reviewed the Ordinance as recommended by the City Council and identified several revisions that would improve the current Ordinance while incorporating more flexibility for replacement of trees removed during development.

Michael Max, Environmental Policy Board, commented the Board revisited the Ordinance and found several inconsistencies. These areas were clarified to remain consistent with the City Code.

Associate Planner/Environmental Coordinator Anderson discussed the definition of a significant tree within the Ordinance. The other minor revisions and exemptions were reviewed with the Commission in detail. He requested the Commission recommend the City Council adopt an Ordinance amending City Code Article II, Division 5.

## **Citizen Input**

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Field, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:34 p.m.

## **Commission Business**

Commissioner Brauer was pleased that the Scenic Rivers Ordinance was taken into consideration with the proposed revisions.

Commissioner Bauer requested further information on the replacement standards within the revised Ordinance.

Associate Planner/Environmental Coordinator Anderson discussed the standards in detail with the Commission. He reiterated that the replacement standards would be calculated over an entire development, and not single lots.

Commissioner Brauer did not find the new requirements to be burdensome.

Commissioner Field understood that the replacement of trees would only be required once a certain tree removal threshold was met.

Associate Planner/Environmental Coordinator Anderson stated this was the case. He stated invasive or diseased trees would be exempt from replacement.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council adopt Ordinance #13-10 amending City Code Article II (Zoning) Division 5 (Tree Preservation).

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Brauer, Field, Nosan, and VanScoy. Voting No: None. Absent: None.

Commissioner Brauer excused himself from the meeting at 8:49 p.m.

### **5.03: Request for Site Plan Approval for an Expansion of an Outdoor Patio and Covered Bar at 6415 Highway 10 NW; Case of Willy McCoys**

#### **Presentation**

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained Willy McCoys was proposing to expand its outdoor patio area and was proposing a new outdoor covered bar at their restaurant facility located at the south end of the Sunfish Commons retail center at the intersection of Highway 10 and Sunfish Lake Boulevard. He commented a parking agreement may be necessary with the adjacent property owner. It was noted the property was located within the Critical River Overland District. Staff reviewed the proposed site plan expansion in detail with the Commission and recommended approval of the Site Plan contingent upon compliance with the City Staff Review letter dated April 26, 2013 and suggested conditions.

#### **Citizen Input**

Tom DeQuatro, 13281 Redwood Street in Andover, thanked the Commission for considering his request this evening. He stated the proposed patio would greatly benefit the patrons visiting his restaurant during the summer months.

Commissioner Bauer asked if the patio area could be accessed from the parking lot.

Mr. DeQuatro commented staff would seat patrons in the patio area from the main entrance of the restaurant. Patrons would not be able to seat themselves in the patio from the parking lot.

Associate Planner/Environmental Coordinator Anderson explained that gates would be necessary in the patio area for emergency purposes. This would be reviewed by the building official and fire marshal.

Commissioner Nosan questioned how far the patio would be from Highway 10.

Associate Planner/Environmental Coordinator Anderson explained that the patio setback exceeded the City's requirements.

Commissioner VanScoy supported the proposed patio and covered bar improvements.

### **Commission Business**

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council approve the Site Plan contingent upon compliance with the Staff review File dated April 26, 2013 and with the following conditions:

- 1.) No alcoholic beverages or food shall be served to persons outside of the designated outdoor seating area. Signage shall be posted that restricts the consumption of alcohol outside of the designated outdoor seating area as approved by staff.
- 2.) Patrons shall access the outdoor seating area through the main entrance or host station and shall be seated by a staff person.
- 3.) Any speaker devices used in the patio area shall be turned off by 10:00 p.m.
- 4.) No temporary structures, other than those approved under separate permit, shall be erected during the winter months for smoking purposes.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Field, Nosan, and VanScoy. Voting No: None. Absent: Brauer.

### **5.04: For Discussion Only: Receive Update on Former Municipal Center Land Use Open House**

This item was considered prior to Item 5.01.

### **5.05: For Update Only: Receive Report on Monthly Activities**

Development Services Manager Gladhill reviewed the recent development activities with the Commission.

### **5.06: Zoning Bulletins**

Zoning Bulletins were noted.

**6. COMMISSION / STAFF INPUT**

None.

**7. ADJOURNMENT**

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Field, and Nosan. Voting No: None. Absent: Brauer.

The regular meeting of the Planning Commission adjourned at 9:03 p.m.

Respectfully submitted,

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Tim Gladhill  
Development Services Manager

ATTEST:

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JoAnn Shaw  
Planning Division Secretary

Drafted by Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 06/06/2013

**By:** Tim Gladhill, Community Development

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Information

Title:

PUBLIC HEARING: Consider Request for Conditional Use Permit to Maintain Two Horses on 2.50 Acres Located at 8010 176th Ln NW; Case of Linda Eidem

Background:

The City has received a request for a Conditional Use Permit to maintain two (2) horses at 8010 176th Ln NW. The Property is approximately 2.50 acres and is owned by Linda M Eidem and Scott A Boline.

City Code Section 10-24 allows horses to be maintained on parcels between 1.50 acres and 2.99 acres in size as a conditional use. As long as the Owner can abide by the terms of the ordinance and Conditional Use Permit, the City may grant approval as requested. The request would be consistent with uses allowed by City Code.

Notification:

Staff attempted to notify all Property Owners within 350 feet of the Public Hearing. A Public Notice will be advertised in the Official City Newsletter.

Observations:

The Applicant has provided the City with background and sketch plan of the proposed use. The Applicant has provided a majority of the required detail as requested by Staff. Prior to consideration for approval by the City Council, the Applicant shall provide the City with a revised Sketch Plan that adds the following details required by City Code to the plan sheet (note: most of these details were already provided on the plan sheet or under separate cover):

1. Name and Address of Owner
2. Legal Description of Property (Lot 6, Block 4, DEERWOOD)
3. Number of Horses
4. Location of all buildings
5. Location of fenced area
6. Location and distance of structures on adjoining lots
7. Area for manure storage and disposal

The Sketch indicates a lean-to structure. Evidence of this structure is verified by aerial photography. Staff has not been able to determine if a permit was necessary or secured for construction of this structure. The Applicant should provide evidence of past approval, or measurements indicating that the structure is less than 120 square feet. Based on the assumed age of the structure, if the structure is less than 120 square feet, a Zoning Permit was not likely required at the time of construction.

The use came to the City's attention through a City Code Violation Complaint. The Applicant is currently maintaining horses on the Property without the necessary Conditional Use Permit. With the proper CUP approval, Staff does not object to the proposed use, nor see a reason to deny the request. There is one (1) known objection to the proposed use, which concern may be mitigated with the proper approval. The Applicant submitted a number of letters of support.

Alternatives:

Alternative #1. Approve the request as presented. This is Staff's preferred option. A Conditional Use is essentially a Permitted Use if the Applicant is able to prove the proposed use is compatible with the surrounding area and is able

to be sustained on the Property. The Conditional Use Permit process allows the City to impose reasonable conditions to mitigate potential concerns with the use. This process provides a tool for the City to allow a use that may not be able to be approved administratively without the ability to review on a case-by-case basis for site specific conditions. The Conditional Use Permit also provides the City a greater degree of enforcement.

Alternative #2. Approve the request with amendments. The Planning Commission does have the ability to attach additional reasonable conditions to the request if specific concerns are raised. In this instance, Staff does not believe additional requirements are necessary above what is already included in the draft permit.

Alternative #3. Deny the request. Staff does not recommend this option at this time. Staff has not observed conditions that would prevent the Applicant from complying with regulations once a permit is issued. Staff does not believe there is just cause at this time to deny the request.

**Funding Source:**

All costs associated with processing the Application are the responsibility of the Applicant.

**Staff Recommendation:**

Staff recommends approval of the request.

**Committee Action:**

Motion to recommend that the City Council adopt Resolution #13-06-087 adopting Findings of Fact #0912 related to the request for a Conditional Use Permit.

-AND-

Motion to recommend that the City Council adopt Resolution #13-06-088 granting approval of the Conditional Use Permit to Linda Eidem.

-OR-

Motion to recommend that the City Council deny the request for a Conditional Use Permit, based on Findings of Fact #0912.

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**Attachments**

Site Location Map

Application Materials

Proposed Findings of Fact

Proposed Conditional Use Permit

Staff Report

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**Form Review**

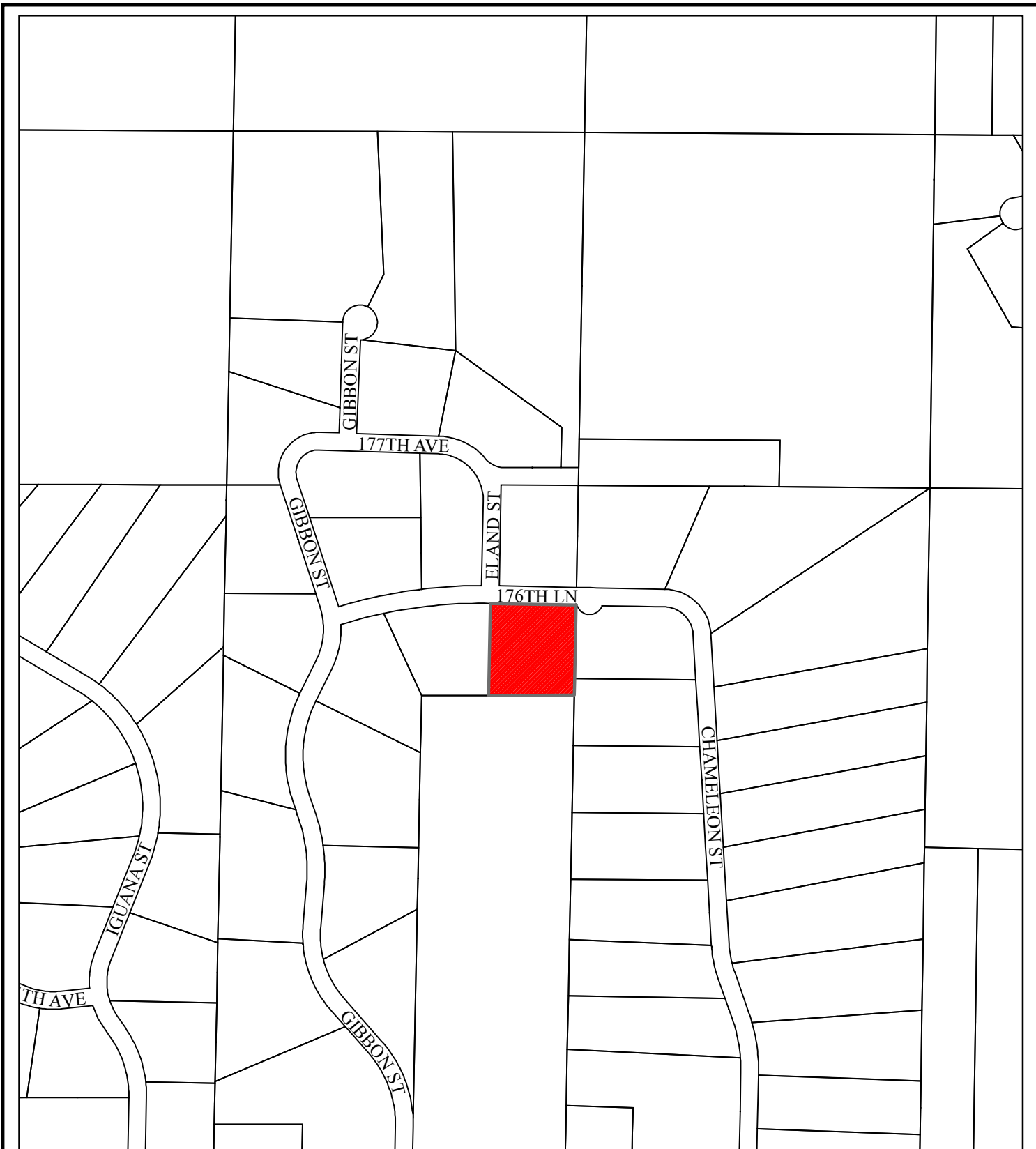
**Inbox**  
Tim Gladhill

Form Started By: Tim Gladhill

**Reviewed By**  
Tim Gladhill

Final Approval Date: 05/31/2013

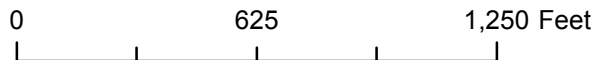
**Date**  
05/31/2013 11:12 AM  
Started On: 05/31/2013



8010 176th Lane NW

**Legend**

-  Site
-  Parcels



# N.C. HOIUM AND ASSOCIATES, INC.



10130. CENTRAL AVE. N.E. (Hwy. 65)—BLAINE, MINNESOTA 55434  
712 SOUTH MAIN ST. — CAMBRIDGE, MINNESOTA 55008

CIVIL ENGINEERS  
LAND SURVEYORS.

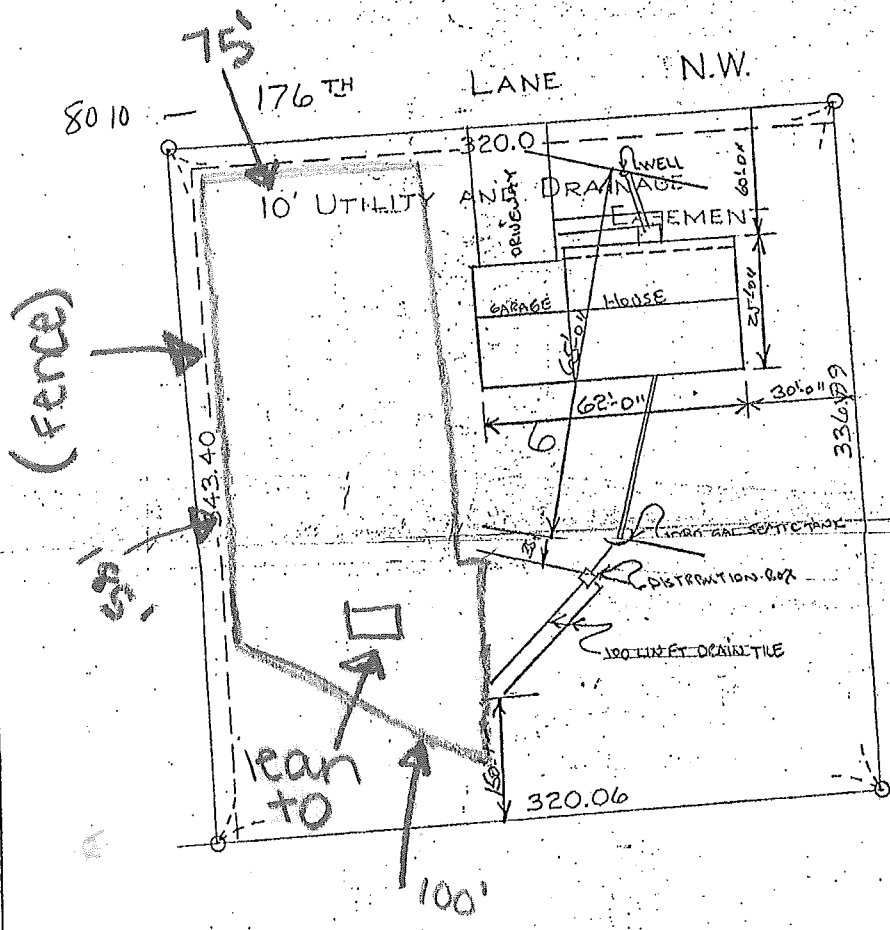
Telephone  
784-5480  
689-4798

## CERTIFICATE OF SURVEY: CAR-SON LAND DEVELOPMENT

#791



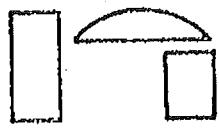
SCALE: 1" = 60'  
4203  
-⊙ DENOTES IRON



LEGAL DESCRIPTION:  
Lot 6, Block 4, Deerwood, Anoka County, Minnesota.

8010 176th LANE N.W.  
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.  
N.C. HOIUM  
Date 7/16/74 Reg. No. 4427

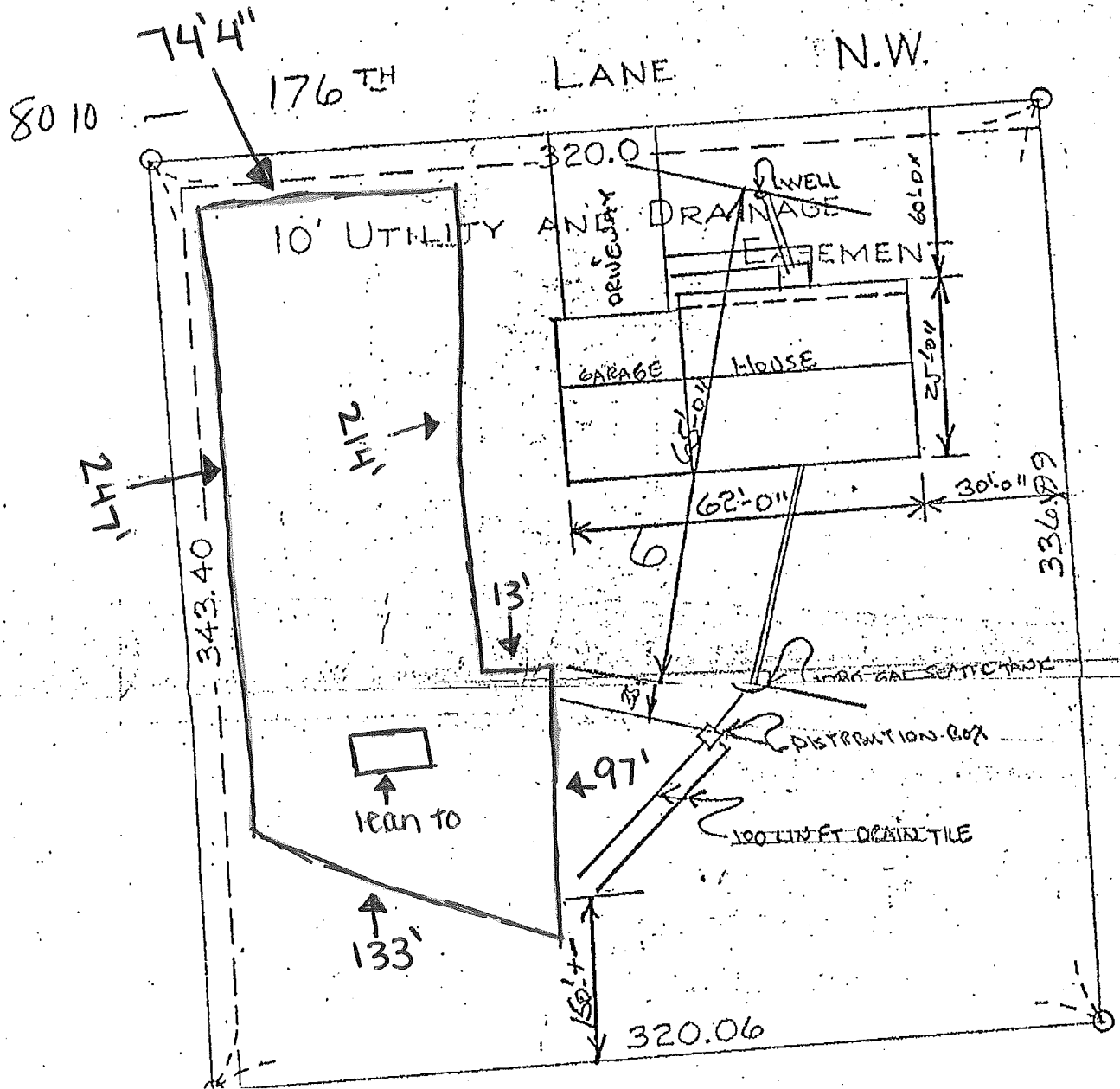
# N.C. HOIUM AND ASSOCIATES, INC.



10130 CENTRAL AVE. N.E. (Hwy. 65)—BLAINE, MINNESOTA 55434  
712 SOUTH MAIN ST. — CAMBRIDGE, MINNESOTA 55008

## CERTIFICATE OF SURVEY: CAR-SON LAND DEVELOPMENT

#791





The person that  
allows us to throw  
the horse poop in  
the feild behind us  
is Chad Martinson  
# 612-860-6409  
5/5/13



**Chuck & Don's**  
PET FOOD OUTLET  
ChuckandDons.com



TO WHOM IT MAY CONCERN

THIS IS IN REGARDS TO  
THE HORSES THAT LIVE  
AT 8010 176<sup>TH</sup> LN. N.W

I STRONGLY BELIVE THAT  
THEY SHOULD REMAIN WHERE  
THEY ARE AT.

THEY ARE WELL TAKEN  
CARE OF AND ARE  
RIDEN ALMOST DAILY  
ALSO MY GRANDKIDS  
LIKE TO SEE THEM WHEN  
WE GO FOR WALKS

THANK YOU

TEBBY BROTBORG  
17720 GIBBON ST



**From:**

Doug and J.Tally Pries  
17511 Gibbon St. N.W.  
Ramsey, MN 55303

4/22/2013

**To:**

City Counsel –City of Ramsey

**RE: Linda Eidem Petition to Maintain Horses on their Property**

When we moved to our residence 28 years ago in 1985 there were more horses than people in the City of Ramsey per capita. We moved to our development with the express interest of owning horses and were welcomed by our horse neighbors. Horses have been a rich part of our life and we do not want to see our existence change. Let the horses stay for all of us.

It appears to us to be trivial whether or not Linda has 2.5 or 3 acres of land. We have lived here long enough to see how the City Counsel has bent rules for their special friend constituents. We should be left alone to live life as we have always known it and not pander to the complaints of a new comer that wants to change the fabric of our existence.

We have viewed these horses on frequent occasions and they are well-fed, groomed and exercised regularly. I need to ask – is this requirement about the rights of a home-owner to restrict the rights of another or about the well-being of the horse? In our opinion these horses are very well cared for and no-one else should interfere.

The complaining new-comer should assimilate to our ways or go back to where they came from as they do not fit in and we do not want them here.

Sincerely,

Douglas and Judy Tally Pries

My name is Joseph D. Pries & have lived at 17511 Gibbon Street in Ramsey for most of my life. Linda Eidem's horses do not pose a problem nor disturb the neighborhood. Unlike certain neighbors' dogs running loose or being loud & obnoxious & other neighbors partying too loud, Linda's horses are quiet & every time I walk by there her enclosed horse area appears clean & has not dragged out any odor to the street. My long-time neighbors directly across the street Lawrence & Sherry Thole have had multiple horses over the years & they have never bothered us one bit. There were times where they housed 3 horses just like Linda & they never disturbed us in around the 15 years they had multiples. They were kind of cool to meet at the fence and pet & feed grass. Scott & Linda have been responsible neighbors with their pets & I feel they shouldn't have to lose a horse because of some ordinance. Especially since they've had multiple horses for years & haven't posed a problem. Any questions or concerns you can contact me on my cell at 763-226-6093 during late afternoons, evenings or weekends.

Joseph D. Pries

April 25, 2013

To Whom It May Concern:

Recently, Linda Eidem asked me to write a letter to you concerning her horses. My property directly adjoins her property right next to the paddock area where she keeps her horses. During that time we have observed how well she cares for her horses and their paddock area. Only very seldom do we detect any kind of manure smell at all. In fact, I often use some of the manure for my plants and garden!

My wife and I enjoy seeing and hearing her horses on a daily basis. We have no problem whatsoever in her keeping horses on her property.

Please feel free to call us if you desire any more information.

Handwritten signatures of Mike and Pat Rishavy in cursive script.

Mike and Pat Rishavy  
8060 176<sup>th</sup> Lane N.W.  
Ramsey, MN 55303  
(763) 441-6581



Search

Horses on your property.

Kristen Tholen

Fold



Kristen Tholen (kristent1023@comcast.net) 12:40 PM

View contact

Inbox 17

To: Eidem, Linda

Junk 12

Good Afternoon,

Drafts 1

Sent

Deleted

I am writing this letter to Linda Eidem about the horses that she has on her property. We are neighbors of Linda. We love watching the horses, spending time with them, and have no problem with them being located at the property. They are always very well taken care of and they are always out with them and spending time with them. We would be very sad if the horses couldn't be at Linda's anymore. Our children talk to them daily at the bus stop and they interact with them. We see a lot of people stopping over to say hi to the horses and giving them treats. These horses have become a part of the neighborhood and shouldn't have to be moved or taken away. They are very well taken care of and have the BEST owners.

Save

New folder

Quick

Documents

Flagged

Photos

Shipping updates

Sincerely,

New

John & Kristen Tholen

category

7959 177th Ave NW

Ramsey, MN 55303



Search

# HORSES

Richard McCoy

↑ ↓ ×

Fold



Richard McCoy (papaweasel@comcast.net) Add to contacts 12:22 PM

Inbox 16

To: ANIMALHOUSE8010@HOTMAIL.COM

Junk 12

Drafts 1

Sent

Deleted

Save

New folder

## Quick

Document

s

Flagged

Photos

Shipping

updates

New

category

TO WHOM IT MAY CONCERN LINDA'S HORSES DO NOT BOTHER ME AS A MATTER OF FACT THEY HELP ME WITH MY LAWN TRIMMINGS I BAG THE GRASS BRING IT TO THEM IN THE 40 YEARS I HAVE LIVED AT 8111 176 LANE WE DO NOT SEEM TO HAVE ANY EXTRA INSECT PROBLEM CAUSED BY THE HORSES . WHEN I WALK BY IN THE MORNING THE HORSES COME TO GREET ME AND MAKE MY WALK MORE ENJOYABLE THANKS FOR YOUR CONCERN RICHARD MCCOY 763 441 1278

Richard McCoy

Sign up

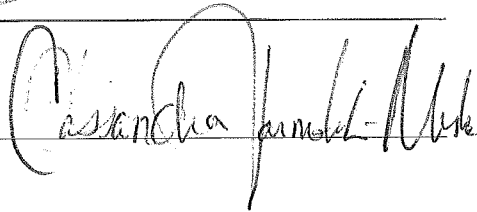
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To Whom it May Concern,

We , Cassandra Jarmoluk-Miske and Frank A. Miske IV, from the residence of 17421 Gibbon St NW Ramsey MN, 55303; have no concerns nor feelings of discontent concerning the horses inhabiting the property of Linda M. Eidem from the residence 8010 176<sup>th</sup> Lane NW Ramsey MN 55303.

  
Cassandra Jarmoluk-Miske

4/10/2013



- Search
- Fold
- Inbox
- Junk 4
- Drafts 1
- Sent
- Deleted 4

## Horse

**MIKE FROISTAD**

**Mike Froistad (mikefroistad@yahoo.com)** Add to contacts 6:30 PM  
 To: animalhouse8010@hotmail.com

This content has been blocked for your safety.

Parts of this message have been blocked for your safety.  
[Show content](#) | [I trust mikefroistad@yahoo.com. Always show content.](#)

- Save
- New folder

My name is Mike I live at 8061 177th ave NW Ramsey MN. I have no issue with Horses living in the neighborhood. If you need anything else let me

Sent from my iPhone

- Quick
- Document
- s
- Flagged
- Photos
- Shipping updates
- New category

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To whom it may concern.

My name is Vickie Pruitt,  
we live at 17631 Chameleon  
St. Our home is  
across the street from  
Linda Eidens. She has  
horses and we love hearing  
the horse and they are so  
fun to watch. My grandkids  
love visiting them.  
We love have them as  
neighbors.

Vickie Pruitt  
4-16-13

Donald Olson  
17561 Gibbon St. NW  
Ramsey, MN 55303  
April 16, 2013

City of Ramsey  
7550 Sunwood Dr. NW  
Ramsey, MN 55303

To Whom it May Concern:

After speaking to one of my neighbors on April 16, 2013 I found that a fellow neighbor reported to the city that Linda Eidem had horses. I understand that there are regulations that prohibit horses in Ramsey. I am unaware of the current regulations but understand that there was a complaint made. Unlike the neighbor who has made this an issue I feel that she has properly cared for her horses and her yard. I have no complaint about the horses I actually enjoy hearing them whinny. I definitely do not have any issue with the horses.

Sincerely,

Donald Olson

April 17, 2013

To City of Ramsey.

Regarding issue with horses

I Jon Foss residing at  
17540 Gibbott St. N.W. Ramsey MN.  
am writing this note to say  
that I do not nor have never  
had an issue with the horses  
of Linda Eiden and Mickey  
residing at 8010-176<sup>th</sup> Lane NW  
Ramsey, MN. 55303.

also I have never heard of  
any complaints directed  
at them.

Sincerely  
Jon Foss



Search

# Re: Neighbors Horses



Lawrence Thole

Fold



Lawrence Thole (lawthole@q.com) Add to contacts 4/18/13

Inbox 2

To: Linda Eidem

Junk 20

Drafts

Sent

Deleted 4

Save

New folder

Quick

Documents

Flagged

Photos

Shipping

updates

New

category

To the City of Ramsey;

I have no concerns about my neighbor( Linda Eidem and her daughter ) keeping horses on their property. The horses are healthy and well kept. The property is kept up and the fences are in good condition to keep the horses contained.

Lawrence & Sherrie Thole  
17440 Gibbon St. NW  
Ramsey, MN 55303  
Phone: 763 441-6109

---

**From:** "Linda Eidem" <animalhouse8010@hotmail.com>  
**To:** "Lawthole@q.com" <lawthole@q.com>  
**Sent:** Thursday, April 18, 2013 8:31:14 AM  
**Subject:** Neighbors Horses

Hi Butch It's your neighbor Linda, Asking you if you could send me a short note letting the city know that you have No concerns about my Daughter and i having a horse or horses on our property. Along with your address Name and date. Thank-you

*Linda*



Lawrence Thole  
Sign up

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Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-087**

**A RESOLUTION ADOPTING FINDING OF FACT #0912 RELATING TO A REQUEST FROM LINDA EIDEM FOR A CONDITIONAL USE PERMIT TO MAINTAIN FOUR HORSES ON PROPERTY THAT CONTAINS 2.5 ACRES OF LAND.**

**WHEREAS**, the City of Ramsey received an application from Linda Eidem for a conditional use permit to maintain two (2) horses on 2.5-acres of land on the property generally known as 8010 176<sup>th</sup> Ln NW and legally described as follows:

Lot 6, Block 4, DEERWOOD, subject to easement of record, Anoka County, Minnesota

(the "Subject Property").

**NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:**

1. That on May 6, 2013, Linda Eidem, hereinafter referred to as the "Applicant", properly applied for a conditional use permit to maintain two (2) horses on the Subject Property.
2. That the Subject Property is approximately 2.50 acres in size and is located within the R-1 Residential (Rural Developing) District.
3. That the Subject Property and surrounding parcels are zoned R-1 Residential (Rural Developing).
4. That maintaining of horses is subject to City Code Section 10-24 (Horses) (the "Code").
5. The Code allows two horses on the Subject Property as a conditional use.
6. That the Applicant proposes to maintain the two (2) horses on the Subject Property as indicated on Exhibit A, attached hereto (the "Sketch").
7. That the Sketch indicates an area enclosed by fence measuring approximately seventy-five (75) feet by 185 feet (13,875 square feet or 0.31 acres).
8. That the Applicant shall be required to maintain the two (2) horses in accordance with City Code Chapter 10.
9. That the Applicants appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on June 6, 2013, and that said public hearing

was properly advertised and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.

10. That the proposed use will/will not adversely impact traffic in the area.
11. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
12. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
13. That the proposed use will/will not be hazardous to existing or future neighboring uses.
14. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
15. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services,
16. That the proposed use will/will not be detrimental to the economic welfare of the community.
17. That the proposed use will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

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 25<sup>th</sup> day of June, 2013.

---

Mayor

**ATTEST:**

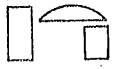
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City Administrator

Exhibit A  
Site Plan

6-4

**N.C. NOIUM AND ASSOCIATES, INC.**



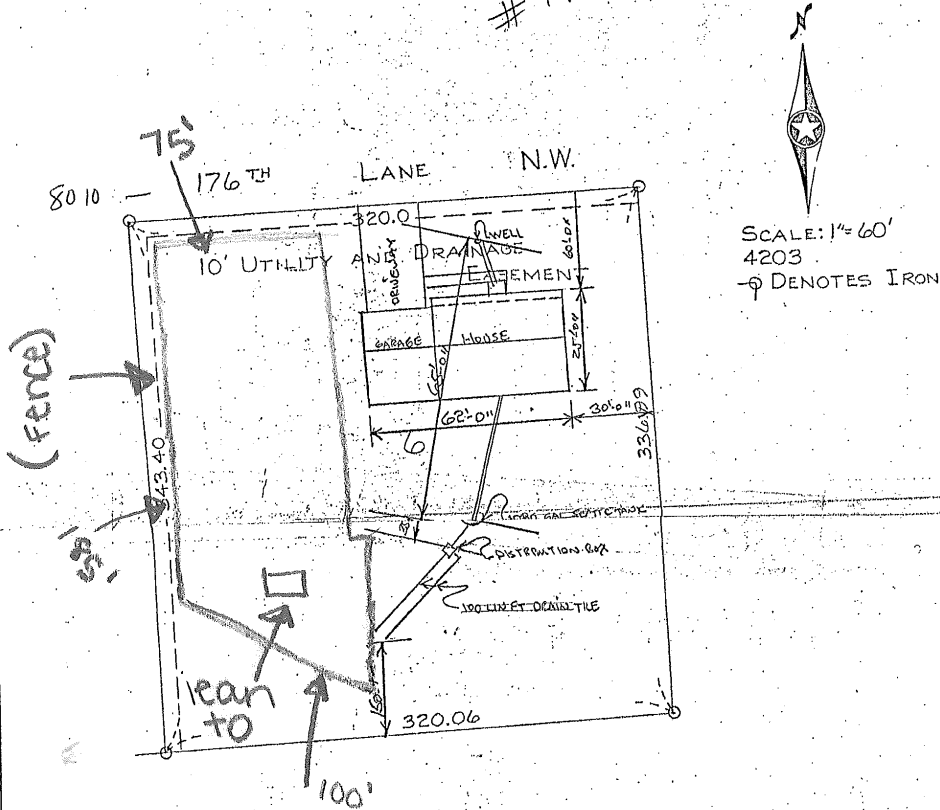
10130. CENTRAL AVE. N.E. (Hwy. 65)—BLAINE, MINNESOTA 55434  
712 SOUTH MAIN ST. — CAMBRIDGE, MINNESOTA 55008

**CIVIL ENGINEERS  
LAND SURVEYORS**

Telephone  
784-5480  
689-4798

CERTIFICATE OF SURVEY: CAR-SON LAND DEVELOPMENT

#791



LEGAL DESCRIPTION:

Lot 6, Block 4, Deerwood, Anoka County, Minnesota.

8010 176<sup>TH</sup> LANE N.W.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*N.C. Noium*

Date 7/16/74 Reg. No. 4427

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-088**

**A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT BASED ON FINDINGS OF FACT #0912 AND DECLARING TERMS OF PERMIT TO MAINTAIN FOUR HORSES ON PROPERTY THAT CONTAINS 2.5-ACRES OF LAND.**

**WHEREAS**, the Ramsey City Council adopted Resolution #13-06-087 adopting Findings of Fact #0912 to maintain two (2) horses on property that contains 2.5-acres of land and herein approves the Conditional Use Permit subject to the following conditions.

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

On June 25, 2013, a Conditional Use Permit ("Permit") was issued by the City of Ramsey ("CITY") to Linda Eidem ("PERMITTEE") to maintain two (2) horses on 2.50 acres on the property generally known as 8010 176<sup>th</sup> Ln NW and legally described as follows:

Lot 6, Block 4, DEERWOOD, subject to easement of record, Anoka County, Minnesota

("Subject Property").

This Permit is issued pursuant to Section 10-24 of the Ramsey City Code. The conditions of this Permit are as follows:

1. This Permit shall remain in effect so long as the terms contained herein are complied with.
2. This Permit shall allow for the maintenance of a maximum of two (2) horses on the Subject Property.
3. That the **PERMITTEE** agrees to abide by all provisions of City Code Chapter 10 (Animals) and City Code Section 10-24 (Horses) including rodent/insect control, care/maintenance of horses, as well as control, trespass, roadways and impoundment.
4. Upon confirmation of complaints regarding the nuisance of horses the City may take action to abate the nuisance in accordance with City Code Chapter 30 (Nuisances).
5. That upon any conviction of an animal nuisance pursuant to Item #3 herein, the City may also take action to revoke this Permit pursuant to its conditional use permit revocation procedures.

6. That the City Administrator, or his/her designee, shall have the right to inspect the Subject Property for compliance and safety purposes annually or at any time, upon reasonable request.
7. That the **PERMITTEE** shall be responsible for City costs incurred in administering and enforcing this conditional use permit.

The motion for 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 25<sup>th</sup> day of June, 2013.

**PERMITTEE AND PROPERTY OWNER:**

Linda M Eidem, a single person and Scott A Boline, a single person, both joint tenants, hereby acknowledge receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this permit.

\_\_\_\_\_  
Linda M Eidem

\_\_\_\_\_  
Scott A Boline

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

**CITY OF RAMSEY:**

By: \_\_\_\_\_  
      Mayor

By: \_\_\_\_\_  
      City Administrator

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF ANOKA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me, a Notary Public, personally appeared Sarah Strommen and Jo 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 Sarah Strommen and Jo Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

\_\_\_\_\_  
Notary Public

The document drafted by:  
The City of Ramsey  
7550 Sunwood Dr. NW  
Ramsey, Minnesota

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

May 31, 2013

Linda Eidem  
8010 176<sup>th</sup> Ln NW  
Ramsey, MN 55303

**Re: Conditional Use Permit Request**

Dear Ms. Eidem:

The City of Ramsey has received your application for Conditional Use Permit maintain two (2) horses located at 8010 176<sup>th</sup> Ln NW. City Staff is recommending to the Planning Commission approval of the request, contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated May 31, 2013.

*Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council (site plan subject to review by City Council).* A copy of the Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, June 6<sup>th</sup>, at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Following the Planning Commission, the Site Plan request will need to be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, June 25<sup>th</sup>, 2013, at 7:00 p.m. in the Council Chambers.

Please let me know if you have any questions or concerns. I can be reached at (763) 576-4308 or by email at [tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us).

Sincerely,

CITY OF RAMSEY

Tim Gladhill  
Development Services Manager

Enclosures

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/31/2013	<b>PROJECT ADDRESS</b>	8010 176 <sup>TH</sup> LN NW
<b>PROJECT. TITLE</b>	EIDEM CONDITIONAL USE PERMIT		
<b>ESCROW #</b>	113641		
<b>DEPARTMENT:</b>	Planning Division		
<b>TECHNICAL REVIEWER:</b>	Name: Tim Gladhill Phone: 763-576-4308 Email: tgladhill@ci.ramsey.mn.us		

We offer the following comments regarding your request for an extension to an interim use permit:

**General:** The Property Owner has requested a Conditional Use Permit to maintain two (2) horses on the Subject Property, which consists of 2.5 acres. Per City Code Chapter 10 (Animals), parcels between 1.5 and 2.99 acres in size require the issuance of a Conditional Use Permit to maintain horses. The number of allowable horses is prescribed in said ordinance.

The request is an allowable use under City Code Section 117-111 (R-1 Residential (Rural Developing)) as a Conditional Use. Conditional Uses are essentially permitted uses that allow the City to review site specific standards and attach reasonable conditions based on the individual site conditions. It should be noted that the City shall approve a Conditional Use unless there is just cause to deny (i.e. the Property would not be able to support the use based on unique conditions).

Of note, City Code Chapter 10 (Animals) provides that parcels three (3) acres in size or greater can maintain horses on their parcel without the issuance of a CUP. In this case, the Property is 2.5 acres.

At this time, Staff recommends approval of the request, subject to a site visit to verify conditions. The Applicant received a number of letters of support from adjoining neighbors that need to be verified.

Specific conditions of approval are included in the attached CUP and findings of fact.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/31/13	<b>PROJECT ADDRESS</b>	8010 176 <sup>TH</sup> LN NW
<b>PROJECT. TITLE</b>	Case of Linda Eidem		
<b>ESCROW #</b>	113641		
<b>DEPARTMENT:</b>	Building		
<b>TECHNICAL REVIEWER:</b>	Name: Lee Gladitsch Phone: 763-433-9849 Email: inspectron@ci.ramsey.mn.us		

We offer the following comments regarding your request for an extension to an interim use permit:

**Building:**

**General:** Pen for animals is not on top of septic or well as described by supplied paperwork. Building department has no technical issues with request.

**Regular Planning Commission**

**5. 2.**

**Meeting Date:** 06/06/2013

**By:** Chris Anderson, Community  
Development

---

Information

Title:

PUBLIC HEARING: Consider Request for a Conditional Use Permit to Exceed Allowable Square Footage for a Detached Accessory Building; Case of Michael and Diane Dahlberg

Background:

The City has received an application for a conditional use permit (CUP) to exceed the allowable square footage for accessory building space on the property located at 9321 169th Ave NW. The purpose of the request is twofold, first to create storage space for miscellaneous vehicles, equipment and other items and secondly to provide additional storage space for special needs equipment and a handicap accessible van that is needed for a family member.

Notification:

Staff attempted to notify all Property Owners within 350 feet of the Public Hearing. A Public Notice was also advertised in the Anoka Union.

Observations/Alternatives:

The subject property is zoned R-1 Residential (Rural Developing) and is approximately 2.21 acres in size. Properties between 2 and 2.49 acres are eligible for up to 2,400 square feet of accessory building space and up to three (3) accessory buildings. The mean gable height of detached accessory buildings cannot exceed twenty-two (22) feet.

The applicant is requesting a CUP to construct a detached accessory building that is 3,072 square feet in size. The proposed structure would comply with all required setbacks for the property as well as with the maximum allowable height. The exterior finish of the building will be metal panels that are color compatible with the home and will include architectural elements such as soffit, fascia and eave overhangs as required by City Code.

There are currently two (2) detached accessory buildings on the subject property; however, the applicant has stated that they both will be removed to facilitate the construction of the new building (going in same general location as these two existing buildings). If approved, this would be the only detached accessory structure on the subject property.

The proposed building will have three (3) overhead doors, which will all need to be serviced by a drive-lane leading to a driveway. The applicant is aware of this requirement and intends to position the building such that a portion of the existing bituminous surface can serve as driveway and will be installing class v gravel to access the other overhead door(s).

Alternative #1. Recommend approval of the request. Staff is comfortable with the overage request (672 square feet over what is allowed) as it will reduce exterior clutter (both items parked/stored outside and the total number of buildings) on site and would comply with all other applicable requirements. The Conditional Use Permit process allows the City to impose reasonable conditions to mitigate potential concerns with the use. This process provides a tool for the City to allow a use that may not be able to be approved administratively without the ability to review on a case-by-case basis for site specific conditions. The Conditional Use Permit also provides the City a greater degree of enforcement. The proposed building includes architectural elements that the existing buildings do not, and thus would also improve the aesthetics of the site. Finally, the Applicant has contacted many of the adjacent/nearby neighbors regarding this request and provided documented support of the request with the application submittal.

Alternative #2. Recommend denial of the request. If the request were denied, it would limit the applicant's ability to provide indoor storage for several existing vehicles and trailers that are currently stored outside. Additionally, it could lead to other items/material being moved outside to accommodate some of the special needs equipment and handicap accessible van needed for a family member. Staff has not observed conditions that would prevent the Applicant from complying with regulations once a permit is issued. Staff does not believe there is just cause at this time to deny the request. Staff does not support denying the request.

Funding Source:

All costs associated with this request are the responsibility of the applicant.

Staff Recommendation:

Staff recommends approval of the request for a conditional use permit contingent upon compliance with the Staff Review File dated May 31, 2013.

Action:

Motion to recommend that the City Council adopt Resolution #13-06-104 adopting Findings of Fact #0915 relating to the applicant's request for a conditional use permit;

-and-

Motion to recommend that City Council adopt Resolution #13-06-105 approving a conditional use permit for an overage in allowable accessory structure square footage based on Findings of Fact #0915 and contingent upon compliance with the Staff Report dated May 31, 2013.

---

Attachments

Site Location Map

Letter from Applicant

Site Plan Drawing

Building Elevations

Signatures of Neighbors Supporting Request

Image of Existing Buildings being Replaced

Staff Report Dated May 31, 2013

Proposed Findings of Fact

Proposed Conditional Use Permit

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Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Chris Anderson	05/31/2013 11:56 AM
Chris Anderson (Originator)	Tim Gladhill	05/31/2013 11:58 AM
Tim Gladhill	Tim Gladhill	05/31/2013 12:01 PM
Form Started By: Chris Anderson		Started On: 05/31/2013 08:02 AM

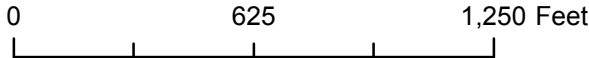
Final Approval Date: 05/31/2013



9321 169th Avenue NW

Legend

- Site
- Parcels



## To Planning Commission and City Council

My name is Mike Dahlberg and my address is 9321 169<sup>th</sup> Ave NW. I am asking for a conditional use permit for my property, to build a pole building larger than my current lot size allows. We will be taking down two smaller existing pole buildings first, and then would like to build a more user friendly building. The building would allow us to place my trailers inside and the classic vehicles I have. Most important, it would allow me to have one large area to store some special needs equipment and the handicap van that we use for our 5 year old grandson who has Cerebral Palsy and Developmental Delayed. My son's family, have had things donated to them but no place to put them. I qualify for 2400 sq. ft. but would like to build up to 3072 sq. ft. The extra 672 sq. ft. would allow that area to be designated for the van and extra equipment for our grandson that we now have in our basement and attached garage and to be honest in other areas of the house. Please consider this additional sq. ft. to accommodate the needs of our family. None of this building will be used for any commercial or business use. The color of the building will be compatible to the house. We have enclosed a picture of what the build would look like, the setbacks, and well and septic locations.

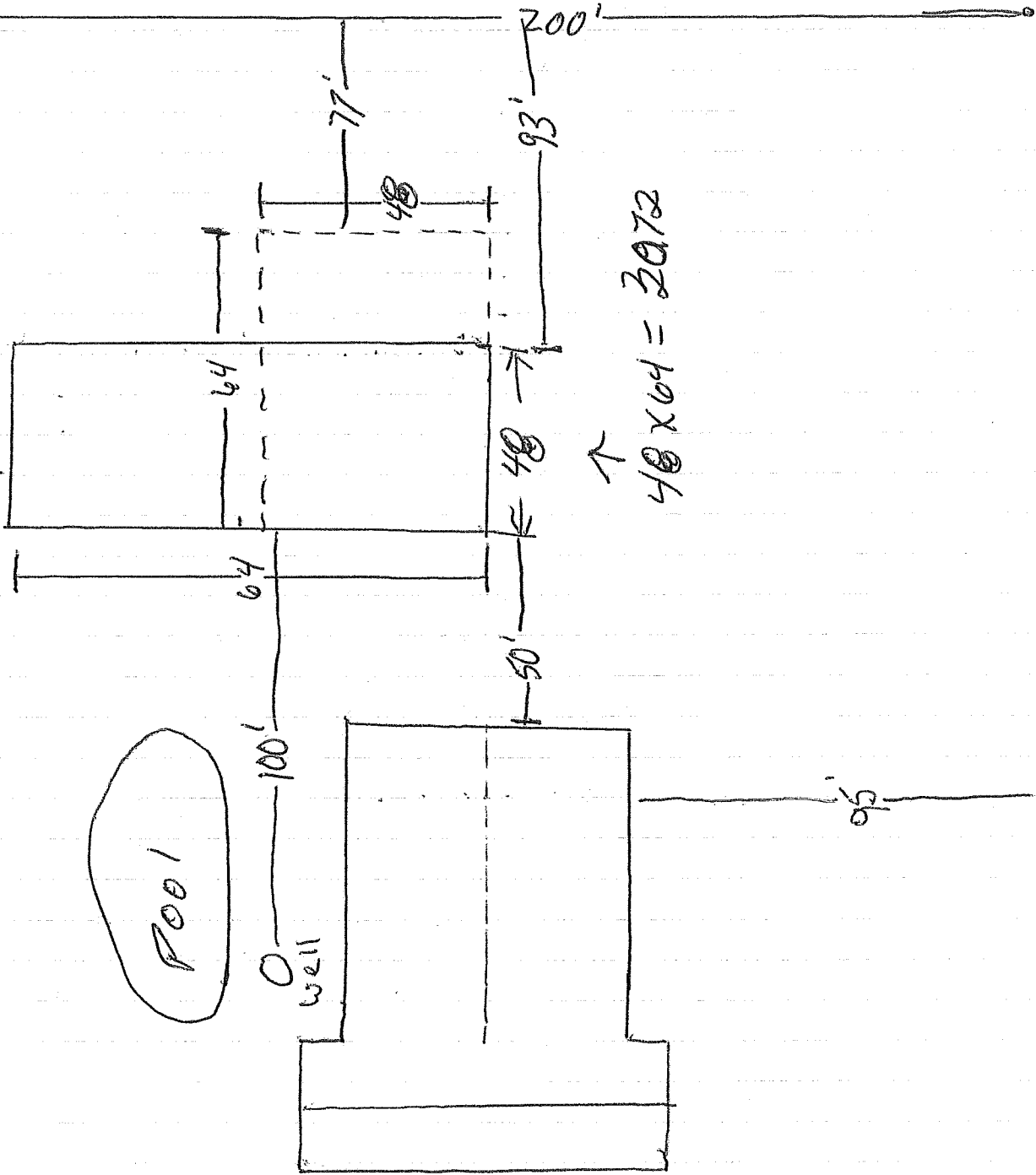
Thank you,

  
Mike Dahlberg

# DRISCOL

PROPERTY LINE

↑ N



↑  
48 x 64 = 3072

Pool

Well

SEPTIC

DRIVE

169TH AVE NW

169TH AVE NW



# USA Pole Barns Quotation Package

CONSULTING  
**Maestro**  
Estimating Software  
For Barns, Garages & Pools

### QUOTATION FOR:



Michael.Dahlberg@Minneapolismn.Gov  
City, State, & Zip Not Provided  
Customer Phone Not Provided

### CONTACT:

Rich Williams  
PO. Box 883  
Lima, OH 45802-883  
877-691-2276

QUOTATION DATE: 12/28/2012  
ESTIMATE NUMBER: 5617  
CONSTRUCTION: Post Frame  
DIMENSIONS: **48 X 64 X 16**

**48 X 64 X 16**

### SPECIFICATIONS FOR 48' X 60' X 16' POST FRAME PACKAGE:

#### • MATERIAL PACKAGE

- Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
- 6 x 6 Treated MCA Eave Posts (8' O/C)
- 6 x 6 Treated MCA Gable Posts (8' O/C)
- 2 x 6 Treated Center Match Skirt Boards (2 Rows)
- 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
- 2 x 12 Double Top Girt Truss Carrier
- Tan G-Rib Steel Siding
- Brown Steel Wainscot on All Four Sides
- Brown G-Rib Steel Roof
- One Concrete Pad per Post Hole

#### • DOORS & WINDOWS

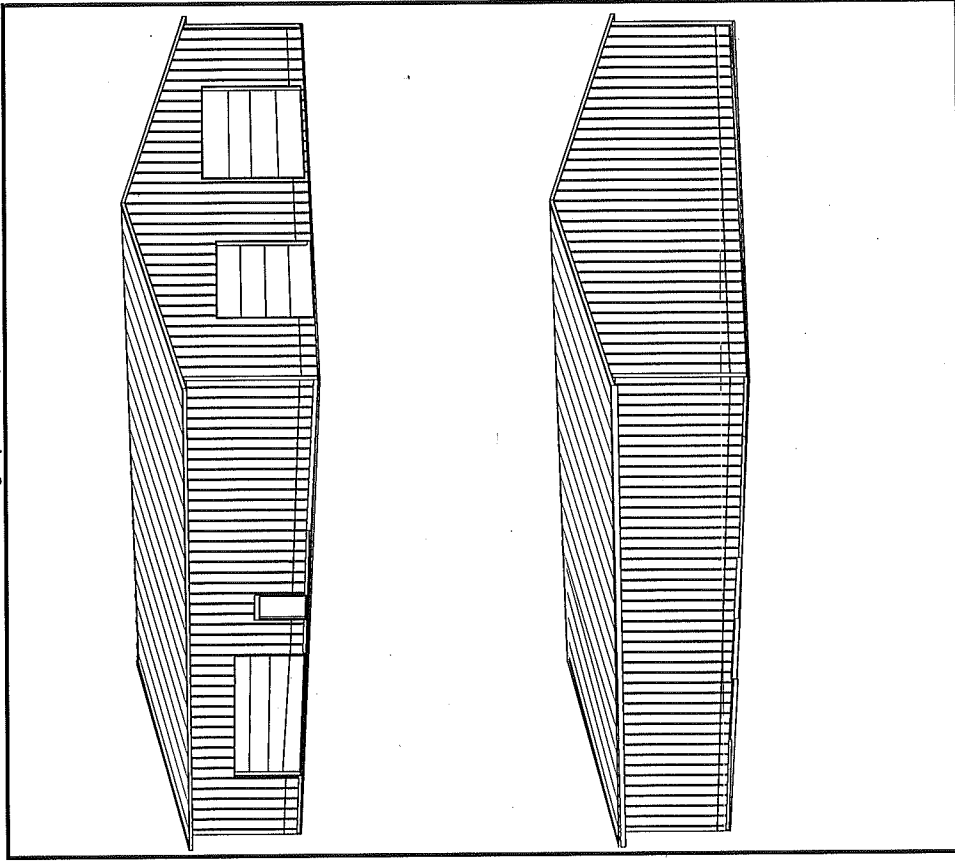
- One 10X12 Overhead #2241 Ins. Std. Trk. w/o Opener
- One 12X14 Overhead #2241 Ins. Std. Trk. w/o Opener
- One 16X10 Overhead #2241 Ins. Std. Trk. w/o Opener
- One 3' 6 Panel Entry Door

#### • 12" OVERHANG ON ALL SIDES W/ SOLID STEEL SOFFIT

#### • FASTENERS

- 1 In Neoprene Siding Screws 250 Cnt. for Steel Wall Panel
- 1 1/2 In Neoprene Siding Screws 250 Cnt. for Steel Roof Panel
- 4 In. Galv. Pole Barn Nails for Truss Carrier
- 16 Galv. Spirals for Skirt Board
- Galvanized Steel Framing Nails

#### • DETAILED BUILDING PLANS



Subtotal

\$20,536.12

Tax

\$0.00

**GRAND TOTAL**

**\$20,536.12**

Prices are good for 30 days, until 1/27/2013

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes  No support of

NAME  
Tom Egerton

ADDRESS  
9230 169<sup>TH</sup> Ave NW

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

*Marcia Richard*

*9310 169<sup>th</sup> NW NW*

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

NAME

ADDRESS

Beverly Leegard Mustafa

9320-169 Ave NW

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

NAME

ADDRESS

Cassie & Nick Correll

9380 169<sup>th</sup> Ave. NW

# Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed<sup>is</sup>. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place your address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes /  No support of

NAME  
NATE & JESSICA DORR  
A. L. Dorr

ADDRESS  
16935 DRISCOLL ST, RAMSEY

# Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes / No support of

NAME

ADDRESS

Michael ANDERSON

17025 Driscoll ST. NW

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

Wayne M. Mikkola  
17010 Driscoll St. N.W.

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place you address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

*Sign*  
*Nancy Mosher*

*Address*  
*17015 DRISCOLL ST NW*

## Hi Ramsey Neighbors

We live on the corner of Driscoll and 169<sup>th</sup>. We are tearing down the two existing pole buildings and would like to build a larger one. We are asking for your support to build one that would be approximately 3070 sq. ft. 670 sq. ft. larger than the 2400 that our property now allows. By doing this we will get the trailers and classic cars inside the building but most important would allow one designated area for the special needs equipment and handicap van we now use for our 5 year old grandson who has Cerebral Palsy and <sup>is</sup> development delayed. If you have any questions or concerns please call 763-670-4742 or stop by. The city will also send you a letter on this to inform you about the Conditional Use Permit. If you support us will you please sign this and place your address so I can turn this in to the city planning commission and city council

Thank you

Mike and Diane Dahlberg

Yes/No support of

NAME  
Mike Quisberg

ADDRESS  
17020 DRISCOL AVE NW



2013/05/28 14:48

May 31, 2013

Michael and Diane Dahlberg  
9321 169<sup>th</sup> Ave NW  
Ramsey, MN 55303

**Re: Conditional Use Permit request**

Dear Mr. & Mrs. Dahlberg:

The City of Ramsey has received your application for a Conditional Use Permit to exceed allowable square footage for detached accessory buildings on the property located at 9321 169<sup>th</sup> Ave NW. City Staff is recommending to the Planning Commission approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated May 31, 2013.

*Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council.* A copy of the Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, June 6<sup>th</sup>, at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Following the Planning Commission, the Conditional Use Permit request will be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, June 25<sup>th</sup>, 2013, at 7:00 p.m. in the Council Chambers.

Please let me know if you have any questions or concerns. I can be reached at (763) 433-9905 or by email at [canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us).

Sincerely,

CITY OF RAMSEY

Chris Anderson  
Associate Planner/Environmental Coordinator

Enclosures

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	MAY 16, 2013	<b>PROJECT ADDRESS</b>	9321 169 <sup>TH</sup> AVE NW
<b>PROJECT. TITLE</b>	DAHLBERG CUP		
<b>ESCROW #</b>	113639		
<b>DEPARTMENT:</b>	Community Development		
<b>TECHNICAL REVIEWER:</b>	Name: Chris Anderson Phone: 763-433-9905 Email: canderson@ci.ramsey.mn.us		

We offer the following comments regarding your request for a conditional use permit:

**General:** The project proposal consists of removing two (2) existing detached accessory buildings and constructing one (1) larger detached accessory building that would be 3,072 square feet in size. The building would consist of steel wainscot on all four sides and includes three (3) overhead doors and one (1) service door. The property is about 2.21 acres in size and is zoned R-1 Residential (Rural Developing).

**Accessory Building Size:** Properties between 2 and 2.49 acres in size are eligible for up to 2,400 square feet of accessory building space, excluding attached garages. Exceeding the allowable square footage requires a conditional use permit.

**Accessory Building Height:** On properties two (2) acres or larger, detached accessory buildings shall not exceed twenty-two (22) feet in height, measured from the mean ground to mean gable. *At the time of Building Permit application, please confirm that the mean gable height of the building does not exceed twenty-two (22) feet.*

**Number of Accessory Buildings:** On properties between two (2) and 2.49 acres in size, a maximum of three (3) accessory buildings are permitted. The application indicates that there are two existing detached accessory buildings on the property that will be removed prior to construction of the proposed building. There are no other accessory buildings on the property.

**Setbacks:** The property is a corner lot and thus is considered to have to front yards for the purposes of determining setbacks. The required front and side corner (second front yard) setback is forty (40) feet while the required rear yard setback is a minimum of five (5) feet. The proposed building location would comply with all required setbacks from property lines and from the well and septic system on the property.

**Architectural and Exterior Finish Requirements:** On parcels two (2) acres or larger, the exterior finish of detached accessory buildings shall have the same general design and materials as the home or have color compatible metal panels. All detached accessory buildings shall have soffit, fascia and eave overhangs to match the home. The proposed building plans indicate a twelve (12) inch overhang on all four (4) sides along with solid steel soffits. *At the time of Building Permit application, please confirm or revise building plans to indicate that fascia will be included on all sides of the building.*

**Driveway Requirement:** A driveway is required for all doorway openings that are eight (8) feet wide by seven (7) feet tall or greater. All three (3) doorway openings exceed that size threshold and thus, each door should have a drive-lane leading to it. However, in the R-1 Residential (Rural Developing) zoning

district, properties are allowed a maximum of two (2) driveways. *It appears that there are already two (2) existing driveways for this property. The drive-lanes to the new building will need to either tie in to one of the existing driveways or one of the two existing driveways will need to be removed and a new driveway installed that provides access to each of the three (3) overhead doors. Driveway surface shall consist of class V gravel, asphalt or concrete. If gravel is used, it should be to a depth of at least two (2) inches.*

**Accessory Apartments:** Detached accessory buildings shall not contain complete independent living facilities (accessory apartments), which would include permanent provisions for living, sleeping, eating, and sanitation. It does not appear that the proposed building includes complete independent living facilities.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/30/13	<b>PROJECT ADDRESS</b>	7820 RIVERDALE DRIVE NW
<b>PROJECT. TITLE</b>	Case of Michael and Diane Dahlberg		
<b>ESCROW #</b>	113639		
<b>DEPARTMENT:</b>	Building		
<b>TECHNICAL REVIEWER:</b>	Name: Lee Gladitsch Phone: 763-433-9849 Email: inspectron@ci.ramsey.mn.us		

We offer the following comments regarding your request for an extension to an interim use permit:

**General:** Accessory building location on lot meets building code minimum setbacks, also well and septic are not affected by proposed building. Building department has no technical issues with request.

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-104**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0915 RELATING TO A REQUEST FOR A CONDITIONAL USE PERMIT FROM MICHAEL AND DIANE DAHLBERG TO EXCEED THE MAXIMUM ALLOWABLE SQUARE FOOTAGE FOR DETACHED ACCESSORY BUILDINGS AT 9321 169<sup>TH</sup> AVE NW.**

**WHEREAS**, Michael and Diane Dahlberg, hereinafter referred to as the “Applicant”, have properly applied for a Conditional Use Permit to exceed the maximum allowable square footage for detached accessory buildings on the property generally known as 9321 169<sup>th</sup> Ave NW and legally described as follows:

That part of the South 233.01 feet of the North 2266.01 feet of the East half of the Northwest Quarter of Section 7, Township 32, Range 25 in Anoka County, Minnesota lying West of the East 799.01 feet of said East half of the Northwest Quarter as measured along the East and North lines of said East half of the Northwest Quarter (subject to easement for road purposes over the East 33 feet thereof and over the South 33 Feet thereof) (subject to easement for road and utilities to Ramsey Township)

(“Subject Property”)

**NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:**

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on June 6, 2013, and that said 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 R-1 Residential (Rural Developing) and the surrounding properties are also zoned R-1 Residential (Rural Developing).
3. That the Subject Property is approximately 2.21 acres in size.
4. That City Code restricts accessory building space to a total of 2,400 square feet for parcels between 2.0 and 2.49 acres.
5. That the Applicant would like to construct a 3,072 square foot detached building, which would exceed the square footage restriction by a total of 672 square feet.
6. That the accessory building will be used to store vehicles, equipment, a handicap accessible van and special needs medical equipment, some of which is currently stored outside on the property.
7. That the mean gable height of the building is restricted to a maximum of twenty-two (22) feet.

8. That the building will have g-rib steel siding, wainscoting on all four sides, and architectural features including soffit, fascia, and eave overhangs.
9. That the building will have three (3) overhead doors and each overhead door will have a drive-lane providing access to it either from an existing driveway or connecting to an existing driveway.
10. That the Applicant has stated that no part of the building will be used for commercial purposes.
11. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
12. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of surrounding property.
13. That the proposed use will/will not be hazardous or disturbing to existing or future neighboring uses.
14. That the proposed use will/will not adversely impact traffic in the area.
15. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services, and it will/will not be detrimental to the economic welfare of the community.
16. That the proposed use will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Cook, 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 25<sup>th</sup> day of June, 2013.

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Mayor

**ATTEST:**

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City Clerk

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-105**

**A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO EXCEED DETACHED ACCESSORY BUILDING SQUARE FOOTAGE RESTRICTIONS AT 9321 169<sup>TH</sup> AVE NW BASED ON FINDINGS OF FACT #0915 AND DECLARING TERMS OF SAME:**

**WHEREAS**, Michael and Diane Dahlberg (the “Permittee”) have properly applied for a conditional use permit to exceed the detached accessory building square footage restrictions established in City Code Section 117-349 “Accessory Uses and Buildings” on the property generally known as 9321 169<sup>th</sup> Ave NW and legally described as follows:

That part of the South 233.01 feet of the North 2266.01 feet of the East half of the Northwest Quarter of Section 7, Township 32, Range 25 in Anoka County, Minnesota lying West of the East 799.01 feet of said East half of the Northwest Quarter as measured along the East and North lines of said East half of the Northwest Quarter (subject to easement for road purposes over the East 33 feet thereof and over the South 33 Feet thereof) (subject to easement for road and utilities to Ramsey Township)

(the “Subject Property”)

**WHEREAS**, the Planning Commission met on June 6, 2013, conducted the public hearing and recommended City Council approve/deny the request.

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

1. Based on Findings of Fact #0915, a Conditional Use Permit (the “Permit”) to exceed the detached accessory building square footage restriction for the **Subject Property** is hereby granted to the **Permittee**.
2. That the detached accessory building shall not exceed 3,072 square feet.
3. That the mean gable height of the new accessory building shall not exceed twenty-two (22) feet.
4. That the new accessory building shall be limited to a single story.
5. That the construction of the detached accessory building on the **Subject Property** shall require issuance of a Building Permit from the City of Ramsey.
6. That the accessory building shall be properly constructed and maintained in accordance with all applicable MN State Building Codes and local zoning regulations.

7. That the **Permittee** herein agrees that no business use will be operated in the detached accessory building unless such use is permitted in accordance with the City Code.
8. That the detached accessory building shall include architectural features including soffit, fascia and eave overhangs as required by City Code.
9. That the two existing detached accessory buildings shall be removed prior to construction of the new detached accessory building.
10. That all overhead doors shall have a drive-lane connecting to the driveway or be directly connected with the driveway and that the minimum driveway/drive-lane surface permitted is class V gravel with at least a two (2) inch base.
11. That the **Subject Property** shall not have more than two (2) driveway accesses to the public street.
12. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
13. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
14. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
15. That this **Permit** shall automatically expire if the use is not initiated by June 25, 2014 and issuance of the building permit shall constitute initiation.

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 25<sup>th</sup> day of June, 2013.



**Regular Planning Commission**

**5. 3.**

**Meeting Date:** 06/06/2013

Submitted For: Chris Anderson

By: Tina Goodroad, Community Development

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Information

Title:

PUBLIC HEARING: Consider Request for a Conditional Use Permit for motor vehicle sales located at 7820 Riverdale Drive NW; case of Bethel Properties, LLC.

Background:

The applicant, Bethel Properties LLC, has submitted an application for a Conditional Use Permit (CUP) to operate a small business used car dealer office and shop. The proposal acts as a business incubator where individual dealers are provided office space, storage for records, and up to five (5) car stalls on the lot for vehicle display to operate their own individual business. The building will also include two (2) bays for dealer detailing shops. The applicant is proposing this use in the former Monarch Homes building, located at 7820 Riverdale Drive NW.

The Property is located within the B-2 Highway Business District. Motor Vehicle Sales and Repair is listed as a Conditional Use. Of note, this type of use was previously listed as a Permitted Use prior to 2009, meaning the use would have been approved administratively without special permit or Public Hearing. The use was re-classified as a Conditional Use to provide the City the opportunity to better address enforcement concerns, review each site individually for compatibility and adequate size/parking, as well as give surrounding owners an opportunity to review and comment on proposals. It should be noted that a Conditional Use is an acceptable use that the City shall approve unless reasonable conditions cannot be met. The CUP process allows the City to impose reasonable conditions to address concerns that are raised that can be mitigated by additional standards.

Notification:

Staff attempted to notify all Property Owners within 350 feet of the Property. A Public Notice was also published in the Anoka Union, the Official City Newspaper.

Observations/Alternatives:

The applicant is proposing the motor vehicle sales operation in an existing building that had previously been used as office space. The building will include nine (9) offices, each designed with its own exterior entrance. In addition, two bays for vehicle detailing will be provided at the rear of the building within the existing workshop space. While no building expansion is proposed, per the applicant's submittal, modifications to the building would be made, including individual exterior entrances to each office and an overhead door for each of the two (2) proposed bays.

Required parking is based on the proposed use. The use contains 2,200 square feet of office space for the nine (9) proposed individual offices. The zoning ordinance requires one (1) space for each 300 square feet of office area, which equates to seven (7) spaces. The vehicle detailing bays require three (3) spaces for each bay plus one (1) space for each full time employee. The bays can accommodate a total of four (4) vehicles combined. The outdoor auto sales space requires one (1) parking space for each ten (10) vehicles displayed for customer parking. The total parking required for the use is fifteen (15) spaces not including the designated customer parking spaces.

The applicant proposes providing five (5) display vehicles per office for a total of forty-five (45) stalls. The site includes surface parking for forty-four (44) stalls with an additional four (4) stalls within the bays. As the use is not a typical office use with multiple employees but rather a series of individual offices (each with a single user) mainly used for internet car sales, and limited display space, Staff is comfortable combining the required "office" parking space with the proposed display area. If this use were to be converted and returned to an office-only use, the required parking would be available.

Based on the need for designating customer and employee parking, there remains thirty-one (31) stalls available for motor vehicle display. Staff is recommending a condition that sets a maximum of thirty-one (31) vehicles for display at any one time. Additionally, no vehicle display shall be located on the street or within unimproved surface areas.

The property abuts residential zoned parcels (R-1 Residential) to the south. Therefore, as outlined in City Code Section 117-115 (e) (14), screening must be provided between the outdoor display area and the abutting residential property. The application did not indicate any proposed landscaping or fencing.

While not indicated anywhere in the application, Staff is recommending that, if the conditional use permit were approved, there be a condition that no outdoor speakers are used on site and that the motor vehicle detailing portion of the business be limited to the hours of 7:00 AM and 7:00 PM Monday through Saturday.

Alternative #1. Approve the request with specific conditions within the permit to mitigate potential nuisance factors and code violations. Motor vehicle sales is considered a conditional use in the B-2 Highway Business District. A conditional use provides the City the opportunity to place reasonable conditions within a permit to ensure that a use does not become a concern. The proposed permit includes conditions that prohibit the use of outdoor speakers, that require screening for the abutting residential property and limits the number of vehicles displayed on the property based on the existing improved surface area. Furthermore, the subject property is within the vicinity of similar or identical uses (motor vehicle sales). With the applicable conditions, Staff is supportive of the request.

Alternative #2. Deny the request. Should the request be denied, Findings of Fact must be adopting specifically stating the reasons why the request is denied. Potential concerns with the proposed use could include the number of dealers operating out of a single site and parking/displaying of vehicles on unimproved surfaces. With a properly drafted permit, these issues could be mitigated and failure to comply with the conditions of the permit could be grounds for revocation. Staff has not observed conditions that would prevent the Applicant from complying with regulations once a permit is issued. Staff does not believe there is just cause at this time to deny the request.

**Funding Source:**

All costs associated with processing the Application are the responsibility of the Applicant.

**Staff Recommendation:**

Staff recommends approval of the Conditional Use Permit contingent upon compliance with the Staff Report dated May 31, 2013.

**Action:**

Motion to recommend that the City Council adopt Resolution #13-06-102 adopting Findings of Fact #0915.

-AND-

Motion to recommend that the City Council adopt Resolution #13-06-103 approving the Conditional Use Permit for motor vehicle sales contingent upon compliance with the Staff Report dated May 31, 2013.

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**Attachments**

Site Location Map

Applicant's Business Summary

Proposed Interior Layout of Building

Public Comment Received Opposing Conditional Use Permit

Staff Report Dated May 31, 2013

Proposed Findings of Fact

Proposed Conditional Use Permit

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Form Review

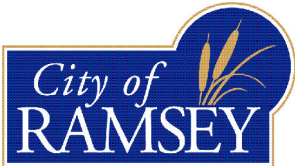
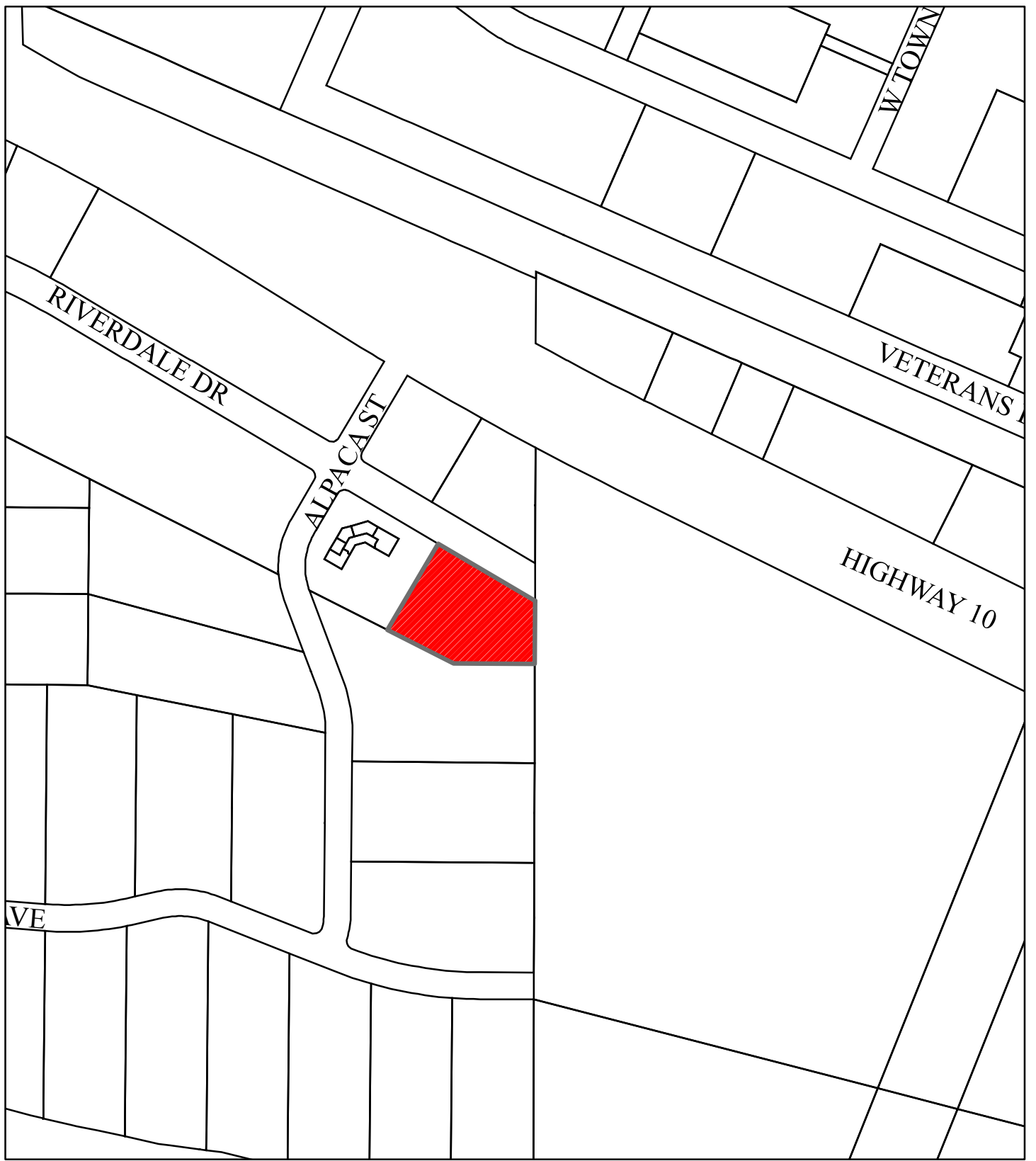
**Inbox**  
Chris Anderson  
Tim Gladhill

**Reviewed By**  
Chris Anderson  
Tim Gladhill

**Date**  
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05/31/2013 02:32 PM  
Started On: 05/22/2013 01:14 PM

Form Started By: Tina Goodroad

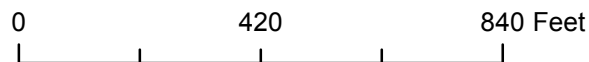
Final Approval Date: 05/31/2013



7820 Riverdale Dr NW

**Legend**

-  Site
-  Parcels



# Used Car Sales Conditional Use Permit

## Incubator for small business

We are interested in purchasing the former Monarch Homes bldg. and lot to add to our already successful business plans implemented in Andover, Ham Lake, Forest Lake and Lake St Croix Beach. We intend to provide small business Used Car Dealer Offices and Shops to meet the current demand.

At the current facilities in Ham Lake we have 7 Dealers, In Forest Lake we have 7 Dealers, Andover we have 5 Dealers and in Lake St Croix Beach we have 5 Dealers pending. We wish to locate in Ramsey to provide a proximity to Dealers that live in the area. Basically we provide an office for storage of records, up to 5 car stalls including their parking, a sales office and proper zoning. The dealers need to get State required \$50,000 bond and insurance. The dealers are also required to have minimum of one year lease.

For the 6 of the 7 Dealers in Forest Lake they use total of 2-3 stalls. The Dealers themselves are there one day a week for 4 hours. Of the 7 Dealers in Ham Lake they may use 8-10 car stalls total and they are themselves seldom there. So in conclusion the actual parking the Dealers need is minimal.

We are proposing to provide 7 small Dealer Offices and Two Dealer Shops. For the two that are designated as shops, they will have shop space for two cars each for detailing or minor car repairs and each an office to go with them. This total to 9 potential Dealers.

Since I've been talking to Chris at , he has inquired as to number parking stalls at Ramsey location. It has some old striping in front of bldg. of which most is worn off but near as far as I can figure we have blacktop for 45 cars. The DMV says that parking in bldg. is also allowed so our total would be 49 car stalls. Nine Dealers times 5 each is 45 stalls necessary. But keep in mind at our other sites 80% of needed stalls go unused.

If needed we have plenty of unused space to south that we could black top if it's deemed necessary. From experience though I don't think we need to. The site is total of 1.6 acres and has plenty of room available. The septic is located on the north side of property and I've been told city sewer and water will soon become available with a hook up charge if we want to use if we need the space septic is on.

Should you have any further question feel free to inquire?

Sincerely,

Bethel Properties LLC

John Buzick, Manager



Date: May 29th, 2013

To Whom It May Concern:

Let it be known, I do not want an auto repair/sales/detailing shop located two houses down from me. Why have zoning if it doesn't matter? Why consider the applicants' request if he/she knows zoning does not allow this type of business next to a residential area of our community? I have lived here 12+ years, paid taxes based on our property, and expect a certain level of leadership from our city leaders.

Stand firm on the city charter passed in 2001 (14). While I respect businesses and their important role in our community, the location of this type of business should not be dependant on available empty buildings. There is land available in areas zoned for this type of business. Direct this business the area of our city zoned for said use.

Do not allow the conditional use permitt.

Respectfully,

Rodney Decker  
14263 Alpaca St. Nw.  
Ramsey, Mn 55303

May 31, 2013

Bethel Properties, LLC  
Attn: John Buzick  
1223 Casa Palermo Circle  
Henderson, NV 89011

**Re: Conditional Use Permit request**

Dear Mr. Buzick:

The City of Ramsey has received your application for a Conditional Use Permit for motor vehicle sales on the property located at 7820 Riverdale Drive NW. City Staff is recommending to the Planning Commission approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated May 31, 2013.

*Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council.* A copy of the Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, June 6<sup>th</sup>, at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Following the Planning Commission, the Conditional Use Permit request will be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, June 25<sup>th</sup>, 2013, at 7:00 p.m. in the Council Chambers.

Please let me know if you have any questions or concerns. I can be reached at (763) 433-9905 or by email at [canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us).

Sincerely,

CITY OF RAMSEY

Chris Anderson  
Associate Planner/Environmental Coordinator

Enclosures

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5-31-13	<b>PROJECT ADDRESS</b>	7820 RIVERDALE DR NW
<b>PROJECT. TITLE</b>	BETHEL PROPERTIES- CUP FOR USED CAR DEALERSHIP/OFFICE		
<b>ESCROW #</b>	113644		
<b>DEPARTMENT:</b>	Planning		
<b>TECHNICAL REVIEWER:</b>	Name: Tina Goodroad Phone: 651-967-4537 Email: tina.goodroad@stantec.com		

We offer the following comments regarding your request for a conditional use permit.

**General:** The request is for a Conditional Use Permit (CUP) to operate a small business used car dealer office and shop where individual dealers are provided office space, storage for records, up to five car stalls on the lot for display to operate their own individual business. The building will also include two bays for dealer detailing shops. The applicant is proposing this use in the former Monarch Homes building located at 7820 Riverdale Drive NW.

**Zoning:** The subject property is zoned B-2 Highway Business District. The intent of this district is to provide for and limit the establishment of motor vehicle oriented or dependent businesses and convenience-type, high intensity commercial and service activities characteristically located along major traffic carriers. The B-2 District allows motor vehicle, implement and recreation equipment sales and services as a conditional use.

**Site Plan:** The applicant is proposing to use the former Monarch Homes building which has been used as an office building. No building expansion is proposed. The building will include nine (9) offices, each designed with its own exterior entrance. In addition, two (2) bays for vehicle detailing will be provided at the rear of the building within the existing workshop space. *Please provide details of the activities involved with the detailing, such as storage and use of flammable liquids, cleaning of parts, waste oil and any spray finishing operations. Also, please note that a Building Permit will be required for the building modifications.*

The site includes 44 parking stalls located on the north portion of the site abutting Riverdale Drive and wrapping along the east and south sides of the building. The site contains an existing septic and necessary drain field in the west and northwest corner of the property. The undeveloped portion east of the parking lot could be available for future parking area if necessary.

**Parking:** Required parking is based on the proposed use. The use contains 2,200 square feet of office space for the proposed nine individual offices. The zoning ordinance requires one (1) space for each 300 square feet of office area, equating to seven (7) spaces. The vehicle detailing bays require three (3) spaces for each bay plus one (1) space for each full time employee. The

bays can accommodate a total of four (4) vehicles. The outdoor auto sales space requires one (1) parking space for each ten (10) vehicles displayed for customer parking. The total parking required for the use is fifteen (15) spaces, not including the designated customer parking spaces.

The applicant proposes providing five (5) display vehicles per office, for a total of forty-five (45) stalls. The site includes surface parking for 44 stalls with an additional four stalls within the bays. As the use is not a typical office use with multiple employees but a series of individual offices (with a single user) mainly used for internet car sales, and limited display space, Staff is comfortable combining the required "office" parking space with the proposed display area. If this use were to be converted and returned to an office-only use, the required parking would be available.

As the outdoor vehicle display requires one (1) designated customer parking space for each ten (10) vehicles displayed; a total of four (4) designated customer spaces will be required at the front of the building. This results in forty (40) remaining surface parking spaces. *Please clarify on the site plan four (4) designated customer parking spaces in front of the building.*

As nine (9) offices are proposed with at least one (1) employee per office, a total of nine (9) parking spaces should be designated as employee parking. The remaining thirty-one (31) surface spaces will be available for vehicle display, which results in three (3) per office. The conditional use permit will be conditioned on a maximum of thirty-one (31) vehicles for display/sales. In addition, all required parking and vehicle display parking shall be located within the curbed bituminous parking area. No display parking can be located on the street or within unimproved surface areas. *No display parking can be located on the street or within unimproved surface areas. Please clarify on the site plan nine (9) designated employee parking spaces.*

**Landscaping:** No existing landscaping plans have been submitted with this application. The ordinance requires that open and outdoor service, sales, display or rental shall be fenced or screened from view of abutting residential districts. This site abuts R-1 Residential (Single Family) to the south, therefore screening shall be provided along the south property line. In addition, as the existing drain field is located at the northwest corner adjacent to existing curbed parking area, Staff recommends some shrubs be planted along the outside of the curb to provide an additional visual barrier to prevent storage of display vehicles on the grass and drain field. *Please provide a landscape plan that includes all existing landscaping and proposed landscaping in the northwest corner and screening along the south property line of the parking lot area to demonstrate compliance with the ordinance. Emphasis shall be placed on evergreen species that will provide year-round screening.*

**Access to Individual Office Spaces:** A sidewalk must be provided to the exterior door of each individual office. This improvement must be shown on a grading plan subject to review by the Engineering Department. *Please contact the Building Official and Engineering Department for more specific details regarding the required sidewalk.*

*Review File:  
Bethel Properties CUP Request  
May 31, 2013  
Page 3 of 3*

**Use Related Concerns:** As this property abuts residential uses, Staff is recommending a condition that no outdoor speaker devices be used. In addition, any vehicle detailing shall be limited to the detailing bay space and not within designated parking spaces. The detailing portion of the business will be limited to the hours of 7:00 AM and 7:00 PM to prevent any impacts on surrounding neighboring property.

**Miscellaneous:** Staff has searched the MN Secretary of State's Business & Lien System and find no record of Bethel Properties, LLC. Prior to action by the City Council, the articles of incorporation for Bethel Properties, LLC, as well as proof of certification with Minnesota (or Nevada, based on the address on the application), must be provided to the City.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/31/13	<b>PROJECT ADDRESS</b>	7820 RIVERDALE DRIVE NW
<b>PROJECT. TITLE</b>	Motor Vehicle Sales Located at 7820 Riverdale Dr NW; Case of Bethel Properties		
<b>ESCROW #</b>	113644		
<b>DEPARTMENT:</b>	Building		
<b>TECHNICAL REVIEWER:</b>	Name: Lee Gladitsch Phone: 763-433-9849 Email: inspectron@ci.ramsey.mn.us		

We offer the following comments regarding your request for an extension to an interim use permit:

**General:** 1-Please provide details of the activities involved with the minor car repairs. Such as any storage or use of flammable liquids, cleaning of parts, waste oil and any spray finishing operations. 2-certify septic for code compliance in regards to both system maintenance and new use and sizing.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/31/13	<b>PROJECT ADDRESS</b>	7820 RIVERDALE DRIVE NW
<b>PROJECT. TITLE</b>	BETHEL PROPERTIES		
<b>ESCROW #</b>	113644		
<b>DEPARTMENT:</b>	Fire		
<b>TECHNICAL REVIEWER:</b>	Name: Matt Kohner Phone: 763-433-9832 Email: mkohner@ci.ramsey.mn.us		

We offer the following comments regarding your request for an extension to an interim use permit:

**General:** Please provide details of the activities involved with the minor car repairs. Such as any storage or use of flammable liquids, cleaning of parts, waste oil and any spray finishing operations.

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-102**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0914 RELATING TO A REQUEST FROM BETHEL PROPERTIES, LLC TO PERMIT MOTOR VEHICLE SALES IN THE B-2 HIGHWAY BUSINESS DISTRICT AT THE PROPERTY LOCATED AT 7820 RIVERDALE DR NW.**

**WHEREAS**, Bethel Properties, LLC, hereinafter referred to as the “Applicant,” has properly applied for a Conditional Use Permit to permit motor vehicle sales in the B-2 Highway Business District on the property generally known as 7820 Riverdale DR NW and legally described as follows:

LOT 2, BLOCK 4, ALPACA ESTATES, Anoka County, Minnesota.

(“Subject Property”)

**NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:**

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on June 6, 2013, and that said 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-2 Highway Business District. Properties to the east, west and north of the Subject Property are also zoned B-2 Highway Business District and the properties to the south are zoned R-1 Residential (MUSA).
3. That the Subject Property is approximately 1.6 acres in size (total).
4. That motor vehicle, implement, and recreation equipment sales and service is identified in City Code as a conditional use in the B-2 Highway Business District.
5. That prior to being identified as a conditional use, motor vehicle, implement, and recreation equipment sales and service were a permitted uses in the B-2 Business District.
6. That on May 8, 2013 the Applicant submitted an application requesting a conditional use permit for motor vehicle sales on the Subject Property.
7. That the Applicant is requesting to use the existing building and bituminous parking lot for nine (9) individual dealer offices, two (2) motor vehicle detailing bays and motor vehicle display.

8. That City Code Section 117-356 outlines the minimum commercial off-street parking requirements. The required spaces are calculated by a combination of: one (1) space for each 300 square feet of office space, one (1) stall for each fulltime employee, three (3) stalls for each enclosed bay, and one (1) stall for each ten (10) motor vehicles displayed on the Subject Property.
9. That City Code Section 117-115 (e) (14) states that open and outdoor serve, sales, display or rental fenced or screened from view of abutting residential districts.
10. That screening shall be provided along the south edge of the parking lot and/or corresponding portion of the southern property boundary.
11. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
12. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
13. That the proposed use will/will not be hazardous or disturbing to existing neighboring uses.
14. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
15. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services
16. That the proposed use will/will not be detrimental to the economic welfare of the community.
17. That the proposed use will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.

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 25<sup>th</sup> day of June, 2013.

Mayor

**ATTEST:**

---

City Clerk

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-103**

**A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR MOTOR VEHICLE SALES IN THE B-2 HIGHWAY BUSINESS DISTRICT AND DECLARING TERMS OF SAME.**

**WHEREAS**, Bethel Properties, LLC, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit for motor vehicle sales in the B-2 Highway Business District on the property generally known as 7820 Riverdale DR NW and legally described as follows:

LOT 2, BLOCK 4, ALPACA ESTATES, Anoka County, Minnesota.

(“Subject Property”)

**WHEREAS**, the Planning Commission met on June 6, 2103, conducted the public hearing and recommended City Council approve/deny the request.

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

1. That based on Findings of Fact #0914, a Conditional Use Permit (the “Permit”) for motor vehicle sales is hereby granted to the **Permittee**.
2. That this **Permit** specifically allows for the motor vehicle sales within nine (9) individual offices and motor vehicle detailing service within two (2) bays on the **Subject Property**, based on the site plan and floor plan provided by the applicant on May 22, 2013. Said plans shall not be attached to this **Permit**, but shall be kept in City files.
3. That the **Permittee** must provide an updated site plan indicating location for four (4) designated customer parking spaces and nine (9) designated employee parking spaces.
4. That the **Permit** specifically allows for a maximum of thirty-one (31) motor vehicles to be displayed at any one time. No display, customer or employee parking shall be permitted on any street or on any unimproved surface areas.
5. That the **Permittee** must provide a landscaping plan that includes all existing landscaping and proposed landscaping in the northwest corner and screening along the south edge of the parking lot and/or along the corresponding portion of the southern lot line of the **Subject Property**.
6. That the **Permittee** must comply with the commercial off-street parking requirements as outlined in City Code Section 117-356. The required spaces are calculated by a combination of: one (1) space for each three hundred (300) square feet of offices, one (1)

stall for each fulltime employee, three (3) stalls for each enclosed bay, and one (1) stall for each ten (10) motor vehicles displayed on the Subject Property.

7. That the **Permit** specifically prohibits the use of outdoor speaker devices.
8. That the **Permit** specifically limits the hours of operation of the motor vehicle detailing business to between 7:00 AM and 7:00 PM Monday through Saturday.
9. That the **Permittee** must comply with public nuisance ordinance requirements related to inoperable vehicles and other public nuisances as outline in City Code Chapter 30 on the **Subject Property**.
10. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
11. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
12. That the Permittee shall obtain all required permits, including a Building Permit for any modifications to the existing building on the **Subject Property**.
13. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
14. That this Permit shall automatically expire if the use is not initiated by June 25, 2014.

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 25<sup>th</sup> day of June, 2013.

**PERMITTEE**

Bethel Properties, LLC hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MINNESOTA)
) ss.
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of Bethel Properties, LLC, a Limited Liability Company (Domestic) under the laws of Nevada, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

PROPERTY OWNER

Brad Fritch hereby acknowledges receipt of this Permit and he has reviewed the conditions of this Permit and have agreed that he will comply with the terms of this Permit.

\_\_\_\_\_  
Brad Fritch

STATE OF MINNESOTA)
) ss.
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared Brad Fritch, fee title owner of the Subject Property, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as their free act and deed.

\_\_\_\_\_  
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 Sarah Strommen and Jo Ann 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 Sarah Strommen and Jo Ann 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 Drive NW  
Ramsey, MN 55303

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

**Meeting Date:** 06/06/2013

Submitted For: Chris Anderson

By: Tina Goodroad, Community Development

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Information

Title:

PUBLIC HEARING: Consider Request for Site Plan Review and Variance to the Front Yard Setback on the Property Located at 6815 McKinley Street NW; Case of Sharp & Associates, LLC

Background:

The applicant is proposing an 11,659 square foot addition to the south elevation of an existing building located at 6815 McKinley Street NW. The addition will accommodate warehousing needs for Cullinan Rigging, which currently operates on this site. The addition meets all required setbacks except for the thirty-five (35) foot front yard setback. The southwest corner of the proposed building addition would be twenty-two (22) feet from the front property line. Only a small portion of the building addition would encroach on the required setback. The applicant is requesting a thirteen (13) foot front yard setback variance for this southwest corner to accommodate the addition.

Notification:

All property owners within 350 feet of the Subject Property were notified of the Public Hearing via Standard US Mail. A Notice of Public Hearing was also published in the official newspaper.

Observations/Alternatives:

The property is a corner lot and abuts both Ebony Street to the east and McKinley Street to the south. The building addition is to the south portion of the building, which is the front elevation facing McKinley Street NW. The main building entry at the southeast corner will remain as is. The exterior finish of the proposed addition will match the exterior building materials, colors, windows and accenting band on the building's existing southern elevation. Staff is supportive of the proposed building elevation.

The proposed building addition will require twelve (12) parking stalls. The original site plan provided twenty-eight (28) stalls with an additional thirty (30) stalls shown as proof of parking in the northwest corner of the site. These stalls would not be initially installed but available in the event additional parking is needed. With the proof of parking stalls the site meets the required fifty-eight (58) parking stalls with the building addition. Staff is supportive of the proof of parking plan.

The proposed addition will require the relocation of an existing storm sewer line. The proposed relocation of this line, as well as the storm water pond calculations, have been reviewed and are acceptable.

Recent statute changes renames the municipal variance standard from "undue hardship" to "practical difficulties," but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance: "Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan."

In evaluating this variance request under the new law, findings must be adopted that address the following questions:

Is the variance in harmony with the purposes and intent of the ordinance? The proposed use is an existing permitted use in the E-2 Employment District. The addition will accommodate expansion of permitted warehousing use. A variance is necessary to accommodate that warehouse expansion as it is thirteen (13) feet too close to the front yard setback (at its closest point, the entire addition is not out of compliance). The site is triangular in nature, making full use of the site for proposed addition challenging. The rear of the site narrows such that an addition in this

location would not be able to accommodate truck vehicles and the required turning radius. For the reason of the shape of the site, a variance is reasonable and as a permitted use would be in harmony with the purpose of the ordinance.

Is the variance consistent with the comprehensive plan? Yes, the zoning and land use are consistent.

Does the proposal put property to use in a reasonable manner? Yes, the site configuration causes a hardship and therefore the variance to the front setback for the southwest corner provides reasonable use of the property.

Are there unique circumstances to the property not created by the landowner? Yes, the shape of the site offers challenges to create an addition while also maintaining truck access and turning movements.

Will the variance, if granted, alter the essential character of the locality? No. The use is an industrial use and is consistent with the other uses in the immediate area.

Alternative #1: Approve the requested variance and proposed setback. The requested deviation from the front yard setback appears to meet the three (3) factor test necessary to approve a variance. The irregular shape of the lot creates the difficulty in accomplishing the building expansion, which is needed for a growing business. Across McKinley Street from this business is the BNSF railroad right-of-way, thus, there will not be any future development across from this property and to the west is property that the City owns (presently leasing back to business) and thus is not likely to develop in the future either. Staff is supportive of both the variance and site plan.

Alternative #2: Deny the variance. Without the variance, a building expansion to accommodate the larger equipment and trucks would not be possible on this site.

As a reminder, the Planning Commission will be acting in a quasi-judicial capacity with regard to the variance request and will be providing the City Council a recommendation related to the site plan.

Funding Source:

All costs associated with processing of the Application are the responsibility of the Applicant.

Staff Recommendation:

Staff recommends approval of the requested variance and the proposed site plan.

Action:

Motion #1:

Motion to adopt Resolution #13-06-100 approving Findings of Fact #0913.

-AND-

Motion #2:

Motion to adopt Resolution #13-06-101 approving the Variance to Front Yard Setback.

Motion #3:

Motion to recommend that the City Council approve the Site Plan contingent upon compliance with the Staff Report dated May 31, 2013.

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Attachments

Site Location Map

Proposed Site Plan

Building Elevations

Staff Report Dated 5.31.13

Resolution 13-06-100 Findings of Fact

Resolution #13-06-101 Approving the Variance

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Form Review

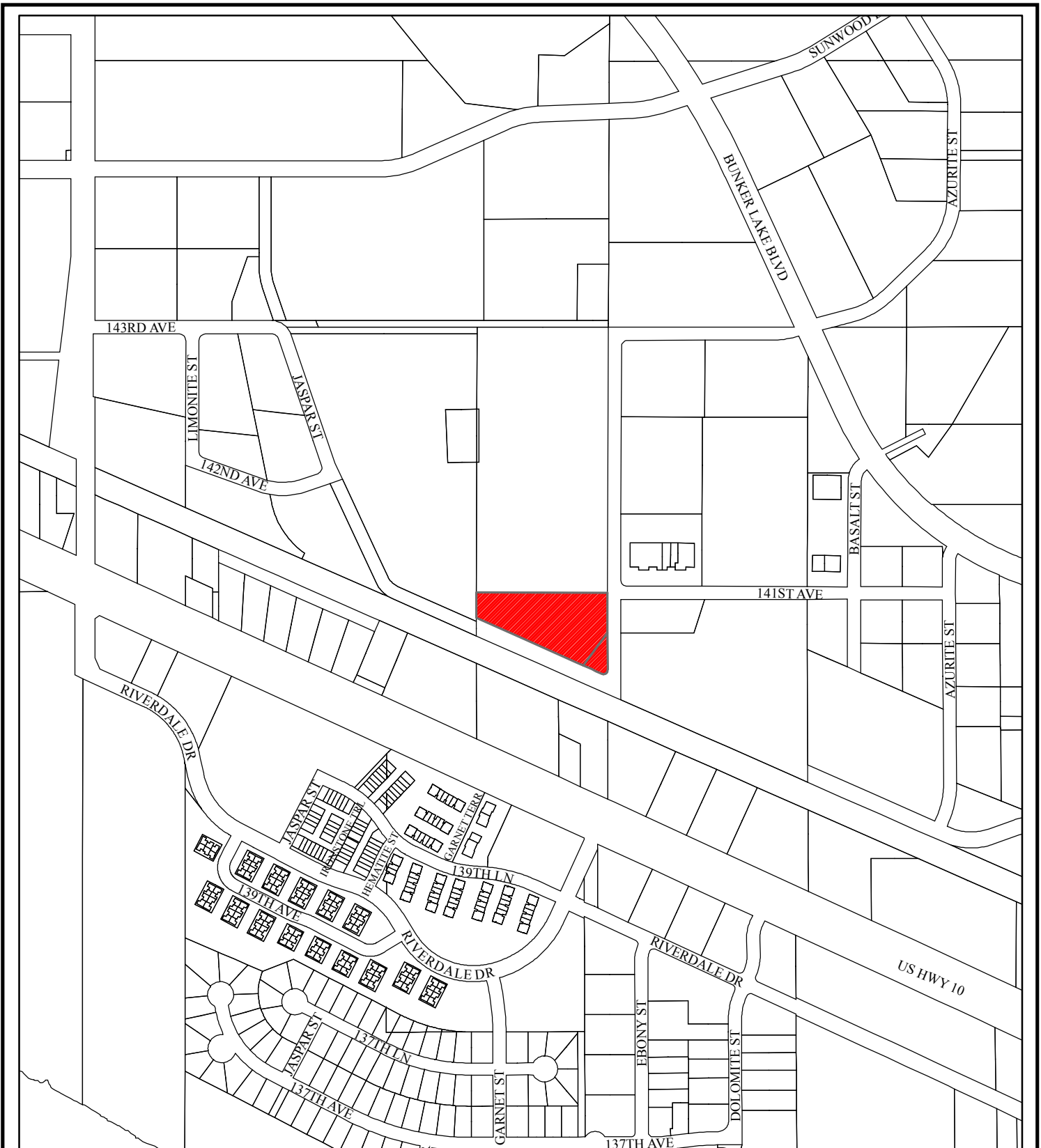
**Inbox**  
Chris Anderson  
Tim Gladhill

**Reviewed By**  
Chris Anderson  
Tim Gladhill

**Date**  
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Form Started By: Tina Goodroad

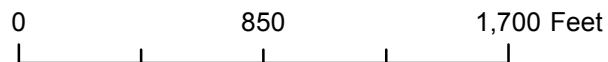
Final Approval Date: 05/31/2013



6815 McKinley Street NW

**Legend**

- Site
- Parcels



# CULLINAN RIGGING BUILDING ADDITION

## CONSTRUCTION PLANS FOR AGGREGATE BASE, CONCRETE PAVING, CURB & GUTTER, GRADING, STORM SEWER AND MISCELLANEOUS CONSTRUCTION FOR SHARP & ASSOCIATES CITY OF RAMSEY

### GOVERNING SPECIFICATIONS

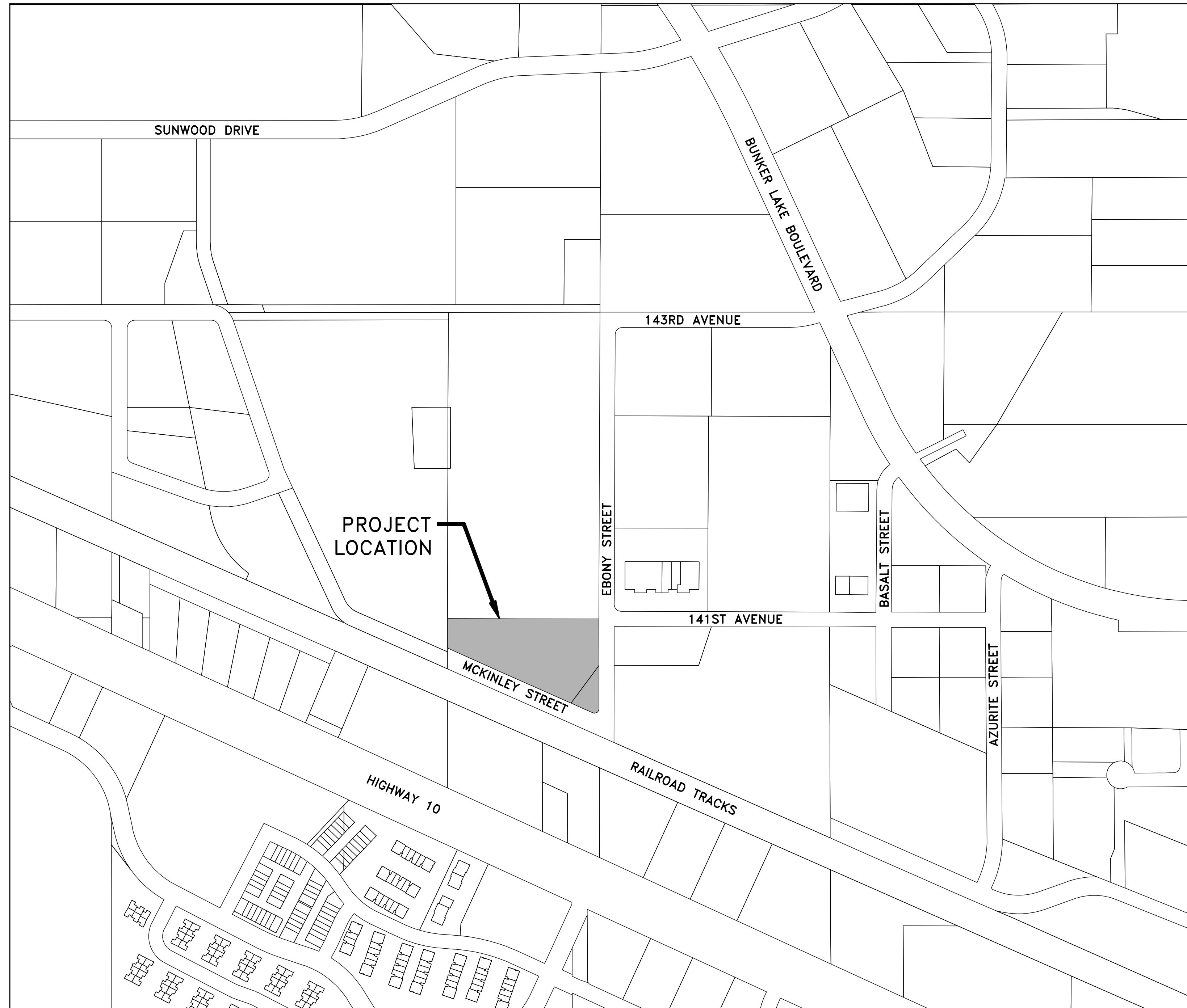
THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION  
"STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES  
SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

#### SHEET INDEX

THIS PLAN CONTAINS 4 SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	CONSTRUCTION NOTES, DETAILS AND PROJECT LEGEND
3	EXISTING TOPOGRAPHY AND REMOVALS PLAN
4	GRADING, DRAINAGE AND EROSION CONTROL PLAN

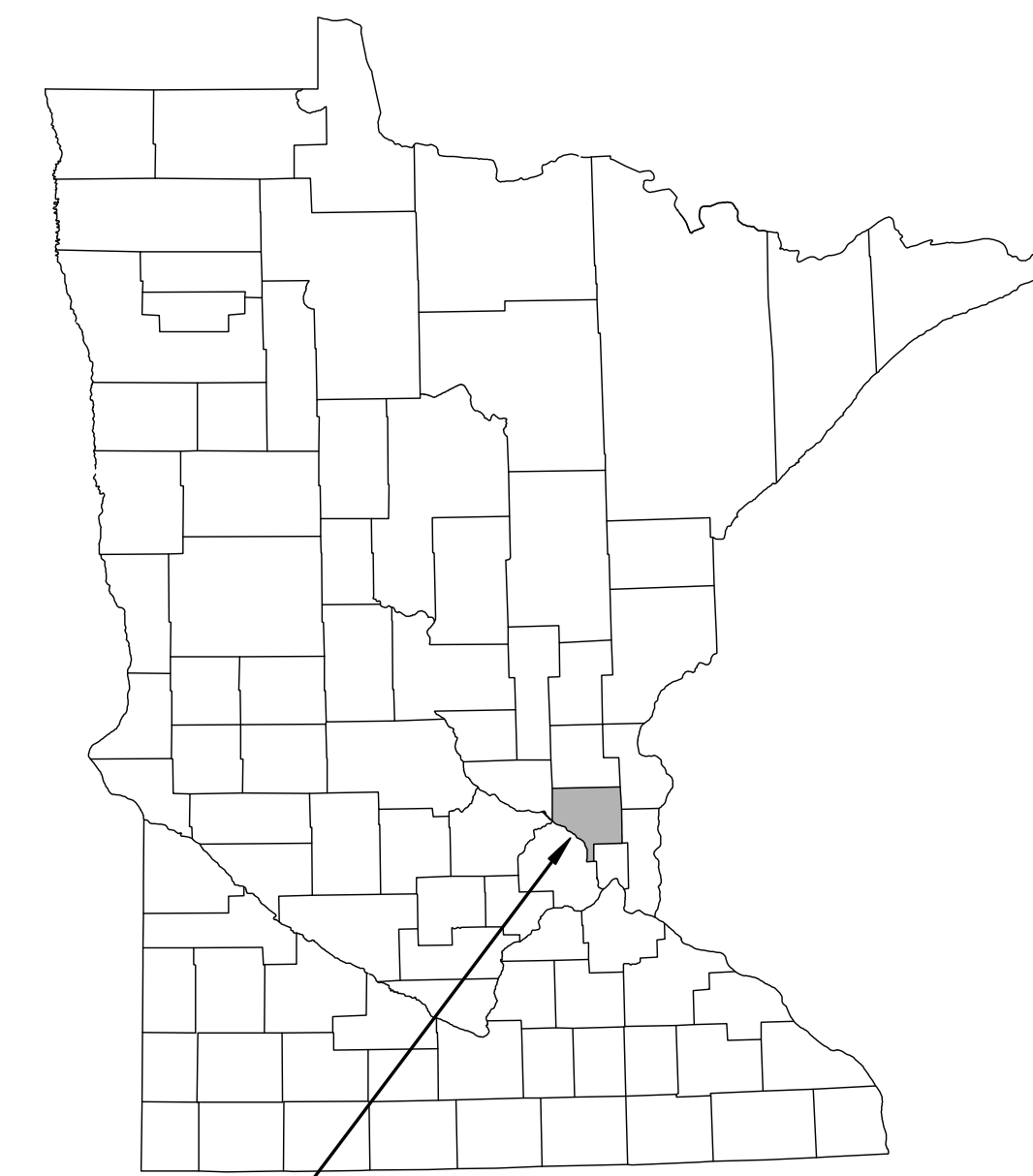


#### BUILDER

SHARP & ASSOCIATES  
10907 93RD AVENUE N.  
MAPLE GROVE, MN 55369  
DENNIS SHARP  
763-425-2002  
763-425-6428 (FAX)

#### ENGINEER/SURVEYOR

HAKANSON ANDERSON  
3601 THURSTON AVENUE  
ANOKA, MN 55303  
TIMOTHY A. EGGERICHS, P.E.  
CHARLES R. CHRISTOPHERSON, P.L.S.  
763-427-5860  
763-427-0520 (FAX)

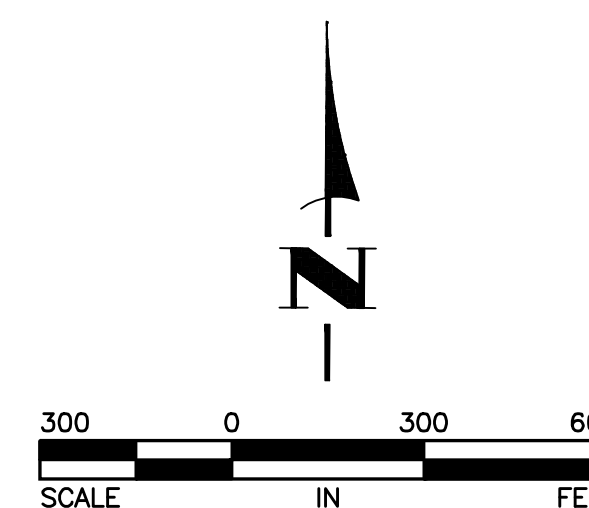


CITY OF RAMSEY,  
ANOKA COUNTY,  
MINNESOTA

May 10, 2013 10:41am K:\cad\_eng\projects\private\3244.08\dwg\324408TITLE.dwg

**Hakanson  
Anderson**  
Civil Engineers and Land Surveyors  
3601 Thurston Ave., Anoka, Minnesota 55303  
763-427-5860 FAX 763-427-0520

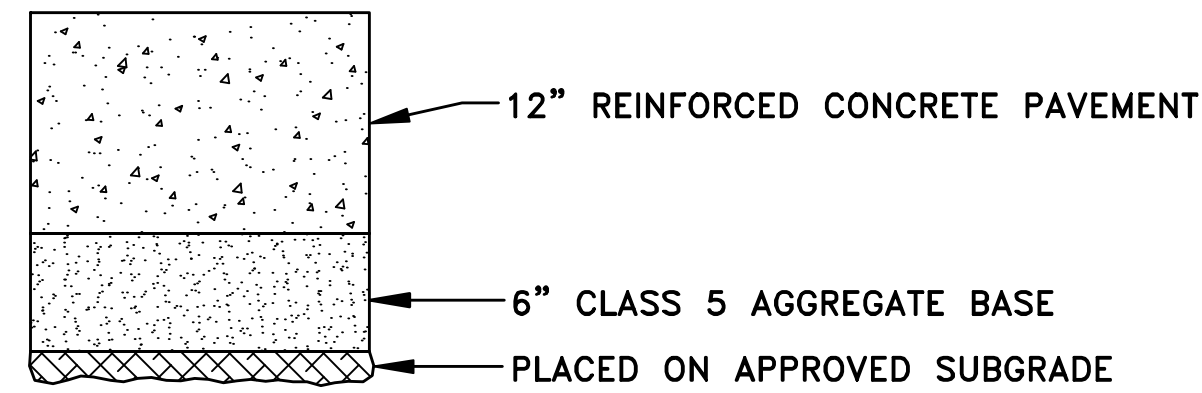
THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."



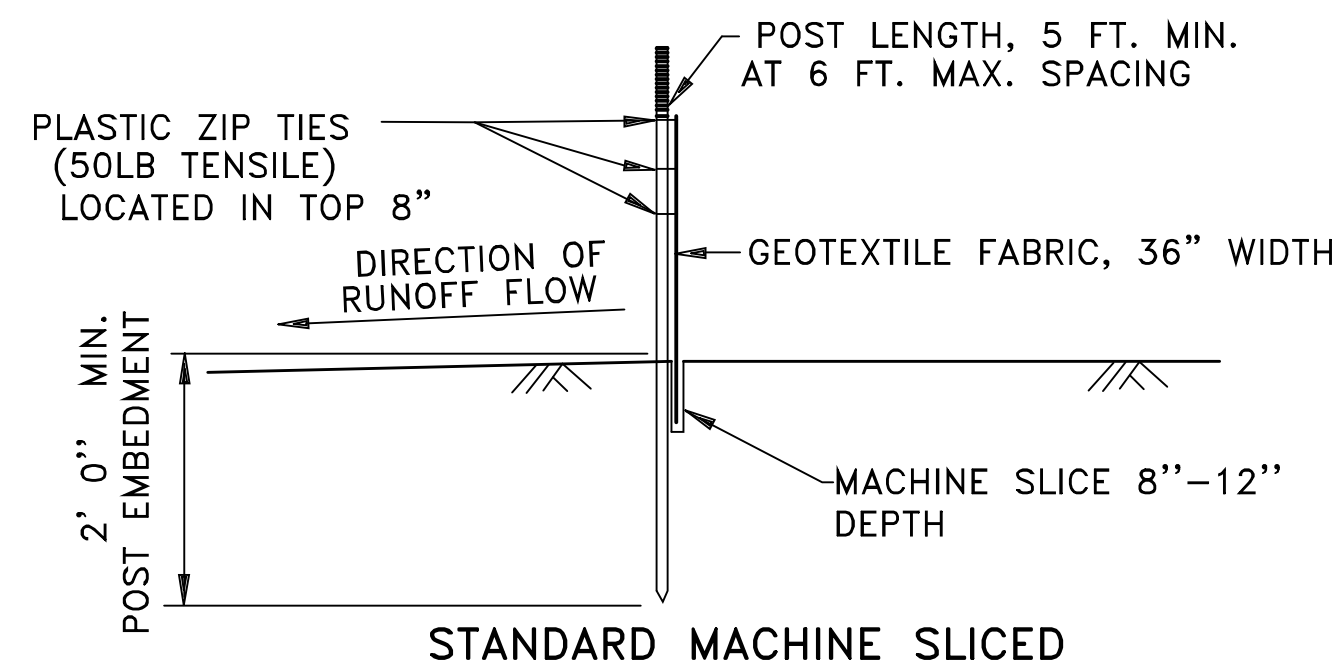
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

*Tim Eggerichs*  
TIMOTHY A. EGGERICHS, P.E.      43362      DATE 5/7/13  
HAKANSON ANDERSON      LIC. NO.  
DESIGN ENGINEER

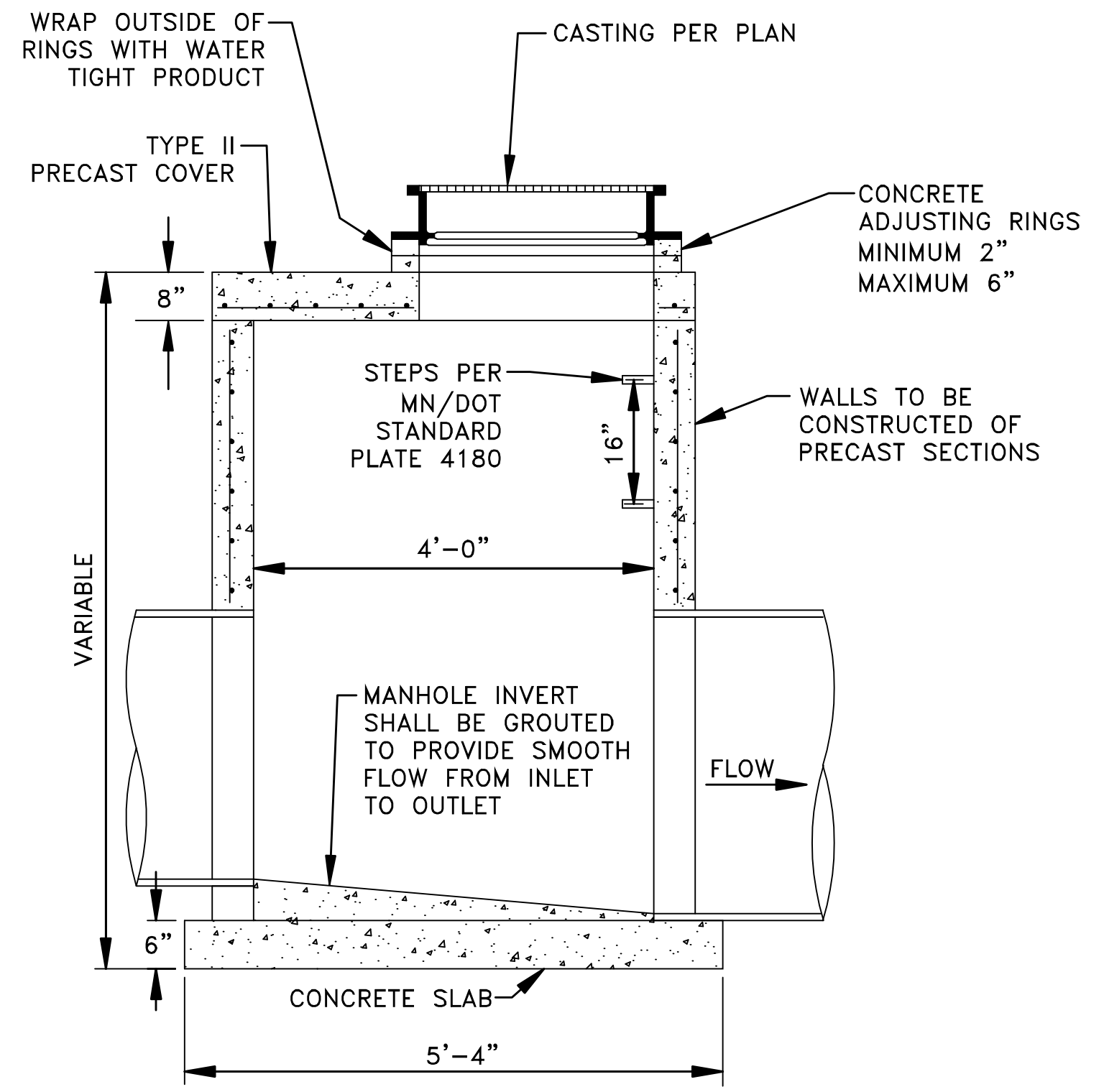
DATE	REVISION



1  
2 CONCRETE PARKING LOT SECTION  
NO SCALE



2  
2 SILT FENCE DETAILS  
NO SCALE



3  
2 SLAB-TOP MANHOLE  
NO SCALE

**LEGEND**

--- 906 ---	EXISTING CONTOUR
=====	PROPERTY LINE
-----	RIGHT-OF-WAY LINE
- - - - -	GAS LINE EASEMENT
- . - . -	DRAINAGE AND UTILITY EASEMENT
=====	EXISTING CONCRETE CURB & GUTTER
--- >> ---	EXISTING STORM SEWER
◁	EXISTING APRON
▨	EXISTING CATCH BASIN
🌳	EXISTING DECIDUOUS TREE
--- 906 ---	PROPOSED CONTOUR
--- >> ---	PROPOSED STORM SEWER
▨	PROPOSED CATCH BASIN
⊙	PROPOSED STORM SEWER MANHOLE
=====	PROPOSED CONCRETE CURB & GUTTER
●-●-●-●	SILT FENCE PER (2/2)
⇒	DRAINAGE ARROW
(2/3)	DETAIL NUMBER
(3)	SHEET NUMBER

**GENERAL CONSTRUCTION AND SOILS NOTES:**

1. WHEN PLACING NEW PAVEMENT ADJACENT TO INPLACE PAVEMENT CUT VERTICALLY TO THE BOTTOM OF INPLACE SURFACING OR TOP OF GRADING SUBGRADE, WHICHEVER IS DEEPER, AT A 1(V):2(H) TO THE BOTTOM OF EXCAVATION.
2. PROVIDE A SAW CUT WHEN PLACING NEW PAVEMENT ADJACENT TO INPLACE PAVEMENT AND AT TERMINI OF CONSTRUCTION TO ENSURE A UNIFORM JOINT.
3. BITUMINOUS AND CONCRETE ITEMS DISTURBED BY CONSTRUCTION SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF IN ACCORDANCE WITH Mn/DOT SPEC. 2104.3.

**GENERAL EROSION CONTROL NOTES:**

1. EROSION CONTROL SHALL CONFORM TO THE Mn/DOT EROSION CONTROL HANDBOOK.
2. PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL ACQUIRE THE NECESSARY MPCA NPDES STORMWATER PERMIT.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN THIRTY (30) DAYS AFTER FINAL SITE STABILIZATION.

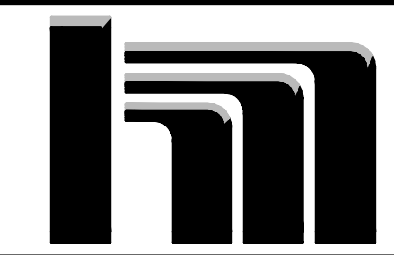
May 10, 2013 - 10:42am K:\cad\_eng\_projects\private\3244\08\dwg\3244\08\DETAILS.dwg

DATE	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

*Timothy A. Eggerichs*  
TIMOTHY A. EGGERICHS, P.E.  
Date 5/7/13 Lic. No. 43362

DESIGNED BY: TAE  
DRAWN BY: TAE  
CHECKED BY: CJJ

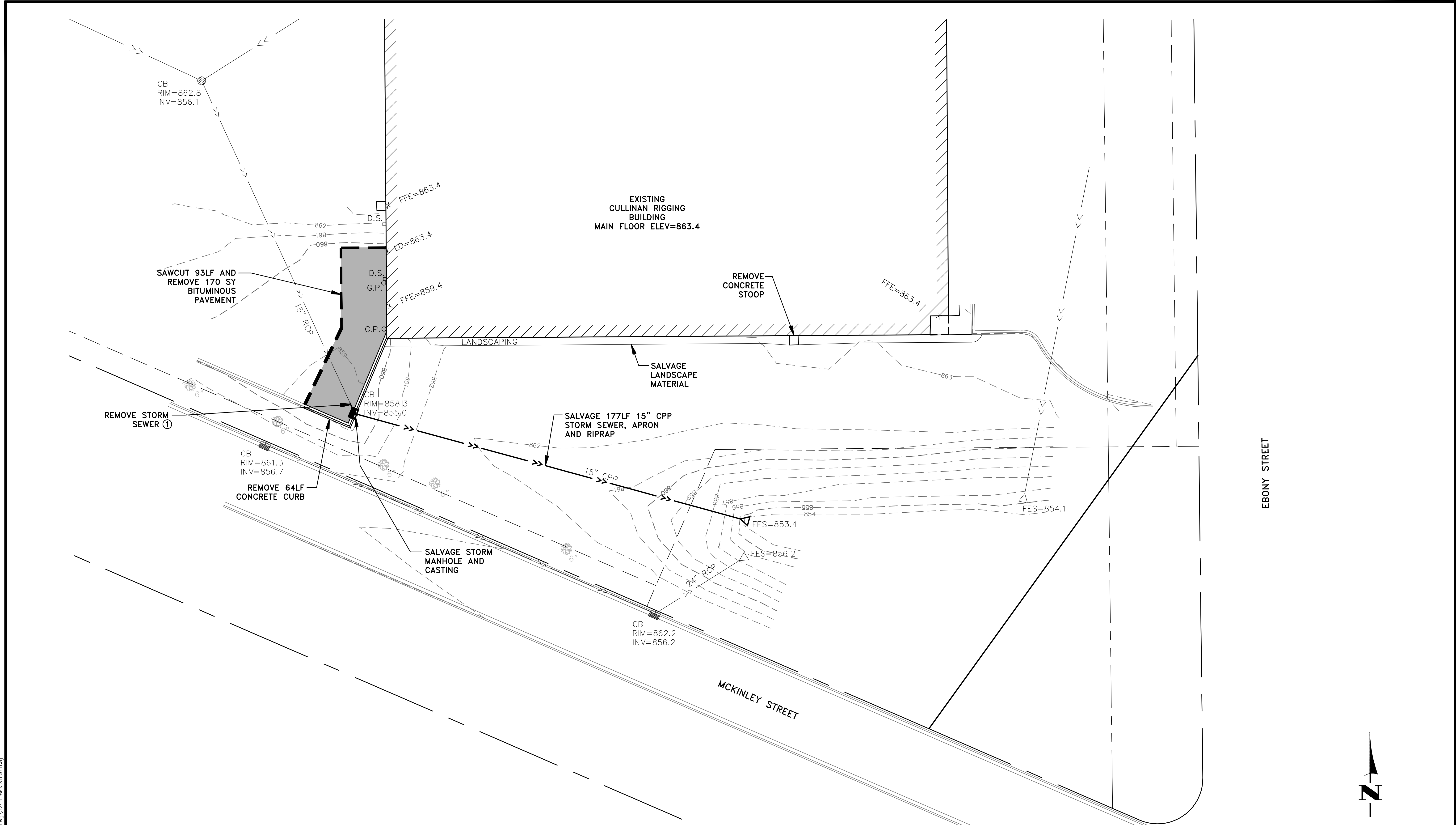


**Hakanson Anderson**  
Civil Engineers and Land Surveyors  
3601 Thurston Ave., Anoka, Minnesota 55303  
763-427-5860 FAX 763-427-0520  
www.hakanson-anderson.com

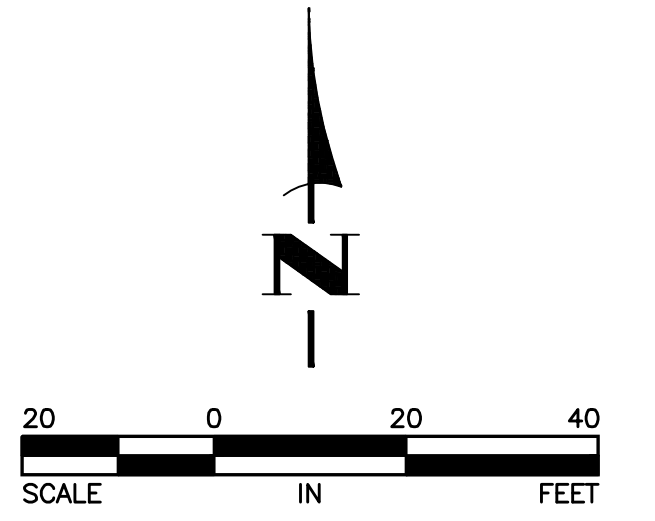
CULLINAN RIGGING BUILDING ADDITION

CONSTRUCTION NOTES, DETAILS AND PROJECT LEGEND  
CITY OF RAMSEY, MINNESOTA

SHEET 2 OF 4 SHEETS



REFERENCE NOTES:  
 ① TOTAL LENGTH WILL BE DETERMINED IN THE FIELD AT THE TIME OF FOOTING CONSTRUCTION.



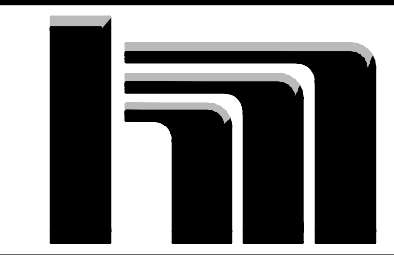
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DATE	REVISION

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*Timothy A. Eggerichs*  
 TIMOTHY A. EGGERICHS, P.E.  
 Date 5/7/13 Lic. No. 43362

DESIGNED BY:  
TAE  
 DRAWN BY:  
TAE  
 CHECKED BY:  
CJJ

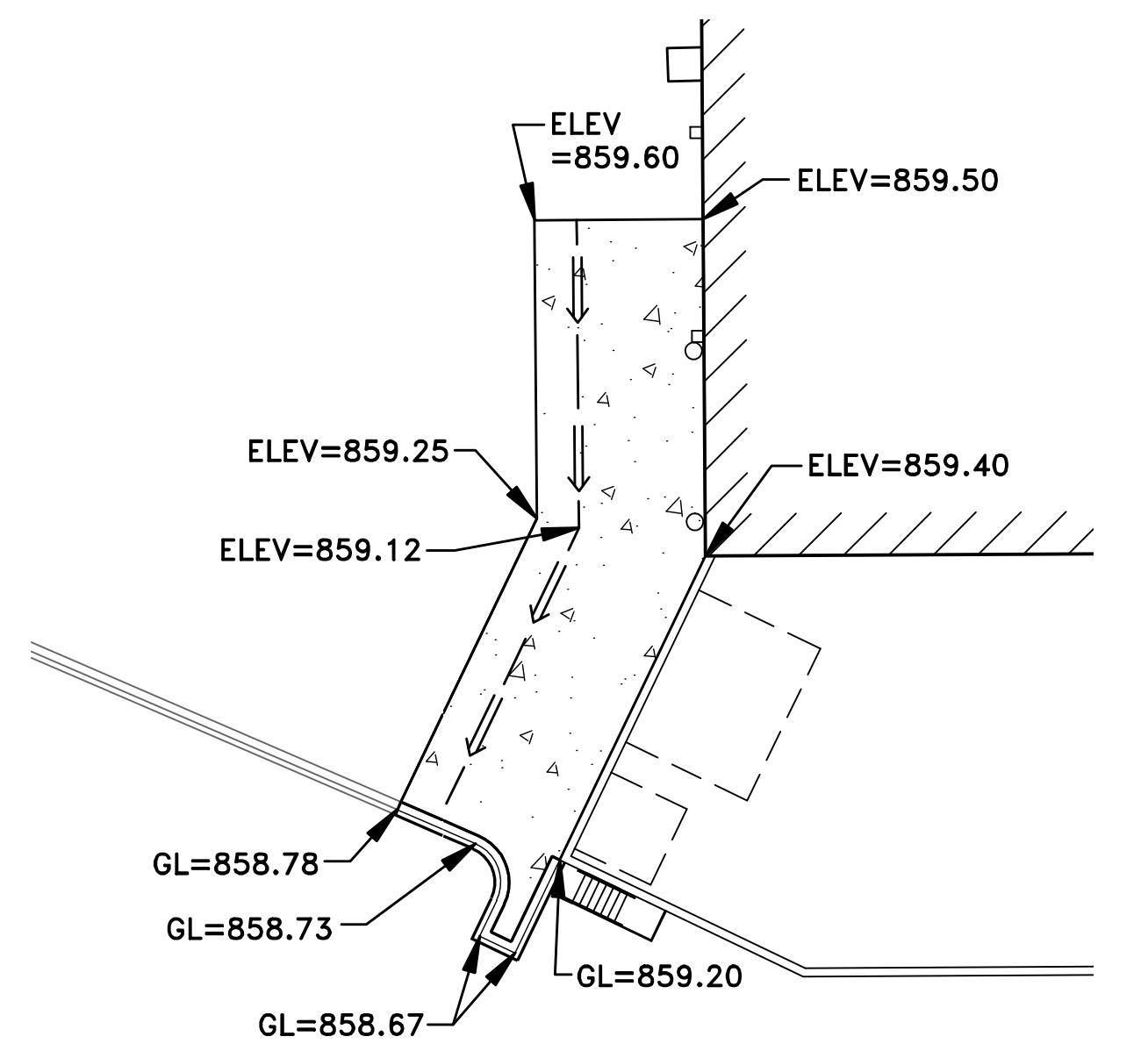
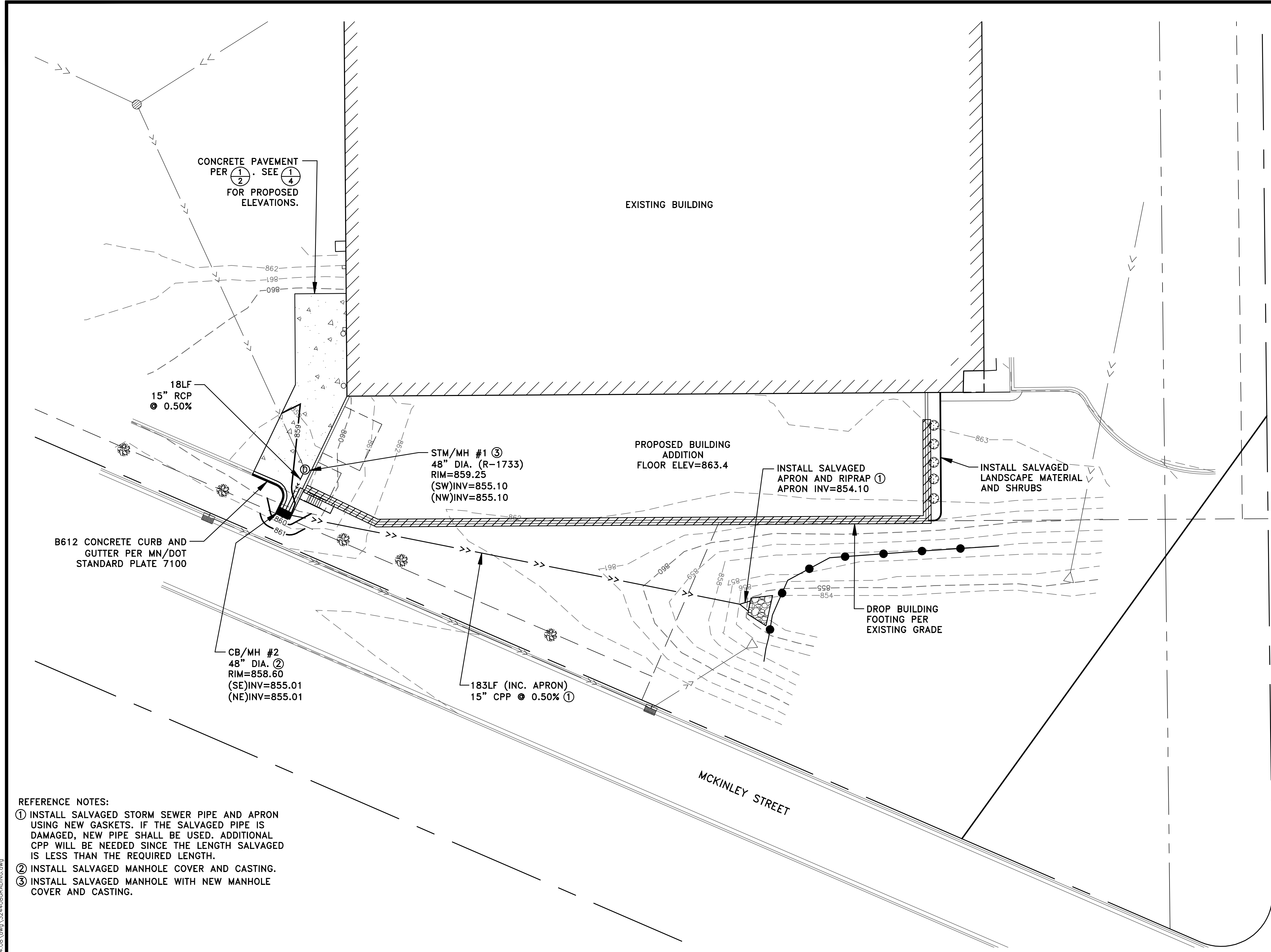


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CULLINAN RIGGING BUILDING ADDITION

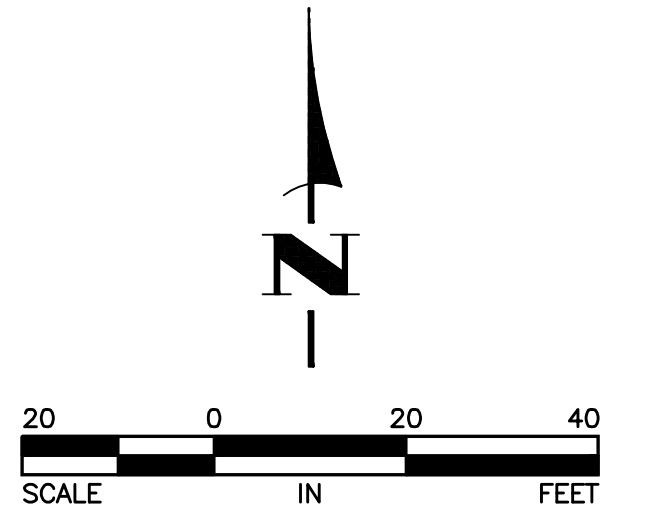
EXISTING TOPOGRAPHY AND REMOVALS PLAN  
 CITY OF RAMSEY, MINNESOTA

SHEET 3 OF 4 SHEETS



1/4 PAVEMENT DETAILS

- REFERENCE NOTES:
- ① INSTALL SALVAGED STORM SEWER PIPE AND APRON USING NEW GASKETS. IF THE SALVAGED PIPE IS DAMAGED, NEW PIPE SHALL BE USED. ADDITIONAL CPP WILL BE NEEDED SINCE THE LENGTH SALVAGED IS LESS THAN THE REQUIRED LENGTH.
  - ② INSTALL SALVAGED MANHOLE COVER AND CASTING.
  - ③ INSTALL SALVAGED MANHOLE WITH NEW MANHOLE COVER AND CASTING.



May 10, 2013 - 10:43am K:\cad\_and\_projects\private\3244\08\dwg\3244\08\GRADING.dwg

DATE	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

*Timothy A. Eggerichs*  
 TIMOTHY A. EGGERICHS, P.E.  
 Date 5/7/13 Lic. No. 43362

DESIGNED BY: TAE  
 DRAWN BY: TAE  
 CHECKED BY: CJJ

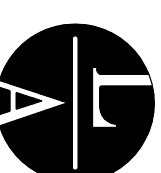
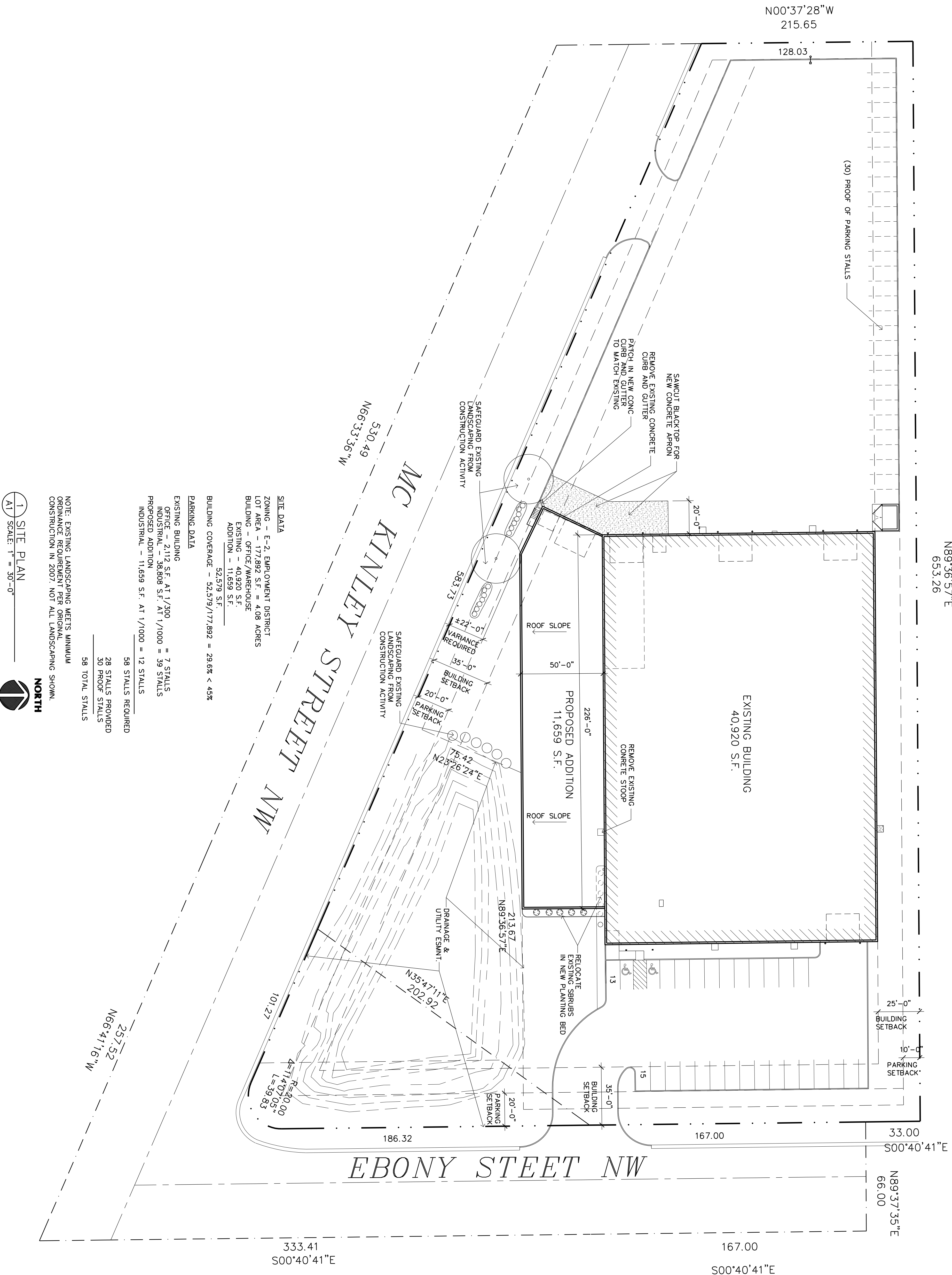


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CULLINAN RIGGING BUILDING ADDITION

GRADING, DRAINAGE AND EROSION CONTROL PLAN  
 CITY OF RAMSEY, MINNESOTA

SHEET 4 OF 4 SHEETS



**LAMPERT'S ARCHITECTS**  
 420 Summit Avenue  
 St. Paul, MN 55102  
 Phone: (763) 425-2002  
 Fax: (763) 425-2002  
 lampert@lampert-arch.com

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

**PRELIMINARY FOR CONSTRUCTION**

Stamp: **SA** (Seal of Architect)  
 10907 93rd Ave N  
 Maple Grove, MN 55869  
 Ph: (763) 425-2002  
 Fax: (763) 425-6428

Sharp & Associates, LLC

**CULLINAN RIGGING**  
 6815 McKinley St NW, Ramsey, MN

Copyright 2013  
 Leonard Lampert Architects, P.A.  
 Project Designer: JAMES B  
 Drawn By: JRB  
 Checked By: LL  
 Revisions  
 5/2/13 PRELIMINARY

**SITE PLAN**

Sheet Number

**A1**

May 31, 2013

Sharp & Associates, LLC  
Attn: Dennis Sharp  
10907 93<sup>rd</sup> Ave North  
Maple Grove, MN 55369

**Re: Site Plan and Variance Review—Cullinan Rigging**

Dear Mr. Sharp:

The City of Ramsey has received your application for Site Plan and Variance Review to construct an approximately 11,000 square foot addition to an existing building located at 6815 McKinley Street NW. City Staff is recommending to the Planning Commission approval of both the Variance and Site Plan contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated May 31, 2013.

***Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council (site plan subject to review by City Council).*** A copy of the Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, June 6<sup>th</sup>, at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Following the Planning Commission, the Site Plan request will need to be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, June 25<sup>th</sup>, 2013, at 7:00 p.m. in the Council Chambers.

Please let me know if you have any questions or concerns. I can be reached at (763) 433-9905 or by email at [canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us).

Sincerely,

CITY OF RAMSEY

Chris Anderson  
Associate Planner/Environmental Coordinator

Enclosures

Cc: Robert Cullinan, 7005 Odean Ave NE, Otsego, MN 55330

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5-31-13	<b>PROJECT ADDRESS</b>	6815 MCKINLEY STREET NW
<b>PROJECT. TITLE</b>	CULLINAN BUILDING ADDITION		
<b>ESCROW #</b>	113652		
<b>DEPARTMENT:</b>	Planning		
<b>TECHNICAL REVIEWER:</b>	Name: Tina Goodroad Phone: 651-253-6509 Email: tina.goodroad@stantec.com		

We offer the following comments regarding your request for site plan review and a variance to front yard setbacks.

**General:** The development proposal consists of an 11,659 square foot addition to the existing building on the south elevation. The addition will accommodate warehouse needs for Cullinan Rigging at 6815 McKinley Street NW. Two additional dock doors are proposed on the west elevation of the addition.

**Zoning:** The site is zoned E-2, Employment District. The purpose of the E-2 Employment District is to provide for the mix of typically large volumes or bulk commercial goods and services, wholesale/warehouse activities and limited retail activities. Office, manufacturing and warehousing uses are permitted uses in the E-2 zone.

**Setbacks:** The site meets all required setbacks except for the thirty-five (35) foot front yard setback along McKinley Street. At its closest point to McKinley Street, the proposed building is setback twenty-two (22) feet from the property line. Only a portion of the building addition is at this reduced setback. The applicant is requesting a thirteen (13) foot front yard setback variance for this southwest corner.

**Parking:** The proposed building addition will require 12 parking stalls. The site plan proposes installation of twenty-eight (28) stalls with thirty (30) stalls shown as proof of parking in the northwest corner of the site. These stalls would not be initially installed but available in the event additional parking is needed. With the proof of parking stalls, the site meets the required fifty-eight (58) parking stalls with the building addition.

- Landscaping:** The ordinance requires additional landscaping for building expansions in the amount of one (1) new tree (deciduous/coniferous tree) for each 1,000 square feet of additional building footprint area. This results in eleven (11) new trees to be installed, which are not shown on the site plan. *Please provide an updated landscaping plan showing these additional trees. Planting size at installation shall be a minimum of two and a half (2.5) inches in diameter (deciduous trees) or six (6) feet in height (evergreen trees). The landscape plan must also include a planting detail with the following notes:*

- *Planting depth shall be such that the first set of primary roots (root flare) are at final grade when installed; that only broken, deformed or dead branches shall be pruned at time of planting; and that the top portion of the wire basket and burlap shall be removed after the tree is set in planting hole.*

**Building Elevation:** The building addition is to the south portion of the building, which is the front elevation facing McKinley Street NW. The main building entry at the southeast corner will remain as is. The proposed building addition will match the existing exterior building materials, colors, windows and accenting band as currently exists on the southern elevation. Staff is supportive of the proposed building elevation.

**Variance Request:** Recent statute changes renames the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retains the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. Also included is a sentence new to city variance: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

In evaluating this variance request under the new law, we need to adopt findings addressing the following questions:

Is the variance in *harmony with* the purposes and intent of the *ordinance*? The proposed use is an existing permitted use in the E-2 district. The addition will accommodate expansion of permitted warehousing use. A variance is necessary to accommodate that warehouse expansion as its thirteen (13) feet too close to the front yard setback (at its closest point, the entire addition is not out of compliance). The site is triangular in nature, making full use of the site for an addition is challenging. The rear of the site narrows such that an addition in this location would not be able to accommodate truck vehicles and required turning radius. For the reason of the shape of the site, a variance is reasonable and as a permitted use would be in harmony with the purpose of the ordinance.

Is the variance *consistent with* the *comprehensive plan*? Yes, the zoning and land use are consistent.

Does the proposal put property to use in a *reasonable manner*? Yes, the site configuration causes a hardship and therefore the variance to the front setback for the southwest corner provides reasonable use of the property.

Are there *unique circumstances* to the property not created by the landowner? Yes, the shape of the site offers challenges to create an addition while also maintaining truck access and radius.

Will the variance, if granted, alter the *essential character* of the locality? No. The use as an industrial use is consistent with the other uses in the immediate area.

Staff is supportive of the variance.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/14/13	<b>PROJECT ADDRESS</b>	6815 MCKINKLEY ST NW
<b>PROJECT. TITLE</b>	CULLINAN RIGGING BUILDING ADDITION		
<b>ESCROW #</b>	XXXXXXXX		
<b>DEPARTMENT:</b>	ENGINEERING		
<b>TECHNICAL REVIEWER:</b>	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

We offer the following comments regarding your request for a building addition:

**Grading and Drainage:** The footings for the south wall of the proposed addition will be dropped to match the existing grade. The existing storm sewer system in the area of the addition will be relocated outside of the new addition. The addition is less than 1 acre so a new Lower Rum River WMO permit will not be required. We have reviewed the stormwater calculations submitted with the original building and find that the pond was sized to accommodate this building addition. Additional calculations will not be required.

**REU:** The REU for the site will be recalculated at the time of building permit application.

**CITY OF RAMSEY LAND USE APPLICATION  
TECHNICAL REVIEW FILE**

<b>DATE</b>	5/31/13	<b>PROJECT ADDRESS</b>	7820 RIVERDALE DRIVE NW
<b>PROJECT. TITLE</b>	Case of Cullinan Rigging		
<b>ESCROW #</b>	113652		
<b>DEPARTMENT:</b>	Building		
<b>TECHNICAL REVIEWER:</b>	Name: Lee Gladitsch Phone: 763-433-9849 Email: <a href="mailto:inspectron@ci.ramsey.mn.us">inspectron@ci.ramsey.mn.us</a>		

We offer the following comments regarding your request for an extension to an interim use permit:

**General:** Building expansion into road frontage setback will meet building code setbacks. During plan review building code will be reviewed covering how the expansion will meet building code. Building department has no technical issues with this specific request.

Commissioner \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-100**

**RESOLUTION ADOPTING FINDINGS OF FACT #0913 RELATING TO A REQUEST FOR A VARIANCE TO FRONT YARD SETBACK REQUIREMENTS**

**WHEREAS**, Sharp & Associates, LLC., hereinafter referred to as “Applicant,” has properly applied for a variance from Sec. 117-116 (e) (1) of the Ramsey City Code to construct an addition to the existing building that will encroach on the front yard setback on the property generally known as 6815 McKinley Street NW and legally described as follows:

Lot 1, Block 1, Ebony Addition, Anoka County, Minnesota

and

Lot 1A, Block 1, Ebony Addition, Anoka County, Minnesota.

(the "Subject Property")

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

That the Planning Commission conducted a public hearing pursuant to Sec. 117-53 of the Ramsey City Code on June 6, 2013, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.

1. That the Subject Property is zoned E-2 Employment District and is approximately 4.08 acres in size.
2. That the Subject Property is surrounded by E-2 Employment District zoning developed with businesses.
3. That Sec. 117-116 (e) (1) (E-2 Employment District) requires a thirty-five (35) foot front yard setback.
4. That the Subject Property is a corner lot and thus has two (2) front yards, one along each public street.
5. That the Applicant is proposing to enlarge an existing building that will have an encroachment of thirteen (13) feet on the southwest corner of the building addition to the front yard setback.
6. That the Subject Property is an irregularly shaped triangular lot that is narrower in the west and wider in the east, with the existing building set parallel to the front yard setback along Ebony Street.
7. That the Subject Property can accommodate the 11,689 square foot addition, but to remain consistent with the existing building design, a portion of the southwest corner of the

addition will encroach on the required front yard setback. Only this corner encroaches into the setback (a total of 585 square feet of building area).

8. That the variance requested is the minimum variance, which would alleviate the hardship.
9. That the variance is in harmony with the purposes and intent of the ordinance due to the circumstances of the irregular shape of the Subject Property that is unique to the property.
10. That if granted, the variance will not permit a use that is prohibited in the E-2 Employment District.
11. That if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
12. That if granted, the variance will/will not unreasonably increase the congestion in the public street.
13. That if granted, the variance will/will not increase the danger of fire or endanger the public safety.
14. That if granted, the variance will/will not unreasonably diminish property values in the neighborhood.
15. That if granted, the variance will/will not violate the intent of the Comprehensive Plan.
16. That, if granted, the variance will/will not grant the Applicant any special privileges that is denied to other owners of land in the same district.

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

and the following voted against:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 6<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
Chairperson

**ATTEST:**

\_\_\_\_\_  
City Clerk

Commissioner \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #13-06-101**

**A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE AND DECLARING TERMS OF SAME.**

**WHEREAS**, Sharp & Associates, LLC, a limited liability company under the laws of the State of Minnesota (the "Permittee") has properly applied for a variance from the front yard setback requirements in the E-2 Employment District on the property generally known as 6815 McKinley Street NW and legally described as:

Lot 1, Block 1, Ebony Addition, Anoka County, Minnesota

and

Lot 1A, Block 1, Ebony Addition, Anoka County, Minnesota.

(the "Subject Property"); and

**WHEREAS**, the Planning Commission met on June 6, 2013, conducted the public hearing and adopted findings of fact relating to the request for a variance from the front yard setback on the south side of the site.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA**, as follows

1. Based on Findings of Fact #0913, a variance to the front yard setback requirement is hereby granted for the proposed building expansion.
2. The proposed addition on the **Subject Property** shall maintain a minimum setback of twenty-two (22) feet at its closest point, at the southwest corner of the building addition, to the front property line (south lot line).
3. The Permittee shall construct
4. The **Permittee** shall obtain all necessary permits prior to commencing any construction. No building permit shall be issued until the **Permittee** has signed the variance and reimbursed the **City** for all costs incurred in processing the application.
5. The **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this variance.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner \_\_\_\_\_ 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 adopted by the Ramsey Planning Commission this the 6<sup>th</sup> day of June 2013.

Sharp & Associates, LLC hereby acknowledges receipt of this Variance and that they have reviewed the terms of the Variance and have agreed that they will comply with the terms of the Variance.

By: \_\_\_\_\_ Its: \_\_\_\_\_

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF ANOKA )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of Sharp & Associates LLC, a Limited Liability Company (Domestic) under the laws of Minnesota, on behalf of the Company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
Notary Public

O’Cullinan Properties, LLC hereby acknowledges receipt of this Variance and that they have reviewed the terms of the Variance and have agreed that they will comply with the terms of this Variance.

By: \_\_\_\_\_ Its: \_\_\_\_\_

STATE OF MINNESOTA)  
 ) SS.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of O’Cullinan Properties, LLC, a Limited Liability Company (Domestic) under the laws of Minnesota, on behalf of the Company, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.



**Regular Planning Commission**

**5. 5.**

**Meeting Date:** 06/06/2013

**By:** Tim Gladhill, Community Development

Information

Title:

FOR DISCUSSION AND UPDATE ONLY: Consider Authorizing Staff to Prepare Ordinance for Highway Interchange Sign Overlay District

Background:

The City of Ramsey has been active in completing a design for the future Armstrong Boulevard Interchange at U.S. Highway 10. The project involves converting the existing at-grade, signalized intersection to a grade-separated interchange. The grade separation will bring Armstrong Boulevard vertically over the Burlington Northern Santa Fe heavy freight rail line and U.S. Highway 10. A copy of the preferred alignment is attached for review, along with some visual exhibits.

The grade-separated interchange will impact the viewshed and visibility of existing parcels. As a majority of the parcels along U.S. Highway 10 at Armstrong Boulevard or business/retail land uses, many Owners within the area have expressed concern with the reduction in visibility to their parcels and buildings. The City has attempted to mitigate some of these concerns with the planning of the Riverdale Drive extension (see attached exhibit).

In addition, as part of the public input process for reviewing the interchange, the City has been reviewing other options, such as additional height allowances for signage for those parcels adjacent to the interchange. Similar to other area communities' examples, Staff will likely suggest the implementation of an overlay district for certain areas surrounding the interchange.

The discussion this evening is to introduce the topic; not approve an ordinance change. As the environmental review process completes and final design is commenced, many Owners have asked in regards to the status of the ordinance change. This discussion topic is intended to provide direction and provide indication to these Owners that the City is moving forward to potential implementation.

Notification:

Observations/Alternatives:

Funding Source:

Staff Recommendation:

Action:

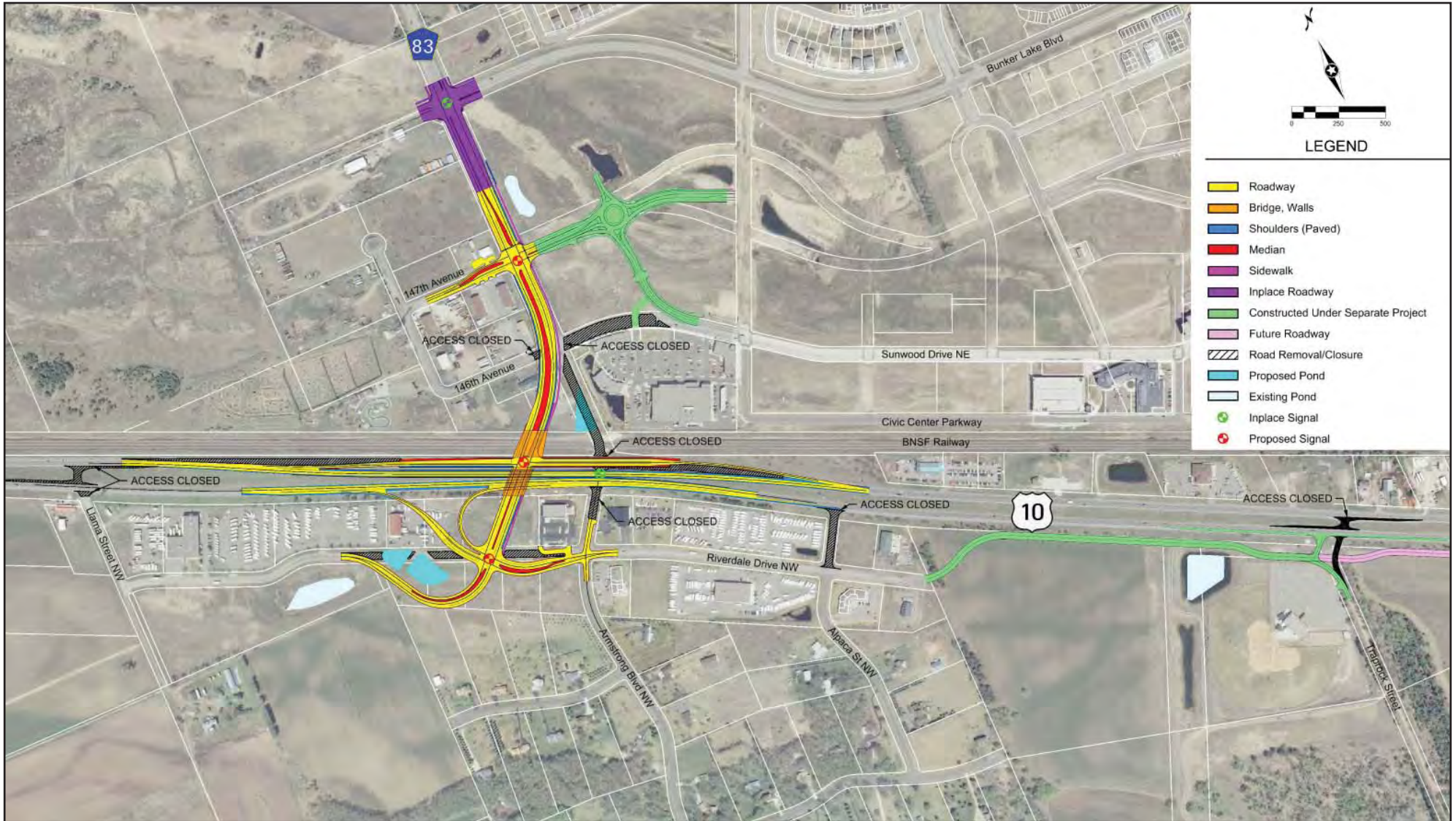
Attachments

Preferred Armstrong Interchange Alignment

Renderings

Form Review

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill (Originator)	Tim Gladhill	05/31/2013 11:46 AM
Form Started By: Tim Gladhill		Started On: 05/29/2013 08:40 AM
	Final Approval Date: 05/31/2013	



### FIGURE 21: Preferred Alternative Layout

US 10 at CSAH 83 in the City of Ramsey, Anoka County, MN



# Alternative B2a Renderings



Before



After

# Alternative B2a Renderings



# Alternative B2a Renderings

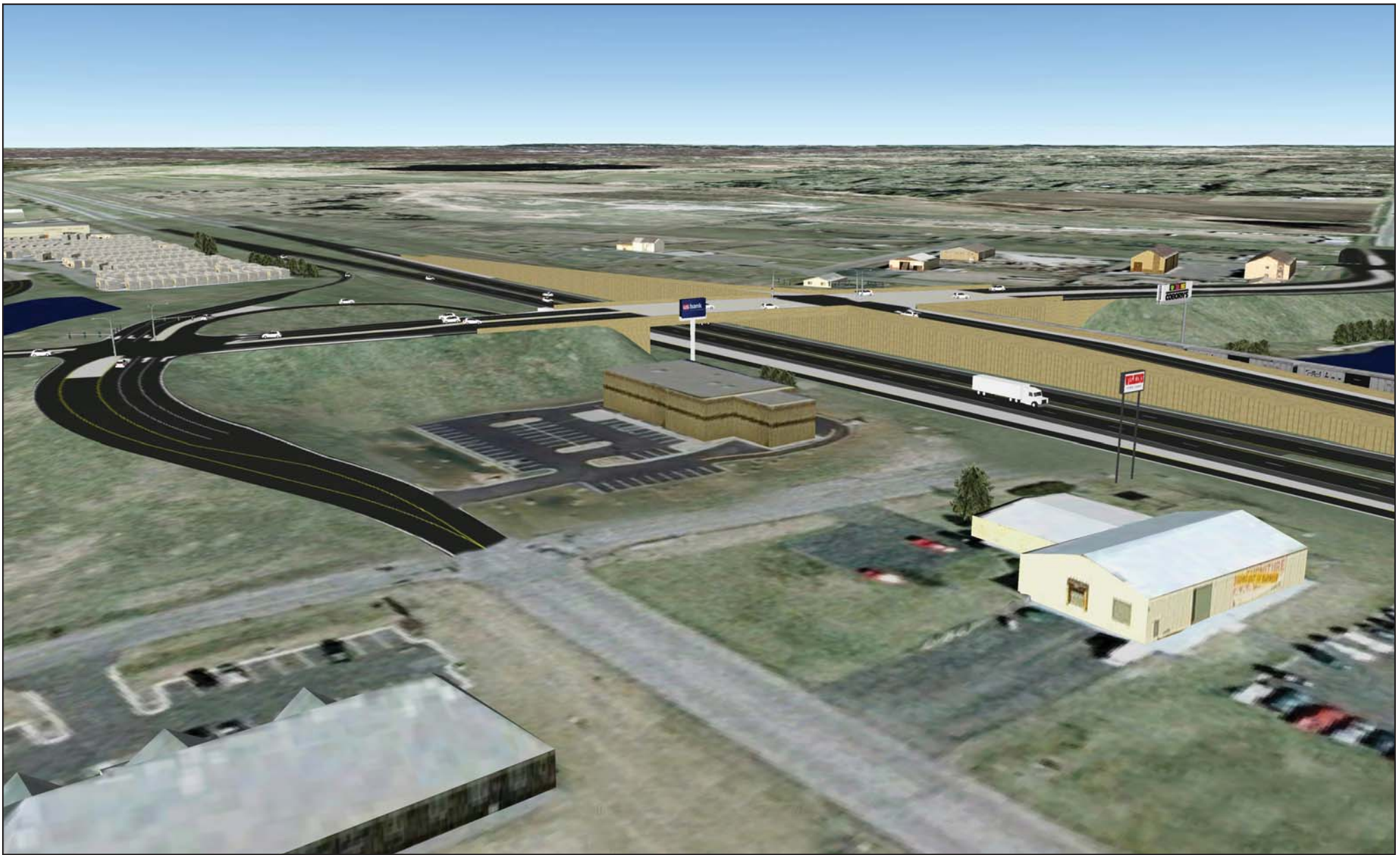


## US 10 at CSAH 83 (Armstrong Blvd.)

Preliminary Design and Environmental Assessment in the City of Ramsey • FEBRUARY 2011



# Alternative B2a Renderings



# Alternative B2a Renderings

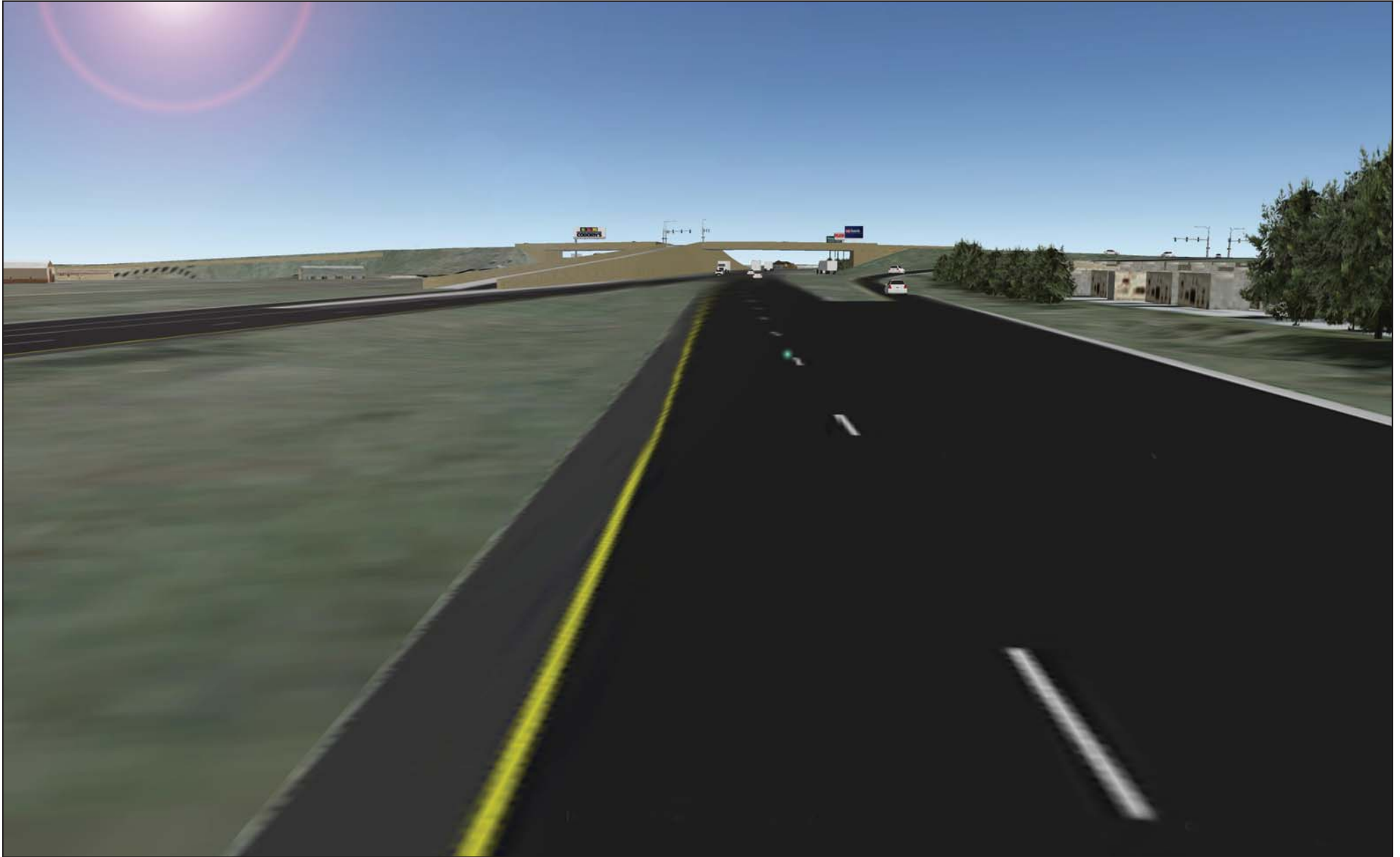


US 10 at CSAH 83 (Armstrong Blvd.)

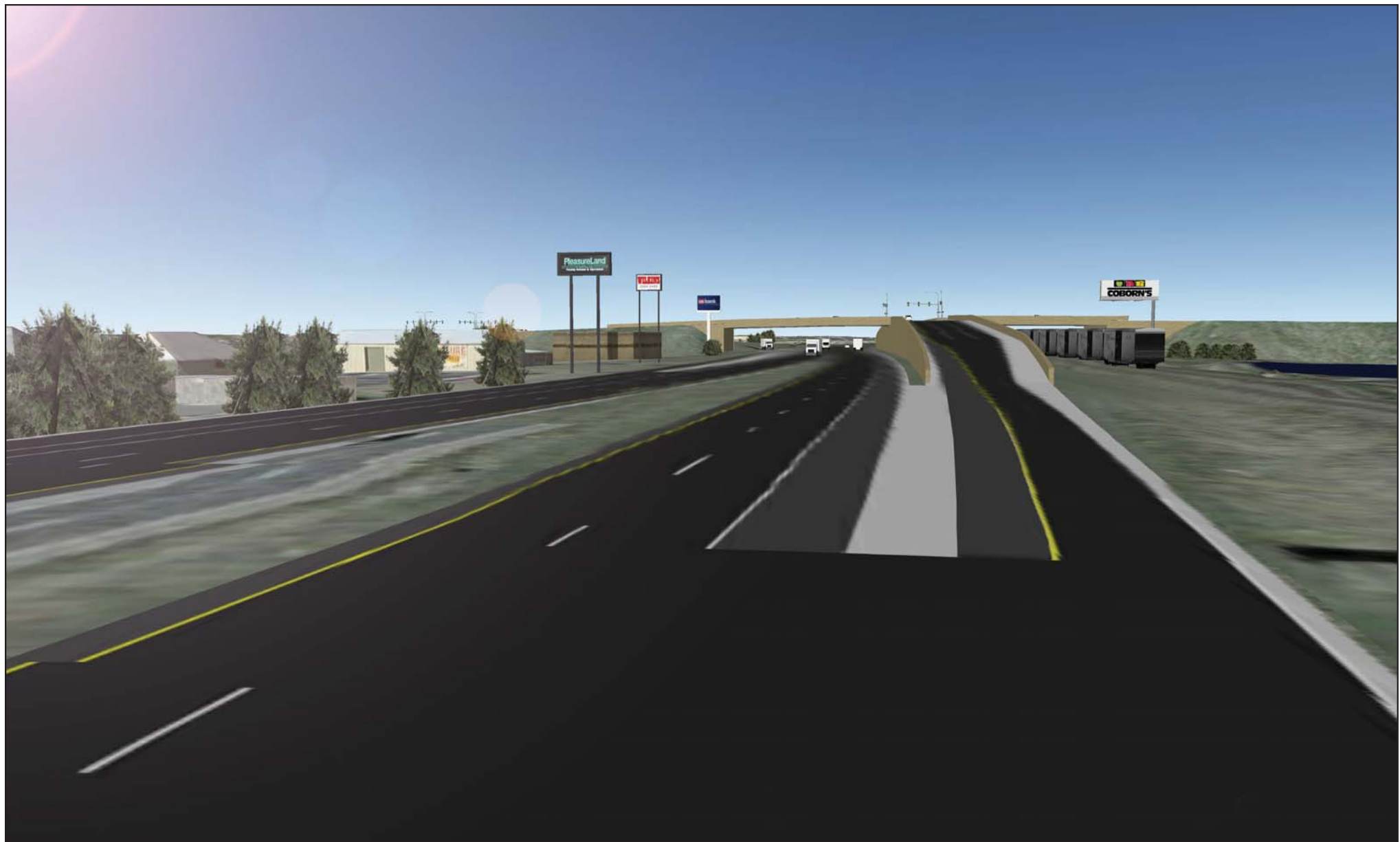
Preliminary Design and Environmental Assessment in the City of Ramsey • FEBRUARY 2011



# Alternative B2a Renderings



Looking east



Looking west

**Meeting Date:** 06/06/2013

**By:** Tim Gladhill, Community Development

---

**Information**

**Title:**

Review Draft of Alternative Urbanwide Area Review (AUAR) Update for The COR (formerly Ramsey Town Center)

**Background:**

In 2003, the City Council approved an Alternative Urbanwide Area Review (AUAR) for the development known as Ramsey Town Center at the time by adopting Resolution #2002-104. An AUAR is an alternative process to other potential required environmental reviews, such as Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS). The AUAR is a tool to review environmental effects in advance of development, thus providing for a shorter review timeframe at time of development. Generally speaking, an EAW or EIS is prepared during subdivision or site plan review (at time of development). The AUAR provides a mechanism to reduce the amount of individual EAW or EIS needs (but does not negate the need for required environmental review). Environmental Review required by the Environmental Quality Board (EQB), a State agency provides an analysis of impacts and potential mitigation for items such as (but not limited to) surface water, traffic levels and levels of service, natural resource, and habitat impacts. A detailed analysis of impacts and mitigation techniques is included in the current update as well as the 2003 AUAR. Staff will also review the individual items of the Mitigation Summary and Update.

The AUAR is in need of update for two (2) reasons:

1. An AUAR must be updated every five (5) years (expired in 2008)
2. Change in preferred land use plan

It is important to note that not all development projects require the completion of an EAW or EIS. In review of the required thresholds for EAW or EIS review, none of the projects appear to have required preparation of an EAW or EIS that were approved and constructed within the review boundary since the 2008 update. As the City looks forward to potential future projects, it is likely that a number of these developments would require environmental review.

Thresholds guiding types of developments that would require this review through the State EQB are governed by Minnesota Statutes, section 116D.04 and 116D.045 and administrative rules adopted by the EQB as Minnesota Rules, chapter 4410, parts 4410.0200 to 4410.7070.

On February 28, 2012, the Housing and Redevelopment Authority in and for the City of Ramsey (HRA) approved a contract with Landform Professional Services to prepare the update to the AUAR. This was being prepared simultaneously with a Comprehensive Plan Amendment specific to The COR. A requirement of the AUAR is that at least one of the development scenarios needed to be compatible with the Comprehensive Plan. As the Comprehensive Plan Amendment changed the preferred land use plan, this AUAR Update needed to wait until the completion of that process. The AUAR Update is now eligible to proceed, as the Comprehensive Plan Amendment has been approved by the Metropolitan Council.

On April 23, 2013, the City Council 'ordered' the AUAR Update, which starts an official comment period for applicable agencies. By ordering the AUAR, the required 120 day process for review begins. Staff is seeking feedback from the Planning Commission during this comment period in advance of the City Council adopting the final version. Under the current schedule, it is anticipated that the City could adopt the final version in July, 2013.

**Notification:**

The City has published the AUAR Update in the EQB Monitor and post notice of availability in the official City newsletter. In addition, the AUAR process also includes a 30 day public comment period (with certain 15 day extensions). Finally, there is at least one final comment period for state agencies and Metropolitan Council.

**Observations/Alternatives:**

The preparation of the AUAR Update has been completed with guidance by the EQB and is based on Minnesota Rules 4410.3610, Subp. 4. As previously stated, the City Council has ordered the AUAR, which only begins the process for review and public comment. There is also time for final edits before sending for the official process.

Attached for review is the original AUAR for Ramsey Town Center. A full copy of the 2003 AUAR is available in City Hall and is available for viewing upon request. The format of the Update is to only note changes from the original document and not redraft the entire document. The Update will sit as an Appendix/Addendum to the original document to preserve the format at content. When a mitigation item is not applicable to this AUAR, it is so stated. Responses to the questions are only provided when there has been a change since the 2003 AUAR. Whenever "no changes" is indicated, refer to the original document.

A majority of the changes are related to the current Development Plan for The COR. The analysis appears to indicate that the impacts are generally consistent with the findings of the 2003 AUAR. The document updates current plans, policies, and completed projects (such as Ramsey Boulevard and Sunfish Lake Boulevard). Changes to the document are indicated by bold/italicised text.

Appendix C is currently blank. This appendix is for future comments, and thus the final draft will populate this appendix as necessary.

The draft schedule is as follows:

1. Responsible Governmental Unit (RGU) orders AUAR (City is the RGU) on April 23, 2013
2. AUAR submitted to EQB on May 6, 2013
3. Press release submitted to Anoka County Union on May 8, 2013
4. EQB publication date on May 13, 2013
5. Planning Commission reviews draft Update on June 6, 2013
6. Comment Deadline on June 12, 2013
7. Revise and distribute final document on June 26, 2013
8. Final document adopted on July 9, 2013

**Recommendation:**

Staff recommends that the City Council adopt Resolution #13-04-076 to order the AUAR as attached.

**Funding Source:**

The update to the AUAR for The COR is being funded by Tax Increment Finance (TIF) District #14.

**Council Action:**

Motion to recommend that the City Council approve the AUAR Update as attached, with the necessary inclusion of public comments and official responses.

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**Attachments**

Cover Memo

DRAFT AUAR Update

EQB Flow Chart

Original 2003 AUAR

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**Form Review**

**Inbox**  
Kurt Ulrich

**Reviewed By**  
JoAnn Shaw  
Form Started By: Tim Gladhill

**Date**  
05/31/2013 11:23 AM  
Started On: 05/31/2013

Final Approval Date: 05/31/2013



**TO:** Tim Gladhill, City of Ramsey Development Services Manager

**FROM:** Kendra Lindahl, Landform

**DATE:** April 18, 2013

**RE:** The COR (formerly Ramsey Town Center) AUAR Update  
Landform project 12-015

**1. Application Request**

The item for the City Council to consider is ordering the Final Alternative Urban Areawide Review (AUAR) Update for The COR (formerly Ramsey Town Center). The purpose of this AUAR Update document is to update the environmental review pursuant to Minnesota Rules. The original AUAR for the study area was adopted by the City in 2003. Pursuant to Minnesota Rules 4410.3610 Subp. 7, for the AUAR to remain valid as the environmental review document for the area, the document needs to be updated every five years until all development in the area has received final approval. Since portions of the study area still remain undeveloped, the AUAR must be updated. The AUAR expired in 2008 without update and this update will extend the AUAR until 2018.

When the Council orders the AUAR, the 120-day period for completion begins. Staff will finalize the draft AUAR document and distribute for review and comment. Key dates under the tentative schedule developed by staff are:

Ramsey AUAR Update Schedule	Ramsey Key Dates
RGU orders AUAR	04/23/13
Draft document distributed for comments	
Deadline for submission to EQB	05/06/13
Submit press release to Anoka County Union	05/08/13
EQB Publication date	05/13/13
Planning Commission review	06/06/13
Comment Deadline	06/12/13
RGU revises and Distributes Final Document	06/26/13
RGU adopts final document	07/09/13

If you have any questions, please feel free to call me at 612.638.0225.

**Attachments**

- 1. Draft AUAR

# **The COR (Formerly Ramsey Town Center)**

## **City of Ramsey**

### **Alternative Urban Areawide Review (AUAR)**

#### **Update Report**

**Original AUAR: June 2003**

**Update 1: April 2013**

**Prepared by:**

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**Appendix A:** Figures

**Appendix B:** DNR Natural Heritage Database Review

**Appendix C:** Comments and Responses to the AUAR Update

## 1. Introduction and Purpose

The AUAR study area is the 369.5-acre project known as “The COR” (formerly Ramsey Town Center) in the City of Ramsey. The area is bounded by Highway 10 on the south, Armstrong Boulevard on the west and Ramsey Boulevard (Highway 56) on the east (see Figure 1).

The *Ramsey Town Center Alternative Urban Areawide Review and Mitigation Plan* dated June 24, 2003, (original AUAR), was adopted by the Ramsey City Council in June 24, 2003 by Resolution 2002-104. This AUAR update incorporates this document by reference.

The preparation of this AUAR update report has been completed according to guidance prepared by the Environmental Quality Board (EQB) and is based on Minnesota Rules 4410.3610, Subp. 4. The mitigation items in the AUAR update follow the standard Environmental Assessment Worksheet (EAW) form. When an EAW item is not applicable to this AUAR, it is so stated. Responses to the questions are only provided when there has been a change since the 2003 AUAR. Whenever “no changes” is indicated, refer to the original document as listed above to review the original response.

The 2003 AUAR included an analysis of existing conditions and the preferred development scenario. The AUAR also included the progression of the conceptual designs to reach the preferred development concept. The AUAR as adopted in 2003 was fully compatible with the *2001 Comprehensive Plan* (as amended in 2002) Land Use plan. In September 2010, the City of Ramsey prepared the *2030 Comprehensive Plan Update*. The land use classifications in this update were fully compatible with the AUAR.

The 2003 AUAR is available for review on the City’s website at [www.cityoframsey.com/planning-division](http://www.cityoframsey.com/planning-division). This report is intended to serve as an update of the AUAR and includes a review of the areas that have and have not developed, an update to the environmental analysis if needed and a review of the mitigation measures.

## 2. Approved Development/Current Conditions

**Figure 2**(Development Plan 6.0) shows the location of the approved developments within the AUAR area. Of the 369.5 acres in the AUAR, 106.5 acres (738 residential units, 30.5 acres of commercial, 14.1 acres of public park and numerous road improvements) were approved for development. These areas include:

- The Ramsey Municipal Center and Parking Ramp - 5.31 acres
- The Veterans Administration Clinic –2.34 acres
- Allina Clinic—3 acres
- Ramsey Town Center 2<sup>nd</sup> Addition – 103 units
- Ramsey Town Center 3<sup>rd</sup> Addition (Northstar Marketplace retail) – 8.92 acres
- Ramsey Town Center 7<sup>th</sup> Addition - Symphony at Town Center—152 units
- Ramsey Town Center 8<sup>th</sup> Addition – 23 units (under construction)

- Ramsey Town Center 9<sup>th</sup> Addition – 90 units (under construction)
- Ramsey Town Center 10<sup>th</sup> Addition – 44 units (under construction)
- PACT Charter School – 5.34 acres
- NAU Country – 1.23 acres
- COR ONE (Residence at the COR)--326 units (under construction)
- COR TWO (Sunwood Retail) – 4.09 acres Approved)
- COR THREE (North Commons) – 17 units (under construction)
- Fountains of Ramsey Convention Center/Banquet Facility—3.14 acres
- Midwest Medical Examiner’s Office—1.22 acres
- Draw Park – 7.79 acres
- Rhinestone Commons Park – 6.31 acres

The City’s 2030 Comprehensive Plan, as amended by the 2012 Comprehensive Plan Amendment (The COR) (approved by the Metropolitan Council on December 12, 2012 for compliance with regional systems), reflects the land uses in Development Plan 6.0, which was prepared as an update to the Preferred Development Scenario from the 2003 AUAR. All of the developments that have been approved are within the thresholds of the AUAR and the City’s Comprehensive Plan.

### 3. Areas Remaining to be Developed

Of the 369.05 acres in the AUAR area, approximately 215 acres remain that have not been approved for development. They are shown in **Figure 2** (Development Plan 6.0).

The development of land within The COR is dependent on market forces, but the remaining areas could develop in the next 5-15 years.

### 4. Update to the Environmental Review

The DNR Natural Heritage Database was reviewed to provide an update for any threatened and endangered species. This review and DNR correspondence is attached in **Appendix B**. There are no new incidents of rare or endangered species within the study area.

The City updated the Comprehensive Sewer and Water Plans in 2012. We have reviewed the sewer and water systems in relation to the existing conditions, past development and the AUAR. The City’s sewer and water systems can accommodate the development proposed within the AUAR area.

A number of street improvements have occurred within the AUAR area. These improvements were noted in the AUAR as part of the mitigation measures and are noted in this AUAR update in **Section 5**.

Stormwater Management regulations have changed since the 2003 AUAR. The Lower Rum River Watershed Management Organization (LRRWMO) adopted new rules in the “3<sup>rd</sup> Generation Watershed Management Plan” on January 19, 2012. A new stormwater management plan is being completed by the

City of Ramsey to address these new requirements and reflect the new COR development plan. The LRRWMO issued a permit for The COR (formerly Ramsey Town Center), which is still active. The 3<sup>rd</sup> Generation Plan added a requirement for infiltration for new development. This requirement is being implemented by the City of Ramsey. The City is considering implementation of regional infiltration in conjunction with existing and planned regional facilities, including proposed Lake Ramsey (see Figure 2).

The preferred development scenario that was developed with the 2003 AUAR had been modified as Development Plan 6.0. The land use scenario is not substantially changed from the initial mixed use concept that was approved with the AUAR. Based on this analysis for the AUAR update, the area has developed in conformance with the 2003 AUAR. The areas that are anticipated to develop will be in conformance with the 2003 AUAR, the mitigation measures and this AUAR update. Therefore, the analysis that was completed for the 2003 AUAR remains valid and will be used in conjunction with the mitigation measures in this AUAR update.

## 5. Mitigation Summary and Update

The mitigation elements from the 2003 AUAR are noted below and updates are provided in ***bold italic***.

### Items 1-8 do not contain a Mitigation Element

**Item 9 Mitigation element.** Assuring the compatibility of development within Ramsey as growth occurs is the primary goal of the comprehensive planning process. Item 27 contains discussion of plan compatibility for a number of other planning documents that cover land in and adjacent to the site. Continued planning efforts will assure that non-compatible uses do not occur as the site develops. ***The City's 2030 Comprehensive Plan update was adopted in 2010 after Metropolitan Council review. The City's 2012 Comprehensive Plan Amendment (The COR) was approved by the Metropolitan Council on December 12, 2012. The City will continue to update plans and ordinances as needed to implement the City's vision and goals in compliance with the AUAR.***

**Item 10 Mitigation Element.** The only issue related to cover type to emerge during this review is the alteration of wetlands, which is discussed in the mitigation element under Item 12. A complete discussion of loss of cover types with respect to fish, wildlife and ecologically sensitive resources follows in Item 11. ***No change.***

### Item 11 Mitigation Element.

***Natural Communities:*** Item 12 of this report addresses wetland mitigation fully. Mitigation for loss of forest/woodland can be accomplished through additional tree planting within some areas of the site listed in Table 10.1 as containing grassland communities. Additional forest/woodland planting can be incorporated into planting plans for the infiltration/wetland system extending south from the COR site to the Mississippi River. The edges of the wetlands and infiltration areas could be established as an oak savanna/woodland natural community.

***Wildlife Habitat:*** Several strategies are proposed to mitigate impacts to wildlife. These include establishing a greenway corridor through the site, wetland restoration and creation and to the extent possible, all culverts and road crossings will be designed to enable upstream or downstream passage of wildlife as they

move through the greenway. ***This activity has occurred--the greenway corridor has been developed as The Draw park and wetland restoration/creation has taken place. The City will continue to work to implement these measures.***

#### *Blanding's Turtles*

Strategies outlined for Wildlife Mitigation generally apply to Blanding's turtles. ***The City will continue to work to implement these measures.***

#### **Item 12 Mitigation Element.**

*Wetland Sequencing* - Minnesota Rules 8420, also known as the Wetland Conservation Act (WCA), requires specific steps (sequencing) be taken when evaluating mitigation for unavoidable wetland impacts. ***This activity has occurred and will continue to occur. The wetland mitigation plan has been modified from the original AUAR concept, but has been permitted in compliance with WCA and this AUAR update reflects those changes.***

#### *Stormwater outfall to the Mississippi River:*

- ***Reduce Frequency of Stormwater Discharge, Lower Magnitude of Peak Flow Rates:*** The project incorporates a variety of strategies to lower increases in stormwater rate and volume. While all stormwater conveyance features are designed to accommodate the 100-year runoff event without taking infiltration into consideration, on-site retention and infiltration can be incorporated at multiple scales into the development during the detailed design phase for smaller storm retention. Peak flow rates for the 100-year, 24-hour runoff and 100-year, 10-day snowmelt events are 25.1 cfs and 25.3 cfs respectively. ***The City will continue to work to implement this measure.***
- ***Oversize Culvert and Reduced Slope at Outfall:*** The last section of culvert will be enlarged from 21-inches to 36-inches and include an apron and rip-rap to lower velocities and dissipate the energy at the discharge point. This will minimize the potential for scour and erosion. ***This item has been completed. The outlet to the Mississippi River was installed by the city in 2009.***
- ***Directional Boring to Install Culvert:*** If possible, the culvert will be placed within the river bank by directional boring rather than an open cut. This will reduce the need to remove shoreline vegetation and will minimize the area of disturbance. Erosion control measures will be implemented where soil is disturbed. All disturbed areas will be replanted to native trees, shrubs, grasses and forbs and if appropriate, a temporary cover crop will be established. ***This item was completed by the City in 2009.***

**Item 13 Mitigation Element.** Because the COR site is within a DWSMA, special precautions are needed to protect groundwater resources. To make sure this occurs, any discharge of runoff into an area dedicated to infiltration will be pre-treated through such practices as particulate settling, vegetative filtration, skimming, installation of compact, sub-grade treatment (ex. catch basin inserts, cyclonic separators, filters), and various types of pre-treatment soil filtering systems. These practices will be routinely maintained and inspected to make sure these pre-treatment practices do not provide a pathway for contamination of groundwater. Areas that are potential major sources of contamination ("hot-spots") will be identified during construction and special precautions added. These areas would include any location where pollutant spills are more likely to occur (service stations, public works/police/fire fueling operations, significant chemical storage). The City has completed a Wellhead Protection Plan, which was

approved by the Minnesota Department of Health in January 2010. ***The City will continue to work to implement these measures.***

Within WHPAs, the use of conventional underground storage tanks to store anything other than water is restricted. If underground tanks are utilized in these areas they must be double-walled with interstitial sensors and a network of monitoring wells must be installed to assess potential groundwater contamination. In addition, an emergency response plan should be developed for the immediate remediation of any spills or leaky tanks. ***The City will continue to work to implement these measures.***

When assembling the issues that were to be addressed as part of this AUAR, it was noted by the Anoka Conservation District and by the DNR that there is a possible connection between the increased demand for municipal groundwater and the observed lowering of wetlands in the vicinity of Municipal Wells 3, 4 and 5. Appendix F was prepared to assess the general magnitude of the problem and the solutions required to address the issue. It is now apparent that the wetlands in question experience natural drying during periods of relative low precipitation. The photographic history included as part of the Wetland Delineation report shows wetlands in the vicinity of the COR site disappearing during the mid to late 1980's which is prior to the development of the municipal wells. This same phenomenon occurs again in the mid to late 1990's and prior to the installation of Wells 4 and 5. The evaluation also found, as stated earlier, that drawdown levels in the FIG (Franconia Iron-ton-Galesville) unit are minimal and, therefore, could not be influencing the wetlands. To verify these findings, however, it is recommended that long term monitoring be performed. ***The City will continue to work to implement these measures.***

There is also some concern that increased pumping in the FIG aquifer could impact private wells that pump from this aquifer. Again, the residual drawdown levels in the FIG average 5- to 10-feet during the peak summer pumping period (Appendix F) and recover fully during the Fall, Winter and Spring. Therefore, the radius of influence of the wells will be very small meaning there could be no impacts to private wells developed in the same unit. Before additional wells are constructed, additional appropriations will be applied for through the DNR. This will most likely require both short- and long-term testing and monitoring to verify the above findings. Through this process, the City can insure that there continue to be no impacts on groundwater and surface resources due to their appropriations from the FIG. ***Permits were secured for previous projects and will be obtained for future projects.***

**Item 14 Mitigation Element.** The Ramsey 2001 Comprehensive Plan was amended in 2002 and contains the measures needed to effectively implement resource protection for all of the resource protection zones adjacent to the COR site. Although Chapter XI of the Ramsey 2001 Comprehensive Plan contains a thorough set of policies and related actions to protect the natural character of the Critical Area, the Chapter does not contain a specific provision addressing control of noise in this area. The next amendments to the City Plan will add a specific provision to address this specific element in Executive Order 79-19. ***The 2030 Comprehensive Plan addressed this issue in Chapter 11 (THE MISSISSIPPI RIVER CRITICAL AREA CORRIDOR/MNRRRA). This AUAR update reflects these policies from the 2030 Comprehensive Plan.***

**Item 15 Mitigation Element.** Adverse environmental impacts associated with increased small motor and non-motorized boats is not anticipated along the Mississippi River south of the Ramsey Town Center site. In fact, the new Mississippi Regional Park hopes to attract visitors to this portion of the upper River. The use of the park as a formal recreational facility will focus river-related uses to planned areas, and provide resource oversight and supervision of recreational activities. ***No Change/No Action required.***

**Item 16 Mitigation Element.** Prior to any earth-moving activity on the site, an erosion and sediment control plan will be prepared in accord with the requirements of the City of Ramsey and the LRRWMO. Technical assistance in the preparation of this plan will also be sought from the Anoka Conservation District, the Minnesota Pollution Control Agency and the DNR. The City will be permitted through the Phase II NPDES nonpoint program as a Municipal Separate Storm Sewer System (MS4) operator, and will be subject to all of the provisions of that program, including reducing the discharge of pollutants to the maximum extent practicable (MEP) through construction site runoff control. Any construction on the site will also be permitted through MPCA's NPDES general construction permit process. **Permits were secured for past projects and will be obtained for future projects. Future HPDES permits will conform to the LRRWMO 3<sup>rd</sup> Generation Plan requirements for infiltration for new developments.**

**Item 17 Mitigation element.** The conversion of agricultural land to urban land ultimately increases the amount and rate of runoff leaving the land. Minimizing the impact of that increased runoff is the objective of this mitigation plan.

#### *Mitigation Approach*

The City will assure that the developer(s) will design and build the final drainage and runoff management system within this overall framework, in compliance with the mandates of the LRRWMO. Peak discharges from new developments will be limited to 75% of existing flows.

#### *Implementation of BMPs in Preliminary Design*

As part of the design process for BMPs, replacement of non-native vegetation with native vegetation will occur whenever practicable and desirable.

#### *Phase II National Pollutant Discharge Elimination System (NPDES) permit*

The City of Ramsey has submitted its draft application for a Phase II National Pollutant Discharge Elimination System (NPDES) permit. The unsigned permit was submitted on March 10, 2003 under the MPCA requirements for the program of the U.S. Environmental Protection Agency (EPA). MPCA extended the timeline for receipt of an officially signed permit so that the City could authorize signature through a City Council action. The new deadline for receipt of a signed application is May 9, 2003. After that, the City will need to adopt a Storm Water Pollution Prevention Program (SWPPP). Since the City owns and operates a municipal drainage system, it is subject to the provisions of the Municipal Separate Storm Sewer System (MS4) provisions of the law. Construction activities within the City, and specifically on the Ramsey Town Center site, are also subject to the Phase II General Storm Water Permit for Construction Activity. **This activity has occurred and will continue to occur.**

The City must identify best management practices (BMPs) and measurable goals associated with each minimum control measure noted above. The City will be given five-years to develop an effective program after the permit is issued. This period of time coincides with the phased development of the Ramsey Town Center site, which must then include the provisions of the City SWPPP. The City will assure that the provisions of its Program are properly implemented within the Center as development proceeds. **This activity has occurred and will continue to occur.**

Construction within the City of Ramsey is also subject to the provisions of the NPDES Phase II General Storm Water Permit for Construction Activity. This provision is in addition to the construction control measure required under the MS4 permit. **Permits were secured for past projects and will be obtained for future projects.**

#### *Relationship to Mississippi River TMDL*

One water quality element of note in the mitigation plan is the need to reduce the negative impact of a discharge to an impaired water under the Total Maximum Daily Load (TMDL) program. The Mississippi River through the City of Ramsey has been listed on the MPCA recommended “303d” list as impaired relative to fecal coliform, PCB and mercury. The PCB and mercury programs are regional in scale and are the subject of regional MPCA and USEPA remediation programs. The discharge of storm water high in fecal coliform, however, is something that the City will need to address. The implementation of nonpoint source pollution control BMPs does not necessarily assure the reduction of fecal coliform. The process for setting a TMDL includes the initiation of a formal study that results in recommendations for control of the pollutant causing the impairment. MPCA has not yet begun this study for the impaired Mississippi River reach; however, once this study begins (currently scheduled for 2004-2006), the City will cooperate to the best of its ability with the MPCA to reduce the input of fecal coliform to the River. ***The MPCA study is currently underway and it includes the reach in Ramsey. Currently Ramsey is not scheduled to receive a waste load allocation as the reach is classified as a protection watershed. This could change based on future monitoring. The City will continue to cooperate to the best of its ability with the MPCA to reduce the input of fecal coliform to the River.***

**Item 18 Mitigation element.** Both the wastewater flows and the projected loadings from the COR development can be effectively transported and treated by the MCES system. In addition, future development and resulting flows are within the range of those estimated in the City’s 2001 Comprehensive Plan, as amended in 2002. Therefore, it does not appear that there is any cause for specific remediation actions. A 30-inch sewer main is recommended to serve the COR. As noted earlier, it will be necessary for the City to update its Comprehensive Sewer Plan, following discussion with MCES on increased allocated capacity. In addition, it will be important to measure and test the wastewater flows from the new development on a periodic basis. This will allow the City and MCES officials to monitor the characteristics of the wastewater generated by the development over time and to address any future unforeseen changes. ***The 2030 Comprehensive Plan update includes an update to the Comprehensive Sewer Plan to address these issues. The City has updated the Comprehensive Sewer Plan. Results indicate that there is sufficient capacity in the City’s system to accept the wastewater flow from The COR.***

**Item 19 Mitigation Element.** The high permeability of the soils at the Town Center are ideal for the implementation of infiltration practices that will manage stormwater runoff, provide flood control and recharge the water table aquifer. However, the high permeability also increases the risk for potential contamination of groundwater resources. In order to mitigate this risk, best management practices (BMPs) and community education programs will be implemented. ***This activity has occurred and will continue to occur.***

**Item 20 Mitigation Element.** To decrease the amount of solid waste generated within the City, Ramsey maintains the following policies as stated in its 2001 Comprehensive Plan:

- Work with the Anoka County Integrated Waste Management Department to develop and implement programs that contribute to waste reduction, resource recovery, recycling and limited landfilling;
- Continue to support curbside recycling of reusable waste materials through educational events, promotional events, and volunteer efforts;
- Research grants and funding programs through federal, state, and local organizations that support the —Three R’s (reduce, reuse, and recycle); and

- Continue to pursue and support research efforts in innovative techniques that enhance the environment, provide alternative means of energy, and reduce the waste stream.

The implementation of these policies will help to reduce the quantities of solid waste produced at the Town Center. ***The City updated these policies in the 2030 Comprehensive Plan and will continue to work to implement these measures. The City updated the Comprehensive Water Supply and Distribution Plan.***

Within the WHPA, underground storage tanks and infiltration are not recommended. Should contamination occur due to these or any other practice, alternative water supply sources may be required. Currently the city water towers store an extra amount of water equivalent to meet the supply need for one day. There is also an emergency connection with the City of Anoka for additional water needs. A contingency plan should be developed as part of the next water supply plan update to deal with contamination. These could be coordinated with existing city plans, data, and management procedures, many of which are detailed in the city’s Water Supply Plan, WHP Plan, 2001 Comprehensive Plan, and this document. A contingency plan is also required by the State as part of the city’s water supply plan (M.S., Section 103G.291, subd.3. As part of its next revision, the City of Ramsey will amend its 1999 Water Supply Plan to include an emergency response element. The amendment will include all of the above components. This will occur prior to applying for a DNR appropriation permit amendment, which would likely trigger the DNR request for emergency plan completion, as well. ***These items were completed as part of the Water Element of the 2030 Comprehensive Plan update.***

The installation of monitoring wells throughout the WHPA would be appropriate to protect the water quality of the upper aquifer. Should contamination occur, a network of monitoring wells would help to quickly identify the contaminant source and aid in the quick remediation and possibly reduce the extent of contamination. A monitoring well network would also help to understand the relationship between the pumping in the Franconia-Ironton-Galesville aquifer and the upper aquifer. The extent of any further monitoring will be determined during wellhead protection plan development and State water appropriation permitting. ***The City will continue to work on this item.***

**Item 21 Mitigation Element.** Analysis of the intersection operations indicates that lane additions and installation of intersection channelization and traffic signals would be adequate to mitigate the project impacts at the intersections in the study area. The following roadway widenings are suggested:

- Ramsey Boulevard—widen to five lane cross section south of Industry Avenue to provide two through lanes in each direction and a left turn lane/center median. ***This item has been completed.***
- Bunker Lake Boulevard (formerly Industry Avenue)—widen to five lane cross section west of Ramsey Boulevard to provide two through lanes in each direction and a left turn lane/center median. ***This item has been partially completed. Bunker Lake Boulevard has been upgraded between Dysprosium Street and Sunfish Lake Boulevard. In addition, the intersections at Ramsey Boulevard (CSAH 56) and Armstrong Boulevard (CSAH 83) have been upgraded. There are two (2) remaining sections to be upgraded, and said Improvement Project is included in the City’s five (5) year Capital Improvement Program. This Section of Industry Avenue is now called Bunker Lake Boulevard and is being funded through the existing TIF 14 funds.***

Turn lanes and lane adjustments would be needed at the following intersections:

- TH 10 at Armstrong Boulevard—add an eastbound and a westbound through lane on the intersection approaches; add an eastbound and a southbound left turn lane and a southbound right turn lane. ***The City will continue to work with MnDOT and Anoka County on this item,***

**including improvement discussed for the Armstrong Interchange. It is the City's understanding that the Metropolitan Council does not support a third lane on Highway 10.**

- TH 10 at Ramsey Boulevard—add an eastbound and a westbound through lane on the intersection approaches; add an eastbound and a southbound left turn lane and a westbound right turn lane. A southbound through lane and a northbound left turn lane and northbound through/right lane would need to be added to serve the Rivenwick 3rd Subdivision traffic independent of the project traffic. **The City will continue to work with MnDOT and Anoka County on this item. It is the City's understanding that the Metropolitan Council does not support a third lane on Highway 10.**
- TH 10 at Sunfish Lake Boulevard—add an eastbound and a westbound through lane on the intersection approaches; convert the southbound approach from a through/left turn lane and a right turn lane to through/right turn lane and two left turn lanes (this adds one lane to the approach). **The City will continue to work with MnDOT and Anoka County on this item. It is the City's understanding that the Metropolitan Council does not support a third lane on Highway 10.**
- Bunker Lake Boulevard (formerly Industry Avenue) at Ramsey Boulevard—add a southbound right turn lane; eastbound and northbound approaches would be widened by the above recommendations. **This item has been completed.**
- Sunwood Drive at Bunker Lake Boulevard (formerly Industry Avenue)—modify the shared lanes on the northbound, eastbound and westbound approaches to provide left turn lanes and shared through/right turn lanes **The City will continue to work on this item.**

The following stop-controlled intersections would need to be signalized:

- Ramsey Boulevard at Bunker Lake Boulevard (formerly Industry Avenue). **This item has been completed (Ramsey Boulevard at Bunker Lake Boulevard).**
- Armstrong Boulevard at Bunker Lake Boulevard (formerly Industry Avenue). **This item has been completed (Armstrong at Bunker Lake Boulevard).**
- Bunker Lake Boulevard (formerly Industry Avenue) at Sunfish Lake Boulevard **This item has been completed.**
- Ramsey Boulevard at Sunwood Drive **This item has been completed.**
- Sunwood Drive at Bunker Lake Boulevard (Industry Avenue). **The City will continue to work on this item. It has been included in the City's capital improvement program (CIP).**
- Sunwood Drive at Armstrong Boulevard. **This item has been completed, subject to final signal installation.**
- NS3 Street at Bunker Lake Boulevard (formerly Industry Avenue). **NS3 Street is proposed to be changed to Center Street and this portion of Industry Avenue has been renamed Bunker Lake Boulevard. The City will continue to work on this item.**

The left turn volumes from the EW1 parkway (proposed to be renamed Ramsey Parkway) onto both Armstrong and Ramsey Boulevard cannot be accommodated at an acceptable LOS under stop control and require signalization to achieve acceptable operations. However, the close spacing between the intersections of the EW1 parkway and the intersections of Armstrong and Ramsey Boulevard with Industry Avenue limits the potential for the two parkway intersections to be signalized. Accordingly the parkway intersections should be channelized to provide right-in/right-out and left-in access (¾ access). Left out from the parkway would be prohibited and would redistribute to the north-south streets and to Industry Avenue (these volumes have been included in the mitigated calculations for the other intersections). **The City completed the Preliminary Engineering Report for Sunwood Drive (December 6, 2011) for realignment of the western portion of Sunwood Drive. The revisioning of The COR and the creation of Development Plan 5.03 (adopted as part of the Comprehensive Plan 2011 Major Update) resulted in some of the residential**

*land in the western portion of the project area being converted to commercial/retail in order to provide a better balance of land uses and respond to the current marketplace. Other changes were made in the undeveloped areas, including the creation of Lake Ramsey in the greenway Corridor. This study showed that traffic would increase under this revised scenario by 12.8%. The increased traffic can be accommodated by the improvements previously completed and the improvements planned in the 2011 feasibility study. This work was coordinated with the Armstrong Boulevard and Relocated Sunwood Drive Intersection Improvements Feasibility Report (December 2, 2011). These improvements have been completed. The project combined the Sunwood and EW1 Parkway intersections with Armstrong Boulevard into one fully signalized intersection.*

**Item 22 Mitigation Element.** There are no specific air quality mitigation measures proposed for the Ramsey Town Center Development, because implementation of the project does not result in violation of State or National Air Quality Standards. Carbon monoxide concentrations were modeled along the Highway 10 corridor assuming no road improvements in the project vicinity. The road improvements discussed in Section 21 would help to reduce carbon monoxide emissions, although they are not required as a result of the air quality analysis. **No change.**

**Item 23 not required in AUAR. No change.**

**Item 24 Mitigation Element.** Noise wall mitigation would not be practical along Industry Avenue. Driveways and street intersections would create gaps in the wall, defeating its purpose. It is suggested that the proposed residential units in Blocks 28, 36, 37, and 38 be designed to minimize noise impacts. The noise around the homes and surrounding areas can be reduced by providing climate-controlled units, increasing wall insulation, and providing common areas on the side of the buildings furthest from Industry Avenue. **The City will continue to work to implement this measure along Bunker Lake Boulevard (formerly Industry Avenue).**

**Item 25 Mitigation Element. Unidentified Resources.** Various circumstances may lead to the discovery of unidentified historic or archeological resources within the project boundaries. When any such new discovery is brought to the attention of the developer or the City, an evaluation of the significance will be conducted and appropriate management measures will be devised in consultation with SHPO. **This measure will continue to apply.**

Although the COR site is not within the geographic area covered by MNRRA, every effort will be made by COR LLC to work with Anoka County Parks, Ramsey Parks and the National Park Service to comply with the policies of these agencies and to minimize or avoid any adverse impacts from development of the COR site. **This measure will continue to apply.**

**Item 26 Mitigation Element.** Light emissions from commercial and residential areas cannot be avoided because of safety issues and the need for residences and businesses to see clearly at night. City Ordinance 9.11.07 describes any lighting used to illuminate an off-street parking area, sign, or other structure, must be arranged so that the light is deflected away from residential districts and public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) must be arranged so that the light is not visible outside of the property where the light is located. There are several methodologies of acceptable screening methods for these nuisances that can also be used for transitioning from high- to low-density residential or from residential to commercial areas. Screening methods typically include a vegetative barrier no less than five feet high or other natural materials. Applying shields to street and parking lot lamps directs the light to the ground surface where it's wanted, not into the adjacent neighborhood. All of these practices should

minimize the impact of the light at the River, but will not eliminate it. ***The City will continue to enforce the adopted lighting ordinance.***

The visual impacts of construction on a scale that will occur at COR over several years will be difficult to mitigate, but several measures to minimize the impact will be followed. The most offensive visual characteristics of construction, and possible mitigating actions are:

- Soil erosion leading to sediment movement off-site - Item 16 spelled-out a mitigation element to control on-site erosion and off-site sedimentation.
- Access streets and roads covered with dirt and gravel/rocks - The erosion and sediment control program will include egress gravel wash pads and will contain a daily sweeping plan for roads affected by construction traffic.
- Swirling dust caused by earth-moving activity on dry soil - A water truck will be available on site to spray areas experiencing dust movement. This will be especially critical on the sandy soils prevalent on site.
- Construction equipment and temporary trailers - Every effort will be made to screen immobile equipment and to park mobile equipment in a visually sheltered location at the end of the working day.

Exposed soil - One of the essential elements in the erosion and sediment control plan will be rapid stabilization, covering and re-vegetation of exposed soils. Although some exposed soil will be impossible to avoid, every attempt will be made to minimize exposure. ***This measure has been followed and will continue to apply.***

**Item 27 Mitigation Element.** At this time, the Ramsey 2001 Comprehensive Plan, as amended in 2002, fully addresses the development of the COR site and adequately relates this development to the various other agency plans with which it must comply. However, any change in the project that would lead to deviation in one or more of the plans must be corrected by a plan amendment. ***This measure has been followed and will continue to apply. The City adopted the 2030 Comprehensive Plan update in 2010. The City has approved a Comprehensive Plan Amendment in 2012, which and approved by the Metropolitan Council. The City has also adopted a Zoning Ordinance Amendment and COR Design Framework (February 28, 2012, amended November 27, 2012) to implement the 2030 Comprehensive Plan Amendment (including the 2012 amendment) and the revised development plan for the AUAR area ("The COR").***

**Item 28 Mitigation Element.** The major physical infrastructure elements of roads and streets, sanitary sewer, municipal water and storm sewer have all previously been addressed within this AUAR. An evaluation of the social services needed for the COR development indicates that the planning done for the City has accounted for the growth related to the COR. Police, fire, public works, schools, and related City and postal services will all be impacted by the development. Additional equipment to perform City public works services will be needed. No additional mitigation is needed to meet the expected growth. ***No Change.***

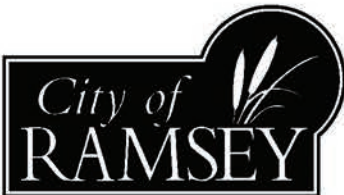
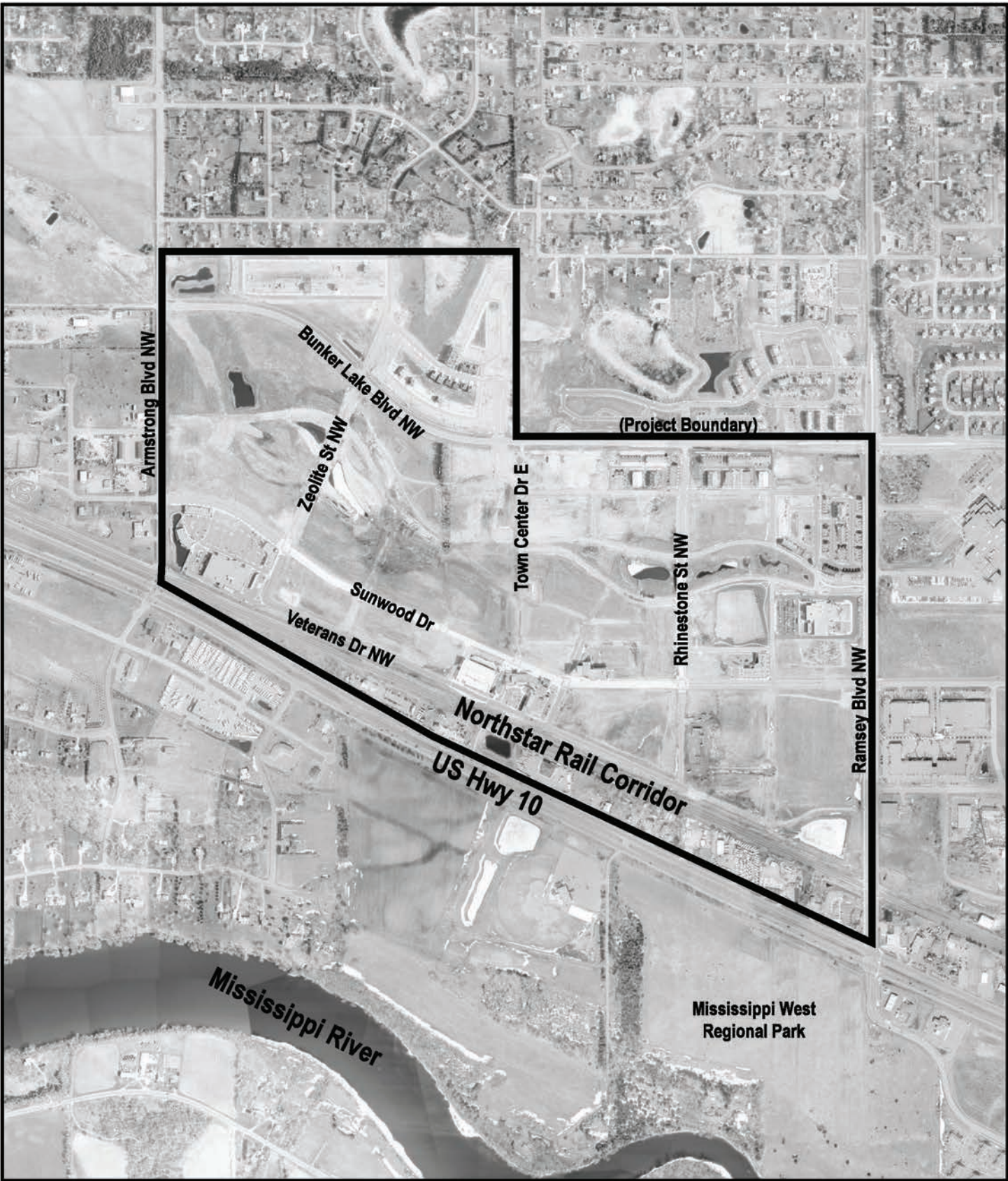
**Item 29 not required in AUAR**

**Item 30 Mitigation Element.** No need for mitigation anticipated from the two items identified, but if the need arises during the AUAR review, necessary mitigation will be included here. ***No Change.***

## 6. AUAR Update Review

Pursuant to Minnesota Rules 4410.3610, Subp. 7, this AUAR update was submitted for public comment. Following the 10-day comment period, the City Council will consider adoption of this document. The COR (formerly Ramsey Town Center) AUAR will remain valid for an additional five years beyond the adoption date.

# Appendix A – Figures

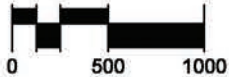


**Figure 1**  
**Project Location Map**

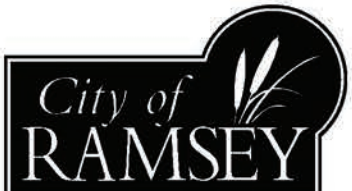
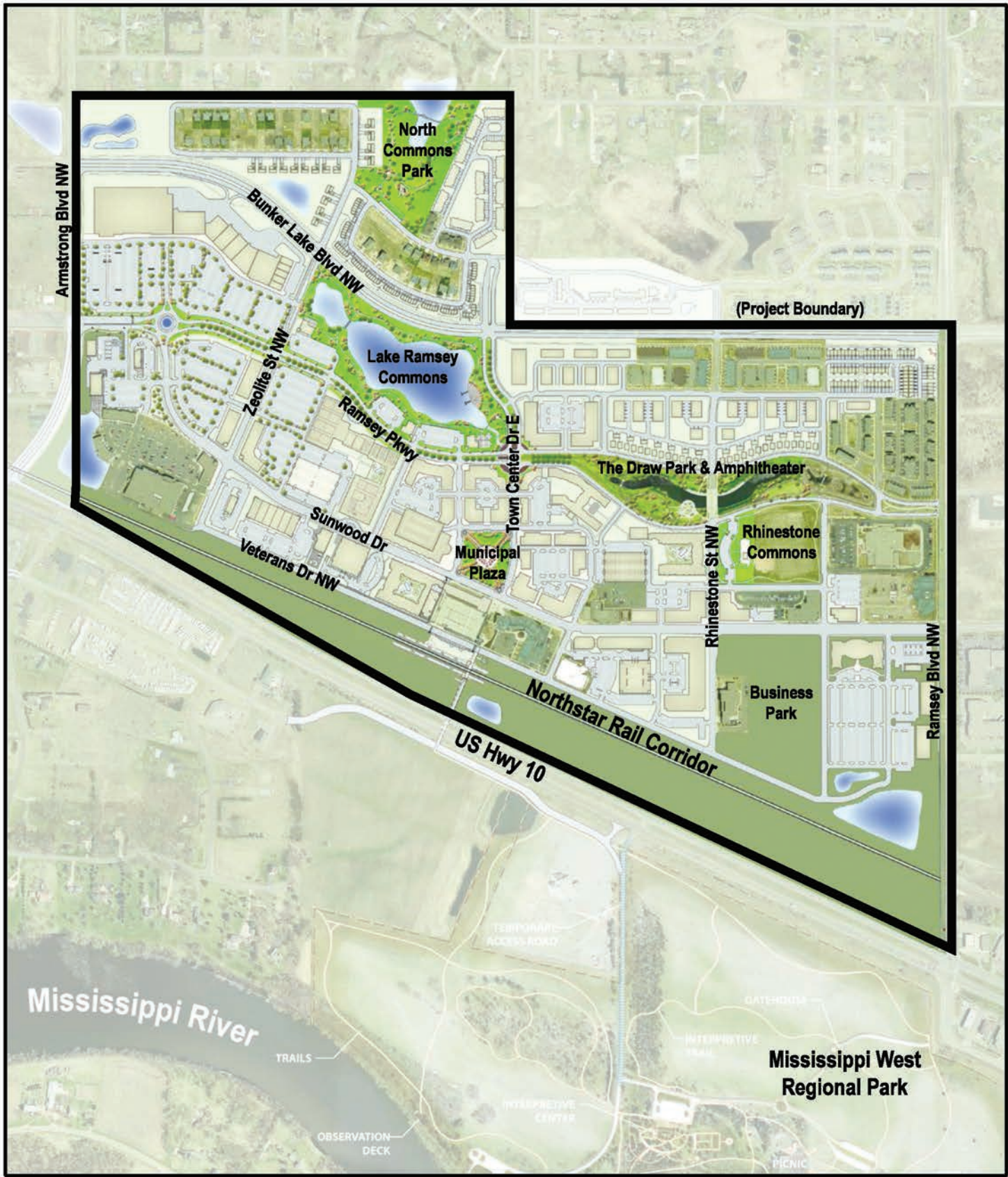
3.29.13



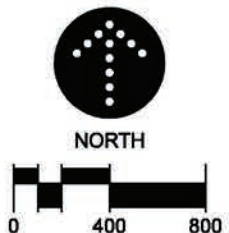
NORTH



105 South Fifth Avenue  
Suite 513  
Minneapolis, MN 55401  
Tel: 612-252-9070  
Fax: 612-252-9077  
Web: landform.net



**Figure 2**  
**Development Plan 6.0**  
 3.29.13



**LANDFORM**  
 From Site to Finish

105 South Fifth Avenue  
 Suite 513  
 Minneapolis, MN 55401

Tel: 612-252-9070  
 Fax: 612-252-9077  
 Web: landform.net

# **Appendix B - DNR Natural Heritage Database Review**



# Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: lisa.joyal@state.mn.us

June 29, 2012

**Correspondence # ERDB 20120400**

Ms. Kendra Lindahl  
Landform  
105 S 5th Ave  
Minneapolis, MN 55401

RE: Natural Heritage Review of the proposed The COR AUAR Update;  
T32N R25W Section 18; Anoka County

Dear Ms. Lindahl,

As requested, the Minnesota Natural Heritage Information System (NHIS) has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, the following **rare species may be adversely affected** by the proposed project:

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been reported from the vicinity of the proposed project and may be encountered on site. If Blanding's turtles are found on the site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they should be moved by hand out of harm's way, otherwise they should be left undisturbed.

For your information, I have attached a Blanding's turtle fact sheet that describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. In addition, if erosion control blankets will be used, we recommend that they be limited to 'bio-netting' or 'natural-netting' types as the plastic mesh netting can be dangerous to reptiles (please see enclosed fact sheet). The attached flyer should be given to all contractors working in the area.

The Natural Heritage Information System, a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and project description provided on the NHIS Data Request Form. Please contact me if project details change or if an updated review is needed.

Please note that locations of the gray wolf (*Canis lupus*), federally-listed as threatened and state-listed as special concern, and the Canada lynx (*Lynx canadensis*), federally-listed as threatened, are not currently tracked in the NHIS. As such, the Natural Heritage Review does not address these species.

Furthermore, the Natural Heritage Review does not constitute review or approval by the Department of

Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. Additional rare features for which we have no data may be present in the project area, or there may be other natural resource concerns associated with the proposed project. For these concerns, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at [http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal  
Natural Heritage Review Coordinator

enc. Blanding's Turtle Fact Sheet and Flyer  
Erosion Control and Mesh Netting



**Endangered, Threatened, and Special Concern Species of Minnesota**

**Blanding's Turtle**  
*(Emydoidea blandingii)*

Minnesota Status: Threatened  
Federal Status: none

State Rank<sup>1</sup>: S2  
Global Rank<sup>1</sup>: G4

**HABITAT USE**

Blanding's turtles need both wetland and upland habitats to complete their life cycle. The types of wetlands used include ponds, marshes, shrub swamps, bogs, and ditches and streams with slow-moving water. In Minnesota, Blanding's turtles are primarily marsh and pond inhabitants. Calm, shallow water bodies (Type 1-3 wetlands) with mud bottoms and abundant aquatic vegetation (e.g., cattails, water lilies) are preferred, and extensive marshes bordering rivers provide excellent habitat. Small temporary wetlands (those that dry up in the late summer or fall) are frequently used in spring and summer -- these fishless pools are amphibian and invertebrate breeding habitat, which provides an important food source for Blanding's turtles. Also, the warmer water of these shallower areas probably aids in the development of eggs within the female turtle. Nesting occurs in open (grassy or brushy) sandy uplands, often some distance from water bodies. Frequently, nesting occurs in traditional nesting grounds on undeveloped land. Blanding's turtles have also been known to nest successfully on residential property (especially in low density housing situations), and to utilize disturbed areas such as farm fields, gardens, under power lines, and road shoulders (especially of dirt roads). Although Blanding's turtles may travel through woodlots during their seasonal movements, shady areas (including forests and lawns with shade trees) are not used for nesting. Wetlands with deeper water are needed in times of drought, and during the winter. Blanding's turtles overwinter in the muddy bottoms of deeper marshes and ponds, or other water bodies where they are protected from freezing.

**LIFE HISTORY**

Individuals emerge from overwintering and begin basking in late March or early April on warm, sunny days. The increase in body temperature which occurs during basking is necessary for egg development within the female turtle. Nesting in Minnesota typically occurs during June, and females are most active in late afternoon and at dusk. Nesting can occur as much as a mile from wetlands. The nest is dug by the female in an open sandy area and 6-15 eggs are laid. The female turtle returns to the marsh within 24 hours of laying eggs. After a development period of approximately two months, hatchlings leave the nest from mid-August through early-October. Nesting females and hatchlings are often at risk of being killed while crossing roads between wetlands and nesting areas. In addition to movements associated with nesting, all ages and both sexes move between wetlands from April through November. These movements peak in June and July and again in September and October as turtles move to and from overwintering sites. In late autumn (typically November), Blanding's turtles bury themselves in the substrate (the mud at the bottom) of deeper wetlands to overwinter.

**IMPACTS / THREATS / CAUSES OF DECLINE**

- loss of wetland habitat through drainage or flooding (converting wetlands into ponds or lakes)
- loss of upland habitat through development or conversion to agriculture
- human disturbance, including collection for the pet trade\* and road kills during seasonal movements
- increase in predator populations (skunks, raccoons, etc.) which prey on nests and young

\*It is illegal to possess this threatened species.

## RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS

These recommendations apply to typical construction projects and general land use within Blanding's turtle habitat, and are provided to help local governments, developers, contractors, and homeowners minimize or avoid detrimental impacts to Blanding's turtle populations. **List 1** describes minimum measures which we recommend to prevent harm to Blanding's turtles during construction or other work within Blanding's turtle habitat. **List 2** contains recommendations which offer even greater protection for Blanding's turtles populations; this list should be used *in addition to the first list* in areas which are known to be of state-wide importance to Blanding's turtles (contact the DNR's Natural Heritage and Nongame Research Program if you wish to determine if your project or home is in one of these areas), or in any other area where greater protection for Blanding's turtles is desired.

List 1. Recommendations for all areas inhabited by Blanding's turtles.	List 2. Additional recommendations for areas known to be of state-wide importance to Blanding's turtles.
GENERAL	
A flyer with an illustration of a Blanding's turtle should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.	Turtle crossing signs can be installed adjacent to road-crossing areas used by Blanding's turtles to increase public awareness and reduce road kills.
Turtles which are in imminent danger should be moved, by hand, out of harms way. Turtles which are not in imminent danger should be left undisturbed.	Workers in the area should be aware that Blanding's turtles nest in June, generally after 4pm, and should be advised to minimize disturbance if turtles are seen.
If a Blanding's turtle nests in your yard, do not disturb the nest.	If you would like to provide more protection for a Blanding's turtle nest on your property, see "Protecting Blanding's Turtle Nests" on page 3 of this fact sheet.
Silt fencing should be set up to keep turtles out of construction areas. It is <u>critical</u> that silt fencing be removed after the area has been revegetated.	Construction in potential nesting areas should be limited to the period between September 15 and June 1 (this is the time when activity of adults and hatchlings in upland areas is at a minimum).
WETLANDS	
Small, vegetated temporary wetlands (Types 2 & 3) should not be dredged, deepened, filled, or converted to storm water retention basins (these wetlands provide important habitat during spring and summer).	Shallow portions of wetlands should not be disturbed during prime basking time (mid morning to mid- afternoon in May and June). A wide buffer should be left along the shore to minimize human activity near wetlands (basking Blanding's turtles are more easily disturbed than other turtle species).
Wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.	Wetlands should be protected from road, lawn, and other chemical run-off by a vegetated buffer strip at least 50' wide. This area should be left unmowed and in a natural condition.
ROADS	
Roads should be kept to minimum standards on widths and lanes (this reduces road kills by slowing traffic and reducing the distance turtles need to cross).	Tunnels should be considered in areas with concentrations of turtle crossings (more than 10 turtles per year per 100 meters of road), and in areas of lower density if the level of road use would make a safe crossing impossible for turtles. Contact your DNR Regional Nongame Specialist for further information on wildlife tunnels.
Roads should be ditched, not curbed or below grade. If curbs must be used, 4 inch high curbs at a 3:1 slope are preferred (Blanding's turtles have great difficulty climbing traditional curbs; curbs and below grade roads trap turtles on the road and can cause road kills).	Roads should be ditched, not curbed or below grade.

ROADS cont.	
Culverts between wetland areas, or between wetland areas and nesting areas, should be 36 inches or greater in diameter, and elliptical or flat-bottomed.	Road placement should avoid separating wetlands from adjacent upland nesting sites, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details).
Wetland crossings should be bridged, or include raised roadways with culverts which are 36 in or greater in diameter and flat-bottomed or elliptical (raised roadways discourage turtles from leaving the wetland to bask on roads).	Road placement should avoid bisecting wetlands, or these roads should be fenced to prevent turtles from attempting to cross them (contact your DNR Nongame Specialist for details). This is especially important for roads with more than 2 lanes.
Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.	Roads crossing streams should be bridged.
UTILITIES	
Utility access and maintenance roads should be kept to a minimum (this reduces road-kill potential).	
Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.	
LANDSCAPING AND VEGETATION MANAGEMENT	
Terrain should be left with as much natural contour as possible.	As much natural landscape as possible should be preserved (installation of sod or wood chips, paving, and planting of trees within nesting habitat can make that habitat unusable to nesting Blanding's turtles).
Graded areas should be revegetated with native grasses and forbs (some non-natives form dense patches through which it is difficult for turtles to travel).	Open space should include some areas at higher elevations for nesting. These areas should be retained in native vegetation, and should be connected to wetlands by a wide corridor of native vegetation.
Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1 <sup>st</sup> and before June 1 <sup>st</sup> ).	Ditches and utility access roads should not be mowed or managed through use of chemicals. If vegetation management is required, it should be done mechanically, as infrequently as possible, and fall through spring (mowing can kill turtles present during mowing, and makes it easier for predators to locate turtles crossing roads).

**Protecting Blanding's Turtle Nests:** Most predation on turtle nests occurs within 48 hours after the eggs are laid. After this time, the scent is gone from the nest and it is more difficult for predators to locate the nest. Nests more than a week old probably do not need additional protection, unless they are in a particularly vulnerable spot, such as a yard where pets may disturb the nest. Turtle nests can be protected from predators and other disturbance by covering them with a piece of wire fencing (such as chicken wire), secured to the ground with stakes or rocks. The piece of fencing should measure at least 2 ft. x 2 ft., and should be of medium sized mesh (openings should be about 2 in. x 2 in.). It is *very important* that the fencing be **removed before August 1<sup>st</sup>** so the young turtles can escape from the nest when they hatch!

## REFERENCES

- <sup>1</sup>Association for Biodiversity Information. "Heritage Status: Global, National, and Subnational Conservation Status Ranks." NatureServe. Version 1.3 (9 April 2001). <http://www.natureserve.org/ranking.htm> (15 April 2001).
- Coffin, B., and L. Pfannmuller. 1988. Minnesota's Endangered Flora and Fauna. University of Minnesota Press, Minneapolis, 473 pp.

### **REFERENCES (cont.)**

- Moriarty, J. J., and M. Linck. 1994. Suggested guidelines for projects occurring in Blanding's turtle habitat. Unpublished report to the Minnesota DNR. 8 pp.
- Oldfield, B., and J. J. Moriarty. 1994. Amphibians and Reptiles Native to Minnesota. University of Minnesota Press, Minneapolis, 237 pp.
- Sajwaj, T. D., and J. W. Lang. 2000. Thermal ecology of Blanding ' s turtle in central Minnesota. *Chelonian Conservation and Biology* 3(4):626-636.

# CAUTION



## BLANDING'S TURTLES

### MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2641); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-280-5070); or St. Paul (651-259-5764).

**DESCRIPTION:** The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS  
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

## **SUMMARY OF RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS TO BLANDING'S TURTLE POPULATIONS**

*(see Blanding's Turtle Fact Sheet for full recommendations)*

- This flyer should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.
- Turtles that are in imminent danger should be moved, by hand, out of harms way. Turtles that are not in imminent danger should be left undisturbed to continue their travel among wetlands and/or nest sites.
- If a Blanding's turtle nests in your yard, do not disturb the nest and do not allow pets near the nest.
- Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.
- Small, vegetated temporary wetlands should not be dredged, deepened, or filled.
- All wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.
- Roads should be kept to minimum standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4" high curbs at a 3:1 slope are preferred.
- Culverts under roads crossing wetland areas, between wetland areas, or between wetland and nesting areas should be at least 36 in. diameter and flat-bottomed or elliptical.
- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Utility access and maintenance roads should be kept to a minimum.
- Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Terrain should be left with as much natural contour as possible.
- Graded areas should be revegetated with native grasses and forbs.
- Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1<sup>st</sup> and before June 1<sup>st</sup>).

## Looming Issue with Plastic Mesh/Netting in Erosion Control Products

Plastic mesh netting is a common material in erosion control products. It is utilized to hold loose fibrous materials in place (EG straw) until vegetation is established. These products have been used extensively and are successful for reducing soil erosion, benefitting both soil health and water quality. Unfortunately there is a negative side of this component: It is increasingly being documented that it poses dangers to reptiles, amphibians, and mowing machinery.

### Potential Problems:

- Plastic netting lays on the surface long after other components have decomposed.
- Plastic mesh netting can result in entanglement and death of a variety of reptiles (snakes, frogs, toads, and turtles). Ducklings have also been documented entangled in the netting.
- Road maintenance machinery can snag the plastic mesh and pull up long lengths into machinery, thus binding up machinery and causing damage and/or loss of time cleaning it out.

### Suggested Alternatives:

- Do not use in known locations of reptiles or amphibians that are listed as Threatened or Endangered species.
- Limit use where reptiles are likely (near wetlands, lakes, watercourses, or rock outcrops).
- Use rapidly degradable material in all components of erosion control blanket, netting or biologs (fiber rolls) that are to be left on site as part of final stabilization.
- Use types with smaller mesh size (smaller than ½") or use types with non-welded netting.



Areas near wetlands, lakes, watercourses or rock outcrops are likely habitat for reptiles and amphibians and may not be suitable for plastic mesh erosion control materials.



Snakes get caught in the plastic mesh

[http://www.dnr.state.mn.us/waters/watermgmt\\_section/pw/permits/ep\\_2004\\_0001\\_manual.html](http://www.dnr.state.mn.us/waters/watermgmt_section/pw/permits/ep_2004_0001_manual.html)

Best Practices for Meeting DNR GP 2004-0001 (May 2011 Edition)

Chapter 1, Page 20

# **Appendix C – Comments and Responses to the AUAR Update**

## STEPS & TIMELINE: ALTERNATIVE URBAN AREAWIDE REVIEW PROCESS

0. **Informal preparations for AUAR by RGU.** (May include optional “scoping-like” orientation meetings with reviewing agencies if complex or controversial issues may arise.)
1. Only if AUAR will include a specific project that meets a mandatory EIS requirement or covers at least 50% of AUAR area: **RGU issues notice of draft AUAR order and receives public comment** as per EAW process. Commenters address development scenarios and alternatives to be considered and issues to be addressed. RGU considers comments and whether additional scenarios and issues should be covered (must be documented in a record of decision).
2. **RGU orders AUAR** (done by the governing body of RGU). The order for the AUAR establishes the study area & scenarios to be addressed, and starts the 120 day period for completion.
3. Informal process occurs during which RGU, consultants and sometimes project proposers conduct studies and **prepare draft AUAR document**, following content and format guidance issued by EQB. RGU decides when draft AUAR document is ready for public release (this decision is often made by the RGU governing body, but sometimes by staff). (There is no set time limit for this step, except that it must conform to the overall time limit as noted in step 11.) **Note:** Technical tasks to conduct studies, gather data, prepare reports, or write sections to support preparation of the draft AUAR may be done before the AUAR is actually ordered – to the extent allowed by the policies and procedures of the RGU.
4. **RGU distributes Draft AUAR document** (to EQB EAW distribution list) and sends notice to EQB for publication in *EQB Monitor*
5. RGU provides **press release** about AUAR availability to at least one newspaper of general circulation in project area (within 5 business days of submission of notice to EQB)
6. **Notice appears in EQB Monitor** (varies between 7 and 20 days from receipt of notice at EQB, but usually is 7 days). The notice may include the time and place of any (optional) information meeting(s). Such meetings are not required, but would need to occur during the comment period if held.
7. **Public comment period** (ends 30 days after *Monitor* notice, except governmental units have right to 15 business day extension upon request)
8. Informal process occurs during which RGU, consultants and sometimes proposers respond to comments, obtain additional information if needed, and **prepare Final AUAR document**. RGU decides when Final AUAR is ready for

public release. (There is no set time limit for this step, except that it must conform to the overall time limit as noted in step 11.)

9. **RGU distributes Final AUAR document.** (Note: there is no *EQB Monitor* notice or press release required at this step.)
10. **Review of Final AUAR documents.** Reviewers have 10 business days from *receipt* to submit comments or “object” (only state agencies or Metropolitan Council may object)
  - a. If no objections filed, review proceeds to step 11.
  - b. If any objections filed, review proceeds to step 12

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11. **RGU formally adopts AUAR** (after making any final corrections based on any comments received) (must wait until at least 15 business days after distribution of Final AUAR documents) There is an overall time limit between the AUAR order (step 2) and this step: adoption is to occur at first meeting held more than 120 days after the AUAR ordered.

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12. **RGU and objecting agency negotiate resolution** of issues as per 4410.3610, subpart 5, items F & G.
  13. If RGU and objecting agency cannot work out resolution, **EQB determines** whether AUAR is adequate, conditionally adequate, or inadequate.
  14. Once issues worked out, or AUAR revised per EQB instructions, **RGU formally adopts AUAR.**

Ramsey Town Center  
Alternative Urban Areawide Review  
June 24, 2003



Prepared for the City of Ramsey  
by Ramsey Town Center - LLC,  
Emmons and Olivier Resources, Inc.  
North American Wetland Engineering, and  
Meyer, Mohaddes Associates, Inc.

***Alternative Urban Areawide Review (AUAR)***  
***Ramsey Town Center***  
***City of Ramsey (RGU)***

**1. Project Title**

Ramsey Town Center

**2. Proposer**

Ramsey Town Center, LLC

John Feges, President

4200 Central Ave., NE

Minneapolis, MN 55421

Prepared By:

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North American Wetland Engineering, P.A. (Curt Sparks, NAWA Manager)

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**3. RGU (Responsible Governmental Unit)**

RGU: City of Ramsey

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E-mail: ptrudgeon@ci.ramsey.mn.us

**4. Reason for EAW Preparation**

This item is not applicable to an AUAR.

## **5. Project Location**

This site is located in Section 28; Township 32N; Range 25W, entirely within Anoka County and the City of Ramsey.

*EQB Guidance: A county map is not required. The USGS map should be included. Instead of a site plan map, include: 1) a map clearly depicting the boundaries of the AUAR and any sub-districts used in the AUAR analysis; 2) land use, and planning and zoning maps as required in conjunction with Items 9 and 27; and 3) a cover type map as required for Item 10. Additional maps may be included throughout the document wherever maps are useful for displaying relevant information.*

The following series of project location and preliminary site feature maps are included. These maps provide the basis for later reference in subsequent Items.

- USGS map - Figure 5.1
- Site map depicting the boundaries used throughout the AUAR analysis - Figure 5.2 (City location) and Figure 5.3 (County location)
- City Land Use map – Figure 5.4 (also used in Items 9 and 27)
- City Zoning map - Figure 5.5
- Cover-type (Minnesota Land Cover Classification System - MLCCS) map – Figure 5.6 (also used in Item 10)

## 6. Description of Site

*Instead of the information required on the EAW form, the description section of an AUAR should include the following elements for each major development scenario included:*

**6a.** *Anticipated types and intensity (density) of residential and commercial/warehouse/light industrial development throughout the AUAR area;*

**6b.** *Infrastructure planned to serve development (roads, sewers, water, stormwater system, etc.). Roadways intended primarily to serve as adjoining land uses within an AUAR area are normally expected to be reviewed as part of an AUAR. More “arterial” types of roadways that would cross an AUAR area are an optional inclusion in the AUAR analysis; if they are included, a more intensive level of review, generally including an analysis of alternative routes, is necessary; and*

**6c.** *Information about the anticipated staging of various developments, to the extent known, and of the infrastructure, and how the infrastructure staging will influence the development schedule.*

**\*Optional 6d.** *Although the EQB guidance does not require an abstract to be included, one is contained in the AUAR for the purposes of any reference to nature of the document.*

**6a.** The preferred design concept drawing is presented in Figure 6.1. The progression of conceptual design to get to the preferred one is portrayed in Figure 6.2. This progression extends from the Metropolitan Council’s Smart Growth Illustrative Plan developed by Calthorpe Associates through the various iterations of the City and RTC LLC design team. The preferred design resulted from discussions with City staff, citizens, community leaders, regulatory agencies and nationally recognized urban designers, as well as site visits nationwide to similar communities that have shown success.

The preferred design reflected in Figure 6.1 is consistent with the City’s February 2002 *Comprehensive Plan*, as discussed in Item 27 later in this document.

The preferred design (Figure 6.1) contains the following land use breakdown:

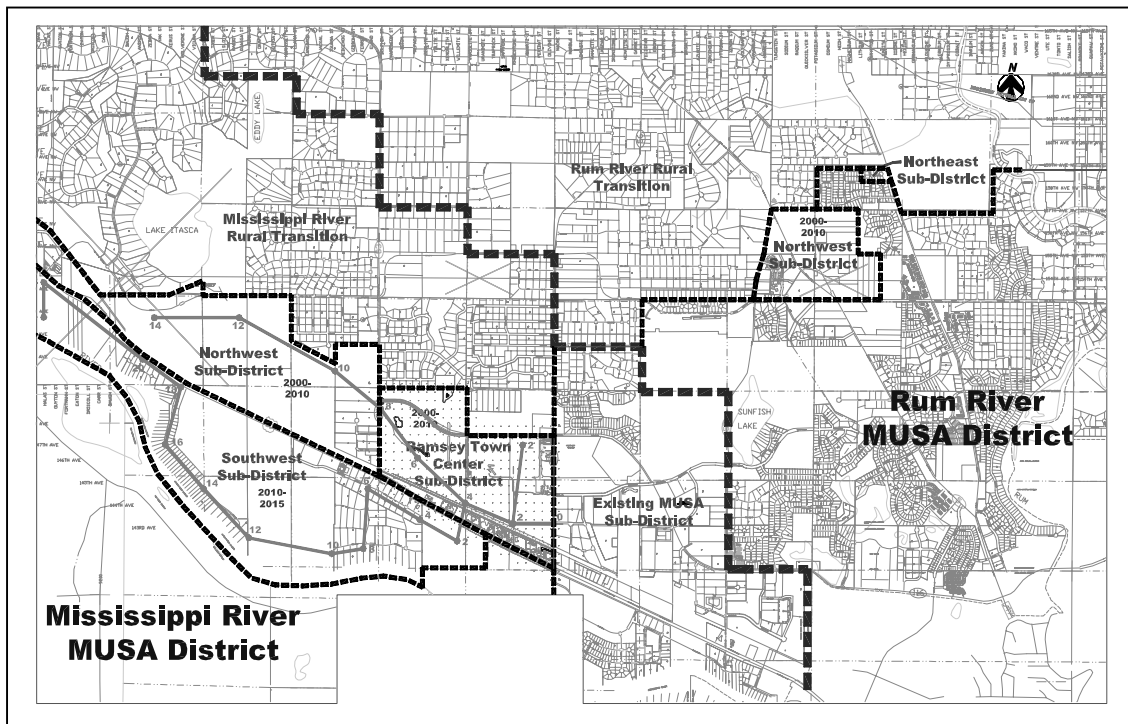
Residential:	93.64 acres
Mixed Use:	56.90
Business Enterprise:	28.43
Commercial Service/Convenience:	7.97
Commercial Shopping:	11.83
Retail:	7.84
Existing Highway Commercial:	25.04
Green/Public Space:	38.31
Railway:	15.74
Roads and streets:	83.82
Total Acreage:	369.5 acres

**6b.** The infrastructure planned to serve the development has been defined within the City of Ramsey 2001 *Comprehensive Plan*, as amended in February 2002. The infrastructure components for roads/highways, sanitary sewers, municipal water supply, and stormwater follow:

*1. Roads and Highways* Details of the transportation elements related to this project are contained within Item 21. Figure 6.3 illustrates the general road and highway system serving the RTC site. The complete traffic analysis is included as Appendix B.

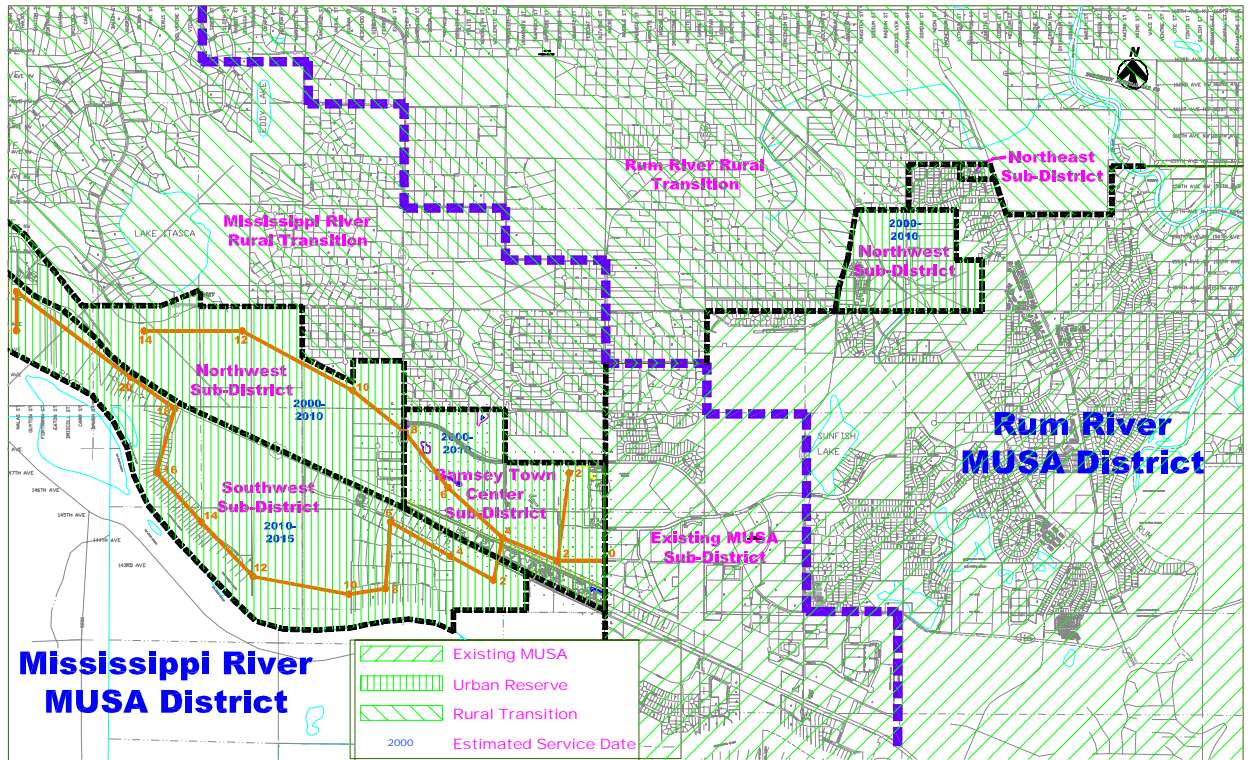
*2. Sanitary Sewer* Details of the sanitary sewer elements related to this project are contained within Item 18. Figure 6.4 displays both the staging and service areas for sanitary sewer service in Ramsey.

Figure 6.4. Sanitary Sewer Plan for City of Ramsey (see Item 18 for details).



*3. Municipal Water Supply* Details of the water supply elements related to this project are contained within Item 13. Figure 6.5 shows the water supply staging and plan for future service.

Figure 6.5. City of Ramsey Water Supply System and Plan for Staging.



4. *Stormwater* Details on the stormwater management elements related to this project are contained in Item 17. Figure 6.6 portrays the general stormwater management system that is envisioned for the RTC site and for the drainage that enters the site from the north and northwest. Installation of major water-carrying elements of this system will occur very early in the site development process to assure proper movement and treatment of runoff. The internal site drainage system will be tied into the major stormwater management system as the site develops and design specifics are determined. Item 17 describes the manner in which runoff volume will be mitigated through stormwater management BMPs.

6c. The preferred design in Figure 6.1 shows only a single development concept that will provide the framework for the RTC site. Staging of infrastructure for the various components is addressed as part of the specific infrastructure section as follows: roads and highways in Item 21; sanitary sewer in Item 18; water supply in Item 13; and stormwater in Item 17.

**6d. Abstract for the Environmental Quality Board *Monitor*:**

*The potential environmental impacts of converting agricultural land to the Ramsey Town Center are assessed in an Alternative Urban Areawide Review (AUAR). Impacts on site drainage, traffic, connection to local and regional trails, groundwater protection and protected wetlands are the centerpieces of the evaluation. A mitigation plan has been developed that lays out the actions that the City of Ramsey will follow to assure minimum environmental impact as the project proceeds in stages, from initiation of construction in 2003, through completion in approximately 2007.*

Summary of Environmental Impact. The change in appearance that results from changing over 300 acres of land use from predominantly agricultural to an urban center will be dramatic. The challenge to the City of Ramsey is to implement this change without equally dramatic impacts on the environment. This AUAR lays out a plan by the City to identify and mitigate, to the extent possible, the potential detrimental impacts.

Each of the Items within the AUAR that have an associated potential for impact will include a section summarizing the impact, followed by a mitigation element that addresses how that impact will be mitigated. Obviously, developing over 300 acres of land will have some impact both during and after construction. The goal of the City is to do everything possible to minimize that impact and incorporate amenities that improve the current situation, such as standing water ponds, improved wetlands, open space and parks, trail connections and a nice place for citizens to live, work, shop and recreate.

## 7. Project Magnitude Data

The cumulative totals of the parameters below should be given for each major development scenario, except that information on “manufacturing”, “other industrial”, “institutional” and “agricultural”.

- Total project acreage: 369.5
- Number of residential units (Table 7.1): 2,400 attached
- Commercial, industrial or institutional area (gross floor space): 1,651,000 total square feet
- Indicate areas of specific uses (in square feet) (Table 7.2):

Table 7.1 Residential Units by Type

Residential Type	Units
Mixed-Use Residential	1012
Apartment	
Duplex	18
Duplex (2 story)	44
Townhouse (2 story)	704
Townhouse (3 story)	120
Townhouse (4 story)	330

Table 7.2 Square Footage by Use Type

Specific Use	Square Footage
Cinema	50,000
City Hall / Police / Transit	50,000
Community Center	25,000
Convenience Retail	20,000
Fitness	40,000
Gas Station, convenience	62,000
Grocery	60,000
Hotel	38,000
Ice Rink	38,000
Live / Work	32,000
Mixed-Use Retail / Office / Clinic	126,000
Mixed- Use Retail / Restaurant	161,000
Office	439,000
Retail	261,000
School	55,000
Variety Store	194,000

## 8. Permits and Approvals Required

*A listing of major approvals and public financial assistance and infrastructure likely to be required by the anticipated types of development projects should be given. This list will help orient reviewers to the framework that will protect environmental resources. The list can also serve as a starting point for the development of the implementation aspects of the mitigation plan to be developed as part of the AUAR.*

A project the magnitude of the Ramsey Town Center will require many local, regional, state and federal environmental permits and approvals. This section identifies the many permits and approvals that form the basis for implementation of the mitigation plan (Item 33). Table 8.1 lists the permits and approvals that will be needed for this project. The reader should note that the need for compatibility with plans is addressed in Item 27, and that brief descriptions of the permit requirements for some permits are listed after the table.

The cost of most infrastructure improvements will be borne by the developer. The County may improve the County road system as part of routine upgrades that accompany traffic increases with development. There is a possibility the City will pay for some infrastructure improvements, expansions or upgrades, and service enhancements that it deems appropriate to provide an acceptable quality of service. A level of commitment has not been determined at this time.

Table 8.1. Permits and Approvals

Unit of Government	Type of Permit	Status
City of Ramsey	Site plan	Pre-permit review under way
	Grading and erosion control (1)	NAF*
	Preliminary and final plat approval	NAF
	Obstruction Permit (2)	
	Excavation Permit (3)	
	Sewer and water connection	NAF
	Building and occupancy permits	NAF
	Tree preservation	NAF
Anoka County	Access via County Highway, consistency with County standards	Pre-permit review under way
Metropolitan Council	Sanitary sewer connection	NAF
Lower Rum River WMO	Grading and erosion control	NAF
	Storm sewer	NAF
	Wetland alteration (WCA)	Pre-permit review under way

Minnesota Pollution Control Agency	Sanitary sewer connection and wastewater routing	NAF
	NPDES Phase II construction and MS4 (4)	MS4 Permit application submitted 3/10/03; construction permits submitted as needed
Minnesota Dept. of Transportation	State Highway Access and consistency with standards; applies also to work in the Right of Way	Pre-permit review under way
Minnesota Dept. of Natural Resources	Water appropriation for municipal system and construction de-watering	NAF
	Work in the bed of a public water (5)	NAF
Minnesota Dept. of Health	Water system infrastructure (wells, water mains, storage)	NAF
State Historic Preservation Office	Historic and archeological site preservation	No significant sites found
Burlington Northern Santa Fe Railroad	Access Permit (6)	
U.S. Army Corps of Engineers	Section 404 Clean Water Act	Determined not to be "waters of the United States" (see Appendix E)

\*NAF = Permit not yet applied for

(1) Grading, mining and filling permits are required to control operations to minimize conflicts with adjacent land uses, to preserve good soils and to regulate the type of materials used for fill, to employ all reasonable means to reduce dust, noise, and nuisances, and to ensure that disturbed areas are restored upon completion of the operation. The following standards need to be applied during construction activities to fulfill the requirements of the permits.

- General Provisions. All equipment used for operations shall be maintained and operated to minimize, as far is practicable, noises, dust, and vibrations adversely affecting surrounding properties. The maximum noise level at the perimeter of the work site shall not exceed the levels outlined in Table 8.2. There shall be no emission of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. No operations shall be allowed when wind gusts exceed thirty miles per hour. Existing tree and ground cover shall be preserved to the extent feasible.

Table 8.2 Sound levels measured at property line

Octaves, Band Cycles/Sec.		Residential Districts	Non-Residential Districts
37.5	75	58	73
76	150	54	69
151	300	50	65
301	600	46	61
601	1200	40	55
1201	2400	33	48
2401	4800	26	41
Over	4800	20	35

- **Water Resources.** The operation will minimize impacts to surface water drainage outside of the Town Center. Excavation occurring below groundwater elevation may require an analysis performed by a hydrologist or other qualified professional.
- **Safety Fencing.** Safety fencing may be required around all or portions of the operation at the discretion of the Council.
- **Access Roads.** The location of the intersection of access roads with any public roads shall be selected such that traffic on the access roads will have sufficient distance of public roads in view so that any turns onto the public road can be completed with a margin of safety as determined by the City Engineer.
- **Fill Materials.** An analysis of all fill materials must be provided to and approved by the City Engineer prior to commencing any filling activities.
- **Screening Barrier.** To minimize problems of dust and noise and to shield operations from public view, a screening barrier may be required between the work site and adjacent properties.
- **Slopes.** The maximum permitted slope for any operation other than the working face shall be sloped on all sides at a maximum ratio of two (2) foot horizontal to one (1) foot vertical, unless a steeper slope shall be approved by the Engineer. Where excavations are adjacent to a public roadway or other right-of-way, the excavation shall have a maximum four to one slope. Slopes adjacent to or contiguous to bodies of water shall be sloped at a maximum of six to one (6:1).
- **Earth Material.** No earth material shall be imported to or exported from the work site until the haul road has been officially designated as a haul road by the City and all materials hauled from the source shall be hauled over that road. The haul

road designation process shall be pursuant to §2051.3 of the Minnesota Department of Transportation's Standard Specifications for Construction, 1983 Edition. All top soil shall be retained at the work site until complete rehabilitation of the work site has taken place according to the rehabilitation plan.

(2) An obstruction permit is required to allow free and open passage over the specified portion of right-of-way by placing equipment, vehicles, or other obstructions described therein on the right-of-way for the duration specified therein.

(3) An Excavation Permit is required to allow the holder to excavate that part of the right-of-way described in such permit and/or to hinder free and open passage over the specified portion of the right-of-way by placing equipment described therein, to the extent and for the duration specified therein.

(4) The City of Ramsey is required by MPCA to be under the NPDES Phase II Nonpoint Source Control Program for Municipal Separate Storm Sewer Systems (MS4s). Under this program, the City will need to adopt a "Storm Water Pollution Prevention Program (SWPPP)". The City submitted an application on March 10, 2003, and will have until May 9, 2003 to have the application authorized by the City Council. Pollution prevention includes solid waste, hazardous materials, and vehicle washing. The SWPP must include or address the following:

- Six "minimum control measures"
  - 1) Public education and outreach on storm water impacts (including at least one public meeting per year)
  - 2) Public participation/involvement
  - 3) Illicit discharge detection and elimination - includes storm sewer map with water bodies and structural pollution control devices, outfalls, discharges to groundwater, and prohibitive ordinances
  - 4) Construction site storm water runoff control - need erosion and sediment control, and onsite waste control
  - 5) Post-construction storm water management in new development
  - 6) Pollution prevention/good housekeeping for municipal operations - training of operation and maintenance staff, annual and 20% inspections
- BMPs for each of the above minimum control measures will need to be described and the following will need to be identified:
  - measurable goals for each BMP
  - timeline for implementation
  - responsible party for implementation and coordination
- Analysis of Total Maximum Daily Load (TMDL) if discharge applies to an adopted TMDL plan. Of note here is that the latest (January 22, 2003) MPCA "impaired waters" (303d) list includes the Mississippi River reach from the Crow River to the Rum River as impaired for fecal coliform, PCB FCA (fish consumption advisory) and Hg FCA, with official TMDL study scheduled, respectively, for 2004-2006, 2002-2015 (regional EPA), and 2002-2015 (regional EPA). All discharges from the RTC site will be treated extensively prior to

ultimate discharge to this reach of the Mississippi River (see Item 17 discussion). The discharge is not expected to impact the existing impairment.

- Design and management strategies to minimize the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP) with an annual report on implementation.

The SWPP must be completed at least 30 days prior to commencing construction and prior to applying for construction permits. Elements 4, 5 and 6 are directly applicable to the stormwater management approach adopted for the RTC site as it develops. The stormwater management approach is spelled-out in Item 17.

In addition to the complying with the City's MS4 requirements, essentially any construction activity that is part of this "common plan of development" must apply for a construction permit under the NPDES Phase II Construction Permit process.

Elements of this program are intended to avoid erosion and construction site pollution. To prevent this, construction at the RTC site should:

- Establish fast growing cover crops as soon as possible to disturbed soils to prevent both water and wind erosion. The sand content of the soils on site could lead to wind blown sands could be potentially hazardous, particularly to traffic on Highway 10.
- Install temporary sediment basins for any areas of disturbance, installed before discharge leaves the site or enters a surface water body.
- Install a permanent stormwater management system that assure stormwater is "...discharged in a manner that does not cause nuisance conditions, erosion in receiving channels or on downslope properties, or harmful inundation in wetlands." Maintain peak flow rates from two, twenty, and one hundred year twenty four hour events at existing conditions.
- During construction, the maximum area of disturbance shall not exceed the ability to keep up with exposed area limits on slopes. All areas with greater than 3:1 slopes must have vegetative cover by November first. Site inspections will be once every seven days during construction and within 24 hours after a quarter inch event in 24 hours. At that time, any non-functioning BMPs must be repaired.
- If stormwater discharge to a wetland has potential for significant adverse impacts to the wetland, the impacts should be addressed with BMPs and permit provisions. Appropriate rules (7050.0186) and any applicable regulations must be followed.

All of these elements would be part of the erosion and sediment control plan listed in the mitigation element under Item 16 of the AUAR.

The Mississippi River as it passes through Ramsey is an Outstanding Resource Value Water (ORVW). Prior to stormwater discharge to an ORVW, the MPCA must find that there are no prudent or feasible alternatives to the new or expanded discharge. For ORVWs the following BMPs are also required.

- Any exposed 3:1 slope must have temporary erosion control cover within three days
- For every 5 acres or more disturbed, a temporary sediment basins will be required
- An undisturbed buffer zone of 100 feet will surround the ORVW
- WQ volume treated shall be 1” from new impervious surfaces

Item 17 of the AUAR addresses the actions that will be taken to treat runoff from the site before it reaches the Mississippi River.

(5) DNR also regulates discharges to Waters of the State, as defined in M.S. Chapter 103G.005. Although a defined drainage path to the Mississippi River from the Ramsey Town Center does not exist at present, Items 12 and 17 lay out a recommended flow path for the City, Lower Rum River Watershed Management Organization and DNR to consider. This flow path ultimately results in a discharge of water to the Mississippi River, and will fall under the permitting provisions of the DNR. It also establishes the ordinary high water levels (OHWL) for lakes, and would be issuing a determined level if an outlet is installed on Lake Itasca or any of the public waters wetlands.

(6) An access agreement is required to enter BNSF property. Permits can be applied for through the Staubach Group by contacting Shane Krueger (817) 230-2625. Additionally, for safety purposes, the BNSF road and train masters should be contacted prior to the commencement of construction in the vicinity of the railroad tracks. The road master is Ron Raatike who can be contacted at (320) 267-1831 and the train master is Tom Rowley who can be contacted at (612) 865-6531.

## 9. Land Use

*Describe current and recent past land use and development on the site and on adjacent lands. Discuss project compatibility with adjacent and nearby land uses. Indicate whether any potential conflicts involve environmental matters. Identify any potential environmental hazards due to past site uses, such as soil contamination or abandoned storage tanks, or proximity to nearby hazardous liquid or gas pipelines.*

The City of Ramsey 2001 *Comprehensive Plan*, as amended in 2002, contains land use maps for both existing (fall 1997) and future (2020) conditions for the site and adjacent lands. Figure 9.1 shows the existing condition, while Figure 5.4 in Item 5 illustrates the 2020 expectation. Metropolitan Council 2000 Land Use was used to portray existing land use. The information that follows characterizes the individual land uses on the Ramsey Town Center site under current conditions and future conditions based on the City of Ramsey *Plan*. Details of compatibility with the City's *Plan* occur in Item 27.

### *Current Land Use (2000 Met Council Land use)*

Commercial:	5.3 acres
Industrial	13.4
Railway	12.4
Major Vehicular Roadways	1.4
Mixed Use	1.9
Single Family Residential:	6.0
Farmstead:	2.8
Undeveloped	19.2
Agricultural:	307.1
Total	369.5 acres

### *Future (2020) Land Use, from Ramsey Comprehensive Plan, as amended in 2002*

Low Density Residential	23.4 acres
Medium Density Residential	10.2
Mixed Use	205.1
Places to Shop	24.4
Places to Work	44.3
Railway	15.7
Roadway	30.7
Wetlands	15.7
Total	369.5

AUAR guidelines also call for an assessment of compatibility of the project with adjacent and nearby land uses, including potential impact on environmental resources. Figures 9.1 and 5.4 clearly illustrate the land uses surrounding the project site now and in 2020.

Following are the narrative summaries:

*Adjacent Current Land Use:*

North: single-family residential, 149<sup>th</sup> Lane NW (CR 116), vacant land  
East: Ramsey Blvd. NW, Connexus Energy, commercial and industrial properties  
South: BNSF Railroad tracks, commercial properties, Hwy. 10, Mississippi Regional Park south of Hwy. 10  
West: Armstrong Blvd. NW, commercial and industrial properties, single-family residential properties

*Adjacent 2020 City of Ramsey Land Use:*

North: 149<sup>th</sup> Lane NW (CR 116), rural residential  
East: Ramsey Blvd. NW, Connexus Energy, commercial and industrial  
South: BNSF tracks, commercial properties, Hwy. 10, commercial properties, low density residential, West Mississippi Regional Park, Mississippi River  
West: Armstrong Blvd. NW, commercial and industrial properties, high, medium, and low density residential

Figure 9.2 identifies nearby environmental resources, as listed in the following descriptions:

*Nearby Environmental Resources:*

- Mississippi River (approximately 2000 ft. to the south) within the Mississippi National River and Recreation Area (MNRRA), designated state Critical Area, and Wild and Scenic Recreational River
- Lake Itasca (approximately 1.25 miles to the east)
- Several wetlands within 0.25 miles of site
- Complex of wetlands along the drainage swale within the site boundary
- MCBS Mapped Floodplain Forest on island in Mississippi River
- Mississippi Regional Park south of the site, between the site and the Mississippi River

Soils contaminated with lead arsenate on the Southeast corner of the site are a potential hazard. Burlington Northern-Santa Fe Railroad (BNSF) has an agreement with the current landowner to remove the contaminated soils and is working with the MPCA to assure proper clean-up. BNSF should be contacted before earth-moving activities begin. An additional hazard may exist at an abandoned farmstead on the proposed Town Center. Improper handling and storage of hazardous materials at this site could pose a potential contamination hazard to soil and groundwater. Phase I investigations indicate the presence of the materials, but no soil or water samples have been collected or analyzed to date. Several abandoned vehicles at this location may pose an additional contamination hazard. More detailed descriptions and mitigation is discussed in Item 20.

Summary of Environmental Impact. The conversion of the RTC site from agricultural to urbanized land is consistent with the future development plans of the City of Ramsey. This change has the potential to adversely impact the environment of the site and surrounding areas if proper mitigation measures are not followed according to this

AUAR. Specific potential impacts are discussed by category in following sections of the AUAR.

Mitigation element. Assuring the compatibility of development within Ramsey as growth occurs is the primary goal of the comprehensive planning process. Item 27 contains discussion of plan compatibility for a number of other planning documents that cover land in and adjacent to the RTC site. Continued planning efforts will assure that non-compatible uses do not occur as the RTC site develops.

As stated above, BNSF is currently working to address a contamination problem in the southeast corner of the site. Prior to any earth-moving activity in this area, the developer must notify BNSF, MPCA and the City to make sure that clean-up has progressed such that additional problems will not be caused.

Many of the nearby environmental resources shown in Figure 9.2 can actually be enhanced by the development of the RTC site. There is an intent to link regional, County and City trails through the site, as well as establishing a drainage corridor that could potentially increase habitat and allow movement of wildlife between Lake Itasca and the Mississippi River. Every attempt will be made to incorporate habitat suitable for this to occur.

## 10. Cover Types

*Instead of the EAW requirements, provide information on the following:*

**10a.** *Cover type map, at least at the scale of a USGS topographic map, depicting:*

- *wetlands identified by Circular 30 type*
- *watercourses (rivers, streams, creeks, ditches)*
- *lakes (identify protected waters status and shoreland management classification)*
- *woodlands (breakdown by classes where possible)*
- *grasslands (identify native and old field)*
- *cropland*
- *current development*

**10b.** *An “overlay” map showing anticipated development in relation to the cover types; this map should also depict any “protection areas”, existing or proposed, that will preserve sensitive cover types. Separate maps for each major development scenario should generally be provided.*

Cover types based on the Minnesota Land Cover Classification System (MLCCS) are depicted in Figure 5.6 (Item 5). This MLCCS was completed to a Level 5 for the Highway 10 Corridor (Mn/DOT) and for the MNRRA Corridor (National Park Service). Figure 10.1 is the wetland delineation map prepared for this site (full report in Appendix A). Data for this map were collected by North American Wetland Engineering (NAWE) in October 2002, and reviewed by a WCA Technical Evaluation Panel (TEP) on February 4, 2003 (see discussion also in Item 12). A revision to the delineation was made on March 14, 2003 and is reflected in the current delineation document.

Figure 5.6 presents MLCCS data for all vegetative and non-vegetative land coverage, including artificial surfaces, planted/cultivated cropland, forests, woodlands (none on site), shrublands (none on site), herbaceous vegetation (including wetlands), nonvascular vegetation (none on site), sparse vegetation (none on site) and open water (watercourses, rivers, streams, creeks, ditches, lakes). Table 10.1 summarizes all of the cover types on the site to Level 5.

Figure 10.2 shows the MLCCS coverage in Figure 5.6 next to the preferred design shown in Figure 6.1. Creating an overlay, as suggested in the AUAR guidelines, created an image with details that could not be seen. This image replaces the suggested overlay. Table 10.1 provides a summary of existing and proposed cover types with both MLCCS and general cover type categories listed for existing and proposed conditions.



Table 10.1. Summary of Existing and Proposed Cover Types

Cover Type	Minnesota Land Cover Classification	Circular 39	Acres	
			Existing	Proposed
Open Water	Littoral – open water (storm water ponds)	NA	0	5.80
	Subtotal		0	5.80
Wetlands	Cropped Hydric Soils	Type 1	8.13	0
	Wet Meadow/Wet Prairie*	Type 1	0	4.45
	Nonnative dominated graminoid vegetation	Type 2	2.23	0
	Wet Meadow*	Type 2	0	2.68
	Cattail marsh, seasonally flooded	Type 3	0.72	0
	Mixed emergent marsh (seasonally flooded)*	Type 3	.20	0.65
	Mixed emergent marsh (semipermanently flooded)	Type 4	1.18	1.18
	Subtotal			12.46
Forests and Woodland	Boxelder-green ash disturbed native forest	NA	4.01	0
	Boxelder-green ash forest with 11-25% impervious cover	NA	7.58	0
	Subtotal			11.59
Grasslands	Long grasses with sparse tree cover	NA	3.85	1.87
	Medium-tall grass, nonnative-dominated	NA	6.29	2.80
	Short grasses on upland soils	NA	0	2.03
	Short grasses and mixed trees with 4-10% impervious cover		4.73	14.49
	Mesic/Dry Prairie*	NA	0	5.36
	Subtotal			14.87
Cropland	Cropland on up-land soils	NA	284.27	0
	Subtotal		284.27	0
Residential, Commercial, Transportation	Short grasses with 11-25% impervious cover	NA	13.31	4.84
	Short grasses with 26-50% impervious cover	NA	11.92	10.45
	Short grasses with 51-75% impervious cover	NA	0	8.49
	26-50% impervious with perennial grasses and sparse trees	NA	2.81	2.72
	Short grasses and mixed trees with 11-25% impervious cover		6.39	7.23
	Short grasses and mixed trees with 26-50% impervious cover	NA	0	75.21
	Short grasses and mixed trees with 51-75% impervious cover	NA	0	88.51
	Buildings/pavement with 76-90% impervious cover	NA	11.48	33.24
	Buildings/pavement with 91-100% impervious cover	NA	0	13.39
	Pavement with 76-90% impervious cover	NA	0	0.31
	Pavement with 91-100% impervious cover	NA	0.41	83.80
	Subtotal			46.32
<b>TOTAL ACRES FOR ALL COVER TYPES</b>			<b>369.50</b>	<b>369.50</b>

\*Native plant communities created as part of wetland mitigation

Following is a general description of cover types within the project area:

*Open Water*

Figure 10.3 is a map of DNR Public Waters within the RTC drainage area. Under existing conditions, no lakes, ponds or other open water exists. It is anticipated that under proposed conditions, a total of 7.06 acres of open water will be created. This open water is expected to be created within several stormwater detention ponds proposed for the project.

*Wetlands*

Based on the wetland delineation completed for the project (Appendix A, *Ramsey Station Wetland Delineation Report*), a total of 12.46 acres of wetlands currently exists on the site. Wetland acres are distributed among five separate wetlands, designated as wetlands A through E. The location of these wetlands is shown in Figure 10.1. A breakdown of wetland types for each of the five wetland areas is summarized in Table 10.2. A detailed description of each wetland is provided in Appendix A, *Ramsey Station Wetland Delineation Report*.

Table 10.2. Wetland Inventory According to Circular 39 Classification (NAWE Delineation, October 2002).

Wetland	Type 1	Type 2	Type 3	Type 4	Acres	
					Existing	Proposed
A		40%	60%		0.72	0
B		5%	15%	80%	1.18	1.18
C		50%	50%		0.20	0.20
D		90%	10%		2.23	2.23
E	100%				8.13	1.91
Total					12.46	5.52

*Forest/Woodland*

Forest and woodland occurs on 11.59 acres of the site under existing conditions. Most of this forest/woodland is located in the vicinity of an abandoned farmstead and several shelterbelt/property line edges. The dominant tree species within these forest/woodlands are boxelder, hackberry, eastern red cedar, black cherry and the non-native Siberian elm. Dominant shrubs include honeysuckle, nannyberry, buckthorn and red raspberry. The ground cover is dominated by mostly weedy native and introduced grasses and forbs including orchard grass, smooth brome, Canada goldenrod and motherwort. In places, the shelter belts contain plantings of Colorado blue spruce. Under proposed conditions, all forest/woodland will be converted to other cover types.

*Grassland*

Grassland occurs on 14.87 acres of the site under current conditions. Grassland is present along field edges, wetland edges, the railroad right-of-way and in slopes of road right-of-ways. There are also patches of grassland with planted conifers (blue spruce, white spruce, red pine) in the northwestern portion of the project area, located to the south and

west of Wetland B. Grassland in the project area is generally dominated by nonnative species of perennial and annual graminoids including smooth brome, orchard grass, Kentucky blue grass, reed canary grass, yellow foxtail and timothy. A few weedy forbs are present including horseweed, wormwood and Canada goldenrod. In general, grassland consisting of long grass will decrease, while grassland consisting of short grass will increase as a result of the project. Grassland cover types will increase to over 26 acres under proposed conditions.

#### *Cropland*

A total of 292.4 acres of cropland is present on the site under existing conditions. The majority of this cropland has been planted to soybeans or corn. All cropland will be converted to other land covers as a result of the project.

#### *Residential/Commercial/Transportation*

A total of 46.32 acres of residential/commercial/transportation cover types are presently located on the site. The majority of these cover types contain low percentages of impervious surfaces. Under proposed conditions, the total acreage and percentage impervious will increase significantly. The total acreage of this cover type under proposed conditions will be 328.19 acres, the majority of the project area acreage.

Summary of Environmental Impact. The composition of cover types within the RTC will change substantially from an area dominated by row-crop agriculture with scattered forest and wetland, to urbanized land uses with no agricultural land. Item 11 of this document will discuss natural cover type changes more fully within the context of wildlife habitat. Item 12 will discuss cover type changes with respect to water resource impacts, while Item 17 will discuss how this land use conversion impacts storm water runoff quantity and quality.

Mitigation element. The only issue related to cover type to emerge during this review is the alteration of wetlands, which is discussed in the mitigation element under Item 12. A complete discussion of loss of cover types with respect to fish, wildlife and ecologically sensitive resources follows in Item 11.

## 11. Fish, Wildlife, and Ecologically Sensitive Resources

*11a. Identify fish and wildlife resources and habitats on or near the site and describe how they would be affected by the project. Describe any measures to be taken to minimize or avoid impacts. The description of wildlife and fish resources should be related to the habitat types depicted on the cover types maps (of Item 10). Any differences in impacts between development scenarios should be highlighted in the discussion.*

*11b. Are any state-listed (endangered, threatened or special concern) species, rare plant communities or other sensitive ecological resources such as native prairie habitat, colonial water-bird nesting colonies or regionally rare plant communities on or near the site? X Yes \_\_\_No*

*If yes, describe the resource and how it would be affected by the project. Indicate if a site survey of the resources has been conducted and describe the results. If the DNR Natural Heritage and Nongame Research program has been contacted give the correspondence reference number: **ERDB 20030469** (Dec. 5, 2002). Describe measures to minimize or avoid adverse impacts.*

*For an AUAR, prior consultation with the DNR Natural Heritage program for information about reports of rare plant and animal species in the vicinity is required. If such consultation indicates the need, an on-site habitat survey for rare species in the appropriate portions of the AUAR area is required. Areas of on-site surveys should be depicted on a map, as should any “protection zones” established as a result.*

### *Plant Communities*

The pre-settlement vegetation associated with the RTC was dominated by dry and mesic prairie with oak openings and barrens probably located along the north edge of the site. Today, the RTC site is largely dominated by agricultural land use with only a small portion of the overall site containing low quality native plant communities. Within a one mile radius of the proposed project site are found the following land cover types and natural communities: planted mixed coniferous and deciduous trees, perennial grasses, oak savanna, non-native short- and long-grasses, transitional land, sand and gravel pits, eastern red cedar woodlands, aspen woodlands, non-native upland shrubs, dry prairie, wet prairie, wet meadows, cattail marsh, temporarily flooded aspen forest, mixed hardwood swamps, dry oak savanna, mesic oak savanna, open water wetlands, and the Mississippi River. Table 10.1 and Figure 5.6 detailed existing and proposed cover types within the project area. Figure 11.1 identifies sensitive resources near the RTC site.

### *Wildlife Resource*

Wildlife that might occur within the project area are shown in Table 11.1. Wildlife resources are broken into mammals, amphibians & reptiles, and birds. The table includes species that might be present under existing conditions and the possible future occurrence of these species. The table also shows major habitat types that each species is generally

associated with. In addition, for birds, a column is included that indicates migratory status.

Note that no formal survey has been completed for wildlife; therefore, other species not shown in Table 11.1 may be present and species shown in Table 11.1 may not be present. All of the species shown, however, are documented in Anoka County and known to occur in the types of habitat present on or near the RTC site today.

Under existing conditions, the project area provides habitat to species adapted to a mosaic of cropland, wetland, small woodlots and grassland. The most significant habitat on the site is wetland, which may provide habitat for aquatic fur-bearing mammals, such as muskrat and mink, shorebirds and waterfowl. Forest and woodland occur in the northeastern corner, and as patches and windrows in other portions of the project site. These areas would support birds and mammals that require trees for nesting and cover and provide the moist, shaded conditions favorable to amphibians. Fragmentation of these areas, however, would limit the use of these woodlands, particularly for larger mammals and birds that require interior forest habitat. The grassland habitat is generally low in diversity, but would support species that prefer more open areas. Species typically found in disturbed grassland include such species as the plains pocket gopher, red fox and American kestrel. The dry sandy conditions that occur over much of the project area provide habitat for species that prefer loose, sandy soil for burrowing and nesting. Examples include the badger, prairie skink and Blanding's turtle.

Under proposed conditions, all of the forest/woodland and portions of the wetland/grassland will be converted to non-natural cover types. For this reason, the greatest impact will occur to forest associates. Species associated with wetland and grassland will probably continue to be present, but at much lower numbers. The degree to which these species continue to exist will be a function of how fragmented remaining patches of habitat are under post development conditions. An additional factor is how good of quality these patches are.

#### *Rare Plant Communities*

The *Natural Communities and Rare Species of Anoka and Ramsey Counties Map* (DNR Natural Heritage Program, 1994), shows a high quality flood plain forest plant community on an island of the Mississippi River approximately ½ mile south of the RTC site. No impacts to this floodplain forest plant community area expected.

#### *Fisheries*

There are no permanent rivers, lakes or ponds known to support fish within the project site. The nearest water bodies supporting fisheries include Lake Itasca and the Mississippi River. No impacts to these fisheries are expected to result from this project.

**11b.** The DNR Natural Heritage Program database was checked for information concerning reports of rare plant and animal species that might be located at or within approximately one mile of the project location. The results of DNR's search of the

Natural Heritage Database<sup>1</sup> showed that there were no known occurrences on site, but five known occurrences of the Blanding's turtle to the north and west. The general locations of these known occurrences are within Sections 20, 21 and 22, T032N, R25W<sup>1</sup>. The closest record of Blanding's turtles lies approximately ½ mile north of the RTC project area. The Blanding's turtle is a state-listed, threatened species in Minnesota.

Most of the local records of Blanding's turtles correspond to roadway sections between different elements of turtle habitat. Turtles often cross roads as they attempt to travel between different wetland and upland areas that provide for their different habitat needs. The turtles use deeper wetlands and lakes for over wintering; sandy, open areas such as dry prairie and grassland for nesting; and shallow emergent marsh and shrub swamps for foraging (Oldfield and Moriarty, 1994). These key habitats can be further described as (Lang, 2002):

- 1) **Activity season wetlands**, encompassing a variety of wetland types and sizes that are typically occupied for various periods during the spring, summer and fall;
- 2) **Over-wintering wetlands**, comprising specific wetlands that provide refuge from lethal winter temperatures and protection from predators during inactivity; and
- 3) **Nesting uplands**, characterized by exposed, well drained soils, used largely during the reproductive season by reproductive females and emerging hatchlings.

Local Blanding's turtle records (DNR Natural Heritage Program, 2003), showed turtle movement during times of the year when they emerge from over wintering wetlands and disperse into activity season wetlands, or as they travel to nesting uplands during the month of June.

The wetland and grassland habitat concentrated around the northwest corner of the RTC site provides potential Blanding's turtle habitat. In particular, the constructed wetland and adjacent wetland swales (delineated wetlands A, B and C), provide potential habitat. This area provides over-wintering habitat within the constructed wetland (Wetland B). Limited activity season habitat is available due to the small size of wetlands, degree of fragmentation and agricultural land uses. Nesting upland habitat is marginal due to the fact that agricultural activities would typically disturb turtle nest before hatchlings have emerged from the nest. Areas not subject to agricultural disturbance are generally narrow or small and would tend to concentrate predators resulting in high mortality. Other possible areas of Blanding's turtle habitat include the wetlands located along the north portion of the RTC, including the two DNR Public Waters Wetlands (670W and 671W). 2.23 acres of DNR Wetland 670W, (delineated wetland D) is located within the project boundaries. Both of these wetlands would be considered activity season wetlands and do not contain sufficient depth of water (under existing conditions) to support over-wintering turtles. Nesting upland habitat is potentially available adjacent to these wetlands.

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Under post-development conditions, turtles attempting to move through or into the RTC site will encounter many physical obstacles. Examples include curb and gutter, retaining walls, discontinuous waterways, stormwater control structures such as skimmers and submerged culverts. These barriers also impact other reptiles, amphibians and mammals attempting to move through the site.

#### Summary of Environmental Impact.

*Natural Communities:* Table 10.1 summarizes changes in cover types, including natural communities for post-development conditions. The most significant impacts will be to wetlands and forest/woodlands. No impact to the floodplain forest community on the Mississippi River island is expected.

*Fish and Wildlife Habitat:* Wildlife that currently use the mixture of agricultural land, forest, grassland and wetland will likely be eliminated or reduced in proportion to acres of habitat converted to other land uses. Additional impacts are expected to occur due to increased mortality related to traffic and other accidents, predation by domestic animals and pesticides and other chemicals concentrated by stormwater runoff.

*Blanding's Turtles:* Blanding's turtles potentially occur within the project area, either as individuals of nearby populations passing through in route to other areas, or as individuals using specific habitats within the RTC site. Under post-development conditions, turtles may continue to use portions of the site, namely some of the wetlands clustered around the north and northwest portions of the site. These turtles will likely encounter many obstacles and hazards and for this reason the project could be a sink to nearby turtle populations.

#### Mitigation element.

*Natural Communities:* Item 12 of this report addresses wetland mitigation fully. Mitigation for loss of forest/woodland can be accomplished through additional tree planting within some areas of the site listed in Table 10.1 as containing grassland communities. Additional forest/woodland planting can be incorporated into planting plans for the infiltration/wetland system extending south from the RTC site to the Mississippi River. The edges of the wetlands and infiltration areas could be established as an oak savanna/woodland natural community.

*Wildlife Habitat:* Several strategies are proposed to mitigate impacts to wildlife. These include:

- 1). Establish Greenway Corridor Through the Site. A proposed greenway corridor is shown in Figures 6.1, 12.5 and 12.6. The corridor will incorporate a system of wetland treatment ponds, infiltration ponds and constructed wetlands. Areas of the corridor up to the 100-year flood elevation will be planted to a mixture of native short grasses and forbs. Although this corridor will not extend through the site completely, it will provide an

opportunity for some species (those more tolerant of human presence, noise, etc.) to use natural areas within the site, and to move to and from larger tracks of habitat connected to the site.

2). Wetland Restoration and Creation. As described in Item 12, the combination of existing wetlands and created wetlands will provide more diverse habitat than is generally available now. Most of the existing wetlands have either been cropped or have very low vegetative diversity (primarily reed canary grass). These wetlands will be restored to native wet prairie, wet meadow and shallow emergent marsh. Wetlands within the RTC portion of the greenway will be planted to shorter species of grass and forbs, but will be un-mown, and will provide habitat for many of the wetland species currently found on the RTC site. Additional areas of riparian buffer will be established to provide some upland habitat.

3). Culverts and Road Crossings. To the extent possible, all culverts and road crossings will be designed to enable upstream or downstream passage of wildlife as they move through the greenway. During dry conditions, most of the culverts are expected to be available for terrestrial species to move through. During wet conditions, these culverts may only enable species that swim or move through water to pass through. Fences at major road crossing will be designed and placed so as to funnel wildlife through these crossing areas. These same fences may also be used to discourage larger species, such as white-tailed deer, from crossing roads where they may become a traffic hazard.

#### *Blanding's Turtles*

Strategies outlined for Wildlife Mitigation generally apply to Blanding's turtles. Appendix C is the DNR Fact Sheet and Hand-out on Blanding's Turtles. Several additional recommendations applying to Blanding's turtles follow:

- 1). The system of infiltration ponds and wetlands proposed south of the RTC site between TH 10 and the Mississippi River can be designed to provide additional turtle habitat. This system, if developed, should incorporate some deep, over-winter pond area along with a good diversity of wetland community types. Some excavated material should be retained on-site to create sandy, dune-like areas planted to sand gravel prairies. These areas could provide excellent nesting habitat for Blanding's turtles.
- 2). Culvert crossings should be designed so that water (when flowing) flows continuously through the pipe, with no physical barriers such as weirs or gates blocking upstream or downstream travel.
- 3). Fencing may be used to guide or block movement. Depending on the final design of the greenway/stormwater conveyance system, access to the site by turtles should be blocked to reduce the possibility that the site will become a sink to nearby turtle populations.

## 12. Physical Impacts on Water Resources

*Will the project involve the physical or hydrologic alteration (dredging, filling, stream diversion, outfall structure, diking, and impoundment) of any surface waters such as a lake, pond, wetland, stream or drainage ditch? \_Yes \_No*

*If yes, identify water resource affected and give the DNR Protected Waters Inventory number(s) if the water resources affected are on the PWI. Describe alternatives considered and proposed mitigation measures to minimize impacts.*

*For an AUAR, the information called for on the EAW form should be supplied for any of the infrastructure associated with the AUAR development scenarios, and for any development expected to physically impact any water resources. Where it is uncertain whether water resources will be impacted depending on the exact design of future development, the AUAR should cover the possible impacts through “worst case scenario” or else prevent impacts through the provisions of the mitigation plan.*

### *Surface Water Hydrology*

The Ramsey Town Center site lies within the Lower Rum River Watershed Management Organization (LRRWMO) boundaries, but actually discharges south to the Mississippi River. The RTC lies within a watershed that extends from Lake Itasca, southeast to the Mississippi River. Figure 12.1 shows the sub-watersheds within this drainage area, as well as the water resource features within this watershed.

Soils on site are illustrated in Figure 12.2, and are discussed in Items 19 and 25.

The following analysis describes direct and indirect impacts to water resources associated with the RTC. A detailed description of watershed hydrology and the stormwater conveyance system is contained in Item 17.

### *Description of Water Resources and Related Impacts*

A wetland delineation was performed in October 2002 by North American Wetland Engineering (NAWE) and reported in November 2002. The results of this delineation were revised on March 14, 2003 after discussion with the WCA Technical Evaluation Panel (TEP) convened to review the delineation. Figure 10.1 shows the location of delineated wetlands located wholly or partially within the RTC project area. Note that wetlands within the project area are denoted by an identifying letter (from A-E). The complete *NAWE Wetland Delineation Report* is contained in Appendix A. Figure 10.3 showed the location of DNR Public Waters within the RTC drainage area. Figures 12.3 and 12.4 show the location of all wetlands within the RTC project area with respect to wetland impacts. A description of each water resource is provided in Table 12.1 and a discussion of each of these water resources with respect to potential impacts follows.

Table 12.1 – Water Resources Potentially Impacted

Basin Name/ID	PWI	Within Project Area*	Wetland Impact (acres)	Type of Impact
A	NA	T	0.72	Fill
B	NA	T	0	Indirect - Stormwater Discharges
C	NA	T	0	Indirect - Stormwater Discharges
D	670W	P	0	Indirect - Stormwater Discharges
E	NA	T	6.22	Fill/Conversion to Stormwater Pond
Lake Itasca	110P	O	0	Potential Outlet
Unnamed Wetland	671W	O	0	Potential Outlet
Mississippi River	NA	O	0	Outfall Structure
<b>TOTAL ACRES IMPACTED</b>			<b>6.94</b>	

\* T – Totally within project area

P – Partially within project area

O – Outside project area

*Wetland A:* Wetland A is expected to be completely filled as part of the project. A total of 0.72 acres of Type 2 and Type 3 wetland will require mitigation.

*Wetland B:* Wetland B is a 1.18 acre Type 4 wetland. This wetland was constructed in 1997 for mitigation of the Anoka County Road 116 road construction project. The mitigation site has a permanent conservation easement that encompasses both the wetland and an upland buffer area. Stormwater from the RTC has the potential to indirectly impact this wetland by altering the wetland hydroperiod and increasing the discharge of sediments, nutrients and other pollutants. No direct impacts are anticipated to this wetland.

*Wetland C:* Wetland C is a 0.20 acre Type 2 and Type 3 wetland. Stormwater from the RTC has the potential to indirectly impact this wetland by altering the wetland hydroperiod and increasing the discharge of sediments, nutrients and other pollutants. No direct impacts are expected to this wetland.

*Wetland D:* Wetland D lies partially within the RTC project and is the only public waters wetland (670W) located within the project area. This wetland is landlocked and does not outlet under existing conditions. The City of Ramsey has proposed installation of an outlet from this wetland, south into the RTC stormwater conveyance system. Any outlet installed for this wetland will be above the DNR ordinary high water (OHW) elevation. Since a key strategy for stormwater management is to maintain or provide on-site storage where possible, this outlet will consist of an emergency overflow located at or above the 100-year flood elevation of 868.0 feet. No OHW is established for this wetland, nor are wetland impacts expected from placement of this outlet pipe.

*Wetland E:* At 8.13 acres, Wetland E is the largest wetland in the RTC project area. This wetland is located within a shallow, linear, drainage swale that bisects the west central portion of the RTC project area. This entire wetland has been row cropped to soybeans or corn during recent years. A total of 6.22 acres of Type 1 wetland will be directly impacted through a combination of fill and conversion to stormwater ponds. The remaining 1.91 acres will be retained within a proposed water way corridor and 6.22 acres of Wetland E will require mitigation.

*Lake Itasca:* Lake Itasca and its direct drainage area are located approximately 1.2 miles northwest of the RTC (Figure 12.1). The 1998 LRRWMO Watershed Management Plan includes Itasca Lake as part of the drainage North Rum River Watershed. However, based on the surrounding topography and a survey that was conducted by EOR, the natural drainage path was determined to be to the southeast, into the Mississippi River Watershed. A lake overflow elevation of 871 was determined from a field survey of the area and two-foot contour information from development plans. An analysis of lake elevations for the 100-year, 24-hour rainfall and 100-year, 10-day snowmelt events, show that Lake Itasca does not outlet from the low point along the southeast side of the lake. This assessment held true for both existing and future land uses. Lake levels do, however; rise to within a few one hundredths of a foot for the 100-year, 10-day snowmelt event and within ½ foot for the 100-year, 24-hour rainfall events. For this reason, the City of Ramsey has proposed installation of an outlet for the lake. Since a DNR permit would be required for an outlet below the DNR OHW, it has been assumed that any outlet would be above the OHW and above the 100-year flood elevation of approximately 871.0 feet. This outlet would provide assurances that existing and future homes will not be impacted by high water. No impacts to Lake Itasca or adjacent wetlands are anticipated.

*Mississippi River:* The Mississippi River is located approximately ½ mile south of the RTC. There currently is no outlet from the RTC to the River; all flow leaving the site crosses Highway 10, flows to the southeast in a ditch, and eventually infiltrates. As shown in Figure 17.2c, an overland waterway system is proposed to convey stormwater south from the RTC to the Mississippi River. This waterway system would consist of a series of water quality treatment ponds, infiltration ponds and constructed wetlands. As discussed in Item 17 of this AUAR, a peak flow rate of 25.3 cfs is predicted under post-development conditions for the 100-year storm event. For small events (1-year and less), discharge ranges from 14.2 cfs, assuming no infiltration in the ponds, to 2.3 cfs when infiltration is included. The outfall to the Mississippi River is proposed to follow a County owned linear piece of land that extends from Highway 10 to the River (see Figure 12.5). The use of this property has been agreed upon in concept by the County, and discussions continue among the City, County and developer on its implementation details. The outlet will consist of a 21-inch pipe, enlarged near the Mississippi River to reduce velocities. Potential impacts include disturbance to the river bluff line where the outfall pipe is installed and in-stream scour and erosion where the pipe meets the river. If the County alternative outlet is not ultimately approved, an alternative alignment along Highway 10 to the southeast, with a connection to the River will be pursued.

### *Groundwater-Surface Water Interaction and Wetland Impacts*

A wetland delineation on the site was performed in October 2002 by North American Wetland Engineering (NAWE) and reported in November 2002. The results of the delineation were revised on March 14, 2003 after discussion with the WCA Technical Evaluation Panel (TEP) convened to review the delineation. The final delineation is reported in Appendix A and was discussed previously in Item 10.

Prior to performing the fieldwork, historical aerial photos were gathered from 1981-2001 to evaluate the presence of potential wetland conditions through aerial photo interpretation. Details and the photos are contained in Appendix A of this document. For the time period of 1981 to 1989, the aerial photos show changes in the wetland hydrology in and around the project site. Beginning about 1985, surface hydrology visibly decreased in the flow-through wetland that runs from the northwest to the southwest of the site. In addition, the large wetland located outside of and to the north of the site, which in previous photos shows a large wetland with visible surficial hydrology, also loses all signs of surface hydrology. In 1990, the hydrology of the wetlands begins to recover until about 1997 when a similar pattern of surface hydrology losses occurs. As a result, interpretation of the aerial photos suggest the presence of Type 1 (seasonally flooded), Type 2 (wet meadow), Type 3 (shallow marsh), and Type 4 (inland deep marsh) wetlands.

In 1997, several land use changes occurred in and around the RTC site. These include the extension of County Road 116, the installation of three new municipal wells, and the construction of a mitigation wetland in the northwest corner of the site. Both regulators and local residents have questioned whether or not these land use changes were responsible for the most recent observation of changes in wetland surface hydrology. Due to the presence of a photographic record showing similar changes occurring prior to the land use changes, it is not possible to tie the changes conclusively to any cause(s).

To address these concerns, the City of Ramsey is proposing to investigate this matter in cooperation with the Anoka Conservation District, the Minnesota Department of Natural Resources, and other resource agencies. The purpose of this collaboration is to determine the effects of local groundwater interaction with wetlands, to monitor wetland hydrology and to collect other pertinent information concurrent with the design phase.”

#### Summary of Environmental Impact.

*Wetlands – Direct Impacts:* Table 12.2 summarizes direct wetland impacts associated with the RTC. A total of 6.94 acres of wetland impact will result from the RTC. A break down of wetland types impacted is also shown.

Table 12.2 Summary of Wetland Impacts

Wetland Type	Acres of Impacted Wetland		Totals (acres)
	Wetland A	Wetland E	
1*		6.22	6.22
2	0.28		0.28
3	0.44		0.44
4			
5			
<b>Total</b>	0.72	6.22	6.94

\* All Type 1 Wetland is row cropped under existing conditions

*Wetlands – Indirect Impacts:* Indirect impacts to wetlands include discharge of stormwater, interference with groundwater-surface water interactions and fragmentation of wetland and upland habitat that diminishes wildlife habitat functions.

*DNR Public Waters:* Outlet structures are proposed on two public waters wetlands and one lake. These structures are generally proposed to be installed above the OHW and 100-year flood elevation. No impacts are therefore expected within these public waters. The proposed stormwater outfall to the Mississippi River could impact the river bluff zone through alteration of shoreline vegetation, increased susceptibility to erosion, aesthetic views and water quality impacts (discussed in Item 17).

Mitigation element.

*Wetland Sequencing* - Minnesota Rules 8420, also known as the Wetland Conservation Act (WCA), requires specific steps (“sequencing”) be taken when evaluating mitigation for unavoidable wetland impacts. The WCA requires that wetland impacts be avoided, if possible. If wetland avoidance cannot be accomplished, impacts to wetlands need to be minimized. Finally, any wetland impacts that can not either be avoided or minimized to the extent possible, must be mitigated through wetland replacement. The wetland replacement must mitigate all wetland functions and values lost as part of the wetland impact.

The degradation present on site allows the applicant to evaluate sequencing flexibility in their mitigation plan. It also allows the Technical Evaluation Panel (TEP) the opportunity to be flexible on the sequencing provisions of the WCA rule. This process may only be applied in the event the wetlands on-site are degraded to the point where replacement of the wetland would result in a gain in functions and values. This is an item that will be considered by the TEP during the permitting process.

Wetlands located on site are described in the Wetland Delineation Report (Appendix A), and are discussed in Item 10. With a few exceptions, wetlands located within the boundaries of the RTC are either cropped or are of low quality. These wetlands have

marginal functions and values due to their low vegetative diversity, partial drainage and lack of connectivity to other nearby wetlands and natural areas. Sequencing is addressed as follows:

*Avoidance:* The better quality portions of existing wetlands are generally avoided. This includes all of wetlands B, C and D.

*Minimization:* The mix of development proposed as part of the RTC requires that retail, commercial and residential land use blocks are a minimum size with adequate infrastructure to service them. The focus of minimization has been to incorporate as much of existing wetland area into a central greenway corridor, thereby lowering overall wetland loss across the project site. To avoid indirect impacts to remaining wetlands, each of the development blocks will incorporate a treatment train of stormwater best management practices designed to improve water quality and lower wetland bounce magnitude and duration. Currently, row cropping occurs into the wetlands. The RTC will incorporate wetland buffers wherever practical.

*Wetland Replacement:* The LRRWMO Stormwater Management Plan provides that the following may be eligible for wetland replacement credits:

- Creation of “new” wetland - Rules, Sub-part 11;
- Addition of “public value” Rules, Sub-part 6;
- “Public value” restoration from invasive species to permanent native, non-invasive species - Rules, Sub-part 8; and
- Incorporation of “water quality treatment ponds” under the criteria contained in Sub-part 10(A\* and B), with nature of “credit” determined by LRRWMO.

*\*The City of Ramsey has adopted the LRRWMO stormwater management plan by reference for this portion of the City, thus qualifying the City for eligibility under this element.*

As Table 12.2 shows, a total of 6.94 acres of wetland will be impacted and require replacement. A central feature of the RTC is a greenway corridor running through the central portion of the site. A system of stormwater ponds, infiltration swales and meandering channels will link flows entering the site from the northwest with flows generated on-site. This “waterway” will continue south from the RTC to the Mississippi River. Within the context of this waterway system, on-site wetland replacement will be provided through a combination of new wetlands, upland buffers and water quality improvement ponds designed to improve functions and values to downstream wetlands. The location of proposed on-site wetland replacement is shown in Figures 12.3 and 12.4. Table 12.3 summarizes the acreage and type of wetland replacement for each location. A general description for each wetland replacement site follows.

Table 12.3 Summary of Proposed Wetland Mitigation

Wetland Type Created	Wetland Replacement by Location (Drainage Area)									Totals (acres)
	6	7	8	10	18	19	24	26a	26b	
Type 1			1.35			1.30	1.80		1.90	6.35
Type 2							0.45			0.45
Type 3							0.45			0.45
Type 4										
<b>Subtotal</b>			1.35			1.30	2.70		1.90	7.25
PVC* (Stormwater)		2.30			3.50			3.40		9.20
PVC* (Buffers)	0.81		1.35			1.30			1.90	5.36
PVC* (Restoration)	0.77			5.59						6.36
<b>Subtotal</b>	1.58	2.30	1.35	5.59	3.50	1.30		3.40	1.90	20.92
<b>Grand Total</b>									<b>28.17</b>	

\*PVC – Public Value Credits

*Drainage Area 6* includes three existing wetlands (Wetland B, C and E). Wetland B is a created wetland that includes a narrow buffer within a conservation easement. The existing drainageway will be left intact, while 0.81 acres of the cropped wetland will be restored to a Type 1, wet prairie wetland. A 0.77-acre riparian buffer will be incorporated along the wetland transition zone in this area.

*Drainage Area 7* will include a 2.30-acre stormwater detention pond. This pond will include a shallow bench that will support a fringe of emergent vegetation. Since this pond will provide pretreatment of stormwater that will benefit the wetland immediately downstream of it (within Drainage Area 8), it is proposed for public value wetland credits.

*Drainage Area 8* includes 1.35 acres of wetland and 1.35 acres of PVC buffer with a meandering channel flowing through it. Portions of the basin will be designed to establish Type 1, wet meadow/wet prairie wetland hydrology. The basin will be established with respect to groundwater levels and a low weir will be installed in front of the outlet such that infiltration will be maintained, but water will be retained at a frequency to facilitate saturation of soils. Finer soils could be mixed in to promote Type 1 vegetation.

Within *Drainage Area 10*, and along the north boundary of the RTC site, is a 3.79 acre wetland, where 2.23 acres of this wetland is within the RTC site and is denoted as “Wetland D”. This wetland is a low quality reed canary grass monotype with a few small areas of mixed emergent marsh vegetation. The PVC credits estimated for drainage area

10 is 3.79 acres for wetland restoration and 1.80 acres for wetland buffer establishment. This would provide a total of 5.59 acres of PVC for drainage area 10. This assumes an approximately 50-foot buffer around the entire wetland. The exact PVC credits for restoring the existing wetland and for buffer establishment within drainage area 10, will be not be determined until a final determination is made as to wetland replacement requirements for the entire RTC project.

The primary objective of this restoration would be to remove the non-native reed canary grass and reestablish a diverse, wetland community of wet meadow and mixed emergent marsh. Since portions of this wetland occur on private property, landowner cooperation would be necessary to successfully restore this wetland. The proposed restoration includes both wetland restoration and establishment of buffers.

*Drainage Area 18* will include a 3.5-acre stormwater pond that will function much the same as the stormwater pond proposed for Drainage Area 7. The concept design described for Area 7 generally applies to Area 18.

The wetland system in *Drainage Area 19* will function in a way similar to Drainage Area 8; that is, it will include a narrow, meandering, perennial stream with a wet meadow/wet prairie fringe. The design concept described for Drainage Area 8 describes this wetland. A total of 1.3 acres of wetland and 1.3 acres of buffer are proposed for Drainage Area 19.

*Drainage Area 24:* This drainage area encompasses a linear area between the Railroad ROW and the RTC. This entire strip of land encompasses some 10.8-acres of land. A total of 2.7-acres, or 1/4 of Area 24, is proposed as new wetland credit. A central, meandering drainage-way of Type 3 wetland is proposed. The edges of this wetland will be bordered with Type 1 and 2 wetland meadow.

*Drainage Area 26:* Development of this combined wetland/infiltration system is conditioned on approval by Anoka County. This system would receive flows from Drainage Area 25 and would include a wetland treatment/stormwater pond (26a). From this initial pond, flows would outlet into an infiltration pond/wetland system (26b). A landscape theme that incorporates a mixture of dry prairie, oak savanna, and wet prairie with an ephemeral water-way could serve as the cornerstone for this area and provide a valuable link between RTC and Mississippi West Regional Park.

#### *Off-Site Wetland Mitigation*

Two additional areas have been identified for off-site wetland mitigation in the event on-site mitigation is not feasible. These sites are illustrated in Figure 12.5.

Site #1 would be within the Mississippi Regional Park when development of the park proceeds. Although a specific location cannot be identified at this time, the City, WMO and County would work together to select and develop a site that would hold the best potential for successful wetland establishment. Figure 12.6 illustrates the Anoka County Park Department's concept for how the Park will be designed. Several locations could be possible sites for incorporation of "new" wetland. To accomplish this action in the

future, RTC LLC would need to escrow an amount of funds sufficient to construct the additional wetland acreage not provided for on-site.

Site #2 is located along the south - southeast side of Lake Itasca on land already owned by the City of Ramsey. This area currently contains some excellent quality shrub swamp, wet prairie and emergent marsh along the shores of Lake Itasca. A suitable site could be located where wetland does not currently exist, but where adequate hydrology is available. There are also several areas of reed canary-dominated wetland that could be improved for public value credit through re-establishment of native wetland communities. Any wetland improvements in this area could be designed to also improve Blanding's turtle habitat.

The following are proposed to mitigate impacts associated with the stormwater outfall to the Mississippi River:

*Reduce Frequency of Stormwater Discharge, Lower Magnitude of Peak Flow Rates:* The RTC project incorporates a variety of strategies to lower increases in stormwater rate and volume. While all stormwater conveyance features are designed to accommodate the 100-year runoff event without taking infiltration into consideration, on-site retention and infiltration can be incorporated at multiple scales into the RTC during the detailed design phase for smaller storm retention. Peak flow rates for the 100-year, 24-hour runoff and 100-year, 10-day snowmelt events are 25.1 cfs and 25.3 cfs respectively.

*Oversize Culvert and Reduced Slope at Outfall:* The last section of culvert will be enlarged from 21-inches to 36-inches and include an apron and rip-rap to lower velocities and dissipate the energy at the discharge point. This will minimize the potential for scour and erosion.

*Directional Boring to Install Culvert:* If possible, the culvert will be placed within the river bank by directional boring rather than an open cut. This will reduce the need to remove shoreline vegetation and will minimize the area of disturbance. Erosion control measures will be implemented where soil is disturbed. All disturbed areas will be replanted to native trees, shrubs, grasses and forbs and if appropriate, a temporary cover crop will be established.

### 13. Water Use

*Will the project involve installation or abandonment of any water wells, connection to or changes in any public water supply or appropriation of any ground or surface water (including dewatering)?* \_Yes \_No

*If yes, as applicable, give location and purpose of any new wells; public supply affected, changes to be made, and water quantities to be used; the source, duration, quantity and purpose of any appropriations; and unique well numbers and DNR appropriation permit numbers, if known. Identify any existing and new wells on the site map. If there are no wells known on site, explain methodology used to determine.*

*If the area requires new water supply wells, specific information about that appropriation and its potential impacts on groundwater levels should be given; if groundwater levels would be affected, any impacts resulting on other resources should be addressed.*

#### *Background*

Ramsey residents, businesses and others receive their water from one of two sources; the City of Ramsey municipal water system or privately owned wells. Those with private wells are mainly located in the Rural Preserve, Central Rural Reserve, Rural Developing and un-served areas of within the Urban Growth Boundary. Those receiving water from the municipal water system are generally located in the Existing MUSA area (Figure 13.1).

Future municipal water users would be those new developments occurring within the existing MUSA and those areas within the Urban Growth Boundary as designated in the *2001 Ramsey Comprehensive Plan*, as amended in 2002 (*Plan*). Extension of municipal water service into areas outside of the Urban Growth Area may be necessary at a future date due to environmental or public health concerns. The *Plan*, however, states that there are no known concerns at this time and, therefore, there is no known timeline for if or when service may be extended.

#### *Population Projections*

The *1999 City of Ramsey Water Study* prepared by Bolton and Menk, Inc., estimated population growth and water service categories as shown in Table 13.1. This report has served as the primary planning document for the City's municipal water system and was incorporated by reference into the City's *Comprehensive Plan*.

Table 13.1 Population Projections and Water Service Category

Year	Total Population	Rural Population (Private Wells)	Urban Population	Municipal Water Service Population
2000	19,630	8,768	10,862	8,412
2005	21,748	9,403	12,345	12,345
2010	23,865	10,037	13,828	13,828
2015	26,873	10,939	15,934	15,934
2020	29,880	11,840	18,040	18,040

These numbers only represent residential populations and do not include water used by businesses for manufacturing, customers, employees, etc. In addition, growth projections for the City were slightly increased in the Comp Plan. Table 13.2 outlines this information. The last column of this table estimates the number of residents and employees that will be served by the municipal water system based on the ratio of rural to urban residents shown in Table 13.1 above.

Table 13.2 2001 Comprehensive Plan Population Projections by City of Ramsey

Year	Population	Number of Households	Number of Employees	Population Served by Municipal System
1990	12,408	3,620	1,941	---
2000	19,630	5,950	2,500	11,000
2010	25,050	8,350	7,000	22,000
2020	32,250	10,750	9,000	28,000

*Existing Water System Description*

Water Supply. The City currently operates five municipal wells in two well fields (Figure 13.2) and anticipates drilling an additional well in the near future. The first part of the wellhead protection plan for both well fields has been completed and approved by the Minnesota Department of Health (MDH). This part of the wellhead protection plan addresses WHPAs, DWSMAs and well vulnerability classifications for all municipal wells with the exception of well number 5. Well 5 is not part of the developing plan because it was constructed and activated after the wellhead delineation project began. A separate wellhead delineation project will be necessary for well 5 which could be performed in coordination as a plan addendum with other municipal wells that will be constructed within several years. The second part of the City’s wellhead protection plan is currently in progress and will address contaminant sources and education initiatives within the site and the City WHPA/DWSMA. Items 19 and 20 further detail the geologic setting and the potential Town Center impacts to the water supply. Appendix F provides a discussion for the potential locations of additional municipal wells.”

All five wells have been developed in the Franconia-Ironton-Galesville (FIG) aquifer. A more complete description of the subsurface stratigraphy and geologic morphology is provided in Item 19. Figure 19.3 graphically displays the well drilling logs for the three wells on and adjacent to the RTC site.

Table 13.3 summarizes the capacity of each well and its permitted appropriation.

**Table 13.3: Well Capacities and Permitted Appropriations**

Well	DNR Permit Number	Unique Well Number	Permitted Flow (gpm)	Permitted Withdrawal (MGY)	Pump Capacity (gpm)	Maximum Annual Capacity (MGY) <sup>(1)</sup>
No. 1	856005-1	161441	4,900		970	424.860
No. 2	856005-2	416183	4,900		220	96.360
No. 3	856005-3	580303	4,900		1,450	635.100
No. 4	856005-4	580313	4,900		855	374.490
No. 5	856005-5	593672	4,900		900	394.200
<b>Total</b>				<b>500<sup>(2)</sup></b>	<b>4,395</b>	<b>1,925.010</b>

(1) Assumes 20-hour pumping day for 365-days and does not allow for recharge or resting of the aquifer.

(2) Current DNR Permit allows a combined annual appropriation of 500 MGY.

Water Storage. Storage and distribution pressure for the municipal water system is provided by two elevated storage tanks with capacities of 0.5 and 1.5 million gallons respectively. The *1999 Water System Study* demonstrated the need for the construction of additional elevated storage to meet future demands on the water system. This recommendation was based on an analysis of existing and projected future flows and included factors such as fire flow capacity, emergency storage, daily peak use, and water supply and pumping capacity.

Table 13.4 lists the existing water storage facilities as well as those projected in the *1999 Water System Study* for future construction. The location of these facilities is indicated in Figure 13.3.

**Table 13.4: Existing and Future Water Storage Facilities**

Description	Usable Storage Volume (gal)	Year Constructed	High Water Elevation
Reservoir No. 1	500,000	1989	1036
Reservoir No. 2	1,500,000	2000	±1035
Reservoir No. 3	1,000,000	Projected 2009	N/A

Water Treatment. The City does not currently operate a water treatment plant. The current water supply does not violate any of the Primary Drinking Water Standards provided for in the Safe Drinking Water Act. Therefore, water treatment would be required only to treat for secondary contaminants and aesthetic purposes. Because of this, the existing City Capital Improvement Program (CIP) projects constructing a water treatment plant within approximately five years.

Table 13.5 is a summary of average water quality data for the system. Variations in quality may occur periodically due to minor differences in concentrations of each contaminant and depending on which well or combination of wells in operation. Planning for water treatment will occur within the design of the RTC site. Funding for a water treatment facility needs to be identified concurrent with approval for the RTC. This facility should be on line consistent with 60% of the RTC site or completion of wells #6 and #7.

Table 13.5: Water System Quality Data

<b>Parameter</b>	<b>Average Level of Water Quality Parameter<sup>(1)</sup></b>	<b>Primary Drinking Water Standard</b>	<b>Secondary Drinking Water Standard</b>
Langelier Index (standard unit)	0.43		
Total Iron (mg/l as Fe)	0.87		0.3
Manganese (mg/l as Mn)	0.21		0.05
Calcium (mg/l as Ca)	58		
Calcium Hardness (mg/l as CaCO <sub>3</sub> )	145		
Magnesium (mg/l as CaCO <sub>3</sub> )	12		
Magnesium Hardness (mg/l as CaCO <sub>3</sub> )	50		
Total Hardness (mg/l as CaCO <sub>3</sub> )	195		
Sodium (mg/l as Na)	8		
Arsenic (mg/l as As)	0.006	0.010	
Chloride (mg/l as Cl)	15		250
Sulfate (mg/l as SO <sub>4</sub> )	4.83	400	250
Total Alkalinity (mg/l as CaCO <sub>3</sub> )	221		
pH (Standard Unit)	7.9		6.5 – 8.5
Total Dissolved Solids (mg/l)	210		500

(1) Based on data collected on 4/6/99 and extrapolated from the 1999 Water System Study. In addition, each parameter has been normalized based on average annual pumping times and rates for each well.

The City currently adds chlorine, fluoride, and polyphosphate to the raw water at each well-house. Chlorine is added as a protective barrier against harmful pathogens that may enter the water system from the raw well water or through breaks or cross connections in the distribution system. Fluoride is added as a dietary supplement that aids in the

prevention of tooth decay. Polyphosphate is added to prevent the precipitation of iron and, to a lesser extent, manganese primarily for aesthetic purposes, such as color, and to prevent the staining of plumbing fixtures and laundry.

*Water Distribution.* The City’s water distribution system is comprised of 6-, 8-, 10-, 12- and 16-inch ductile iron pipe. The system includes various necessary appurtenances such as isolation valves, altitude/pressure valves, and fire hydrants. In 1999, the distribution system was analyzed by Bolton and Menk, Inc., using the CYBERNET Hydraulic Network Model. Results of the model indicated that the system functions well by meeting demand for the existing uses.

Computer modeling and analysis of future expansions to the distribution network, including the RTC development, should be performed at the time of design to ensure there is no impact on the existing users.

*Projected Future Water Demands*

Flow Projections. Development of the RTC site and the remaining areas within the Urban Growth Boundary will result in an increased demand on the existing water system. Projections for the additional demands will be developed in this section in an effort to quantify the potential impacts on the existing water system infrastructure, ground water resources and other related resources.

Projections of future demands from the RTC site will be based on the latest Design Concept Plan (February 15, 2003, as shown in Figure 6.1). Projections for demands from additional growth in areas within the Urban Growth Boundary will be based on information contained in the *2001 Comprehensive Plan*, as amended in 2002.

**Table 13.6: Projected Water Usage for RTC Sub-district Residential Development**

<b>Development Type</b>	<b>Quantity</b>	<b>Occupants per Unit</b>	<b>Total Occupants</b>	<b>Usage per Occupant<sup>(1)</sup> (gpd)</b>	<b>Total Usage (gpd)</b>
Mixed Use Residential	1012	5	5,060	120	607,200
Apartment	172	3	516	120	61,920
Duplex	62	4	186	120	22,320
Townhouse	1154	4	4,616	120	553,920
<b>Total Residential</b>	<b>2,400</b>		<b>10,378</b>	<b>120</b>	<b>1,245,360</b>

(1) Per capita usage based on historic average annual usage for existing Ramsey residents; includes only residential use

Table 13.7: Projected Wastewater Flows in RTC Commercial/Service Development

<b>Development Type</b>	<b>Acres Used (ac)</b>	<b>Usage per Acre<sup>(1)</sup> (gpd)</b>	<b>Total Usage (gpd)</b>
Commercial (Existing Hwy. 10)	32.2	2,000	64,400
Commercial (Service/Convenience)	11.6	2,000	23,200
Commercial (Shopping)	24.4	1,600	39,040
Mixed Use (Retail/Office)	30.6	2,300	70,380
Civic Center	3.6	13,300	47,880
Business Enterprise	35.9	1,330	47,747
Transit	4.5	1,330	5,985
Public/Open Space	58.2	1,500	87,300
<b>Total Developed Area</b>	<b>201</b>	<b>1,920<sup>(2)</sup></b>	<b>385,932</b>

(1) Projected water usage based on average existing demand per day including irrigation.

(2) Average per acre water usage.

Appendix I shows the water usage and pumping rates for 2002. This information is combined with the above water usage projections for the RTC site plus the projected water use for the undeveloped Urban Growth Area to determine total projected water demand at 2020 and is summarized in Table 13.8. The projected water use for the undeveloped areas, excluding the RTC site, were based on the wastewater flow projections contained in Item 18 and Appendix G (Wastewater Data) and include a premium for irrigation.

Table 13.8: 2020 Urban Growth Area Projected Water Use

<b>Area</b>	<b>Average Daily Usage<sup>(1)</sup> (MGD)</b>	<b>Average Annual Usage (MGY)</b>
RTC Development <sup>(2)</sup>	1.631	595
Future Northwest Sub-district	0.160	58
Future Southwest Sub-district	0.839	306
Future Rum River District Usage	0.677	247
<b>Sub-total Future Usage</b>	<b>3.307</b>	<b>1,207</b>
Existing Service Area Usage	1.198	437
<b>2020 PROJECTED USAGE</b>	<b>4.505</b>	<b>1,645</b>

(1) Future usage estimated based on projected land use and includes irrigation

(2) Sum of totals from Tables 18.6 and 18.7.

Discussion of Results: Historic records show that overall per capita water usage (including both residential and commercial/industrial) in Ramsey averages between 130 and 150 gpd per capita . The total projected water usage for the RTC development is estimated to be about 1.631 MGD. Dividing this number by the upper usage of 150 gpd yields an equivalent design population for the RTC of approximately 10,900. This

compares extremely well with the projected residential population at the RTC site of 10,378 persons (Table 13.6).

Similarly, the total future projected water usage for 2020 is estimated to be 4.505 MGD which equates to an equivalent population of about 30,000 persons. In comparison, the information contained in Tables 13.1 and 13.2 estimates the 2020 population served by the community water system to be approximately 28,000 persons. The difference between the two of 2,000 equivalent persons is in line with the *2001 Comprehensive Plan* and can be attributed to two factors.

First, the number of new housing units to be built between 2000 and 2020 was estimated in the *Plan* to be 4,800 (3,346 single family and 1,434 multi-family units). Of this amount, we now know that the RTC site will contribute 2,400 housing units alone while using only a small percentage of the land available for development within the Urban Growth area. Secondly, the *Plan* did not consider the higher water usage per acre of developed land using the higher density development model inherent in the RTC design.

The historic peaking factor for water usage is about 2.6. Based on the above, the peak daily flows for 2020 will be about 11.7 MGD. Potential impacts on the FIG or other resources during average and peak demand are discussed in Appendix F. In addition, storage and distribution designs for the RTC and future development should take into account the need to meet these demands.

In short, growth projections and the assumed resulting water usage estimated in the *2001 Comprehensive Plan* seem to be generally in line with the projections of this Item. The difference discussed above, which is based on design and growth information not available during the preparation of the *Comprehensive Plan*, results in an increase in future water usage of about 7% above that anticipated.

Summary of Environmental Impact. To meet the projected future demands, the City will most likely increase appropriations from the Franconia-Ironton-Galesville (FIG) aquifer. At a minimum, two additional wells (#6 and #7) will be required to meet the RTC demand with the need for additional wells as growth continues. Appendix F indicates that at full 2020 build out, there will be a need for as many as 4 or 5 additional wells pumping at rates similar to the existing ones.

Groundwater level data for the FIG that is collected continuously by the City shows that trending has been in an upward direction in the last two years meaning a recharge condition existed during this period (Appendix F). In addition, because the pumps operate intermittently, they allow the aquifer to recover on a daily basis with a maximum residual drawdown level averaging of 5- to 10-feet during peak summer demand. This would mean that the radius of influence for the wells is very, very small. Taken together, that water levels are rising in the FIG and that there is very little drawdown, water level fluctuations in the surficial drift material are not anticipated. In addition, it does not appear that the municipal wells would have any negative influence on private wells developed in the same unit. However, long term monitoring of the surficial aquifer's

water level is recommended so that data can be collected to correlate against the long term trending patterns within the FIG.

*Permitting:* The increase in demand will subsequently require an amended DNR water appropriations permit. At that time, the DNR is likely to require the collection of the surficial groundwater data mentioned above. In addition, the DNR may require a pumping test to correlate short term temporal relationships between the two aquifers. The monitoring wells needed for this study should also be designed as groundwater sampling wells that can be used to identify potential contamination of wellhead protection areas. The design of all additional municipal production wells can then be based on information collected during these studies in an effort to mitigate impacts, assuming any exist.

*Wellhead Protection:* The RTC is located directly within the Wellhead Protection Area (WHPA) and Drinking Water Source Management Area (DWSMA) determined by the preliminary Ramsey wellhead protection plan (Figure 20.1). Additional groundwater modeling information is included in Appendix H. Using the MDH model for wellhead protection planning purposes and the Maximum Annual Capacity shown in Table 13.3 as the pumping rates for wells 3, 4 and 5, the 10-year capture areas for these wells was recalculated. With the inclusion of well 5, the WHPA would extend southward from well 5 to the edge of the RTC site. Therefore, this area should be considered a WHPA for land use planning purposes.

Any contaminating material that is spilled on the permeable sands within the site can potentially migrate into the groundwater system. City wells were tested for tritium as part of the wellhead protection plan delineation. Tritium is a form of hydrogen and can act as an indicator of groundwater age, but does not pose a health risk. Atmospheric tritium levels increased during the 1950's due to testing of atomic bombs. Therefore, tritium levels are used to indicate whether groundwater entered the ground before or after 1950. Public water supply wells with high levels of tritium are classified as "vulnerable" to surface processes because of the relatively recent (post-1950) interaction with the surface. Tritium levels in the three city wells around the Town Center are high. A formal well vulnerability assessment has not been completed for well 5 but the preliminary wellhead protection plan identifies it as vulnerable in Table 1. A formal assessment could be done in coordination with a plan addendum for additional municipal wells. The results of the formal assessment will most likely confirm that well 5 is also vulnerable to contamination. The vulnerability of these wells may be caused by the rapid rate of infiltration through the highly permeable sand and gravel materials of the Anoka Sand Plain, by leakage of water around the annular space of the well, or by the interaction of the quaternary and bedrock aquifers in the bedrock valley to the north of the site (Figure 19.4). To reduce the risk of groundwater contamination, pretreatment of stormwater runoff prior to infiltration and community education programs on household chemical and fertilizer use can be implemented. Storm water management practices that encourage the infiltration of treated runoff will be part of the design and are discussed in detail in Items 17 and 20.

Mitigation element. Because the RTC site is within a DWSMA, special precautions are needed to protect groundwater resources. To make sure this occurs, any discharge of runoff into an area dedicated to infiltration will be pre-treated through such practices as particulate settling, vegetative filtration, skimming, installation of compact, sub-grade treatment (ex. catch basin inserts, cyclonic separators, filters), and various types of pre-treatment soil filtering systems. These practices will be routinely maintained and inspected to make sure these pre-treatment practices do not provide a pathway for contamination of groundwater. Areas that are potential major sources of contamination (“hot-spots”) will be identified during construction and special precautions added. These areas would include any location where pollutant spills are more likely to occur (service stations, public works/police/fire fueling operations, significant chemical storage).

Within WHPAs, the use of conventional underground storage tanks to store anything other than water is not recommended. If underground tanks are used in these areas they must be double-walled with interstitial sensors, and a network of monitoring wells must be installed to assess potential groundwater contamination. In addition, an emergency response plan should be developed for the immediate remediation of any spills or leaky tanks. Because underground storage tanks may be used within WHPAs on the RTC site, the second part of the wellhead protection plan should address this issue. Additional discussion is included in the mitigation section of Item 20.

When assembling the issues that were to be addressed as part of this AUAR, it was noted by the Anoka Conservation District and by the DNR that there is a possible connection between the increased demand for municipal groundwater and the observed lowering of wetlands in the vicinity of Municipal Wells 3, 4 and 5. Appendix F was prepared to assess the general magnitude of the problem and the solutions required to address the issue. It is now apparent that the wetlands in question experience natural drying during periods of relative low precipitation. The photographic history included as part of the Wetland Delineation report shows wetlands in the vicinity of the RTC site disappearing during the mid to late 1980’s which is prior to the development of the municipal wells. This same phenomenon occurs again in the mid to late 1990’s and prior to the installation of Wells 4 and 5. The evaluation also found, as stated earlier, that drawdown levels in the FIG unit are minimal and, therefore, could not be influencing the wetlands. To verify these finding, however, it is recommended that long term monitoring be performed.

There is also some concern that increased pumping in the FIG aquifer could impact private wells that pump from this aquifer. Again, the residual drawdown levels in the FIG average 5- to 10-feet during the peak summer pumping period (Appendix F) and recover fully during the Fall, Winter and Spring. Therefore, the radius of influence of the wells will be very small meaning there could be no impacts to private wells developed in the same unit.

Before additional wells are constructed, additional appropriations will be applied for through the DNR. This will most likely require both short- and long-term testing and monitoring to verify the above findings. Through this process, the City can insure that there continue to be no impacts on groundwater and surface resources due to their appropriations from the FIG.

## 14. Water-Related Land Use Management District

*Does any part of the project involve a shoreland zoning district, a delineated 100-year flood plain, or a state or federally designated wild or scenic river land use district? \_\_Yes \_\_X\_No*

*If yes, identify the district and discuss project compatibility with district land use restrictions.*

*For an AUAR, such districts should be delineated on appropriate maps and the land use restrictions applicable in those districts should be described. If any variances or deviations from these restrictions within the AUAR area are envisioned, this should be discussed.*

### *Resource Protection Zones*

Ramsey Town Center does not lie within a protected floodplain or shoreland zone, nor does it occur within the boundaries of a designated resource protection zone (see Figure 9.2). However, the site is adjacent to, and will discharge water into the state-designated Mississippi River Critical Area, the federal Mississippi National River and Recreation Area (MNRRA), a state Wild and Scenic River area, and a regional park. All of these areas overlap in coverage south of Highway 10 adjacent to the Town Center (Figure 14.1).

The City's 2001 *Comprehensive Plan* (Chapter XI), as updated in 2002, contains the City's DNR-conditionally approved Mississippi River Critical Area Corridor/MNRRA plan. This chapter of the *Plan* addresses the requirements of the Governor's 1979 Executive Order 79-19, which designated this reach of the Mississippi River as a "critical area" in need of special protection. The Executive Order lays out the required elements, which the City has met and exceeded in some respects. The *Plan* chapter similarly is consistent with the National Park Service's MNRRA 1994 management plan.

The City's Critical Area Plan (Chapter XI of the 2002 Ramsey updated LCP) closely follows the directions provided by both the National Park Service and the State of Minnesota. As stated in the 2001 *Comprehensive Plan* (page XI-2), "The [Critical Area] plan achieves the required elements of the Critical Area Act (Tier I) and identifies goals, policies and strategies to protect, preserve and enhance the Mississippi River Corridor beyond the required elements of ...Tier II."

The City's Critical Area Plan presents the following: an inventory of natural and cultural features; existing and planned land use; key issues discussion; 38 policies on protecting the environment, preserving and celebrating history and culture, and ensuring sensitive development; performance criteria for developments within the Corridor; and six implementation strategies to assure that the City's plans get put in place.

Although none of the project site is within the state-designated Mississippi Wild, Scenic, and Recreation River management area, established in 1976, the project is

adjacent to this area and could have some impact upon it as development proceeds. The reach of River covered is classified as “recreational”, which indicates it is a river that “...may have adjacent lands which are considerably developed, but that are still capable of being managed so as to further the purposes of ...” the State act. The established State policy is that it is in the interest of present and future generations to preserve and protect the outstanding scenic, recreational, natural, historical, and scientific values of certain Minnesota rivers and their adjacent lands. All state, local, and special governmental units, councils, commissions, boards, districts, agencies, departments, and other authorities shall exercise their powers so as to further the purpose of the Minnesota Wild and Scenic Rivers Act and adopted management plans for the preservation, protection, and management of designated rivers. State Rules pertaining to River management under this program are contained within Chapter 6105. The Environmental Protection/Resource Management element of the LCP and its supporting ordinances fulfill these requirements.

The Ramsey Town Center site is also adjacent to the state-designated Mississippi River Critical Area Corridor (Corridor) established in 1976 and the federal Mississippi National River and Recreation Area (MNRRA), a unit of the National Park System, established in 1988. The purposes of designating the Mississippi River as a Critical Area include protecting and preserving a unique and valuable state and regional resource; preventing and mitigating irreversible damage to this resource; preserving and enhancing its natural, aesthetic, cultural, and historical value for public use; protecting and preserving the river as an essential element in the national, state and regional transportation, sewer and water and recreational systems; and protecting and preserving the biological and ecological functions of the corridor.

Under the Critical Area program, Executive Order 79-19 requires that the Standards and Guidelines provided in the Executive Order shall be followed by local units of government when preparing plans and regulations, and followed by State and regional agencies for permit regulation and in developing plans within their jurisdiction affecting lands within the Corridor. Once plans and regulations have been approved by DNR, local units of government shall permit development only in accordance with those adopted plans and regulations and approval. All capital improvement programs or public facilities programs of local units of government, regional agencies, and State agencies which affect lands within the Corridor are required to be consistent with the standards and guidelines in the Critical Area Executive Order 79-19. The City of Ramsey Critical Area Plan has been conditionally approved by the DNR as part of the City’s LCP.

Summary of Environmental Impact. The RTC site borders management districts, but does not include them. The mitigation element addresses the planning efforts that will be used to assure compatibility. The RTC site is adjacent to, and will discharge water into the state-designated Mississippi River Critical Area, the federal Mississippi National River and Recreation Area (MNRRA), a state Wild and Scenic River area, and a regional park. The exact route of discharge is under discussion with the City and County.

Mitigation element. The Ramsey 2001 *Comprehensive Plan* was amended in 2002 and contains the measures needed to effectively implement resource protection for all of the resource protection zones adjacent to the RTC site.

The City's compliance with each of the applicable Executive Order 79-19 Standards and Guidelines that must be followed is assured through implementation of the *Plan*. Since the regulated area is not on the project site, but could be affected by it, the City will evaluate all phases of construction for impact on the regulated area.

DNR has ascertained that, based on the information provided to them, the applicable Executive Order 79-19 Standards and Guidelines for which compliance is needed appear to include the following items. The Executive Order citation is followed by the section in the Ramsey 2001 *Comprehensive Plan* (CP) in which the DNR reference is addressed:

- The lands and waters within the Rural Open Space District shall be used and developed to preserve their open, scenic and natural characteristics and ecological and economic functions. [E.O. 79-19 - A. CP XI.C.1.a]
- Protect bluffs greater than 18% and provide conditions for the development of bluffs between 12% and 18% slopes.[ E.O. 79-19 - C.1.a.(4) CP XI.C.2.c]
- Minimize runoff [E.O. 79-19 - C.1.a.(5) CP XI.C.2.a]
- Improve the quality of runoff. [E.O. 79-19 - C.1.a.(5) CP XI.C.2.a]
- Minimize site alteration. [E.O. 79-19 - C.1.a.(6) CP XI.C.1.c]
- Erosion control. [E.O. 79-19 - C.1.a.(6) CP XI.C.2.a]
- Management of vegetation cutting. [E.O. 79-19 - C.1.a.(7) CP XI.C.2.a]
- 
- Site plans required for all development for which a permit is required, except single-family residential structures. [E.O. 79-19 - C.2.a. CP XI.C.2.c]
  - New development and expansion permitted only after the approval of site plans which adequately assess and minimize adverse effects and maximize beneficial effects.
  - Site plans shall include activities undertaken to ensure consistency with the objectives of the Designation Order and shall include measures which address adverse environmental effects.
  - Site plans shall include standards to ensure that structures, roads, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with characteristics and use of corridor in that district.
  - Site plans shall contain specific conditions with regard to buffering, landscaping, and revegetation.
- Standards for structure site and location to ensure riverbanks, bluffs, and scenic overlooks remain in their natural state. [E.O. 79-19 - C.2.b. CP XI.C.2.c]
- Retention of existing vegetation and landscaping [E.O. 79-19 - C.2.e.(1) CP XI.C.2.a]
- Maximization of the creation and maintenance of open space and recreational potential of the Corridor in accordance with the standards. [E.O. 79-19 - C.6 CP XI.C.2.c]

- Plans and programs to protect open space areas shall be developed. [E.O. 79-19 - 6. d. *CP XI.C.2.c*]
- Programs to manage undeveloped islands in their natural state. [E.O. 79-19 - 6.e. *CP XI.C.2.c*]
- New or modified utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development. [E.O. 79-19 - C.7.b. *CP XI.C.2.c*]
- Capital improvement programs or public facilities programs shall be consistent with the standards and guidelines in Ex. Ord. Section B. and C. [E.O. 79-19 - C.8. *CP XI.C.2.c*]

DNR particularly emphasizes the mandates for protection of slopes and bluffs; minimization of site alteration; retention of existing vegetation; minimization of runoff; erosion control; minimization of adverse effects. Selection from among the many available low-impact stormwater development tools and Best Management Practices, as discussed in Item 17, will occur to achieve both minimization and improvement of runoff. As a best management practice for enhancing ecological function of the Critical Area Corridor, DNR highly encourages the use of native vegetation for the required buffering and landscaping, revegetation of removed vegetated areas, and erosion control (grasses, seeding). DNR is also concerned about any cumulative adverse impacts from this project that accelerate development within the Rural Open Space District in violation of those District's standards, and supports voluntary vegetative buffering of structures outside of the Corridor in order to minimize interference with views of and from the water. Since the project will directly affect the Critical Area (or MNRRA/WSR) because of the need to outlet flow to the River, the City will identify those areas potentially under its land use control and apply the appropriate standards from its LCP. The City will also work with Anoka County Parks to implement these standards and the County's DNR-conditionally approved MNRRA/Critical Area Plan within MRP land controlled by the County.

## 15. Water Surface Use

*Will the project change the number or type of watercraft on any water body? \_\_Yes  
\_X\_No*

*If yes, indicate the current and projected watercraft usage and discuss any potential overcrowding or conflicts with other uses.*

*This item need only be addressed if the AUAR area would include or adjoin recreational water bodies.*

Within the site, there are no water bodies where watercrafts are operated. The nearest recreational water bodies are Lake Itasca to the northwest and the Mississippi River to the south. There is no public water access on Lake Itasca and surface water use is limited to surrounding residents use. The nearest public water access on the Mississippi River is approximately two and a half miles to the northwest in the city of Dayton. According to the Anoka County Parks Department, travel by boat upstream of Anoka is very difficult because of shallow water and numerous sandbars. However, development of Mississippi Regional Park (MRP) may increase watercraft in the area as boaters with small motors or non-motorized boats make their way to the Park. There is not a landing facility proposed in the latest MRP development plan, but casual landing anywhere in the Park can be expected. Also, the availability of parking stalls in the new park will surely add to the ability of canoe and kayak users to more easily access the River. Limited small engine boat use and non-motorized watercraft are not expected to adversely impact the Mississippi River near the MRP.

Summary of Environmental Impact. None are expected.

Mitigation element - Adverse environmental impacts associated with increased small motor and non-motorized boats is not anticipated along the Mississippi River south of the Ramsey Town Center site. In fact, the new Mississippi Regional Park hopes to attract visitors to this portion of the upper River. The use of the park as a formal recreational facility will focus river-related uses to planned areas, and provide resource oversight and supervision of recreational activities.

## 16. Erosion and Sedimentation

*The number of acres to be graded and the number of cubic yards of soil to be moved need not be given; instead a general discussion of the likely earthmoving needs for development of the area should be given, with an emphasis on unusual or problem areas. In discussing mitigation measures, both the standard requirements of the local ordinances and any special measures (ex. WMO) that would be added for AUAR purposes should be included.*

The Ramsey Town Center site is relatively flat and contains very sandy, coarse-grained soils (Figure 12.2). Both of these physical characteristics are advantageous when it comes to erosion and sedimentation. This does not mean, however, that erosion will not occur and that sediment will not move if disturbed. Because the disturbance of over 300 acres of land will present the certainty of erosion, the mitigation plan that follows outlines the measures the City will undertake to minimize its adverse impacts.

Figure 16.1 shows the general areas of borrow and fill that will result when earth-moving activity begins. The general concept that will be followed will be creation of a central low area along the drainage corridor alignment, with land gradually sloping upward to the north and south away from the drainageway. Earth will be moved from the drainageway corridor and placed on the north and south slopes. Some grading will likely also be needed on the southern drainage swale just north of the railroad tracks and around Wetlands B and D (Figure 10.1) as buffer areas are incorporated. Exact numbers on the volume of soil moved will not be available until the detailed design phase.

Care will be taken not to disturb or compact the central drainage corridor that will be used to transmit and store water. Similar efforts will be made to avoid compaction in areas where infiltration best management practices (BMPs) will be used. The soil within any landscaped areas will be loosened after heavy construction traffic has subsided. This will enhance the ability of all landscaped areas, whether formal or native, to infiltrate water.

It is expected that organic topsoil will need to be imported to the site to establish a good vegetative cover. The sandy soils will not support many of the typical landscaping plants and ground cover. Native plants that are inherent to the Anoka Sandplain will be used wherever possible to avoid the need for massive soil importation and extensive irrigation.

Summary of Environmental Impact. The grading and development of over 300 acres of land has the potential to contribute sediment to receiving waters where water could flow. Currently, there are few actual receiving areas where water is present. With the establishment of a central drainage corridor and the possibility of mitigated wetlands and water storage areas, the possibility of water-related impact increases. The following mitigation plan addresses how construction will proceed with adequate erosion BMPs in place.

Mitigation element. Prior to any earth-moving activity on the site, an erosion and sediment control plan will be prepared in accord with the requirements of the City of Ramsey and the LRRWMO. Technical assistance in the preparation of this plan will also be sought from the Anoka Conservation District, the Minnesota Pollution Control Agency and the DNR. The City will be permitted through the Phase II NPDES nonpoint program as a Municipal Separate Storm Sewer System (MS4) operator, and will be subject to all of the provisions of that program, including reducing the discharge of pollutants to the “maximum extent practicable” (MEP) through construction site runoff control. Any construction on the site will also be permitted through MPCA’s NPDES general construction permit process.

Prior to any earth moving in the south east corner of the site, Burlington Northern Santa Fe Railroad should be contacted in regards to arsenic contaminated soils. A more detailed description of contamination and contact information is included in Item 20.

Elements of erosion protection will include: phased construction with minimized periods of bare soil exposure, rapid re-vegetation, slope/grade stabilization, use of mulch and fabric on exposed soils, temporary and permanent (if needed) sediment basins, properly installed and maintained silt fencing, and adoption of a regular maintenance and inspection schedule.

## 17. Water Quality-Stormwater Runoff

*17a. Compare the quantity and quality of site runoff before and after the project. Describe permanent controls to manage or treat runoff. Describe any stormwater pollution prevention plans.*

*17b. Identify routes and receiving water bodies for runoff from the site; include major downstream water bodies as well as the immediate receiving waters. Estimate impact runoff on the quality of receiving waters.*

*For an AUAR the following guidance should be followed in addition to that in “EAW Guidelines”:*

- *it is expected that an AUAR will have a detailed analysis of stormwater issues*
- *a map of the proposed stormwater management system and of the water bodies that will receive stormwater should be provided*
- *the description of the stormwater systems would identify on-site and “regional” detention ponding and also indicate whether the various ponds will be new water bodies or converted existing ponds or wetlands. Where on-site ponds will be used but have not yet been designed, the discussion should indicate the design standards that will be followed.*
- *if present in or adjoining the AUAR area, the following types of water bodies must be given special analyses*
  - *lakes: within the TC metro area a nutrient budget analysis must be prepared for any “priority lake” identified by the Metropolitan Council.*

### *Background*

*Watershed Setting.* The details of the surface water management system being proposed for the RTC site are best described by joining **Items 17a and b** into a single discussion. Figure 17.1 illustrates the entire watershed within which the RTC site lays. The watershed extends from north of Lake Itasca to the Mississippi River, covering an area of approximately 2,687 acres.

The larger watershed can be sub-divided into a series of 31 sub-watersheds, which were shown in Figure 12.1 in Item 12. Each of these smaller units was characterized for water quantity and quality modeling under existing conditions, and was subsequently modeled for fully developed conditions as proposed under the City’s *2001 Comprehensive Plan*, as amended in 2002 (Item 5, Figure 5.4), and the preferred site development (Item 6, Figure 6.1).

*Drainage through the site.* The principal drainage feature currently passing through the site, and evident in Figure 12.1, is a well- to poorly-defined swale that occurs from the northwest corner of the site to the middle of the site, whereupon it disappears. Historically, this swale appears to have been a more significant drainage feature, but

limited runoff has diminished its overall hydrologic function and subsequent farming activities have taken advantage of the swale as tillable land. Reference to Figure 10.1, however, shows that Wetlands A and C occur within this swale, while Wetland B lies adjacent to it. The Wetland E, Type 1 acreage also occurs within this historic drainage swale. General concept possibilities for the drainage corridor and how it fits into the current design and the overall site stormwater mitigation plan are contained in Figures 17.2a, -b, and -c. The collection of features that will be incorporated into the new drainage swale includes a channel to convey baseflow, ponds to store water and promote infiltration, created and restored wetlands, and open space areas where excess water can temporarily be stored. The specifics of these features will not be fully known until the design phase proceeds prior to construction, but Figures 17.2a, -b, and -c contain schematics of how these features will generally appear.

The presence of an historic drainage swale on the site presents an excellent opportunity to incorporate the feature into the site drainage system as an amenity. Although the actual drainage swale alignment will change, incorporating the vegetative and hydrologic character of this historic drainageway can provide both functional and recreational value to the feature. As shown in the preferred design in Figure 6.1, the corridor extends beyond the current terminus, reaching into the Mississippi Regional Park, creating a natural drainageway that could extend from Lake Itasca to the Mississippi River.

The introduction of a drainage connection to the northern wetlands (see Figure 6.6) provides two more corridor connections that could establish greenways to connect to northern Ramsey natural areas. The surface water system can be modeled with these changes/additions in mind, and various optional innovative/natural surface water management assumptions can be used to maximize storage, infiltration, and water quality treatment within it.

*Surface water as an Amenity.* Water can be treated as a nuisance that must be moved away quickly, or as an amenity that can enhance the natural features of a site. Ramsey Town Center will use water as an amenity. The large events will be drained to prevent flooding, and smaller events will be stored and infiltrated to the extent possible.

The primary drainage-related consideration for the City is to assure the movement of the 100-year runoff event through the site without damage due to flooding. The proposed stormwater management system accomplishes this. However, with the sandy nature of the soils on site (see Figure 12.2), there is also an opportunity to soak water from smaller events into the ground to retain some of the recharge function that will otherwise be lost with development. This combination of safely routing the 100-year event and trying to reduce overall runoff from the site will form the basis for stormwater management developed in Item 17. Under this approach, provision will be made to route, store and treat the 100-year runoff event safely in a series of storm sewers, drainage swales, floodways and ponds. The system will take maximum advantage of the central drainage swale and its corridor to store water as it meanders through the site. Major storage will occur in lined detention ponds, with open areas also available to detain smaller volumes of water and allow it to soak into the ground after settling and vegetative filtering. The

exact character of the corridor and the stormwater management system has not yet been determined, but a range of runoff management effectiveness is discussed in the mitigation section of this Item. The open space value of the corridor will be enhanced with pathways that will parallel the corridor.

Runoff from the areas draining to the central drainage corridor or elsewhere off of the site also could be managed to reduce overall runoff volumes. During the design phase, each major parking area within the Town Center will be evaluated to see whether a system that will pre-treat runoff prior to its introduction into the central drainage system is feasible. Under the ideal scenario, runoff would be routed to the pre-treatment BMP (small-scale detention or filtration) prior to entry into a vegetated flow system that will encourage further filtration and infiltration. Excess flows from these connector drainage features should only occur with substantial precipitation events. Most routinely occurring, small-scale events would soak into the sandy soils. This conveyance system will likely be a connected system of pervious drainage swales, wetlands and vegetated drainageways, but could also include sub-grade settling and filtration treatment trains. The exact character of this system will be determined as part of the final design prior to building construction.

During the detailed design process, the City has the option of incorporating additional volume control features into the drainage system. The specifics of these features can not be defined until the design phase, but they could be used to minimize runoff on a parcel or block scale within the Town Center to hold down the amount of water that will eventually reach the surface water drainage system. Impervious area reduction BMPs that will be used to do this are numerous and will be pursued at the proper design stage. These alternative design features are not intended to replace standard engineering practices of assuring the movement of large storm-related water volumes, but rather supplement the drainage system by reducing overall runoff volumes and peaks.

In addition to the flow reduction benefits, there are water quality benefits. Pre-treating runoff from potentially high loading areas, such as parking lots and roadways, reduces the amount of pollution moving to the regional collection system. Routing pre-settled runoff through wetlands and vegetated swales furthers treatment through vegetative filtration. It is anticipated that these two BMP suites (pre-settling and filtration) will properly prepare water for infiltration into the soil, where additional physical and biological treatment will cleanse the water on its way toward the regional groundwater system. Using the natural cleansing ability of settling areas, vegetative and soil filtration, microbes in the soil and vegetative uptake of nutrients will make the RTC site compatible with the needs of a wellhead protection area. Additional discussion occurs in the groundwater protection section of Item 13 and a recommendation in the Mitigation Plan (Item 33) is made to assure that an ordinance is adopted to assure that incompatible land uses are not allowed within the DWSMA.

## *Surface Water Modeling*

*Development of a flow model (XP-SWMM).* To adequately predict the impact that this site will have on water resources, a tool is needed to incorporate development and infrastructure assumptions. The model used by EOR for this exercise is the XP-SWMM model (XP Software, Inc.). This model is used to contrast existing conditions with proposed changes associated with development within a watershed. The model looks at the change in land use and land cover, and relates the change to runoff behavior. Runoff predictions can be made for variable frequency events, and routed through the proposed drainage system. The model output and routing can then be used to determine areas where flooding or high water will occur, and then can be used to design a system of stormwater management facilities, which could include detention storage, diversion, infiltration or any number of associated BMPs.

*Existing Conditions.* The first phase of the quantity and quality modeling involved defining the water behavior as it exists currently. The physical characteristics of each sub-watershed noted in Figure 12.1 form the basis for determining the amount of water that will run off of it during specified climatic events, specifically rainfall and snowmelt events of certain statistical frequency.

The results of the existing conditions quantity analysis using the XP-SWMM model are displayed in Table 17.1 by sub-watershed for the 100-year frequency, 24-hour rainfall event and 10-day snowmelt. This represents the peak flow and volume discharges that would be expected for an event that would occur with a frequency of once every one-hundred years, or 1% in any given year. Volume discharges are based on a 5-day runoff simulation for the 24-hour rainfall event and a 30-day runoff simulation for the 10-day snowmelt event.

Of note in Table 17.1 is the small amount of flow leaving this site at the Highway 10 culvert (subwatershed 30). During a 100-year event, a peak flow of only 28 cubic feet per second (cfs) leaves the AUAR area, reflective of the sandy nature of the watershed and the low intensity agricultural and low density land use. Flow to the Mississippi River from the southeast corner of the site does not occur, but rather soaks into the sandy soils as it flows in a small ditch to the southeast. Because of this reason, the base level for water quantity and quality eventually reaching the Mississippi River is zero.

Table 17.1. XP-SWMM model results for existing conditions.

subwatershed	100-year 24-hour rainfall (5.9 inches precipitation)		100-year 10-day snowmelt (7.2 inches runoff)	
	peak flow discharge (cfs)	volume discharge (ac-ft)	peak flow discharge (cfs)	volume discharge (ac- ft)
1	0.1	0.9	1.6	22.8
2	0.0	0.0	0.0	0.0
3	24.9	14.5	38.7	55.7
4	17.7	64.0	21.2	247.6
5	18.3	67.3	22.2	259.4
6	0.4	0.0	2.9	1.3
7	22.2	67.3	42.1	279.0
8	10.8	30.1	31.9	159.3
9	0.0	0.0	0.0	0.0
10	0.0	0.0	1.4	6.1
11	0.0	0.0	1.0	8.2
12	4.4	0.9	3.0	12.4
13	0.0	0.0	1.3	11.9
14	2.0	10.7	9.0	28.1
15	0.0	0.0	0.0	0.0
16	0.0	0.0	0.0	0.0
17	10.3	6.0	15.4	27.5
18	0.1	0.1	0.7	0.7
19	0.1	0.1	1.3	1.4
20	0.0	0.0	15.1	32.3
21	0.4	0.0	0.9	1.3
22	2.3	0.5	10.0	18.0
23	2.0	1.9	7.3	9.3
24	9.4	35.6	16.0	144.8
25	8.8	1.2	5.1	6.3
26	12.4	64.2	87.0	404.4
27	12.4	58.7	84.1	408.5
28	0.0	0.0	1.6	0.0
29	12.4	53.8	39.2	405.6
30	12.4	54.9	28.3	334.7
31	3.4	0.5	10.4	70.8

\*Discharge from AUAR area at Hwy 10 culvert

Note: Negative volume discharge results from backwater into subwatershed from downstream subwatershed.

*Runoff Under Developed Conditions.* As development proceeds on the 300+ acres that are part of the RTC, runoff will markedly increase. Conversion of sandy open space and agricultural land to commercial and residential uses invariably leads to increased runoff from paved surfaces associated with that development. The translation of the preferred design in Figure 6.1 to a developed schematic for runoff routing was shown in Figure 6.6 as part of the site description. The essential elements of the drainage system proposed for the site are as follows:

- It incorporates a 100-year design event with no infiltration considered, thus generating the “worst case” scenario upon which design can proceed.
- It routes water locally into the central drainage corridor, using a system of smaller ponds, followed by an area of flood storage and infiltration.
- It uses existing detention storage and develops increased storage for the highly impermeable retail center on City property between the railroad tracks and TH10.
- It proposes a connection of the site to the Mississippi River via the County-owned swath of land. This piece of land would contain a detention facility on the upstream side to add storage, followed by an infiltration zone, then a stabilized channel (piped or series of landscaped drop-structures) over the bluff to the river. Of note here is the additional need of this outflow as an outlet for any future TH10 upgrade. The development of this corridor for the passage of water has been approved in concept by the County, and discussions on the details are under way. This corridor presents the best option for out-letting this closed basin for the RTC site and for future TH10 work. If reaching the River through this option is not ultimately approved, another option will need to be pursued, most likely to the southeast along TH10. However, outflow in that direction is also closed and prevented from out-letting to the River, so additional study would be needed to identify an ultimate connection.
- It incorporates infiltration throughout the RTC site as an added benefit rather than as a design component for runoff management. The LRRWMO will not allow infiltration in design of the 100-year event. Rather, whatever other soaking-in that can be achieved in the central corridor will supplement water management. Infiltration can be used to cut peaks and volume, reduce major parts of small-scale events, maintain recharge and treat water quality. Each infiltration feature will need to be designed with an overflow/outlet to assure that water will not remain a permanent feature.
- It develops on-site detention in the central corridor on the western-most of the two sets of available areas; that is, parcel #s 49 and 54. The eastern-most cells (#s 51 and 56) will then be areas with a meandering (baseflow) stream that will rise during runoff events and spill over into a floodplain/infiltration zone, where water can soak into native vegetation, grading upward to a more landscaped, green

mowed grass up near trails by the road. If additional storage is needed, these cells could be changed to contain ponds of the needed size.

Following the development of a drainage system, detailed modeling was done for the individual blocks within the RTC site, and combined with the model output for the areas draining into the site from the north and northwest. All of this drainage was then routed through the site, into the stormwater handling facilities south of the site, and through the proposed drainage corridor to the Mississippi River.

Two modeling scenarios were run to bracket a range of flow under maximum and minimum conditions. The first run of the XP-SWMM quantity modeling developed traditional runoff estimates for the 100-year design event with no infiltration occurring on site. This “maximum runoff condition” is contained in Table 17.2.

In the second scenario, a factor was incorporated into the model on a block-by-block basis to account for some infiltration under small-scale events, reflective of the sandy soils inherent to the site. Infiltration is not a design element for the 100-year event, but rather used to estimate volume and rate reductions during frequently occurring events. Infiltration features will be considered during the design phase, but are not proposed as part of this evaluation. However, to demonstrate the effect of infiltration on the 100-year event, Table 17.3 contains the results of the “minimum runoff condition”.

Table 17.2. XP-SWMM model results for developed conditions (“maximum runoff condition”).

subwatershed	100-year 24-hour rainfall (5.9 inches precipitation)		100-year 10-day snowmelt (7.2 inches runoff)	
	peak flow discharge (cfs)	volume discharge (ac-ft)	peak flow discharge (cfs)	volume discharge (ac-ft)
1	0.1	0.8	2.7	32.3
2	0.0	0.0	0.0	0.0
3	24.6	14.5	45.5	66.4
4	9.4	45.6	14.8	284.5
5	9.6	52.2	16.3	302.9
6	11.4	47.5	16.1	301.3
7	23.4	58.2	22.8	329.3
8	24.3	74.1	30.5	371.8
9	0.0	0.0	0.0	0.0
10	0.0	0.0	0.0	0.0
11	31.5	9.1	17.5	34.5
12	26.7	11.4	14.4	38.3
13	20.7	74.0	22.6	373.2
14	2.0	10.8	25.1	32.4
15	0.0	0.0	0.0	0.0
16	0.0	0.0	0.0	0.0
17	12.0	5.6	17.4	28.3
18	29.4	14.4	16.6	23.3
19	44.9	30.2	34.8	70.0
20	72.8	38.4	36.3	83.5
21	15.1	9.1	7.7	13.5
22	22.8	6.1	7.3	9.3
23	65.3	85.3	32.8	387.7
24	132.6	155.1	87.8	516.4
25	110.0	156.0	74.5	524.1
26 WQ Pond	88.7	155.2	46.3	524.0
26 Inf Basin	25.1	150.3	25.3	520.5
27	5.7	1.1	1.7	2.4
28	0.0	0.0	0.0	0.0
29	0.0	0.0	0.1	0.3
30	12.4	1.3	2.0	2.7
31	3.4	0.4	0.5	0.7

\*Discharge to Mississippi River

Table 17.3. XP-SWMM model results for developed conditions with some infiltration considered (“minimum run off condition”).

subwatershed	100-year 24-hour rainfall (5.9 inches precipitation)		100-year 10-day snowmelt (7.2 inches runoff)	
	Peak flow discharge (cfs)	volume discharge (ac-ft)	peak flow discharge (cfs)	volume discharge (ac-ft)
1	0.1	0.8	2.7	32.3
2	0.0	0.0	0.0	0.0
3	24.6	14.5	45.5	66.4
4	9.9	45.7	15.7	284.5
5	10.3	52.2	17.5	303.0
6	11.8	47.6	16.9	302.4
7	19.8	56.4	18.8	325.4
8	19.3	50.0	20.4	284.9
9	0.0	0.0	0.0	0.0
10	0.0	0.0	4.9	12.5
11	25.2	9.3	12.5	30.6
12	28.4	11.5	13.0	34.5
13	20.3	51.4	20.5	287.5
14	2.0	10.8	24.7	31.8
15	0.0	0.0	0.0	0.0
16	0.0	0.0	0.0	0.0
17	12.0	5.6	17.4	28.3
18	29.4	16.6	16.1	25.3
19	34.4	24.1	26.7	47.6
20	41.9	32.2	33.5	61.1
21	17.3	9.2	7.7	13.5
22	37.2	6.4	7.3	9.3
23	64.7	61.4	31.5	302.0
24	131.8	125.6	86.1	408.0
25	109.4	126.0	78.4	413.9
26 WQ Pond	89.1	123.3	54.2	409.7
26 Inf Basin	24.7	92.1	24.8	356.2
27	5.7	1.1	1.7	2.4
28	0.0	0.0	0.0	0.0
29	0.0	0.0	0.1	0.3
30	12.4	1.3	2.0	2.7
31	3.4	0.4	0.5	0.7

\*Discharge to Mississippi River

Table 17.4 shows a comparison of discharge from the site for the existing and proposed developed scenarios for the 100-year events. For existing conditions, a maximum peak flow of 28.3 cfs under the Highway 10 culvert occurs during the 100-year, 10-day snowmelt event. Peak flow discharge for proposed development conditions is slightly less (25.3 cfs) than existing conditions, excluding infiltration and assuming that no bio-retention facilities are incorporated into the individual blocks. The existing peak flow rate (12.4 cfs) is exceeded for the 100-year, 24-hour rainfall event under proposed developed conditions (25.1 cfs), but has been significantly reduced from the peak rate of 132.6 cfs at the culvert crossing the RR tracks. Since infiltration is excluded, the numbers presented under proposed conditions are conservative. Slight reductions in peak flow rate discharge at the outlet and significant reductions in volume discharge could be achieved with the incorporation of properly designed and maintained infiltration basins. Volume discharge reductions of 30 to 40 percent could be achieved assuming a moderate rate of infiltration during the 100-year, 24-hour rainfall event and some infiltration during the last 15 days of the 30-day runoff simulation of the 100-year snowmelt event.

Since the original analysis was developed for the April 8, 2003 draft AUAR, additional analysis has been performed of the County alternative outlet based on discussions with the County. Refer to Appendix J for additional detail regarding results from the additional analysis. The last rows in Tables 17.4 and 17.5 show the results of the changes that occur when the infiltration area (26b in Figure 12.4) is reduced to exclude any surface water storage within the Regional Park and when all expected County and State roadway upgrades are included. All of the details associated with the selected drainage outlet will be developed at the design stage.

Table 17.4. Comparison of peak flows and volumes discharged from site for 100-year events

Model	100-year 24-hour rainfall (5.9 inches precipitation)		100-year 10-day snowmelt (7.2 inches runoff)	
	Peak flow discharge (cfs)	Volume discharge (ac-ft)	Peak flow discharge (cfs)	Volume discharge (ac-ft)
Existing conditions	12.4	54.9	28.3	334.7
Proposed	25.1	150.3	25.3	520.5
Proposed w/ some infiltration occurring	24.7	92.1	24.8	356.2
Proposed – mitigation plan with revisions requested by County	25.4	176.9	25.4	556.6

The primary benefit of incorporating infiltration BMPs into the site is achieved during small storm events. Table 17.5 compares site discharge for the 1-year and 10-year, 24-hour rainfall events considering site design that first excludes infiltration in the basins and then considers infiltration in the basins.

For existing conditions, a peak flow of 2.3 cfs discharge at the Highway 10 culvert for the 1-year, 24-hour event is due to local drainage south of the railroad tracks only, as there is no flow leaving the site at the railroad tracks. As discussed earlier, the flow discharging from Highway 10 is small and does not reach the Mississippi River. For proposed development conditions excluding infiltration in the basins, peak discharge into the Mississippi River would be 14.4 cfs. By incorporating infiltration basins into the site, peak flow is reduced by 50 percent (7.8 cfs) and volume discharge is also significantly reduced.. The 10-year, 24-hour rainfall event results in a slight reduction in peak flow, but significant reduction in volume (50 percent) by incorporating the infiltration BMPs.

Table 17.5. Comparison of peak flows and volumes discharged from site for 1-year and 10-year events

Model	1-year 24-hour rainfall (2.3 inches precipitation)		10-year 24-hour rainfall (4.1 inches precipitation)	
	Peak flow (cfs)	Volume (ac-ft)	Peak flow (cfs)	Volume (ac-ft)
Existing conditions	2.3	0.3	7.1	0.7
Proposed	14.4	14.4	23.1	65.0
Proposed w/ infiltration occurring	7.8	4.0	22.6	35.4
Proposed – mitigation plan with revisions requested by County	19.1	25.3	24.5	84.2

Smaller, more frequent rainfall events are critical for water quality. Achievement of long-term year-round water quality benefits requires the ability to retain and treat smaller storm events. To meet LRRWMO water quality requirements based on NURP design criteria, the final design should provide for a dead storage volume of at least 38 ac-ft, which is the volume required to accommodate the runoff volume from a 2.5-inch rainfall event (excluding infiltration in basins).

*Water Quality Modeling*

*Water Quality Under Developed Conditions.* As shown in a previous section, the amount of water leaving the site under current conditions is minimal. Consequently, the amount of pollution associated with the runoff is equally minimal. However, this all changes once development occurs. An increase in nonpoint pollution from this site will occur from many new sources, including some or all of the following:

- Automobile, truck and bus traffic (oil, exhaust, vehicle decomposition);
- Lawn and landscaping chemicals (fertilizer and pesticide);
- Litter;
- Vegetative debris;
- Pet waste;
- Fueling spillage from the convenience stations;
- Increased sanding and salting; and
- New construction (erosion, debris).

The pollutant removal efficiencies of the proposed stormwater management practices were assessed using the P8 Urban Catchment Model (*Program for Predicting Polluting Particle Passage through Pits, Puddles and Ponds*, developed by William Walker). This approach allowed for the evaluation of different runoff scenarios, as well as the prediction of pollutant loads passing through the proposed development and eventually into the Mississippi River. Model results presented are for a complete year with a long term average precipitation depth (23.85 inches). This scenario is different than those presented in the water quantity modeling results, where specific storm events were considered.

Water quality was modeled for several pollutants for two runoff scenarios. Both scenarios consider the likely treatment that runoff would receive in stormwater BMPs located along the route that the water would follow. For example, the runoff routed into a properly designed detention pond would lose about 75% of the total suspended solids it carries. This water can then be routed downstream, where it might encounter another detention pond or infiltration system where another increment is removed.

In the first scenario, runoff is stored only in the detention ponds and infiltration basins within the central drainage corridor. In the second scenario, extra storage that would exist elsewhere on the site in small ponds is considered. In this case, runoff is stored, but does not infiltrate into the groundwater.

The exact nature of the primary solids removal BMPs located at the storm sewer inflows to various drainageways has not yet been determined. These could be a mix of forebays created from earthen material, catch basin inlet filters, all the way to sub-grade treatment train systems.

Table 17.6 presents the results of water quality modeling for total phosphorus (TP). TP was chosen to present the quality results because it is one of the more difficult pollutants to remove. That is, if effective removal of TP occurs, the other pollutants will have equal or better removals. The table shows that with storage and treatment in the central drainage corridor facilities, the total phosphorus load leaving the RTC site (out of subwatersheds 26 and 31) is approximately 20 lbs/year. This figure is cut in half when additional site storage is considered. In terms of a per unit area loading rate, the first scenario yields 0.053 lbs TP/acre-year; that figure is approximately halved with the addition of extra storage. These areal loading rates are reflective of the numerous detention ponds and the natural infiltration occurring throughout the RTC site.

Table 17.6. Average Annual Total Phosphorus in runoff leaving RTC site

	With storage in the central corridor	With additional on-site storage
lbs TP/yr	19.6	10.3
lbs TP/ac-yr	0.053	0.028

The modeled phosphorus removals are contained in Table 17.7. These results are presented to show the reductions that the water quality treatment system used on the RTC site can achieve.

Table 17.7. Total phosphorus load (lbs/yr) entering and exiting several of the major proposed detention basins and infiltration basins.

BMP and Sub-watershed (see Figure 12.1)		lbs TP/yr	
		With central corridor facilities only	With additional on-site storage
Detention basin in sub-watershed 7	In	27.3	15.6
	Out	10.2	4.3
Infiltration basin in sub-watershed 8	In	31.5	16.0
	Out	0	0
Detention basin in sub-watershed 18	In	35.2	20.4
	Out	9.5	3.7
Infiltration basin in sub-watershed 19	In	32.1	16.9
	Out	0	0
Detention basin in sub-watershed 25	In	64.6	34.6
	Out	38.4	20.2
Detention basin in sub-watershed 26 (south of TH10)	In	38.4	20.2
	Out	24.0	12.6
Infiltration basin in sub-watershed 26 (south of TH10)	In	24.0	12.6
	Out	18.9	9.5

Summary of Environmental Impact. The incorporation of a stormwater management system into the RTC site as it develops raises the need for proper collection, routing and storage of runoff. The standard routing of the 100-year frequency event without consideration of any infiltration, in accordance with LRRWMO regulations, yields a volume of 113 ac-ft that must be accounted for in on-site or near-site storage. When infiltration is considered, the volume can be reduced to 105 ac-ft. For events with a return frequency less than 100-years, infiltration can be designed to reduce volume substantially and provide continued recharge to a certain degree.

Mitigation element. The conversion of agricultural land to urban land ultimately increases the amount and rate of runoff leaving the land. Minimizing the impact of that increased runoff is the objective of this mitigation plan.

It must be stressed that this portion of Ramsey does not have a natural outlet to the Mississippi River. The preliminary drainage system described within this AUAR assumes an outlet that takes advantage of publicly-owned, County land that extends from Highway 10 to the Mississippi River south of the RTC site. The County has agreed in concept on the use of its land for a drainage route, and preliminary discussions among the City, County and developer on the details have begun. Appendix J contains the results of an analysis conducted for the County to evaluate the hydrologic and structural character of an outlet on its land. The analysis excluded storage from any land within the Regional Park and included a series of anticipated County (Armstrong and Ramsey Blvds. and Co. Rd. 116) and State (TH 10 and its interchanges) roadway upgrades in the immediate vicinity of the RTC site. The details of using the County drainage route or any alternate route will be developed with City, County and State input at the time of design.

Advantages of using the County land extend beyond the RTC site, to the entire sub-watershed, including the eventual upgrade of TH 10, which will also need a River outlet. If use of the County land encounters any obstacles, an outlet option will need to be pursued to the southeast, along TH 10 through the Rivenwick Development or in the vicinity of Sunfish Lake Blvd. The small amount of water that now leaves the site, runs southeast along the highway, but infiltrates within a short distance.

#### *Mitigation Approach*

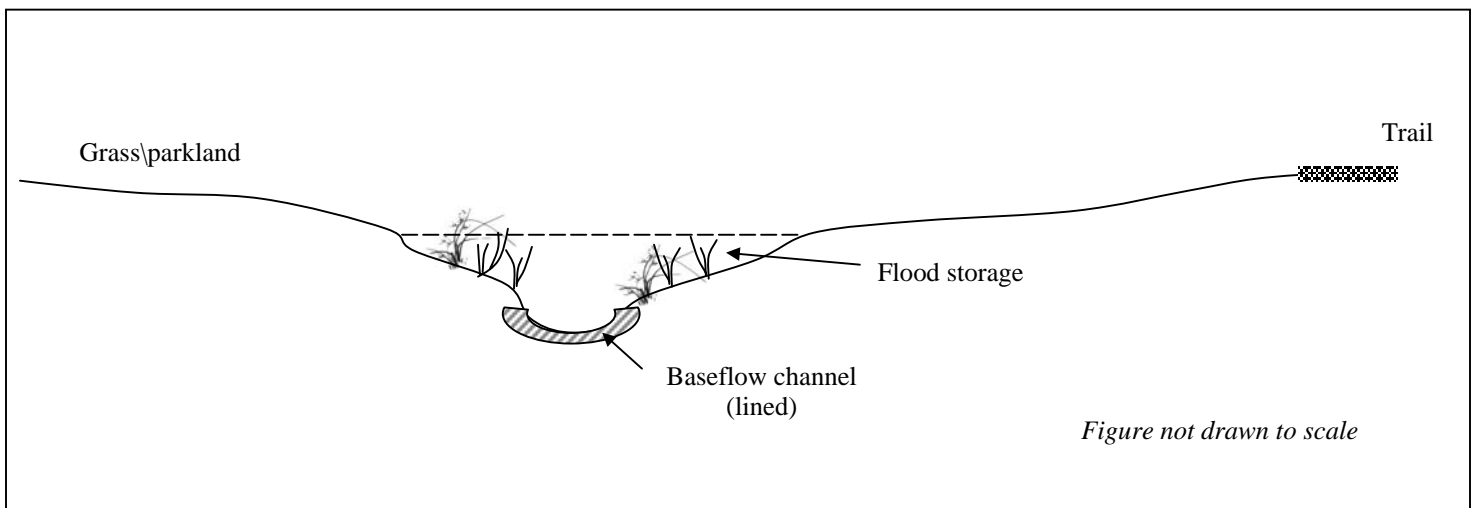
The quantity and quality approach laid-out earlier in this section describes an approach driven by the need to comply with runoff control rules of the LRRWMO and water quality requirements that are described in the next section. The runoff management system proposed in Figure 17.2 is done in a preliminary sense to allow the City and the developer to proceed with some knowledge of what design specifics will be needed. The City will assure that the developer(s) will design and build the final drainage and runoff management system within this overall framework, in compliance with the mandates of the LRRWMO.

### *Implementation of BMPs in Preliminary Design*

A system of BMPs can be initially proposed to meet the needs identified in the Item 12 and 17 discussions. The first aspect of this design is the handling of the large-scale (100-year) event. Figures 17.2 (a-c) illustrate the major management practice features that are proposed to store and treat runoff in the central drainage corridor. This system is designed to provide volume/peak reduction storage for the runoff, as well as water quality treatment. This approach starts with large detention storage in ponds located on-site in sub-watersheds 7 and 8, followed by similarly sized detention in ponds located in subwatersheds 25 and 26 south of the active development site. This storage is supplemented with additional smaller-scale storage in sub-watersheds 5, 11, 13, 21 and 22. Tables 17.1-17.5 describe the water quantity reductions in these ponds, and Tables 17.6 and 17.7 describe the water quality improvements for TP.

The ponding system provides both permanent pool storage for water quality treatment and temporary flood storage above the permanent pool. The ponds in the central drainage corridor are supplemented by two areas for additional storage of pre-treated runoff. These two areas in sub-watersheds 8 and 19 will allow for water levels to raise and take advantage of storage available. This water will be slowly drained by a controlled outlet, but infiltration will also occur. Figure 17.3 is a schematic cross-section of this approach. Keeping these areas dry except during high flows allows for their use as open space, recreation areas for essentially all of the year, with the exception of that time when they are needed to absorb flow. They then serve to dampen peaks, reduce volume and enhance recharge. A similar feature is also proposed for sub-watershed 26. This would be the last BMP in the chain of BMPs installed throughout the site and south of it before flows reaches the Mississippi River. Table 17.7 showed the dramatic water quality improvement that this system could provide. Such an approach is mandated by the Phase II discharge requirements (next section) and the MNRRA/Critical Area guidelines (Item 27).

Figure 17.3 Schematic of Flood Storage/Infiltration Portion of Central Corridor.



The runoff calculations in this section included determination of the 100-year event runoff and a condition supplemented by additional on-site storage. Figures 17.2 (a-c) showed the preliminary concept for the central drainage corridor. These figures illustrate the ponding system concept for storage during the large-scale event. Reference to Figure 6.6, however, shows that many additional smaller ponds exist on the site. Use of these ponds and consideration of the infiltration that naturally occurs through the sandy soils inherent to the site, yield a net reduction in flow leaving the site. Even further reduction can be made during the design and construction phases with the incorporation of additional BMPs. These features can also be used to filter inflow to the shallow groundwater system and replace some of the recharge lost to increased urbanization. The City can expect that volumes will be reduced if these features are incorporated in block design runoff routing. The largest benefit would likely accrue from installation associated with large parking lot surfaces. Further reductions can be explored during the detailed design phase.

The final BMP element proposed for runoff control is the use of solids removal pre-treatment at storm sewer outfalls. These installations can be any of a wide variety of forebays or installed sumps/filters that remove particulates from stormwater prior to discharge into any of the drainageways throughout the site. These will also reduce overall pollutant removal and will be a major part of the city's Phase II list of available BMPs.

As part of the design process for BMPs, replacement of non-native vegetation with native vegetation will occur whenever practicable and desirable.

#### *Phase II National Pollutant Discharge Elimination System (NPDES) permit*

The City of Ramsey has submitted its draft application for a Phase II National Pollutant Discharge Elimination System (NPDES) permit. The unsigned permit was submitted on March 10, 2003 under the MPCA requirements for the program of the U.S. Environmental Protection Agency (EPA). MPCA extended the timeline for receipt of an officially signed permit so that the City could authorize signature through a City Council action. The new deadline for receipt of a signed application is May 9, 2003. After that, the City will need to adopt a Storm Water Pollution Prevention Program (SWPPP). Since the City owns and operates a municipal drainage system, it is subject to the provisions of the Municipal Separate Storm Sewer System (MS4) provisions of the law. Construction activities within the City, and specifically on the Ramsey Town Center site, are also subject to the Phase II General Storm Water Permit for Construction Activity.

The MS4 program requires the City to develop and implement a Storm Water Pollution Prevention Program (SWPPP) that includes six minimum control measures:

- Public education and outreach;
- Public participation and involvement;
- Illicit discharge, detection and elimination;

- Construction site runoff control;
- Post-construction site runoff control; and
- Pollution prevention/good housekeeping.

The City must identify best management practices (BMPs) and measurable goals associated with each minimum control measure noted above. The City will be given five-years to develop an effective program after the permit is issued. This period of time coincides with the phased development of the Ramsey Town Center site, which must then include the provisions of the City SWPPP. The City will assure that the provisions of its Program are properly implemented within the Center as development proceeds.

Construction within the City of Ramsey is also subject to the provisions of the NPDES Phase II General Storm Water Permit for Construction Activity. This provision is in addition to the construction control measure required under the MS4 permit. Revisions to the current permit will be implemented by the State in September 2003. Under the proposed State Construction permit, any construction meeting the following criteria will be expected to obtain a permit from the MPCA:

- Any construction activity that results in the disturbance of one acre or more;
- Any construction activity less than one acre, but part of a “larger common plan for development or sale” that is larger than one acre (This would apply to any sub-area construction on the Ramsey Town Center site that is less than one acre because the overall site meets the above criteria.); and
- Any construction activities that MPCA determines will potentially contribute to a violation of a water quality standard or for significant contribution of pollutants to a water resource.

Clearly, any construction on the Ramsey Town Center of any size will be subject to the provision of the Phase II construction permit, especially since the City’s MS4 permit requires it to implement control measures addressing construction site runoff control. The SWPPP required for the general construction activity Permit must address the potential for discharge of sediment and/or other potential pollutants from the site, and must include the following elements:

- Temporary erosion prevention and sediment control BMPs;
- Permanent erosion prevention and sediment control BMPs;
- A permanent storm water management system; and
- Pollution prevention management measures.

These elements must be incorporated into the final plans and specifications before applying for permit coverage. Special provisions are made within the General Permit language for discharges to Outstanding Resource Value Waters (ORVW), which includes the Mississippi River through the City of Ramsey, discharges to wetlands and discharges to scenic or recreational river segments, which include the Ramsey reach of the Mississippi River. Within these areas, additional protective BMPs are required. Since the ultimate discharge from Ramsey Town Center is the Mississippi River, these provisions will apply to the construction permits issued for the site. The Item 17

assessment of discharge found that discharge of any storm water from the Town Center downstream to the River will occur under wet conditions. The only feasible and economic alternative for surface water discharge from the site is to the River. Every effort will be made to retain and, if possible, infiltrate normal events on the Town Center site. Excess volumes of surface water runoff will be pre-treated before allowed to drain from the Center or its nearby/adjacent runoff treatment system.

Because the Ramsey Town Center will not have any heavy industrial uses, it is not expected that the provisions of the Phase II NPDES program dealing with Industrial Activity will apply. However, if development conditions change before the site is finally built-out, and heavier industry is allowed on the site, these provisions could apply. Although there is no intent for heavy industry to occur in the Center, the City will monitor the permit requirements relative to land uses under which the permit conditions apply, and implement a control program if ever needed.

#### *Relationship to Mississippi River TMDL*

One water quality element of note in the mitigation plan is the need to reduce the negative impact of a discharge to an “impaired water” under the Total Maximum Daily Load (TMDL) program. The Mississippi River through the City of Ramsey has been listed on the MPCA recommended “303d” list as impaired relative to fecal coliform, PCB and mercury. The PCB and mercury programs are regional in scale and are the subject of regional MPCA and USEPA remediation programs. The discharge of storm water high in fecal coliform, however, is something that the City will need to address. The implementation of nonpoint source pollution control BMPs does not necessarily assure the reduction of fecal coliform. The process for setting a TMDL includes the initiation of a formal study that results in recommendations for control of the pollutant causing the impairment. MPCA has not yet begun this study for the impaired Mississippi River reach; however, once this study begins (currently scheduled for 2004-2006), the City will cooperate to the best of its ability with the MPCA to reduce the input of fecal coliform to the River.

## 18. Water Quality-Wastewater

*18a. Describe sources, composition and quantities of all sanitary, municipal and industrial wastewater produced or treated at the site.*

*18b. Describe waste treatment methods or pollution prevention efforts and give estimates of composition after treatment. Identify receiving waters, including major downstream water bodies, and estimate the discharge impact on the quality of receiving waters. If the project involves on-site sewage systems, discuss the suitability of site conditions for such systems.*

*18c. If wastes will be discharged into a publicly owned treatment facility, identify the facility, describe any pretreatment provisions and discuss the facility's ability to handle the volume and composition of wastes, identifying any improvements necessary.*

*18d. Does not apply.*

*Observe the following points of guidance in an AUAR:*

- *only domestic wastewater would be coming from industrial uses that are excluded from review through an AUAR process;*
- *wastewater flows should be estimated by land use sub-areas of the AUAR area; the basis of flow estimates should be explained;*
- *the major sewer system features should be shown on a map and the expected flows should be identified;*
- *if not explained under Item 6, the expected staging of the sewer system construction should be described; and*
- *the relationship of the sewer system extension to the RGU's comprehensive sewer plan and (for metro area AUARs) to Metropolitan Council regional systems plans, including MUSA expansions, should be discussed.*

### **18a. General - Source, composition and quantity**

In Minnesota communities, the management of wastewater is a health-related necessity. - Providing adequate wastewater management services to residents and businesses in a community results in several additional benefits, including protection of the environment, enhanced economic development, and beneficial reuse of bio-solids and nutrients.

Policies within the City's *2001 Comprehensive Plan*, as amended in 2002 (*Comprehensive Plan*), indicate that the City will:

- Extend municipal sewer services to areas within the existing and future Metropolitan Urban Services Area (MUSA) as shown on Figure 5.4 and consistent with the provisions and process outlined by the City.

- Extend municipal sewer services to rural areas *only if*:
  - A pollution problem exists due to failing or leaking septic systems;
  - The only cost effective solution to the problem is connection to municipal sewer or a central sewer system;
  - Capacity exists in the metropolitan treatment system to provide service to the rural area in question; and
  - A fair and equitable financing tool is in place to recover the costs of building the sewer expansion facilities, so that existing rural residents who remain on functioning private septic systems are not required to pay assessments.
- Develop an equitable and fair financial framework for building and maintaining the existing and future municipal sewer system.
- Provide for the efficient and timely extension of municipal sewer services in accordance with the development staging plan as depicted in the future land use plan.
- Oversize sewer pipes so that in the event private septic systems fail the municipal sewer system is properly sized to handle additional capacity.
- Annually monitor sewer flowage into the two metropolitan interceptors in order to identify infiltration and inflow (I&I) problems, which can cost-effectively be repaired.
- Work with the Metropolitan Council Environmental Services division to identify any points of major I&I into the system and devise a plan to minimize future I&I.
- Emphasize prevention and education to protect against ground water pollution related to on-site sewage disposal systems.
- Ensure existing on-site sewage disposal systems in the City are consistently maintained and monitored as required under Minnesota Rules Section 7080.

Based on the *Comprehensive Plan*, the availability of wastewater management services within the City can be divided into three distinct service categories as follows:

- Existing Urban (MUSA) Area: Residents and businesses within this area are currently served by the MCES's regional interceptor. Wastewater is transported via this interceptor to the MCES Metro Wastewater Treatment Plant in St. Paul (Figure 18.1 and 18.2).
- Urban Growth Area: These are areas designated by the City of Ramsey in its *Comprehensive Plan*, as being within the Urban Growth Boundary. Wastewater services for future development in this area will be provided by

the existing system for growth within the existing service area or by an extension of the collection system for other areas. Existing residences and businesses currently within this area, but outside of the existing service area, are serviced by individual septic systems.

- Central Rural Reserve and Rural Developing: Residents and businesses in these areas use primarily individual septic systems for wastewater management and individual wells for potable water (Figure 18.2). Although extension of MUSA service to these areas is not currently planned, design of the existing and future sewer mains must take into account any potential future need. Therefore, for purposes of the AUAR, projected flows are calculated for those areas within the Sewer Service Boundary shown in the 1991 *Comprehensive Sanitary Sewer Plan* (Sewer Plan). Generally, these areas are designated Rural Developing in the *Comprehensive Plan* and are located north of the Urban Growth Boundary and south of Trott Brook.

**Figure 18.1: MCES Wastewater Facilities Serving Ramsey**

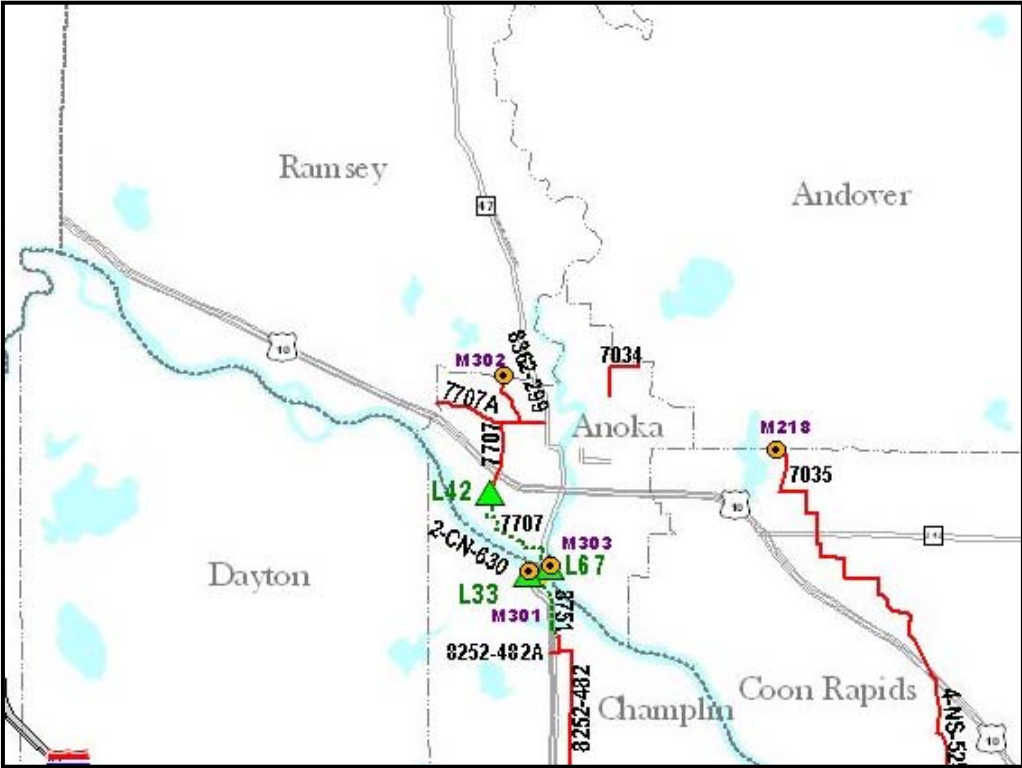




Table 18.1: Projected Wastewater Composition and Loadings

Contaminant	Concentration (mg/l)	Total Annual Mass Loading <sup>(1)</sup> (tons)
Total Dissolved Solids	500	5,557
Total Suspended Solids	220	2,445
Biochemical Oxygen Demand - 5-Day (BOD <sub>5</sub> )	250	2,778
Chemical Oxygen Demand (COD)	500	5,557
Nitrogen (Total as N)	50	557
Phosphorous (Total as P)	10 <sup>(2)</sup>	111

(1) Based on a projected annual flow of 2,665 MGY.

(2) Phosphorous levels are somewhat elevated to compensate for disposal and restaurant wastes.

Wastewater from the RTC development is considered domestic as no industrial waste is proposed. Table 18.1 lists the projected composition of the wastewater and the projected concentration of common contaminants. The above projected loadings fall within the range of “average” wastewater strengths. Because of this, it appears that the MCES Metro Wastewater Treatment Plant will be able to handle the projected waste composition and loadings from the RTC Development.

### 18b. Description of Existing Wastewater Management Systems

*Local Collection System Capacity* – Within each of the Districts, wastewater is collected and transported to the main interceptors primarily by gravity sewer. When necessary, pumping stations and force-mains are used to overcome elevation changes. Inflow and infiltration into the sanitary sewer is expected to be minimal due to the relatively new age of the system.

The City’s *Comprehensive Plan* documented MCES Projected Wastewater flows for the City of Ramsey to be between 542 and 668 MGY or a maximum of 1.8 MGD. The *Sewer Plan* indicated that at full build out, 2.8 MGD of flow would be generated by a sewered population of 27,200 persons and a sewered employment of 7,000 employees. It appears that the existing sewer collection system has been designed to accommodate the larger flow of 2.8 MGD.

*Regional Interceptor Capacity* – Availability of capacity in the regional interceptor system depends on several factors, but is generally based on Metropolitan Council design and growth projections for developing communities. The *Comprehensive Plan* indicates that Metropolitan Council projections of wastewater flows for the City of Ramsey in 2020 were between 1.5 and 1.8 MGD. The *Sewer Plan* states that the two regional interceptors serving Ramsey were design to handle a combined average daily flow of 7.87 MGD. However, the regional facilities downstream of the interceptors are not. The *Sewer Plan* also states that approximately 30% (2.8 MGD) of the capacity at the Anoka lift station is reserved for Ramsey. In either case, the *Comprehensive Plan* states that “If and when growth or sewer demand exceeds the current regional facility sizing, those facilities will require upgrading”.

For purposes of this AUAR, it is assumed that the available capacity in the MCES Regional System is at a minimum 2.8 MGD and could be as high as 3.8 MGD without requiring significant upgrades. This 3.8 MGD figure is based on a telephone conversation held in February of 2003 in which MCES Officials indicated that additional capacity may be available due to slower than anticipated growth and development in other cities. Therefore, it is recommended that the City contact MCES to formalize a new agreement on existing and future available capacity. Future decisions on growth, and the need for infrastructure improvements, can then be planned and executed as necessary.

*Existing Urban Flows* – Within the existing Urban Wastewater Service Area (Table 18.2), approximately 1,500 residential households and 250 acres of commercial, industrial and institutional development are served by the MCES regional interceptor. The entire Urban Service Area is divided into two service districts that connect to separate regional interceptors: the Mississippi River District and the Rum River District (Figure 18.2). These Districts are divided somewhat along the watershed divide for the two rivers.

Table 18.2: Existing MUSA (Category 1) Flows by District

Description	Average Daily Flow (MGD)	Peak Hourly Flow (MGD)	Average Annual Flow (MGY)	Average Daily Flow Capacity (MGD)	Peak Hourly Flow Capacity (MGD)
Mississippi River MUSA District	0.161 <sup>(1)</sup>	0.555	59	-	10
Rum River MUSA District	0.390 <sup>(2)</sup>	1.314	143	-	8
<b>TOTAL</b>	<b>0.551</b>	<b>1.595</b>	<b>202</b>	<b>2.8 to 3.8</b>	<b>18</b>

(1) Based on 2002 monthly flow records provided by MCES. (2001 Comp Plan estimated at 0.199 MGD)

(2) Based on 2002 average quarterly flow monitoring records provided by MCES. (2001 Comp Plan estimated at 0.406 MGD)

(3) Peak hourly flows were calculated using average design value formulas.

The two regional interceptors serving the City have a combined peak capacity of 18.0 MGD. The Rum River MUSA District, which is served by a 30-inch diameter interceptor, has a maximum design capacity of about 8 million gallons per day (MGD). The Mississippi River MUSA District, which is served by a 30-inch diameter interceptor, has a maximum peak design capacity of about 10 MGD. As stated earlier, it is assumed that 2.8 to 3.8 MGD of average daily flow capacity is available in the regional system.

The capacity of the MCES interceptors appears to be adequate for the existing average daily and peak hourly wastewater flows from each District. In addition, the combined average daily flow of 0.551 MGD does not exceed the MCES limit of 2.8 to 3.8 MGD. The reserve capacity for future growth with the Ramsey MUSA, therefore, appears to be about 2.2 to 3.2 MGD before upgrades will be needed in the downstream facilities.

*Rural Wastewater Management* – In areas outside of the existing MUSA, a total of 3,750 households are served by private on-site septic systems and drain fields. Of these, 3,260

are systems that are outside of the current Urban Growth Boundary. The remaining 490, which are located within the Urban Growth Boundary, are earmarked in the *Comprehensive Plan* to be connected to the MUSA system during phased expansion through about 2015. Approximately half of the 3,750 onsite systems were constructed before 1974 and have not been replaced or upgraded since. The remaining systems are new or have been upgraded since 1974 due to failures or real estate sales. There have been no known or reported groundwater quality issues related to failing septic systems. The City has passed an ISTS ordinance.

*Future Wastewater Management.* As stated earlier, the City's wastewater collection system is divided into two Districts that generally follow a watershed boundary: the Rum River MUSA District and the Mississippi River MUSA District. The City's 2001 *Comprehensive Plan* identified areas within the City limits that would receive MUSA wastewater service under future planned expansions through 2015. These areas are all within the Urban Growth Boundary.

In the Rum River MUSA District Urban Growth Area, future expansion is planned to serve two small areas to the north of 163<sup>rd</sup> Ave. (Figure 18.2). In the Mississippi River MUSA District Urban Growth Area, future expansions are planned for a fairly large area to the west of Ramsey Blvd., and to the north and south of U.S. Hwy. 10, also shown in Figure 18.2.

The RTC Site is located within the Mississippi River MUSA District. It was identified in the City's 2001 *Comprehensive Plan*, as amended in 2002, for expansion of the centralized wastewater system between 2000 and 2010. In addition to the RTC Site, the plan identified other Urban Growth Areas to the west of the RTC Site with sewer extension occurring between 2000 and 2015.

*(Note: The selection of sub-districts is solely for convenience in determining current and future design flows and was not intended to correlate with any development timelines.)*

Methodology: Existing and projected future flows for each District need to be determined in order to consider potential future impacts from the RTC Development. In general, the methodology follows that used in the City's 2001 *Comprehensive Plan*, as amended in 2002, and estimates future flows for all areas within the Sewer Service Boundary developed in the *Sewer Plan* (generally all areas south of Trott Brook).

Flows for the areas currently served by the MUSA will be based on the 2001 MCES reported flows as shown in Table 18.2. Flows for the future Urban Growth Areas are based on projected land use and generally follow the procedures developed in the City's 1991 *Comprehensive Sewer Plan* (A summary of the projected flows is included as Appendix G). For the RTC Site, future flows were estimated based on projected occupancy and development types presented in the latest RTC preferred design shown in Figure 6.1.

*Mississippi River MUSA District* – To determine future wastewater flows, the Mississippi River MUSA District Urban Growth Area was divided into five sub-districts: the existing MUSA Sub-district, the Rural Sub-district, the RTC Sub-district, the Northwest Sub-district and the Southwest Sub-district (Figure 18.2). The projected wastewater flows for the RTC Sub-District are given in Tables 18.3 and 18.4, respectively, for residential and commercial/service development.

Table 18.3: Projected Wastewater Flows for RTC Sub-District Residential Development

Development Type	Quantity	Occupants per Unit	Total Occupants	Flow per Occupant (gpd)	Total Flow (gpd)
Mixed Use Residential	1012	5	5,060	75	379,500
Apartment	172	3	516	75	38,700
Duplex	62	4	186	75	13,950
Townhouse	1154	4	4,616	75	346,200
<b>Total Residential</b>	<b>2,400</b>		<b>10,378</b>	<b>75</b>	<b>778,350</b>

Table 18.4: Projected Wastewater Flows for RTC Commercial/Service Development

Development Type	Acres Used (ac)	Flow per Acre (gpd)	Total Flow (gpd)
Commercial (Existing Hwy. 10)	32.2	1,500	48,300
Commercial (Service/Convenience)	11.6	1,500	17,400
Commercial (Shopping)	24.4	1,200	29,280
Mixed Use (Retail/Office)	30.6	1,700	52,020
Civic Center	3.6	10,000	36,000
Business Enterprise	35.9	1,000	35,900
Transit	4.5	1,000	4,500
Public/Open Space	58.2	100	5,820
<b>Total Developed Area</b>	<b>201</b>		<b>229,220</b>

The combined future wastewater average and peak daily flows for the entire Mississippi River MUSA District are 4.099 MGD and 8.746 MGD, respectively (Table 18.5). These flows are well within the range for the design of the local regional interceptor which has a peak daily capacity of 10 MGD. However, it does appear that improvements to downstream MUSA infrastructure, such as the Anoka lift station, may be required at some future date.

Table 18.5: Mississippi River District Projected Future Wastewater Flows by Sub-district

<b>Sub-district</b>	<b>Existing Average Daily Flow (gpd)</b>	<b>Existing Peak Hourly Flow (gpd)</b>	<b>Future Average Daily Flow (MGD)</b>	<b>Future Peak Hourly Flow (MGD)</b>
Existing MUSA Service Area	0.161	0.475	0.161	0.555
Future Existing MUSA for Build-out	0	0	0.781	2.530
Northwest Sub-district	0	0	0.472	1.578
Southwest Sub-district	0	0	0.599	1.976
Ramsey Town Center	0	0	1.010	3.195
<b>Sub-total</b>	-	-	<b>3.023</b>	<b>7.534</b>
Future Rural (If Required)	0	0	1.076	3.381
<b>TOTAL</b>	<b>0.161</b>	<b>0.475</b>	<b>4.099</b>	<b>8.746</b>

(1) From 1991 Comprehensive Sanitary Sewer Plan.

In addition, there is a 27-inch sewer main that terminates at a manhole on the eastern edge of the RTC development at the corner of Ramsey Boulevard and 143<sup>rd</sup> Avenue. Assuming the minimum allowable design slope of 0.07%, the maximum instantaneous flow that can be handled by this line is 8.216 MGD. Therefore, it appears that the existing 27-inch main is sized to handle wastewater flows from the RTC development and future growth from the Urban Growth and Rural Developing Areas.

*Note: The 27-inch main mentioned above runs for two blocks before tying into a 30-inch main. Because of this, and the uncertainty of future flows and pipe slopes, it is recommended that a 30-inch sewer main be installed throughout the entire RTC development and, if required, only two blocks of 27-inch main will need replacing in the future.*

*Rum River MUSA District* – To determine the future wastewater flows, the Rum River MUSA Sub-District has been divided into two sub-districts: the Existing MUSA Sub-district and the Rural Sub-district. Table 18.6 shows the current and future flows for the Rum River District.

Table 18.6: Rum River District Projected Future Wastewater Flows by Sub-district

<b>Sub-district</b>	<b>Existing Average Daily Flow (gpd)</b>	<b>Existing Peak Hourly Flow (gpd)</b>	<b>Future Average Daily Flow (MGD)</b>	<b>Future Peak Hourly Flow (MGD)</b>
Existing MUSA Service Area	0.390	1.119	0.390	1.314
Future Existing MUSA for Build-out	0	0	0.900	2.881
<b>Sub-total</b>	-	-	<b>1.290</b>	<b>3.960</b>
Future Rural (If Required)	0	0	1.864	5.365
<b>TOTAL</b>	<b>0.390</b>	<b>1.119</b>	<b>3.154</b>	<b>7.723</b>

The combined projected average daily flow for the Rum River District is 3.154 MGD with peak flows reaching 7.723 MGD. Therefore, there appears to be sufficient capacity in the MUSA regional interceptor which is designed for a peak flow of 8 MGD. Again, it is recommended that the City reevaluates their MCES allocation of the interceptor capacity prior to performing an update of their Comprehensive Sewer Plan.

*Combined City of Ramsey Flows.* Table 18.7 below shows the total future average daily wastewater flow for the entire City to be 7.3 MGD with a peak hourly flow of 16.5 MGD. It should be noted that these flows assume the maximum possible density at final build-out and, therefore, represent the most conservative scenario. As a result, it appears that the existing interceptors are large enough to carry the projected future average daily flows, as well as the projected future peak hourly flows. In addition, it appears that the future average daily wastewater flow is above the MCES allocated flow of 2.8 MGD, as well as the higher allocation of 3.8 MGD.

Table 18.7: Projected Maximum Wastewater Flows for 2020

<b>Sub-district</b>	<b>Future Average Daily Flow (MGD)</b>	<b>Future Peak Hourly Flow (MGD)</b>	<b>Average Annual Flow (MG)</b>
Mississippi River District	4.1	8.75	1,497
Rum River District	3.2	7.72	1,168
<b>TOTAL</b>	<b>7.3</b>	<b>16.5</b>	<b>2,665</b>

Summary of Environmental Impact. The provision of sanitary sewage collection and transport to a treatment facility is a normal urban service provided by a community as its urban area develops. There is no adverse environmental impact expected as long as the plan for provision of this service is followed according to the City's *2001 Comprehensive Plan*, as amended in 2002 and coordinated with MCES.

Mitigation element - Combined future flows for land within the Urban Growth Boundary for both Districts appears to be about 4.3 MGD (about 3.0 MGD from the Mississippi River District and 1.3 MGD from the Rum River District). The 1991 *Comprehensive Sewer Plan* estimated these flows to be about 3.8 MGD. Therefore, increased flows due to the RTC development appear to be about 0.5 MGD greater than planned in 1991. Both the wastewater flows and the projected loadings from the RTC development can be effectively transported and treated by the MCES system.

However, future development and resulting flows need to stay within the current 3.8 MGD allotment allowed by MCES until such time as more allocation is available. In general, however, total projected flows for the City are within the ranges of those estimated in the City's *2001 Comprehensive Plan*, as amended in 2002. Therefore, it does not appear that there is any cause for specific remediation actions.

As noted earlier, it will be necessary for the City to update its 1991 *Comprehensive Sewer Plan* and work with MCES on securing additional allocations. In addition, it will be important to measure and test the wastewater flows from the new development on a periodic basis. This will allow the City and MCES officials to monitor the characteristics of the wastewater generated by the development over time and to address any future unforeseen changes.

## 19. Geologic Hazards and Soil Conditions

*19a. Approximate depth (in feet) to ground water: **4 minimum, 10 average**  
Approximate depth (in feet) to bedrock: **120 minimum, 160 average***

*Describe any of the following geologic site hazards to groundwater and also identify them on the site map: sinkholes, shallow limestone formations or karst conditions. Describe measure to avoid or minimize environmental problems due to any of these hazards*

*19b. Describe the soils on the site, giving NRCS (SCS) classifications, if known. Discuss soil granularity and potential for groundwater contamination from wastes or chemicals spread or spilled onto the soils. Discuss any mitigation measures to prevent such contamination.*

*For an AUAR, a map should also be included to show any groundwater hazards identified. A standard soils map for the area should be included.*

**19a.** The regional water table is four feet from the surface in low areas of the site, but average depth to groundwater is ten feet (Figure 19.1). The easily accessible water table provides a readily available source of groundwater. Bedrock units below surficial materials provide additional groundwater sources. The City of Ramsey drinking water is currently supplied by five wells. Three of these well are in, and adjacent to, the Town Center and pump water from the Franconia-Ironton-Galesville (FIG) aquifer. Details of this system are provided in Item 13. Groundwater flows at low gradients to the south-southeast towards the Mississippi River in the FIG aquifer.

Surficial sediments consist of Quaternary glacial outwash composed primarily of sand and gravel (Figure 19.2). The majority of the site lies within the Langdon Terrace. The northeast edge of the site consists of the Richfield Terrace. Both Terraces are deposits of the historic Mississippi River and consist of sand layers of varying thickness overlaying till or bedrock. Boulder lags and scarps are typically found at the contact between the two Terraces. Clay layers of varying thickness are found at typical depths of 50 feet. Thickness varies and the layers do not appear to be continuous. These clay layers inhibit the downward flow of groundwater to lower bedrock units. The clay is typically mixed with sand or gravel, or has pockets of sand and gravel. Silt, clay, and hydric soils can be found at or near the surface in some areas. These materials are hydraulic barriers retaining surface water where surface water features are not reflections of groundwater.

Beneath the Town Center, minimum depth to bedrock is 120 feet and average depth is approximately 160 feet (Figure 19.3). The uppermost bedrock unit below the Town Center is the Franconia Formation (Figure 19.3). The Upper Franconia is fine- to coarse-grained dolomite cemented sandstone with thin beds of shale. The Lower Franconia units are glauconitic and feldspathic well-cemented sandstone inter-bedded with thin shale layers. The two are separated by a thicker shale bed, which is far less able to transmit water, further slowing the downward flow of water to deeper aquifers. Below the

Franconia is the Ironton-Galesville Formation. The Ironton and Galesville formations are medium to very coarse-grained sandstones interlaid with thin beds of shale. The formations are separated from the water at the surface by clay layers in glacial material and by the thick shale bed in the Franconia Formation. These units of shale and clay act as “aquitards”, meaning they have low permeability and slowly transmit water, or retard the flow of water to lower bedrock units.

The Minnesota Geological Survey (MGS) is currently reviewing the bedrock geology of this region. A final map from this study will be available in fall 2003. The study identifies the possibility of shallow bedrock valleys where the St. Lawrence formation is absent throughout Anoka County. These shallow valleys can be difficult to identify, as the St. Lawrence is often misinterpreted as Upper Franconia. It is typically present as a cap on high bedrock areas. Well logs from the project site (Figure 19.3) indicate that the St. Lawrence does not exist below the Town Center, but because of common misinterpretations, a thin layer may be present.

Through the course of the MGS study, a bedrock valley was identified two miles north of the Town Center site (Figure 19.4). The valley cuts down through all upper bedrock units into the Ironton-Galesville Formation. Bedrock valleys bring quaternary sediments in direct contact with deep bedrock formations. This interaction may result in the quaternary aquifer recharging bedrock aquifers without the typical aquitards that protect these aquifers from surface pollutants.

**19b.** Soils within the Town Center are highly permeable sand and gravel in the upper 50 feet. These are the soils through which RTC stormwater infiltrates (Figure 12.2). Soil borings on-site indicate the first foot of soil is silt and sand, followed by poorly graded fine to medium-grained sand with traces of gravel. The Natural Resources Conservation Service (NRCS) classifies the soils on site as Hubbard series, Duelm, and Isanti. The Hubbard soils classified on site are coarse sand with slopes that range from 0-12 percent. The Duelm is a loamy coarse sand and the Isanti is a sandy loam. The Isanti is a hydric soil.

All soils on site have a permeability that ranges from six-to-twenty inches per hour. The high permeability of the soils increases the potential for shallow groundwater contamination. To reduce this risk, pretreatment of stormwater runoff prior to infiltration and community education programs on household chemical and fertilizer use can be implemented.

City wells were tested for tritium as part of the wellhead protection area (WHPA) and drinking water supply management area (DWSMA) delineation for the City of Ramsey. Public water supply wells with high levels of tritium are classified as “vulnerable” to surface processes because of the relatively recent (post-1950) interaction with the surface. Tritium levels in the three city wells around the Town Center are high. The high levels may be caused by the rapid rate of infiltration through the highly permeable sand and gravel materials of the Anoka Sand Plain, by leakage of water around the annular space of the well, or by the interaction of the quaternary and bedrock aquifers in the bedrock

valley to the north of the site.

Water quality tests of Ramsey public water supply wells including tests for nitrates, pesticides, volatile organic compounds, and arsenic were found to meet all of the Safe Drinking Water Act drinking water limits. Manganese and iron are present and may produce staining and metallic tasting water, but do not pose a health risk. Clay layers in the glacial material and shale layers in the Franconia Formation slow or impede the course of potential surface pollutants towards the lower bedrock formations and therefore help to maintain the quality of the Ramsey water supply.

Summary of Environmental Impact. The high permeability of the Anoka Sand Plain, the shallow water table, shallow bedrock valleys, non-continuous clay layers, and the elevated tritium levels in the City wells indicate that the FIG aquifer is susceptible to contamination from surface activities. This susceptibility means that the municipal wells adjacent to the RTC site require more attention relative to potential contaminant sources. The second part of the wellhead protection plan will discuss site specific ways of reducing the risk of contamination. The following mitigation plan details general means to minimize risks.

Mitigation element. The high permeability of the soils at the Town Center are ideal for the implementation of infiltration practices that will manage stormwater runoff, provide flood control and recharge the water table aquifer. However, the high permeability also increases the risk for potential contamination of groundwater resources. In order to mitigate this risk, best management practices (BMPs) and community education programs will be implemented.

Extensive use of herbicides, pesticides, and fertilizers on residential and public lawns, and agricultural fields is discouraged in the City of Ramsey, as stated in the City's *2001 Comprehensive Plan*. Implementing community education and awareness programs to discourage the above stated activities, as well as to inform on household and business chemical usage and hazardous waste storage and disposal will help reduce the potential for groundwater contamination by these types of substances. The appropriate use of native vegetation will also reduce the need for herbicides, pesticides and fertilizer throughout the Town Center.

Infiltration of stormwater under carefully managed conditions is essential for recharging groundwater. Infiltration through soil also removes nutrients and other potential pollutants from surface water, pretreating and maintaining the quality of the water. Potential groundwater contaminants from stormwater runoff associated with land uses similar to the proposed Town Center land uses include nitrates, pesticides, organic compounds, and heavy metals. The potential for contamination from these substances is greatly reduced when stormwater runoff is pre-treated prior to infiltration and BMPs are implemented. Pretreatment methods vary, but include the use of permeable materials to promote infiltration and pollutant removal by soil, vegetation to filter surface water, settling to remove solids and pollutants associated with them, and preventative measures such as limiting the storage of chemicals and homeowner education on chemical use.

Several manuals for design, installation and maintenance of BMPs are available to guide the City. Citizen and staff education will also help implement protective practices.

The use of these types of practices increases wildlife habitat and public green space while reducing the risk of groundwater contamination. Several manuals are available to guide actual installation, use and operation/maintenance of chosen BMPs.

## 20. Solid Wastes; Hazardous Wastes; Storage Tanks

**20a.** Describe types, amounts and compositions of solid or hazardous wastes, including solid animal manure, sludge and ash, produced during construction and operation. Identify method and location or disposal. For projects generating municipal solid waste, indicate if there is a source separation plan; describe how the project will be modified for recycling. The total quantity of municipal solid waste generated and information about any recycling or source separation programs of the RGU need to be included. If hazardous waste is generated, indicate if there is a hazardous waste minimization plan and routine hazardous waste reduction assessments.

**20b.** Not applicable to an AUAR.

**20c.** Indicate the number, location, size and use of any above or below ground tanks to store petroleum products or other materials, except water. Describe any emergency response containment plans. Potential locations of storage tanks associated with commercial uses in the AUAR should be identified (for example, gasoline tanks at service stations).

**20a.** Information on solid waste generation expected from the RTC site was obtained from Ace Solid Waste Inc. (Rick Nelson, 763-427-3110). The analysis used the preferred design shown in Figure 6.1 and the extensive local experience of Ace Solid Waste Inc. to calculate the most likely amount of solid waste that will be generated by the Town Center. The completed analysis is shown in Table 20.1.

Table 20.1 Solid Waste Analysis

Use Type	Solid Waste (tons/month)
Business/Medical Office	21.33
Commercial	12.11
Mixed-Use	86.93
Residential	123.65
Retail	26.99

**20b.** Not applicable to an AUAR.

**20c.** There are no underground storage tanks at the Town Center Site at this time, nor were there any identified to have been present historically. A Phase I investigation conducted by Delta Environmental Consultants, Inc. in 2002 identified two sites within one-half mile of the project area that were of regulatory environmental concern (Figure

19.4). Both sites were part of the Minnesota Pollution Control Agency's (MPCA) Leaking Underground Storage Tank (LUST) Cleanup Program. Brook's Food Store (LUST #7470) at 14550 Armstrong Boulevard Northwest was added to the LUST database in 1994 due to a release of unleaded gasoline. Custom Coaches (LUST #1042) at 6845 Highway 10 North was added to the LUST database in 1989 after a release of gasoline. Both sites were closed as of 1997.

Within the project area, there is an active site in the MPCA's Voluntary Investigation and Cleanup (VIC) program (Figure 19.4). The site is located on the corner of Ramsey Boulevard and Highway 10, and is identified as VP8480. In July 1963, a railcar accident resulted in the release of powdered lead arsenate. There was also a report of several barrels, possibly containing lead arsenate, being buried at this same location at a later, unspecified, date and then removed. An electromagnetic induction survey indicated three disturbed areas in the subsurface that could be burial locations. Burlington Northern Santa Fe (BNSF) has no record of the burial of any items. From soil boring investigations, the extent of arsenic contamination is 350 feet long and 40 feet wide (Figure 19.4).

The Minnesota Department of Health (MDH) and the United States Environmental Protection Agency (USEPA) determined the maximum contaminant level (MCL) for arsenic in drinking water to be 50 parts per billion (ppb). In the 1990's the limit was reviewed and changed to 10 ppb. The new regulation does not go into affect until 2006. Groundwater samples were collected from monitoring wells at the spill site and from several residential wells near the spill. Soil samples were taken at varying depths from soil borings at the spill site. Of forty-two soil samples taken from 1998-2000, eight were over current MCL for arsenic. Groundwater samples were taken from six monitoring wells in 2000, and all six were over the current limit. In 2001, only one of these wells was over the MCL. Sample collection methods in 2001 differed from those used in 2000. The only arsenic level that exceeded the present MCL in a sampled residential well was to the north of this site. Because groundwater flow is to the south, the BNSF site is not thought to be the source of arsenic in that well.

A supplementary Phase II investigation has been completed for this site and is under review by the MPCA.

BNSF indicated its intent to remove the contaminated soils prior to the construction of the Burger King restaurant, parking lot, and stormwater detention pond. BNSF currently has plans to remove the contaminated soils in the summer of 2003. BNSF and the MPCA should be notified prior to any earth moving activities. The project representative for the MPCA is Karen Kromar, who can be contacted at (651) 297-3080. The BNSF representative is Mike Woolridge, who can be contacted at (763) 782-3483. Thomas Dahl, of Retec, performs environmental testing for BNSF at this site and can be contacted at (651) 222-0841.

BNSF hauls hazardous materials along the tracks that adjoin RTC. There has been only one known derailment of hazardous materials on the site over the past 40 years, as

discussed above. The transportation of hazardous materials is regulated at the federal, state and local level. Hazardous materials hauled through this area are reported to the Anoka County Emergency Management Department and are required to be properly placarded, stored and transported according to all applicable regulations. The City of Ramsey Police and Fire Departments are fully trained and prepared for potential derailments. Further information on City preparedness plans can be obtained from Fire Chief Dean Kapler at (763) 427-3764.

The Phase I Environmental Assessment performed in June 2002 by Delta Environmental Consultants Inc., concluded, based on site inspection, that hazardous substances and petroleum products were used and stored on an abandoned farmstead along Ramsey Boulevard Northwest within the Town Center site (Figure 19.4). Due to the unsecured nature of these substances, the potential for release or improper disposal exists. Materials identified at the farmstead included cement cans, motor oil containers, an open bucket of motor oil, rust retardant, bonding adhesive, car batteries, antifreeze, air conditioners, refrigerators, and several abandoned vehicles. Tests of ceiling tiles, floor tiles, insulation, and siding from the abandoned farmstead buildings were negative for asbestos. If this site is found to have contaminated soils or groundwater, appropriate remediation will be needed.

In order to safeguard and sustain the public water supply, “wellhead protection areas” (WHPAs) and “drinking water supply management areas” (DWSMAs) are delineated around public water supply wells (Figure 20.1). The first part of the Ramsey *Wellhead Protection Plan* was developed in cooperation with Anoka County Environmental Services as part of a ten-city program to delineate WHPAs and identify potential contaminant sources by parcel number and has been completed and approved by the Minnesota Department of Health (MDH). This half of the wellhead protection plan addresses WHPAs, DWSMAs and well vulnerability classifications. Parameters used to determine the WHPA include a ten-year groundwater travel time, aquifer transmissivity, pumping volume, flow direction, flow boundaries, and geologic setting. The DWSMA is the geographic area including and adjacent to the WHPA extended to public roads and/or property lines. The second part of the City’s wellhead protection plan is currently in progress and will address contaminant sources and education initiatives within the site and the City WHPA/DWSMA.

WHPA and DWSMA designations restrict or specially manage land uses that could degrade the quantity and quality of the public water supply. For example, the use of underground storage tanks to store petroleum and any other potentially harmful substance within a WHPA is not recommended by MDH. Underground tanks are allowed, in general, within WHPAs if the tanks are double-walled and groundwater around the tank is monitored for contamination from a possible leak in the tank. However, because the process of wellhead protection is specific and tailored to land use conditions within each WHPA/DWSMA, the development of the City’s wellhead protection plan and priority of contaminants will be determined by the City and MDH. In case a leak occurred, and alternative water sources were required there is an emergency water supply connection with the city of Anoka. In the event of a water supply emergency, the City will respond

using its normal police and fire emergency response plan until a specific emergency response plan can be developed as part of the second part of the wellhead protection plan.

Summary of Environmental Impact. There is an active MPCA VIC site in the southeast corner of the site as result a release of lead arsenate. The soils and groundwater in that area were contaminated with arsenic. BNSF is working with current landowners and the MPCA to remove the contaminated soils during the summer of 2003. Additionally, improperly handled and stored hazardous materials on an abandoned farmstead may pose an environmental impact. Finally, the Town Center site includes the WHPAs and DWSMAs for the city of Ramsey west well field. The following mitigation plan discusses how to minimize the impact to the drinking water supply within the regulated areas, as well as how to minimize further impact by the farmstead and VIC sites.

Mitigation element. To decrease the amount of solid waste generated within the City, Ramsey maintains the following policies as stated in its *2001 Comprehensive Plan* -

- Work with the Anoka County Integrated Waste Management Department to develop and implement programs that contribute to waste reduction, resource recovery, recycling and limited landfilling;
- Continue to support curbside recycling of reusable waste materials through educational events, promotional events, and volunteer efforts;
- Research grants and funding programs through federal, state, and local organizations that support the “Three R’s” (reduce, reuse, and recycle); and
- Continue to pursue and support research efforts in innovative techniques that enhance the environment, provide alternative means of energy, and reduce the waste stream.

The implementation of these policies will help to reduce the quantities of solid waste produced at the Town Center.

The contaminated soils at the BNSF VIC site must be removed as soon as possible under the plan for the summer of 2003. Removal could potentially occur during construction of the multi-modal facility, Highway 10 improvements, or Town Center construction. BNSF and the MPCA should be contacted in regards to any earth moving activity in the vicinity of the spill site. The project representative for the MPCA is Karen Kromar, who can be contacted at (651) 297-3080. The BNSF representative is Mike Woolridge, who can be contacted at (763) 782-3483. The contamination of groundwater may restrict the installation of additional water supply wells near Ramsey Boulevard and Highway 10.

Further investigation may be needed in order to determine the extent, if any, of contamination at the abandoned farmstead. If there is soil or groundwater contamination due to the improper handling and storage of chemicals and hazardous substances at this site, appropriate removal and remediation of the contaminated areas may be required. State and county fiscal aid programs exist for the cleanup and investigation of these types of sites. The MPCA Site Assessment Unit has fiscal aid available for Phase I and Phase II investigations; contact Tom Whear at 651-296-7349 for additional information. The United States Environmental Protection Agency also currently has funding for cleanup

and investigation. For additional information regarding cleanup and investigation programs, the Minnesota Brownfields Resource Guide is available at <http://www.pca.state.mn.us/publications/reports/brg-0901.pdf>.

Within the WHPA, underground storage tanks and infiltration are not recommended. Should contamination occur due to these or any other practice, alternative water supply sources may be required. Currently the city water towers store an extra amount of water equivalent to meet the supply need for one day. There is also an emergency connection with the City of Anoka for additional water needs. A contingency plan should be developed as part of the next water supply plan update to deal with contamination. According to the EPA, a contingency plan should include the following:

- Basic water supply information
- List of potential contamination sources and location
- Mapped WHPA
- Firefighting plan for toxic chemical storage locations
- Surface spill emergency response plan
- Alternative short term water supply
- Alternative long term water supply

These could be coordinated with existing city plans, data, and management procedures, many of which are detailed in the city's Water Supply Plan, WHP Plan, 2001 *Comprehensive Plan*, and this document. A contingency plan is also required by the State as part of the city's water supply plan (M.S., Section 103G.291, subd.3). Guidelines provided by the DNR and Metropolitan Council for the content of this water supply plan element indicate the need for the following components:

- emergency telephone contact list
- current water sources and service area description
- procedure for augmenting supplies
- demand reduction procedures
- procedures for water allocation
- establishment of triggers for implementing plan components
- enforcement
- water supply protection

As part of its next revision, the City of Ramsey will amend its *1999 Water Supply Plan* to include an emergency response element. The amendment will include all of the above components. This will occur prior to applying for a DNR appropriation permit amendment, which would likely trigger the DNR request for emergency plan completion, as well.

Use of underground storage tanks within the WHPA should be discouraged. If underground storage tanks are used to store anything other than water within the WHPA, the tanks must be double-walled and the groundwater around the tank must be appropriately monitored for contamination. The development of a contingency plan as discussed previously should address the management and procedures that would be implemented in the case of a leaky tank.

Infiltration practices within the WHPAs will be carefully controlled to prevent any water that has not been pre-treated from entering. Rain barrels, grading, and other on-lot best management practices should be utilized in these areas as long as the infiltration of street, parking lot, or industrial runoff does not occur within the WHPA. Implementation of community education programs for residential and business contaminant sources, such as fertilizers and hazardous household products, will reduce the risk of groundwater contamination from these sources.

The installation of monitoring wells throughout the WHPA would be appropriate to protect the water quality of the upper aquifer. Should contamination occur, a network of monitoring wells would help to quickly identify the contaminant source and aid in the quick remediation and possibly reduce the extent of contamination. A monitoring well network would also help to understand the relationship between the pumping in the Franconia-Ironton-Galesville aquifer and the upper aquifer. The extent of any further monitoring will be determined during wellhead protection plan development and State water appropriation permitting.

## 21. Traffic

*For most AUAR reviews, a relatively detailed traffic analysis will be needed, especially if there is to be much commercial development in the AUAR area or if there are major congested roadways in the vicinity. The results of the traffic analysis must be used in the response to Item 22 and to the noise aspect of Item 24. Instead of responding to the information called for in the EAW Guidelines for Item 21, the following information should be provided:*

- *Description and map of existing and proposed roadway system (including state, regional and local roads to be affected by the development of the AUAR area. This information will include existing and proposed roadway capacities and existing and projected background traffic volumes.*
- *Trip generation data for each major development scenario broken down by land use zones and/or other relevant subdivisions in the area. The projected distributions onto the roadway system must be included.*
- *Analysis of impacts of the traffic generated by the AUAR area on the roadway system, including: a comparison of peak period total flows to capacities and analysis of Levels of Service and delay times at critical points (if any).*
- *A discussion of structural and non-structural improvements and traffic management measures that are proposed to mitigate problems.*

*NOTE: in the above analyses, the geographical scope must extend outward as far as the traffic to be generated would have a significant effect on the roadway system and traffic measurements, and projections should include peak days and peak hours, or other appropriate measures related to identifying congestion problems, as well as ADTs.*

Appendix B contains a complete traffic analysis compiled by Meyer, Mohaddes Associates, Inc. for this AUAR. The report entitled *Ramsey Town Center Traffic Analysis* was completed in March 2003 and is contained in its entirety in the Appendix.

### *Classification Summary*

The project site is served by a network of principal and minor arterial roadways and local streets as shown in Figure 21.1. Highway 10/169 near the study area is a four-lane divided US Highway that is classified as a Principal Arterial. Ramsey Boulevard (CR 56) and Industry Avenue (CR 116) near the study site are two-lane County Roads that are classified as B-Minor Arterials. Armstrong Boulevard (CSAH 83) and Sunfish Lake Boulevard (CSAH 57) near the study area are two-lane County State Aid Highways that are functionally classified as Collectors. Sunwood Drive, a two-lane local street that extends in an east-west direction and connects Ramsey Boulevard to Industry Avenue and Sunfish Lake Boulevard, is identified in the City of Ramsey *2001 Comprehensive Plan* as a future Collector. In April 2003, Anoka County received a functional class change for Industry Avenue and Armstrong Boulevard to upgrade their designations to A-Minor Arterial.

### *Traffic Volumes*

Average daily traffic volumes on streets and highways in the study area vary widely with TH 10 carrying about 42,000 vehicles per day (vpd) east of Ramsey Boulevard and 31,000 west of Armstrong Boulevard. By contrast, volumes on the other roadways in the study area range from about 5,000 to 8,000 vpd, with the exception of Industry Avenue between Ramsey and Armstrong Boulevards, which carries about 2,400 vpd.

### *Planned Improvements*

The intersection of TH 10 and Ramsey Boulevard is currently a T-intersection. The city has approved the construction of the south leg at this intersection by a private developer. However, after discussions with the Anoka County staff, the proposal to construct this leg is on hold as a result of budget considerations and other factors. Signal operations improvements at the intersection of Sunfish Lake Boulevard and TH 10 to address existing congestion have been identified, but are deferred because of current state budget considerations.

No other roadway projects are currently programmed for the study area, but several regional studies are in process or recently completed that affect the study area. The TH 10 IRC Study/Corridor Management Plan<sup>2</sup> is a regional roadway planning analysis for Mn/DOT that evaluated future needs on TH 10 through Anoka County. While the study findings have been adopted, the improvements suggested in the study have not yet been incorporated into the State Transportation Improvement Plan, nor are they yet in the Metro Division *Transportation Systems Plan*. Updates of these planning documents are expected to address the recommendations from the TH 10 study. The TH 10 study estimates that traffic volumes on TH 10 will grow between 40 and 50 percent by the year 2025 to over 50,000 vpd in the study area. The report notes that to accommodate this level of volume, even if the Northstar Commuter Rail service and a new Mississippi River crossing are implemented, will require TH 10 to become a six-lane freeway through Ramsey by 2025 with interchanges at Sunfish Lake and Ramsey Boulevards.

In the interim by 2010, the report suggests that TH 10 in the study area be expanded to a six-lane expressway with improved intersections. In the near terms by 2005, the study suggests that signal timing optimization and improvements to Ramsey, Armstrong, and Sunfish Lake Boulevards are necessary. The report notes that one “concern with constructing a 6-lane expressway as an interim strategy to constructing a freeway is the roadway alignment. As an expressway, it is preferable to have TH 10 as far away as possible from the parallel railroad in order to allow for vehicle stacking at the intersections. As a freeway, it would be preferable to have the roadway alignment as close to the railroad as possible so that interchanges can provide grade separation over both the highway and the railroad.”<sup>3</sup> The study also notes that environmental documentation for the proposed improvements has not started and that an EIS will likely be required for the expansion of the roadway.

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<sup>2</sup> H. R. Green Co., *TH 10 IRC Study Corridor Management Plan*, Mn/DOT, January 2002

<sup>3</sup> *ibid.* Page 6-24.

The draft Scoping Document for the Northwest Metro Corridor and River Crossing Study<sup>4</sup> has been completed by Mn/DOT and the final is expected to be published in May 2003. This document explored a reasonable range of alternatives for a new Mississippi River crossing and for the highway and network elements needed to connect the crossing to the existing regional roadway system. The new crossing would be located west of the TH 169 crossing in Anoka and east of the TH 101 crossing in Elk River. The Scoping Document has established the purpose and need for the study and the Draft Scoping Decision has identified a corridor for the crossing.

It is anticipated that the northern terminus of the crossing will likely be west of Armstrong Boulevard and will likely connect to an extension of Industry Avenue. The next step for the crossing would be to start preparation of an EIS, but this work has not been initiated because of the current state budget status and issues with the City of Dayton about alignments south of the river. It is unlikely that interchanges with TH 10 would be allowed at both Armstrong and the river crossing, but might be possible and would depend on the distance separating the interchanges and the function of each in the roadway system. Detailed planning for the section of TH 10 adjacent to the project site would be part of an EIS for the river crossing, if/when it is initiated.

Traffic volumes on Armstrong Boulevard and Industry Avenue would be directly affected by the proposed river crossing if the new roadway terminates in an extension of Industry Avenue. The portion of Armstrong Boulevard south of Industry Avenue, currently a direct connection to and across TH 10 would become a local-serving street, while north of Industry Avenue, its regional role serving traffic north and west would be expanded since it would directly connect to the new river crossing. Similarly Industry Avenue would be expected to see an increase in regional traffic. Anoka County's change in the functional class on these roadways to A Minor Arterial is in anticipation of this increased regional role. For improvements like the Northwest River Crossing and the IRC enhancements to TH 10 to be funded, the investments need to be included in the Transportation Policy Plan (TPP) prepared by the Metropolitan Council in its role as Metropolitan Planning Organization for the region. Updating of the current TPP is scheduled to occur in 2004.

The project site is located west of the portion of Anoka County served by fixed route transit service and is currently served only by Anoka County Traveler demand responsive service. The North Star commuter coach operated by Mn/DOT, which currently provides peak period, peak direction, express service between Elk River, Coon Rapids and Minneapolis, is expected to serve a park and ride at the project site in the future. The Northstar service is a demonstration project that is operating motor coaches along the proposed route for the Northstar commuter rail service and is currently carrying between 500 and 600 passenger trips per day<sup>5</sup>.

A Final Environmental Impact Statement<sup>6</sup> has been completed for the Northstar Corridor. The preferred alternative for the corridor is a commuter rail service that would operate on the freight railroad tracks that are adjacent to the site. In the FEIS, the Ramsey station location was dropped in favor of the Anoka station location for the preferred alternative. However, the Ramsey

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<sup>4</sup> *Northwest Metro Corridor and River Crossing Study*, Mn/DOT, Draft, April 2002

<sup>5</sup> *Rider Report, Northstar Commuter Coach*, Mn/DOT, October 2002

<sup>6</sup> BRW, Inc., *Northstar Corridor FEIS*, Mn/DOT, March 2002

station location is listed in the EIS as a candidate for expansion once service has commenced. Additionally, a request by the City of Ramsey to the Northstar Corridor Development Authority to further evaluate the feasibility of a station at the Ramsey Town Center was approved by Mn/DOT (the lead agency for the EIS) and should proceed when the state portion of funding for the commuter rail project is secured. Accordingly, this traffic analysis assumes that a rail station is active on the site in the future and that 450 riders per day would use the Ramsey stop<sup>7</sup>.

### *Traffic Analysis Report Summary*

A detailed Traffic Analysis has been prepared to fully investigate the effects of the proposed project on the local and regional roadway systems. This report has been included in its entirety in Appendix B.

Two sets of future conditions, Future Base and Future with Project, were analyzed. The Future Base represents growth in traffic from non-project sources at the year of project buildout, which was assumed to be the year 2007. A growth factor was used to account for the regional growth in traffic in the area irrespective of the proposed development. This growth factor was calculated to be two percent per year on the basis of forecasts for 2025 from the Metropolitan Council. This level of growth is consistent with the volume projections in the TH 10 IRC Study.<sup>8</sup> The Future Base also includes the effects of other approved development projects in the vicinity of the project site that anticipate being constructed and occupied within the 2007 time line. The following two projects were identified as having a qualifying development time line:

- The Rivenwick 3rd Subdivision residential development, which is located south of TH 10 at Ramsey Boulevard, would have 112 townhouses and would add a fourth leg to the intersection of Ramsey Boulevard and TH 10.
- The Bright Keys residential development, located across Industry Boulevard from the project site near Ramsey Boulevard, would have 284 townhouse units.

Traffic for the Rivenwick 3rd Subdivision, as reported in that project's traffic study<sup>9</sup>, was added into the Future Base. Traffic for the Bright Keys development was generated using standard trip generation rates and assigned to the study area street system using the data developed for the project traffic forecasts (see below).

The Future with Project conditions were developed by adding the project trip generation to the Future Base volumes. Trip generation for the proposed development was estimated using the rates from the 6<sup>th</sup> edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Some trips generated by a mixed-use development of the project type will move between uses within the development site and not reach intersections external to the site and should be excluded from traffic assignment at those locations. This internal trip making is

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<sup>7</sup> Ridership estimate is from the supplemental analysis commissioned by the City of Ramsey and presented to the Northstar Corridor Development Authority in support of a Ramsey station (HKGI/SRF, April 4, 2000).

<sup>8</sup> Table 3.4-5 of the TH 10 study reports growth rates of 1.66 and 1.96 percent per year for TH 10 with and without the Northstar Commuter Rail respectively.

<sup>9</sup> SRF, Inc., *Traffic Study for Rivenwick 3rd Subdivision Residential Development in the City of Ramsey*, October 2002.

attributed to the interaction between various land uses in a development. Additionally, some trips will take alternate forms of transport, which can be bicycling, walking, and use of transit. The presence of sidewalks, street network density and proximity to transit facilities affect the amount of trip making by non-auto modes. Because of the limited nature of transit service to the site, no reductions have been made for alternate mode use.

Rather, a single factor was used to calculate the percentage of trips that would remain internal to the proposed redevelopment. This factor considers the diversity of uses within the project and their potential to create linked trips among the project land uses. This factor is based on ITE data for mixed-use developments and is a function of the size and mix of land uses. For the proposed project, the diversity factor indicates that approximately nine percent of AM peak trips and about 16 percent of PM peak trips would be internal.

No adjustments for pass-by or diverted traffic<sup>10</sup> within the site were made, although some of the uses would warrant incorporation of such reductions. Accordingly, the amount of linked trips is conservatively low in relation to the scale and mix of land uses.

Table 21.1 shows the trip generation rates for the proposed redevelopment scenario estimated using the ITE rates for both the AM and PM peak hours. Northstar riders who would park and ride from the site (assumed to be 150 peak hour trips) were included in the analysis, but were added directly to the intersection traffic assignment and are not shown in the trip generation numbers in Table 21.1. Since the existing site is largely vacant and not generating any traffic, no adjustments were made to subtract existing trips from the project site.

**Table 21.1: Project Trip Generation**

	Daily	AM PEAK HOUR			PM PEAK HOUR		
		Total	In	Out	Total	In	Out
Total New Trips	51,200	2,920	1,700	1,220	5,210	2,480	2,730

Future direction of approach trip distribution for the site-generated trips was estimated using forecast data for zones in the project area from the Metropolitan Council’s regional travel demand forecasting model and used to assign trips to turning movements at the study area intersections. The regional forecasts used for this analysis did not include the new Mississippi River crossing. Accordingly, traffic distribution is highly biased with about 43 percent of the trips being made to and from the south and east along TH 10 (this also includes traffic destined south on TH 169). It should be noted that with the new Mississippi River crossing, approximately one-third to one-half of the project trips on TH 10 to the south and east would redistribute to the new crossing.<sup>11</sup>

AM and PM peak hour capacity analyses were conducted for all the study area intersections using Synchro software that estimates delay at intersections on the basis of *Highway Capacity*

<sup>10</sup> Pass-by and diverted trips are opportunity trips that are already on the street system and divert to a new land use. As such, these trips are included in the counted traffic volumes (other than at site access points) and are double-counted in the trip generation rates for some retail uses.

<sup>11</sup> See *Ramsey Smart Growth Twin Cities Opportunity Site* (Calthorpe Associates, 2003)

*Manual*<sup>12</sup> procedures. Since many of the intersections included in the analysis are currently stop controlled, it is important to distinguish that while signalized and all-way stop controlled intersections are analyzed for total intersection delay, two-way stop controlled intersections are analyzed only for minor approach delay. Level of Service D is a generally acceptable standard for planning and design of urban transportation facilities. At Level of Service E, poor intersection operations occur as traffic volume approach capacity and LOS F represents extremely congested conditions.

Table 21.2 shows the results of the capacity analyses at the study area intersections for existing conditions and for both Future scenarios.

**Table 21.2: Level of Service Comparison**

Intersection	Traffic Control at Intersection	Existing <sup>(a)</sup>		Future Base <sup>(a)</sup>		Future w Project <sup>(a)</sup>		Mitigated <sup>(a,b)</sup>	
		AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Armstrong Blvd at TH 10	Signalized	B	A	B	B	F	F	C	C
Ramsey Blvd at TH 10	Signalized	B	A	C	B	F	F	C	D
Sunfish Lake Blvd at TH 10	Signalized	C	F	D	F	F	F	C	E
Armstrong Blvd at Industry Ave	One way Stop	(B)	(B)	(B)	(B)	(C)	(E)	A <sup>(c)</sup>	A <sup>(c)</sup>
Ramsey Blvd at Industry Ave	All-way Stop	B	B	C	B	F	F	C <sup>(c)</sup>	C <sup>(c)</sup>
Industry Ave at Sunfish Lake Blvd	All-way Stop	B	C	C	C	D	F	A <sup>(c)</sup>	B <sup>(c)</sup>
Ramsey Blvd at Sunwood Drive	One way Stop	(B)	(B)	(B)	(B)	(F)	(F)	C <sup>(c)</sup>	C <sup>(c)</sup>
Sunwood Drive at Industry Ave	One way Stop	(B)	(B)	(B)	(B)	(C)	(F)	B <sup>(c)</sup>	B <sup>(c)</sup>
Sunwood Drive at Armstrong Blvd	One way Stop					(F)	(F)	A <sup>(c)</sup>	B <sup>(c)</sup>
NS2 Street at Industry Ave	One way Stop					(B)	(C)	(B)	(C)
NS3 Street at Industry Ave	One way Stop					(C)	(F)	A <sup>(c)</sup>	A <sup>(c)</sup>
NS5 Street at Industry Ave	One way Stop					(B)	(C)	(B)	(B)
EW1 Parkway at Ramsey Blvd	One way Stop					(F)	(F)	(B)	(B)
EW1 Parkway at Armstrong Blvd	One way Stop					(B)	(F)	(A)	(B)

Notes:

- (a) Values in parentheses indicate Minor Approach LOS only
- (b) Mitigated conditions include lane adjustments and lane additions at intersections as noted in the text.
- (c) Intersection is signalized in the mitigated condition

Under existing conditions, the intersection of TH 10 and Sunfish Lake Boulevard is operating in substandard conditions (worse than LOS D) in the PM peak hour. The other intersections are operating in good conditions in both peak hours. However, the analysis of conditions at TH 10 and Ramsey and Armstrong Boulevards indicates that conditions are unstable, particularly in the PM peak hour when the Ramsey and Armstrong approaches are at LOS F and E respectively. Left turns from TH 10 are also at LOS F and E respectively at these intersections. Under these conditions, moderate increases in volumes on either Ramsey or Armstrong Boulevard or left turning from TH 10 would cause conditions to deteriorate similar to what is currently experienced at Sunfish Lake Boulevard and the intersections could quickly move into LOS E and F.

<sup>12</sup> Highway Capacity Manual, Special Report 209, Transportation Research Board, Washington D.C.

The Future Base conditions show that addition of the background growth in traffic will cause the intersection of TH 10 and Sunfish Lake Boulevard to deteriorate to LOS D during the AM peak period. The other intersections in the study area remain in acceptable conditions. Unstable conditions continue to be present at the intersections of TH 10 and Ramsey and Armstrong Boulevards.

Project traffic would cause the intersections on TH 10 to deteriorate to LOS F and would cause the stop-controlled intersection on Industry Avenue, Ramsey Boulevard, and Armstrong Boulevard to move into LOS E and F conditions during one or both peak periods.

New intersections created by the project with Industry Avenue (see Figure 21.2) would operate in acceptable conditions with the exception of the central north-south street (NS3) at Industry Avenue during the PM peak period. The two new intersections of the east-west parkway (EW1) with Ramsey and Armstrong Boulevards would operate in unacceptable conditions during at least one peak period.

Within the project site, the extension of Sunwood Drive would be the primary east-west connector street in the project site and is estimated to carry 10,000 to 13,000 vehicles per day (vpd) west of NS6 Street. Volumes on Sunwood west of Ramsey would be about 18,000 vpd as shown in Figure 21.2. West of NS6 Street, the volume on Sunwood Drive would be adequately handled by a two-lane cross section (one lane in each direction). However, left-turn lanes would be needed at cross streets. Between NS6 Street and Ramsey Boulevard, four lanes would be needed to accommodate the projected volumes. Two-way or all-way stop control at the intersections of Sunwood Drive internal to the site would provide LOS C or better conditions for the level of traffic projected at those locations, although the intersections with NS6 and/or NS5 Streets may require signalization for acceptable PM peak hour operations.

The EW1 parkway would carry about 3,600 vpd on the western end of the project and between 5,000 and 9,000 vpd on the eastern end. The proposed one-lane parkway cross section would be adequate for the segments of the EW1 parkway.

The other east-west streets internal to the project, because of their discontinuous nature would carry less volume than either Sunwood Drive or the EW1 Parkway and would generally be under 4,000 vehicles per day (and some would be in the under 1,000 range). Two-lane cross sections and stop (or yield control on the lower volume ones) would be appropriate.

The north-south streets internal to the project would carry slightly higher volumes, particularly the three streets that would have full access intersections with Industry Avenue. Those streets would have between 2,100 and 5,700 vehicles per day. The other north-south streets inside the project would be expected to have less than 2,000 vehicles per day, with the exception of the NS6 Street that serves the employment cluster in the southeast corner of the site, which would have upwards of 4,000 vpd. Two-lane cross sections and stop (or yield control on the lower volume ones) would be appropriate although signals may be required at the NS6 and/or NS5 Streets intersections with Sunwood Drive.

Summary of Environmental Impact. Direct environmental impacts due to the traffic analysis are addressed in Items 22 and 24, which address vehicle related air emissions, and dust, odors, and noise, respectively.

Mitigation element. Analysis of the intersection operations indicates that lane additions and installation of intersection channelization and traffic signals would be adequate to mitigate the project impacts at the intersections in the study area. The following roadway widenings are suggested:

- Ramsey Boulevard—widen to five lane cross section south of Industry Avenue to provide two through lanes in each direction and a left turn lane/center median
- Industry Avenue—widen to five lane cross section west of Ramsey Boulevard to provide two through lanes in each direction and a left turn lane/center median

The existing cross sections on Armstrong Boulevard north of the railroad, Sunwood Drive and Industry Avenue east of Ramsey, and Sunfish Lake Boulevard north of the railroad would be adequate to meet the future demand.

Turn lanes and lane adjustments would be needed at the following intersections:

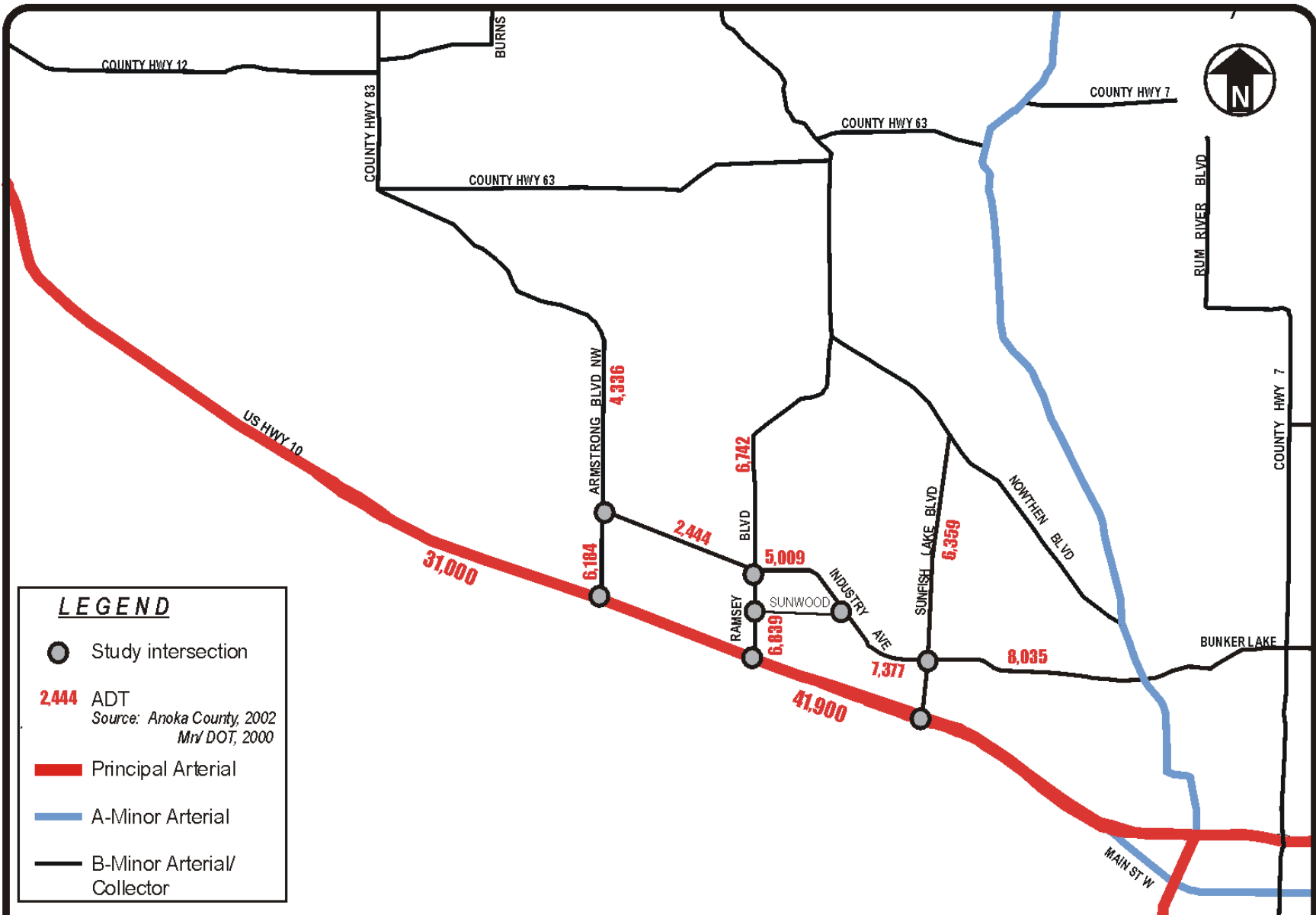
- TH 10 at Armstrong Boulevard—add an eastbound and a westbound through lane on the intersection approaches; add an eastbound and a southbound left turn lane and a southbound right turn lane.
- TH 10 at Ramsey Boulevard—add an eastbound and a westbound through lane on the intersection approaches; add an eastbound and a southbound left turn lane and a westbound right turn lane. Provision for pedestrian crossings of TH 10 needs to be included. A southbound through lane and a northbound left turn lane and northbound through/right lane would need to be added to serve the Rivenwick 3rd Subdivision traffic and traffic destined for the Mississippi West Regional Park independent of the project traffic. Traffic demands from these other land uses should be considered when the intersection improvements are designed.
- TH 10 at Sunfish Lake Boulevard—add an eastbound and a westbound through lane on the intersection approaches; convert the southbound approach from a through/left turn lane and a right turn lane to through/right turn lane and two left turn lanes (this adds one lane to the approach).
- Industry Avenue at Ramsey Boulevard—add a southbound right turn lane; eastbound and northbound approaches would be widened by the above recommendations.
- Sunwood Drive at Industry Avenue—modify the shared lanes on the northbound, eastbound and westbound approaches to provide left turn lanes and shared through/right turn lanes

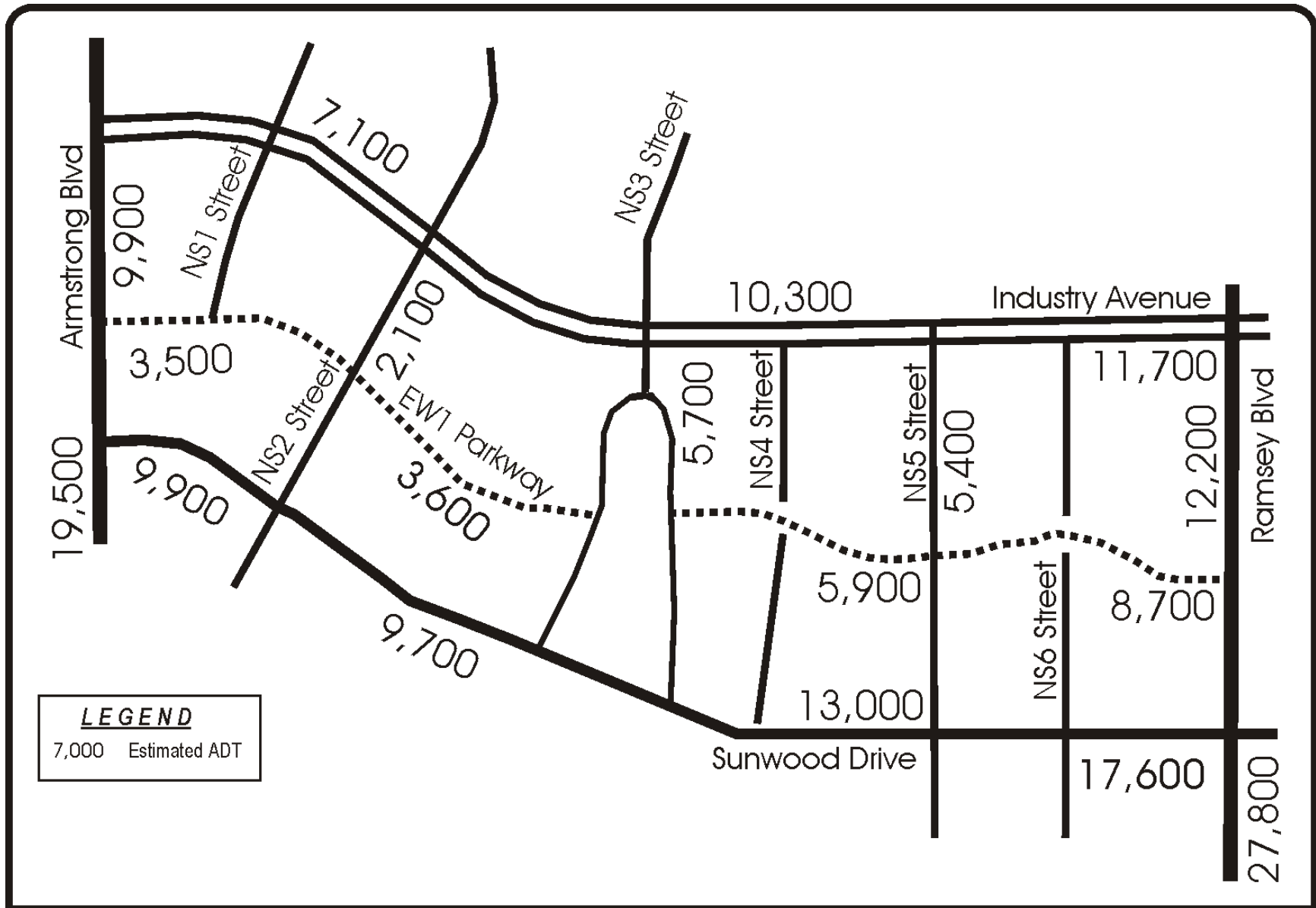
The following stop-controlled intersections would need to be signalized:

- Ramsey Boulevard at Industry Avenue
- Armstrong Boulevard at Industry Avenue
- Industry Avenue at Sunfish Lake Boulevard
- Ramsey Boulevard at Sunwood Drive

- Sunwood Drive at Industry Avenue
- Sunwood Drive at Armstrong Boulevard
- NS3 Street at Industry Avenue

The left turn volumes from the EW1 parkway onto both Armstrong and Ramsey Boulevard cannot be accommodated at an acceptable LOS under stop control and require signalization to achieve acceptable operations. However, the close spacing between the intersections of the EW1 parkway and the intersections of Armstrong and Ramsey Boulevard with Industry Avenue limits the potential for the two parkway intersections to be signalized. Accordingly the parkway intersections should be channelized to provide right-in/right-out and left-in access ( $\frac{3}{4}$  access). Left out from the parkway would be prohibited and would redistribute to the north-south streets and to Industry Avenue (these volumes have been included in the mitigated calculations for the other intersections).





## 22. Vehicle Related Air Emissions

*Estimate the effect of the project's traffic generation on air quality, including carbon monoxide levels. Discuss the effect of traffic improvements or other mitigation measures on air quality impacts. Note: If the project involves 500 or more parking spaces, consult EAW Guidelines about whether a detailed air quality analysis is needed.*

*Mitigation proposed to eliminate any potential problems may be presented under Item 21 and merely reference here. The MPCA staff should be consulted regarding possible ISP requirements for certain proposed developments; although the RGU may not want to assume responsibility for applying for an ISP for specific developments, it may be desirable to coordinate the AUAR and ISP analyses closely.*

Motorized vehicles emit airborne pollutants that affect air quality. Changes in traffic volumes, travel patterns and roadway locations affect the level and dispersion of vehicle emissions. The proposed Ramsey Town Center Development will impact the traffic flow along the Highway 10 corridor and within the development site as discussed in Item 21. The purpose of this air quality analysis is to estimate the future air quality conditions along the Highway 10 corridor with the implementation of the Ramsey Town Center Development. Based on the future air conditions, the AUAR will identify potential effects on regional and local air quality, address conformity with national and state air quality standards, and determine if any mitigation measures are necessary.

### *Regulatory Requirements*

National and state ambient air quality standards identify pollutant concentrations that are not to be exceeded over specified periods of time. Table 22.1 shows the National and State Ambient Air Quality Standards (NAAQs) for carbon monoxide (CO), the major airborne pollutant of interest. Primary ambient air quality standards are defined for the protection and preservation of public health. Secondary standards are intended to protect the environment and properties from damage. Compliance is required for both primary and secondary standards.

Under federal regulations, areas that violate primary ambient air quality standards are designated as "non-attainment areas". The Twin Cities Metropolitan Area was previously designated as a CO non-attainment area as a result of violations of the NAAQs. In 1999 the Environmental Protection Agency (EPA) reclassified Minneapolis/St. Paul as an attainment area for CO. The attainment status is contingent upon the implementation of measures to assure that CO concentrations remain below standards. Therefore, carbon monoxide is the traffic-related pollutant of most concern in the Twin Cities Metropolitan Area. The State of Minnesota has established the standards listed in Table 22.1. It should be noted that the state one-hour carbon monoxide standard of 30 ppm is more stringent than the national standard of 35 ppm.

Table 22.1: National and State Ambient Air Quality Standards

Pollutant	Averaging Period	National Standards		MN State Standards	
		Primary	Secondary	Primary	Secondary
Carbon Monoxide (CO)	8-hour	9 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )	9 ppm (10 mg/m <sup>3</sup> )
	1-hour	35 ppm (40 mg/m <sup>3</sup> )	35 ppm (40 mg/m <sup>3</sup> )	30 ppm (35 mg/m <sup>3</sup> )	30 ppm (35 mg/m <sup>3</sup> )

*Carbon Monoxide Modeling Methodology*

The methodology for identifying potential local air quality impacts follows the EPA-recommended procedure for carbon monoxide micro-scale impact analysis. The general evaluation procedure, outlined in the Guideline for Modeling Carbon Monoxide for Roadway Intersections (EPA 1992), includes a multiple intersection screening process followed by micro-scale CO analysis with the CAL3QHC line-source dispersion model.

Screening Process. The intersection screening process includes the following steps:

1. Identify the signalized intersections in the project vicinity that will be impacted by the project alternatives.
2. Determine the average delay and Level of Service (LOS) for those intersections.
3. Determine total intersection delay as the product of average delay and total intersection approach volume.
4. Rank the intersections according to total delay and select the intersections with the highest total vehicle delay for analysis.

Carbon monoxide concentrations are generally highest at intersections with poor levels of service and consequently, more idling vehicles. Typically intersections with levels of service of D, E, and F (worst levels) are analyzed. As described in Item 21, all of the major intersections within the project area were analyzed to determine both present and forecasted levels of service. Peak hour traffic volumes used for this analysis assumed that the Ramsey Town Center would reach full built-out potential by 2007.

Based on consultation with the Minnesota Pollution Control Agency (MPCA), it was agreed that carbon monoxide analysis would be performed at intersections that were projected to operate at level of service D or worse for year 2008 (one year after the anticipated Ramsey Town Center completion). The traffic study identified that the three intersections of prime concern are all located along the Highway 10 corridor. The locations of these intersections in relationship to the project site are shown on Figure 22.1 and include the following:

- Highway 10 and Armstrong Boulevard
- Highway 10 and Ramsey Boulevard

- Highway 10 and Sunfish Lake Boulevard.

**CAL3QHC Model.** In accordance with the EPA procedure for carbon monoxide analysis, the CAL3QHC dispersion model was used to forecast the air quality along the Highway 10 corridor. Required input for this model includes meteorological characteristics, traffic characteristics, intersection geometries, and emission rates.

Meteorological Characteristics. The meteorological characteristics used in the model are summarized in Table 22.2. The inputs listed are consistent with EPA and MPCA recommendations.

Table 22.2 CAL3QHC Meteorological Characteristics

Characteristic	Model Input
Analysis Year	2002 (existing) 2008 (future)
Wind Speed	1 m/s
Wind Direction	Tested 360 degrees at 10° increments
Atmospheric Stability Class	D
Mixing Height	1000 cm
Surface Roughness	321 cm
Averaging Time	60 min
Settling Velocity	0 cm/s
Deposition Velocity	0 cm/s
8-Hour Persistence Factor	0.7

Traffic Characteristics. Traffic characteristics were based on the existing traffic conditions in 2002 and the modeled levels of 2007 (including traffic generated by the proposed project). Traffic volumes, saturation levels, lane configurations, signal type, signal cycle length, red time length and clearance lost time were taken from the traffic analysis conducted for the project. The heaviest traffic volumes were projected to occur during the evening; therefore the CO concentrations using p.m. peak traffic data were modeled as a worst-case scenario.

Intersection Geometries. Intersection geometries were based on existing roadway dimensions from maps and aerial photographs. The proposed roadway improvements discussed in Item 21 were not incorporated into the intersection geometries in order to model a worst-case (most idling traffic) scenario.

**Emission Rates.** EPA model Mobile 5b was used to calculate carbon monoxide emission rates. There are two types of emission rates needed for the CAL3QHC CO dispersion model, and include a running emission rate and an idling emission rate. The running emission rate was generated directly by the Mobile 5b model assuming an average free flow speed of 35-mph on all roadways and links. The idling emission rate was calculated by converting a 2.5-mph Mobile 5b running emission rate from grams per

mile to grams per hour. The parameters and assumptions used in the Mobile 5b analysis are summarized in Table 22.3.

*Table 22.3 Mobile 5b Model Inputs*

<b>Parameter</b>	<i>Model Inputs</i>
Analysis Year	2002 (existing) 2008 (future)
Free Flow Speed	35-mph for all roadways
Idling Factor Speed	2.5-mph for all roadways
Cold Start Percentages	20.6 % for all traffic
Hot Start Percentage	27.3 % for all traffic
Traffic Mix	MN Car Registration Distribution
Temperature	January, 20°F
Inspection/Maintenance Program	No
Oxygenated Fuel	Yes
Average Fuel Volatility	9.0 psi

*Background Carbon Monoxide Concentrations*

Background carbon monoxide concentrations are needed as a baseline to accurately predict future CO concentrations that incorporate modeled vehicle related emissions. These background concentrations are added to the model generated vehicle CO emissions to determine compliance with national and state air quality standards.

The background (2002) carbon monoxide concentrations for the three intersections analyzed were derived from the MPCA-monitored CO site at 6000 West Moore Lake Road in Fridley, MN. Figure 22.2 shows the location of this site. In discussions with the MPCA it was agreed that this site had background characteristics similar to the intersections being modeled and would be a conservative representation of background CO concentrations.

Carbon monoxide emissions are monitored daily at the Fridley site by the MPCA. In 2002, the maximum one-hour and eight-hour CO concentrations were 2.1 ppm and 1.4 ppm respectively. In order to obtain the background concentration for 2008 (modeled year), these 2002 concentrations were adjusted for increases in regional traffic volume and reductions in vehicle emission rates.

Average CO emission rates in the region are expected to decrease due to improved emission controls, turnover in vehicle fleet and cleaner burning fuel sources. Because over 50 percent of the overall carbon monoxide concentrations in the metropolitan area are due to vehicle related emissions, the reduction in vehicle emission rates will tend to decrease the overall background CO concentrations. The Mobile 5b model takes these

factors into account when generating emission rates. Average CO emission rates for 2002 and 2008 were generated using Mobile 5b. The ratio of the 2008 rate to the 2002 rate was used to decrease background CO concentrations by a factor of 0.91.

Background traffic volume will increase from 2002 to 2008. This increase will in turn increase vehicle CO emission, which increases overall background CO concentrations. The ratio of the future regional traffic volume (2008) to the existing regional traffic volume (2002) was used to increase the background CO concentration by a factor of 1.34. These emission and traffic volume adjustment factors are summarized in Table 22.4.

Table 22.4: Calculation of CO Background Concentrations

<i>Factor</i>	<b>2008</b>	
	<b>1-Hour</b>	<b>8-Hour</b>
Maximum 2002 Monitored Concentration (ppm)	2.1	1.4
Background Traffic Volume Adjustment Factor	1.34	1.34
Emission Adjustment Factor	0.91	0.91
Worst Case Background Concentration (ppm)	2.56	1.71
<b>State Standard (ppm)</b>	<b>30</b>	<b>9</b>
<b>Federal Standard (ppm)</b>	<b>35</b>	<b>9</b>

*Modeling Results*

The carbon monoxide modeling analysis was based on forecasted traffic volumes and signal timing under predicted 2008 P.M. peak traffic conditions. Locations of likely outdoor human activity next to the analyzed intersections were selected for air quality receptors. Receptor locations were sited within a 1,000-foot radius of the analyzed intersections and are depicted in Figure 22.3.

The siting of carbon monoxide receptors was based on the likelihood of human outdoor activity occurring in excess of one hour. This is consistent with the MPCA’s method of quantifying adverse air quality impacts based on hours of exposure. Locations chosen include gas station parking lots, entrances to offices and buildings, parks, and open space. Existing commercial buildings and retail stores along Highway 10 are located in close proximity to the road. Therefore, receptors were placed on all four corners of the intersections as depicted in Figure 22.3. These receptors represent the locations of the greatest potential exposure to vehicle CO emissions. A total of twenty receptor locations were selected.

The results of the air quality analysis are presented in Tables 22.5 and 22.6. Table 22.5 lists the 2008 P.M. peak one-hour CO concentrations which were derived directly from the CAL3QHC dispersion model. The 2008 background concentrations were added to the model results to yield a total one-hour CO concentration in ppm for each receptor. The wind angle for the highest CO concentration is also included in the table. The highest one-hour CO concentration modeled was 11.4 ppm at Receptor 15 at the

intersection of Highway 10 and Sunfish Lake Boulevard. This is below the state and national air quality standards of 30 ppm and 35 ppm respectively.

Table 22.6 lists the 2008P.M. peak eight-hour CO concentrations. These concentrations were derived from the one-hour CO concentration results listed in Table 22.5. The CAL3QHC dispersion model predicts one-hour CO concentrations only. These one-hour concentrations are adjusted using a persistence factor. EPA recommends an eight-hour persistence factor for urban areas of 0.7. The factor takes into account the fluctuations of wind directions, temperatures, and traffic volumes that are likely to occur over eight hours. The highest eight-hour CO concentration calculated was 7.9 ppm at Receptor 15 at the intersection of Highway 10 and Sunfish Lake Boulevard. This is below both the state and national air quality standards of 9 ppm.

Table 22.5: 2008 P.M. Peak Carbon Monoxide Modeling Results – 1 Hour

	1-Hour Average (ppm)			
	Modeled	Background	Total Concentration	Wind Angle
<b>Highway 10 &amp; Armstrong Blvd.</b>				
Receptor 1	6.8	2.6	9.4	100
Receptor 2	6.1	2.6	8.7	120
Receptor 3	7.6	2.6	10.2	10
Receptor 4	6.6	2.6	9.2	350
Receptor 5	2.6	2.6	5.2	260
Receptor 6	2.6	2.6	5.2	210
Receptor 7	2.1	2.6	4.7	230
Receptor 8	3.9	2.6	6.5	160
<b>Highway 10 &amp; Ramsey Blvd.</b>				
Receptor 9	6.5	2.6	9.1	100
Receptor 10	5.8	2.6	8.4	260
Receptor 11	8.0	2.6	10.6	10
Receptor 12	6.3	2.6	8.9	350
Receptor 13	2.4	2.6	5.0	150
Receptor 14	3.2	2.6	5.8	250
<b>Highway 10 &amp; Sunfish Lake Blvd</b>				
Receptor 15	8.8	2.6	11.4	100
Receptor 16	7.6	2.6	10.2	110
Receptor 17	7.2	2.6	9.8	10
Receptor 18	6.1	2.6	8.7	350
Receptor 19	3.3	2.6	5.8	120
Receptor 20	3.5	2.6	6.1	240
<b>State Standard</b>	<b>30.0</b>			
<b>Federal Standard</b>	<b>35.0</b>			

Table 22.6: 2008 P.M. Peak Carbon Monoxide Modeling Results – 8 Hour

	8-Hour Average (ppm)			
	Modeled	Background	Total Concentration	Wind Angle
Highway 10 & Armstrong Blvd.				
Receptor 1	4.8	1.7	6.5	100
Receptor 2	4.3	1.7	6.0	120
Receptor 3	5.3	1.7	7.0	10
Receptor 4	4.6	1.7	6.3	350
Receptor 5	1.8	1.7	3.5	260
Receptor 6	1.8	1.7	3.5	210
Receptor 7	1.5	1.7	3.2	230
Receptor 8	2.7	1.7	4.4	160
Highway 10 & Ramsey Blvd.				
Receptor 9	4.6	1.7	6.3	100
Receptor 10	4.1	1.7	5.8	260
Receptor 11	5.6	1.7	7.3	10
Receptor 12	4.4	1.7	6.1	350
Receptor 13	1.7	1.7	3.4	150
Receptor 14	2.2	1.7	3.9	250
Highway 10 & Sunfish Lake Blvd				
Receptor 15	6.2	1.7	7.9	100
Receptor 16	5.3	1.7	7.0	110
Receptor 17	5.0	1.7	6.7	10
Receptor 18	4.3	1.7	6.0	350
Receptor 19	2.3	1.7	4.0	120
Receptor 20	2.5	1.7	4.1	240
<b>State Standard</b>	<b>9.0</b>			
<b>Federal Standard</b>	<b>9.0</b>			

**Summary of Environmental Impact.** The implementation of the proposed Ramsey Town Center project will increase the amount of vehicle-related carbon monoxide emissions. This increase is due to the increase in traffic volume along the Highway 10 corridor. Peak CO emissions were modeled along Highway 10 for the year 2008 (one year after anticipated build-out) under a worst-case (p.m. traffic, no road improvement) scenario. The CO concentrations modeled were less than the state air quality standards of 30 ppm for one-hour and 9 ppm for eight-hours. The modeled CO concentrations are summarized in Tables 22.5 and 22.6.

**Mitigation Element.** There are no specific air quality mitigation measures proposed for the Ramsey Town Center Development, because implementation of the project does not

result in violation of State or National Air Quality Standards. Carbon monoxide concentrations were modeled along the Highway 10 corridor assuming no road improvements in the project vicinity. The road improvements discussed in Section 21 would help to reduce carbon monoxide emissions, although they are not required as a result of the air quality analysis.



Noise is defined as any unwanted sound. Sounds are described as noise if they disturb the person hearing them. Noise levels are measured in a logarithmic unit called a decibel (dB). Humans are more receptive to middle- and high-frequency sounds than they are to low-frequency sounds, so a weighted unit is used to reflect human perception more closely. For the purpose of this study, sounds are measured using this adjusted scale, called dBA. All references to decibels in the discussion of traffic noise impacts refer to this scale. According to the MPCA publication “An Introduction to Sound Basics”, a sound increase of 3 dBA in an outdoor setting results in a barely perceptible increase in noise, whereas a 5 dBA increase is clearly audible. An increase of 10 dBA is perceived twice as loud as the original sound.

Under Minnesota Statute 116.07, Subdivisions 2 and 4, the Minnesota Pollution Control Agency has developed Noise Pollution Control Rules (Minnesota Rules Chapter 7010.0001 – 7010.008). The noise criteria used in a noise analysis depends on whether the land use is designated as Noise Area Category (NAC) 1, 2, or 3. NAC Category 1 land use includes parks, single-family and multi-family residences, libraries, hospitals, and other areas where nighttime sensitivity to noise is high. NAC Category 2 standards are applied to commercial areas, hotels, and residences which have adequate acoustic insulation, year-round climate control, and no accommodations that are intended for outdoor use. NAC Category 3 includes industrial areas. Table 24.1 details the MPCA noise level standards for each category.

Table 24.1: Minnesota Pollution Control Agency Noise Level Standards

<b>MPCA Noise Level Standards</b>					
Classification	Land Use	Daytime Noise Level [dBA] (7 a.m. – 10 p.m.)		Nighttime Noise Level [dBA] (10 p.m. – 7 a.m.)	
		L <sub>10</sub> of	L <sub>50</sub> of	L <sub>10</sub> of	L <sub>50</sub> of
NAC-1	Residential	L <sub>10</sub> of 65	L <sub>50</sub> of 60	L <sub>10</sub> of 55	L <sub>50</sub> of 50
NAC-2	Commercial	L <sub>10</sub> of 70	L <sub>50</sub> of 65	L <sub>10</sub> of 70	L <sub>50</sub> of 65
NAC-3	Industrial	L <sub>10</sub> of 80	L <sub>50</sub> of 75	L <sub>10</sub> of 80	L <sub>50</sub> of 75

Traffic-generated noise can vary considerably over a relatively short period of time. There are two analytical approaches which may be used for reporting traffic-related noise levels, the first of which uses L<sub>10</sub> and L<sub>50</sub>. For these values, the subscript value refers to the percent of time during a one hour period that the noise level exceeds the specified value. For example, an L<sub>10</sub> value of 65 dBA during the peak hour indicates that the noise level exceeded 65 dBA 10% of the time, or for 6 minutes during that hour. The second approach, used in this report, uses L<sub>eq</sub>. This value represents the equivalent of a constant sound level which, over a period of time, contains the same average amount of sound energy as the varying level of traffic noise. According to the Federal Highway Administration noise abatement procedures detailed in the Code of Federal Regulations (23 CFR 722), L<sub>eq</sub> for typical traffic conditions is usually about 3 dBA less than the L<sub>10</sub> for the same conditions. This rule has been used to create an equivalent table of L<sub>eq</sub> values based on the MPCA Noise Level Standards and is presented in Table 24.2.

Table 24.2: Equivalent  $L_{eq}$  values for MPCA Noise Level Standards

<i>Equivalent MPCA Noise Level Standards</i>			
Classification	Land Use	Daytime Noise Level [dBA] (7a.m. – 10 p.m.)	Nighttime Noise Level [dBA] (10 p.m. – 7 a.m.)
NAC-1	Residential	$L_{eq}$ of 62	$L_{eq}$ of 52
NAC-2	Commercial	$L_{eq}$ of 67	$L_{eq}$ of 67
NAC-3	Industrial	$L_{eq}$ of 77	$L_{eq}$ of 77

### Noise Level Monitoring

Background noise level monitoring is performed during a noise study to measure existing noise levels. These levels are often used as a baseline against which modeling scenarios can be compared. They are also used to validate computer-generated results. Monitoring at receptor “M3” was performed as part of the *Northstar Corridor Project Final Environmental Impact Statement, March 2002*. Receptor “M3” is located on the northwest corner of the intersection of Highway 10 and Ramsey Boulevard (shown in Figure 24.1) and was used in this report as the background noise level monitoring location for the site.

Table 24.3: Monitored Existing Noise Levels for Receptor M3

Monitoring Site	$L_{eq}$ [dBA]	Primary Noise Sources
M3	62	Airplanes/Cars

Source: Northstar Corridor Project Final Environmental Impact Statement, March 2002

### Noise Modeling Methodology

A noise analysis was conducted to assess the extent to which the proposed project will affect future noise levels. The analysis was performed using Traffic Noise Model v. 2.1 (TNM). The noise model uses traffic volumes, vehicle type mix, vehicle speed, receptor locations, and road alignment to calculate noise levels. TNM is approved by the Federal Highway Administration for modeling traffic noise.

For the purpose of this study, 58 noise receptors were chosen to represent each of the 58 proposed blocks of land presented in Figure 24.2. Each block was assigned a land use according to the Ramsey Town Center Preferred Design Schematic shown in Figure 6.1 located in Item 6. Residential and public space areas (shown in brown and green) were classified as NAC-1 noise receivers. All other parcels fall under the NAC-2 commercial classification previously discussed. An additional noise receptor was placed at the northwest corner of the intersection of Highway 10 and Ramsey Boulevard to compare modeled results with the existing noise level at monitoring site “M3”.

Modeling for receptor “M3” was performed using the current traffic volumes for the AUAR project area. Speed limits and vehicle mix were taken from the traffic analysis of Item 21. The modeled results differ somewhat from the measured noise levels but are

within a reasonable margin of error, keeping in mind that an increase of 3 dBA is barely perceptible to the human ear. The remainder of this section discusses the future traffic noise impacts based on computer-generated modeling results.

Table 24.4: Existing and Modeled Noise Levels for Receptor M3

	<b>Modeled Noise Level Receptor M3 [dBA]</b>	<b>Existing Noise Level Receptor M3 [dBA]</b>
Day	$L_{eq} = 65.9$	$L_{eq} = 62.0$
Night	$L_{eq} = 64.0$	

#### Noise Modeling Results

The noise analysis was conducted for the existing year 2002 and for one year after the AUAR development scenario, year 2008. Traffic conditions for both morning and afternoon peak traffic hours were analyzed. The year 2008 analysis includes the impact of the AUAR development traffic as well as the increased background traffic on local and regional roadways over the six-year period. Existing speed limits were assumed, and the remaining data necessary for analysis was taken from the traffic analysis of Section 21.

Traffic noise modeling results for 2008 are presented in Tables 24.5 and 24.6. Both daytime and nighttime  $L_{eq}$  values are shown. The analysis shows that during daytime hours, for both existing and future traffic scenarios, there are no receptors that exceed state standards. Three receptors (Blocks 36, 37, and 38) currently exceed the state nighttime NAC-1 standard of 52 dBA. These receptors will continue to exceed the state nighttime NAC-1 standard in 2008, along with one additional receptor, Block 28. These four blocks are all located along the south side of Industry Avenue.

Table 24.5: Daytime and Nighttime Peak Hour Noise Assessment Results (Modeled)  
For NAC-1 Noise Receivers

Receptor	Modeled 2002 Daytime $L_{eq}$ [dBA]	Modeled 2008 Daytime $L_{eq}$ [dBA]	Modeled 2002 Nighttime $L_{eq}$ [dBA]	Modeled 2008 Nighttime $L_{eq}$ [dBA]	Potential Noise Impact
Block 27	47.9	51.1	46.7	49.8	None
<b>Block 28</b>	52.0	57.1	51.4	<b>55.7</b>	Impact
Block 31	47.5	51.5	46.5	50.3	None
Block 32	47.0	51.0	45.8	49.8	None
Block 33	49.4	53.4	48.3	52.3	None
<b>Block 36</b>	55.8	61.1	<b>55.2</b>	<b>59.7</b>	Impact
<b>Block 37</b>	56.0	61.4	<b>55.4</b>	<b>59.9</b>	Impact
<b>Block 38</b>	56.2	61.7	<b>55.7</b>	<b>60.3</b>	Impact
Block 39	48.4	52.3	47.5	50.9	None
Block 40	46.5	50.1	45.5	48.7	None
Block 41	48.2	52.0	47.3	50.5	None
Block 43	47.6	49.3	46.4	48.2	None
Block 44	46.3	48.9	45.0	47.7	None
Block 45	45.5	48.0	44.2	46.9	None
Block 46	46.7	48.4	45.3	47.3	None
Block 48	48.9	52.1	47.8	50.5	None
Block 49	50.6	52.8	49.2	51.5	None
Block 50	50.9	53.1	49.4	51.7	None
Block 51	50.5	52.6	49.2	51.5	None
Block 53	50.9	56.1	49.4	54.2	None
Block 54	46.6	49.9	45.2	48.7	None
Block 55	46.9	50.6	45.8	49.4	None
Block 56	47.9	52.5	46.7	51.5	None
Block 57	47.2	51.9	45.9	50.8	None
<b>State Standard</b>	<b>62.0</b>	<b>62.0</b>	<b>52.0</b>	<b>52.0</b>	

**Bold** noise levels exceed State noise standards.

Table 24.6: Daytime and Nighttime Peak Hour Noise Assessment Results (Modeled)  
For NAC-2 Noise Receivers

Receptor	Modeled 2002 Daytime L <sub>eq</sub> [dBA]	Modeled 2008 Daytime L <sub>eq</sub> [dBA]	Modeled 2002 Nighttime L <sub>eq</sub> [dBA]	Modeled 2008 Nighttime L <sub>eq</sub> [dBA]	Potential Noise Impact
Block 4	53.9	55.7	52.3	54.5	None
Block 5	50.5	53.3	49.0	52.2	None
Block 6	53.1	56.6	51.6	55.7	None
Block 7	52.0	57.8	50.9	57.0	None
Block 8	46.9	51.4	45.5	50.2	None
Block 9	47.2	50.7	45.7	49.3	None
Block 10	48.7	53.0	47.2	51.3	None
Block 11	49.2	51.7	47.6	50.4	None
Block 12	49.6	51.7	48.0	50.5	None
Block 13	51.0	55.9	49.5	54.0	None
Block 14	49.1	51.6	47.6	50.2	None
Block 15	48.1	50.8	46.9	49.7	None
Block 16	51.0	54.7	49.5	53.1	None
Block 17	51.9	53.5	50.4	52.4	None
Block 18	50.6	56.5	49.1	54.5	None
Block 19	50.9	53.0	49.4	51.7	None
Block 20	50.4	54.8	49.0	53.1	None
Block 21	52.9	57.7	51.7	56.1	None
Block 22	57.0	60.7	55.8	58.6	None
Block 23	57.3	60.0	56.2	57.5	None
Block 29	48.2	52.3	47.2	51.0	None
Block 30	47.6	51.8	46.5	50.5	None
Block 34	53.4	59.5	52.4	58.8	None
Block 35	57.1	62.9	56.4	61.8	None
Block 42	52.3	55.5	51.3	53.3	None
Block 47	59.0	61.6	57.8	59.0	None
Block 52	48.5	50.6	47.1	49.5	None
Block 58	59.4	65.7	58.4	65.0	None
<b>State Standard</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	<b>70.0</b>	

Bold noise levels exceed State noise standards.

## *Vibration*

### Introduction to Vibration

Ground-borne vibration is the transmission of energy through the earth. The low level noise often generated by vibration, caused by the movement of room surfaces and contents, is termed “ground-borne noise.” Vibration, although not typically an issue of environmental concern, could be destructive to buildings and furnishing when excessive and/or an annoyance at lower levels. The evaluation presented here is taken from guidelines developed by the FTA (Transit Noise and Vibration Assessment, Harris Miller Miller & Associates, 1995).

Vibration consists of rapidly fluctuating motions with an average motion of zero. There are several different methods that are used to quantify vibration amplitude. In the case of human response to vibration, the root mean square (rms) amplitude is used to describe the smoothed vibration amplitude. The root mean square of a signal is the average of the squared amplitude of the signal calculated, typically, over a one (1) second period. The rms in the United States is normally described in inches per second. In addition, decibel notation is another common notation that acts to compress the range of numbers required to describe vibration.

In contrast to airborne noise, ground-borne vibration is not a phenomenon that most people experience every day. The background vibration velocity level in residential areas is usually 50 VdB (vibration decibels) or lower, well below the threshold of perception for humans, which is around 65 VdB. In the U.S., the RMS vibration velocity level in VdB is typically measured relative to  $10^{-6}$  inches/second. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people or slamming of doors. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel wheeled trains, and traffic on rough roads. If the roadway is smooth, the vibration from traffic is rarely perceptible.

Table 24.7 illustrates common vibration sources and the human and structural response to ground-borne vibration. The range of interest is from approximately 50 VdB to 100 VdB. Background vibration is usually well below the threshold of human perception and is of concern only when the vibration affects very sensitive manufacturing or research equipment. Electron microscopes and high resolution lithography equipment are typical of equipment that is highly sensitive to vibration. Location of these businesses within the RTC site, should they occur, will be encouraged well away from the railroad tracks.

Table 24.7: Typical Levels of Ground-borne Vibration

<b>Typical Vibration Source</b>	<b>Velocity Level<sup>(1)</sup> (50-ft from Source)</b>	<b>Human/Structural Response</b>
Blasting from Construction Projects	100	Threshold, minor cosmetic damage to fragile buildings
Bulldozers and other heavy tracked construction equipment	95	Difficulty with items such as reading a video screen
Commuter rail, upper range	85	“
Rapid transit, upper range	80	Residential annoyance, infrequent events
Commuter rail, typical	75	“
Bus or truck over bump	72	Residential annoyance, frequent events
Rapid transit, typical	70	“
Bus or truck, typical	63	Limit for vibration sensitive equipment. Approximate threshold for human perception of vibration.
Typical background vibration	52	Imperceptible

(1) RMS vibration velocity level in VdB relative to 10<sup>-6</sup> inches/second.

#### Vibration Impact Criteria

The criteria for environmental impact from ground-borne vibration and noise are based on maximum levels for a single event. The criteria presented in Table 24.8 account for variation in project types as well as the frequency of events, which differ widely among projects. The criteria are primarily based on experience with passenger train operations with only limited experience from freight train operations. The difference is that passenger train operations, whether rapid transit, commuter rail, or intra-city, create vibration events that last less than 10 seconds. A typical line haul freight train is about 5,000 feet long and would take two minutes to pass at a speed of about 30 mph.

Table 24.8: Ground-borne Noise and Vibration Impact Criteria

Land Use Category	Ground-borne Vibration Impact Levels (VdB re 10 <sup>-6</sup> in/s)		Ground-borne Noise Impact Levels (dB re 20 µPa)	
	Frequent Events <sup>(1)</sup>	Infrequent Events <sup>(2)</sup>	Frequent Events <sup>(1)</sup>	Infrequent Events <sup>(2)</sup>
Category 1: Buildings where low ambient vibration is essential for interior operations.	65 VdB <sup>(3)</sup>	65 VdB <sup>(3)</sup>	-(4)	-(4)
Category 2: Residences and buildings where people normally sleep.	72 VdB	80 VdB	35 dBA	43 dBA
Category 3: Institutional land uses with primary daytime use.	75 VdB	83 VdB	40 dBA	48 dBA

- (1) “Frequent Events” is defined as more than 70 vibration events per day. Most rapid transit projects fall into this category.
- (2) “Infrequent Events” is defined as fewer than 70 vibration events per day. This category includes most commuter rail systems.
- (3) This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration sensitivity manufacturing or research will require detailed evaluation to define the acceptable vibration levels. Enduring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.
- (4) Vibration-sensitive equipment is not sensitive to ground-borne noise.

For the RTC project, the potential sources of ground-borne vibration and noise will be the rail corridor along the southern property boundary and traffic noise from Highway 10, County Road 116 and other roads in and around the development. The vibration sensitive land uses for the RTC project can be classified in all three of the above land use categories. Potential Category 1 uses include the proposed hospital/medical center at the site. The FTA Manual cites critical screening distances for Category 1 of 600 feet, Category 2 of 200 feet and Category 3 of 120 feet. As a result, the designers of the project will need to consider these distances in the location of project buildings. In addition, there are several mitigation measures that can be incorporated into the project to reduce impacts from vibration. These include, but are not limited to:

Construction Vibration Mitigation

- 1) Design Considerations and Project Layout:
  - Route heavily loaded trucks away from residential streets, if possible. Select streets with fewest homes, if no alternatives are available.
  - Operate earthmoving equipment as far away from existing occupancies as possible.
- 2) Sequence of Operations:
  - Phase demolition, earthmoving and ground-impacting operations so as not to occur in the same time period. Unlike noise, the total vibration level produced could be significantly less when each vibration source operates separately.

- Avoid nighttime activities.
- 3) Alternative Construction Methods:
- Avoid impact pile driving where possible in sensitive areas. Drilled piles or the use of sonic vibratory drivers can reduce vibration levels.
  - Select demolition methods not involving impact.
  - Avoid vibratory rollers and packers near sensitive areas.

#### Long-term Vibration Mitigation

- 1) Building Modifications:
- Implement setback requirements similar to the screening distances above for different classes of buildings.
  - If there is no way to avoid vibration impacts to a certain building, construction methods such as the use of special foundations is possible.
- 2) Trenches:
- The use of trenches to reduce vibration impacts is analogous to the use of sound barriers for noise abatement.
- 3) Operational Changes:
- Use train equipment that generates the least amount of vibrations.
  - Reduce nighttime traffic.”

**Summary of Environmental Impacts.** There are no areas within the proposed Ramsey Town Center development that are projected to exceed the state daytime standards. However, there are four blocks along Industry Avenue (Blocks 28, 36, 37, and 38) that either already or will exceed the state nighttime NAC-1 standard of 52 dBA. The exceedances are less than 10 dBA. While these predicted noise levels are above the state nighttime standard, they are not uncommon in developed residential areas that are adjacent to busy roadways.

The impacts of vibration from the railroad and roadway traffic can be minimized through a mix of commonly used mitigation measures used during construction and post-construction periods, and careful site/land use design.

**Mitigation Element.** Noise wall mitigation would not be practical along Industry Avenue. Driveways and street intersections would create gaps in the wall, defeating its purpose. It is suggested that the proposed residential units in Blocks 28, 36, 37, and 38 be designed to minimize noise impacts. The noise around the homes and surrounding areas can be reduced by providing climate-controlled units, increasing wall insulation, and providing common areas on the side of the buildings furthest from Industry Avenue.

Construction and long-term vibration mitigation techniques will be used to minimize the impact of rail and highway traffic generated vibration. Vibration-sensitive lands uses will be located a suitable distance from any vibration generation area.

## 25. Sensitive Resources

*Are any of the following resources on or in proximity to the site?*

**25a.** *Archeological, historic, and architectural resources.* \_\_Yes X No  
*For an AUAR, contact with the State Historic Preservation Office is required to determine whether there are areas of potential impacts to these resources. If any exist, an appropriate site survey of high probability areas is needed to address the issue in more detail. The mitigation plan must include mitigation for any impacts identified*

**25b.** *Prime or unique farmlands.* \_\_Yes X No  
*The extent of conversion of existing farmlands anticipated in the AUAR should be described. If any farmland will be preserved by special protection programs, this should be discussed.*

**25c.** *Designated Parks, recreation areas or trails.* X Yes \_\_ No  
*If development of the AUAR will interfere or change the use of any existing such resource, this should be described in the AUAR. The RGU may also want to discuss under this item any proposed parks, recreation areas or trails to be developed in conjunction with the development of the AUAR area.*

**25d.** *Scenic Views and Vistas.* \_\_Yes X No  
*Any impacts of such resources present in the AUAR should be addressed. This would include both direct physical impacts and impacts on visual quality or integrity.*

**25a.** A request was made to the Minnesota State Historic Preservation Office (SHPO) to provide a list of potential historical or archaeological resources in the project area. In a letter dated December 19, 2002 (Appendix E), SHPO stated that their research of the National and State Registers of Historic places as well as other sources showed that there were no known or suspected historic or archeological resources in the affected area.

**25b.** “Prime Farmland” is considered rural land with the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is available for these uses. Prime farmland has the soil quality, growing season, and moisture supply needed to economically produce consistently high yields of crops when treated and managed with modern farming methods.

In general, the Natural Resources Conservation Service (NRCS) indicates that prime farmland soils must: have an adequate and dependable water supply from precipitation or irrigation; have a favorable temperature and growing season; have acceptable levels of acidity or alkalinity, content of salt or sodium, and few or no rocks; be permeable to water and air; are not excessively erodible; not be saturated with water for long periods of time; and, not flood frequently or are protected from flooding.

Agricultural land that is not considered Prime Farmland may be considered “State-wide Important Farmland”. This is land, in addition to prime farmlands, which is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops. Generally, soils of statewide importance include those that are nearly prime and produce high yields of crops in an economic manner when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmland soils if conditions are favorable.

Table 25.1 lists the soil map units present on the proposed project site (also see Figure 12.2). Land within the project site was historically agricultural in nature. Commonly grown agricultural crops include corn and soybeans in the Hubbard coarse sand, Duelm loamy sand, Dickman sandy loam and portions of the Isan sandy loam. No agricultural activity occurred in soils designated as Marsh.

As seen in the table, no soils on the property are designated as prime farmland; however, the Dickman sandy loam is considered a State-wide important farmland. The soil unit however, only consists of 0.5% of the total area of the site located in the far southwest corner (Figure 25.1). Project related impacts to prime farmland and State-wide important farmland are therefore considered to be minimal.

Table 25.1 RTC Site Soil Units

Series No.	Series Name	Prime Farmland Status	Percent Coverage in Project Area
HuA/B/C	Hubbard coarse sand	None	<b>77%</b>
Dp	Duelm loamy coarse sand	None	18%
DnA	Dickman sandy loam	None*	0.5%
Is	Isanti sandy loam	None	4%
Mc	Marsh	None	0.5%

\* - Identified as a State-wide Important Farmland, but not Prime Farmland.

The other area of farmland designation that exists is “Green Acres”, which is more of a tax-based program to keep productive farmland in business than an environmental program. The acreage is shown here for information purposes. Figure 25.2 shows all of the Green Acres program acreage on the RTC site.

Figure 25.1. Designation of State-wide Important Farmland

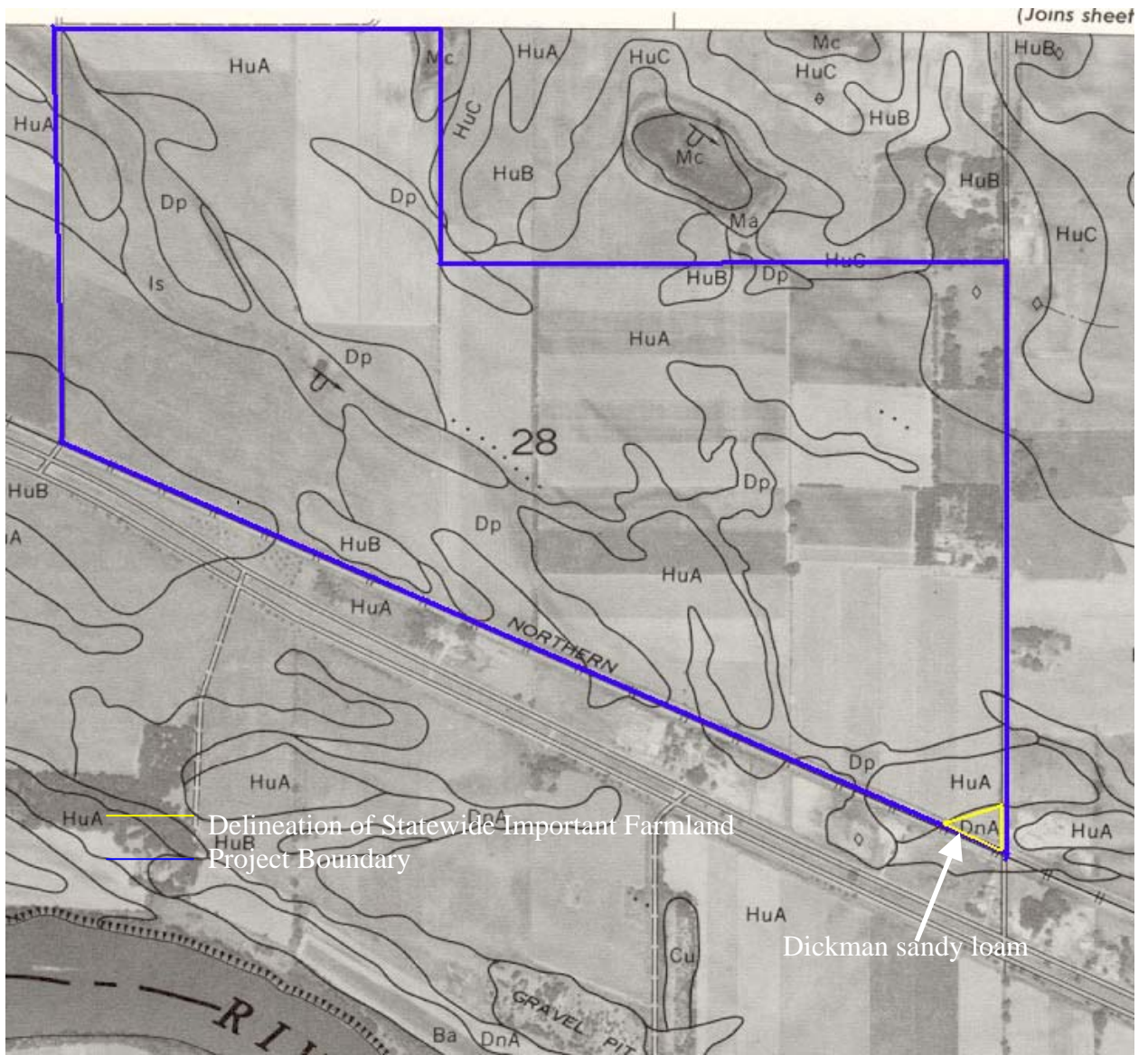
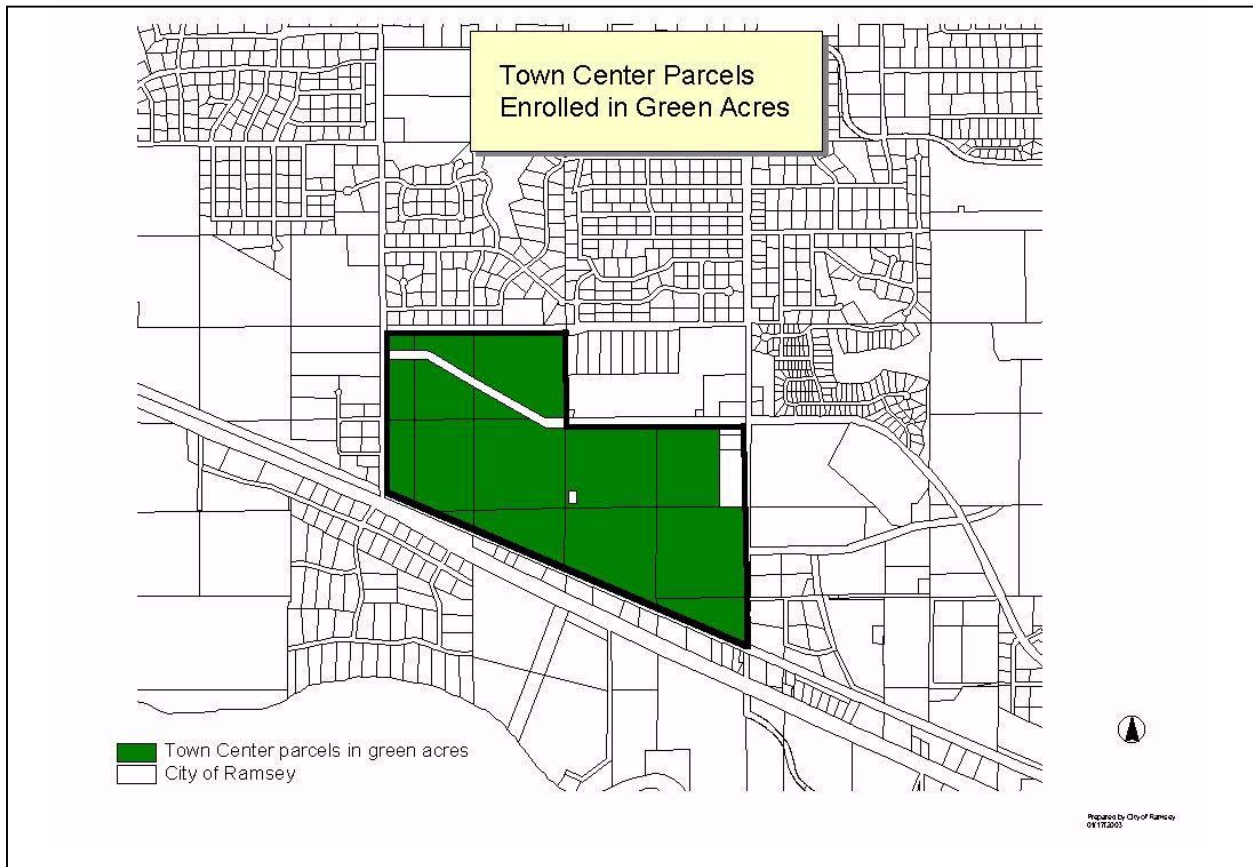


Figure 25.2 Green Acres land within the RTC site.



**25c.** The Ramsey Town Center site is fortunate to fall within an area surrounded by parks and trails. A unique opportunity exists within the site to incorporate new parks and open space, and to tie together several trail links. Figures 25.3 and 25.4 show the Anoka County and City of Ramsey parks and trail plans, respectively. The City of Ramsey plan reflected in the figure is the most recent version. Because of rapid growth within the City, the park and trails system has been changing often, such that revisions are constantly under way. The information in Figure 25.4 should be considered current through the Spring of 2003.

Reference to the preferred design in Figure 6.1 shows several parks and open space areas that will be included in the RTC development. The latest design contains approximately 40 acres of “green/open space” in a series of neighborhood parks, drainage corridors, preserved and restored wetlands, and general open space. Much of this area, especially in the drainageways, can serve a dual purpose of open space and temporary detention of water.

Among the many issues identified during the stakeholder issues interview was the key role that the RTC site could play in linking open space areas (parks, trails, green space)

throughout this portion of Anoka County. Staff from both Anoka County and City of Ramsey Parks Departments stressed the importance of incorporating green space into the site plan and providing for trail connections to the Mississippi Regional Park (MRP) Trail, which is part of the MNRRA regional River trail, and to trails north and northwest of the RTC site.

Figure 25.5 is a concept depiction of a greenway/trail connection that extends from the City trail at Lake Itasca to the Mississippi River. This corridor is also discussed in Item 17 (Figure 17.1) as a surface water flow route for water from the Lake and from the area to the northwest of RTC as it develops.

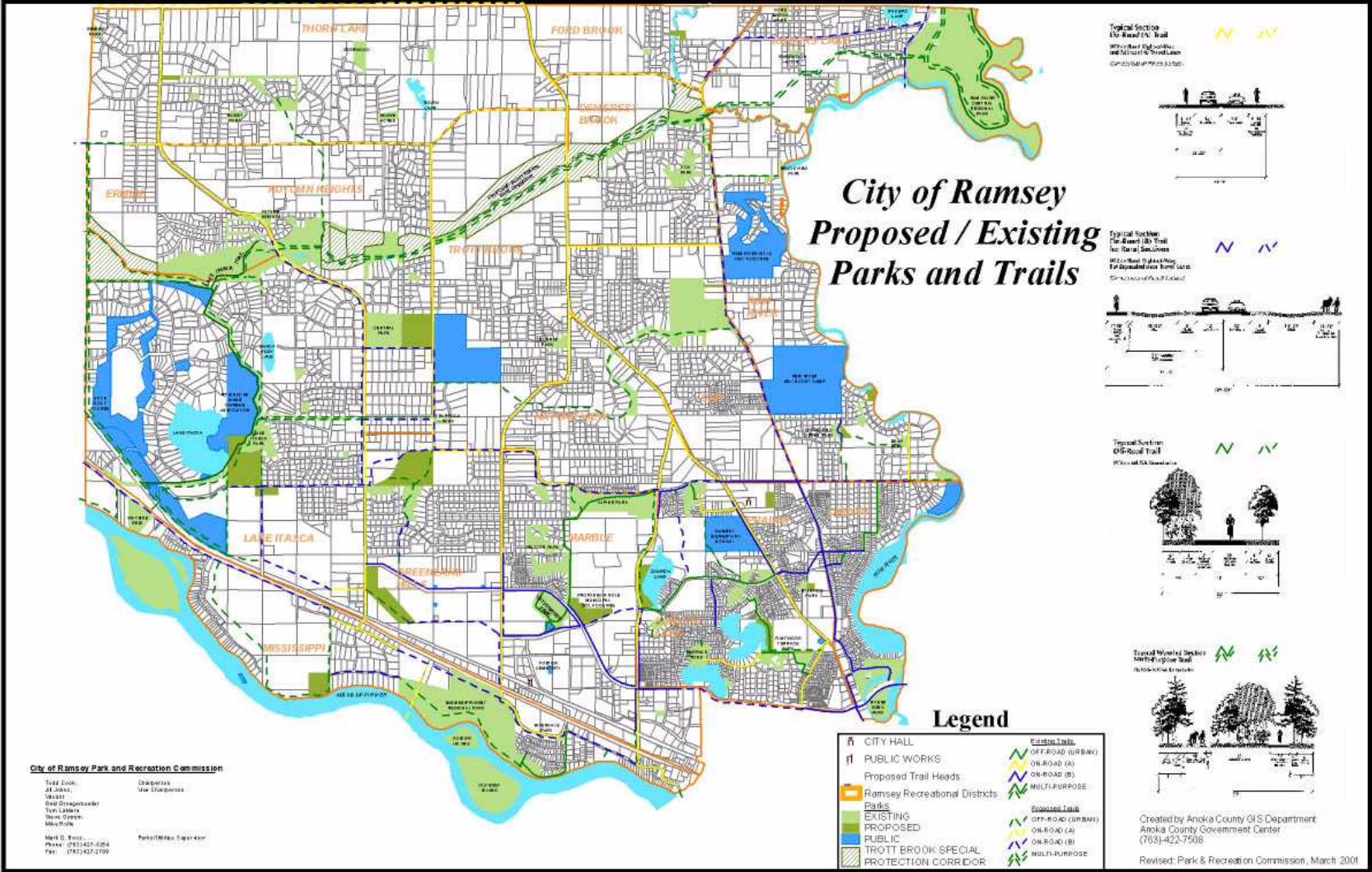
Within the RTC site, as reflected in Figure 6.1, are numerous opportunities to expand open space and trails. The prominent trail feature will be along the central drainage corridor portrayed as green space in the figure. Trails will be present on both sides of the corridor, providing the desired opportunity for linkage with MRP and Lake Itasca. The trail crossings of the BNSF railroad tracks and Highway 10 to the south, and Armstrong Boulevard to the northwest need to be carefully considered during the design phase. Options for crossing the railroad tracks and Highway 10 include numerous locations at-grade, above via elevated crossing or walkway (needed for transit station if Northstar becomes a reality), or sub-grade. The exact nature of this crossing will not be known until many of the design features of the site are coordinated with the agencies involved, including Mn/DOT and BNSF. Anoka Parks prefers a connection south of the site (similar to the Calthorpe location shown in Figure 6.2) rather than along Ramsey Boulevard, but the nature of the crossing could dictate the location, which will be determined during detailed site design. RTC LLC is committed, however, to making the trail connection to MRP an integral part of the RTC when completed.

With proximity to the MRP comes the need for attention to minimize any adverse impact that could result from a new urban center. The development should enhance the park by using the project site as a connection to existing and new open space, and as a source of new users interested in supporting the recreational system. Land use along the trail connection within the site should be compatible with the trail. High intensity commercial use would deter use of the trail leading from the site into the Regional Park.

Anoka Parks has expressed an interest in having the architectural style of the MRP buildings and RTC be compatible. Since the Park development will not proceed for years, the exact style to consider is unknown. RTC LLC will consider the need for visual coordination during the building design phase, and will make its design decisions known to Anoka Parks for its use in future park development.

In 1988, Congress passed Public Law 100-696 establishing the Mississippi National River and Recreation Area (MNRRA) as a unit of the National Park System to preserve, protect, and enhance the nationally significant historical, recreational, scenic, cultural, natural, economic, and scientific resources of the Mississippi River Corridor in the Twin Cities metro area. Item 14 previously addressed the reflection of MNRRA, Critical Area, and Wild and Scenic Rivers language into the City's *Comprehensive Plan*. In 1995, a

Figure 25.4. City of Ramsey Parks and Trails (under revision).



Comprehensive Management Plan (CMP) for the MNRRA was approved by the Secretary of the Interior. The CMP provides a management framework to assist the State of Minnesota and units of local government in the implementation of integrated resource management programs and to ensure orderly public and private development in the area. The CMP incorporates the state Critical Area program and other state land use management programs by reference as the foundation for compliance with the CMP, and encourages voluntary state and local compliance with additional policies to protect and enhance the river corridor. The Mississippi River Critical Area Corridor and MNRRA are geographically identical. In 1991, the Minnesota Legislature designated the federal MNRRA as a state Critical Area by the enactment of Minn. Stat. 116G.15.

**25d.** A complete analysis of visual impacts is contained in Item 26 that follows.

Summary of Environmental Impact. None are expected with regards to archeological, historical or cultural resources.

The RTC site will be converted from over 350 acres of largely agricultural land to urban uses. This change reflects growth by the City of Ramsey in a manner contained within its *2001 Comprehensive Plan*, as amended in 2002.

The addition of new open space, trail connections and park land in an area previously not publicly accessible will be a benefit to the community. The addition of these features will be carefully coordinated with the proper agencies to assure compatibility.

Mitigation element. *Unidentified Resources.* Various circumstances may lead to the discovery of unidentified historic or archeological resources within the project boundaries. When any such new discovery is brought to the attention of the developer or the City, an evaluation of the significance will be conducted and appropriate management measures will be devised in consultation with SHPO.

Discovery does not mean that all work must stop. However, depending on the nature of the cultural resource and the activity's apparent effects on it, the developer and City will make reasonable efforts to avoid or minimize harm to the resource until it has been processed. Following are the procedures that will be followed when a discovery of what appears to be a cultural resource (historic or archaeological artifacts) has been made:

(a) Contact the supervisor in charge immediately. If human remains are discovered, also refer to the below section, *Unmarked Human Burial Sites*.

(b) The supervisor will contact SHPO immediately (651-296-6126). The supervisor will arrange for the site or the relevant portion of the site to be secured against further disturbance until a professional assessment of the potential finding can be made.

(c) The contractor, lessee or employees will consult with SHPO to safeguard the resource and note its location, depth, etc. for future report, and to determine what type of investigation (if any) or mitigation is appropriate for the circumstances.

*Unmarked Human Burial Sites.* The discovery of human remains is covered under Minnesota Statute, Section 307.08. Human remains deserve respect and should be treated appropriately. The discovery of human remains involves legal as well as archaeological issues. The odds of discovering human remains are low; however, complete records of all Native American, pioneer and settler burial sites are not available. Therefore, discovery of such unidentified sites is typically accidental and will occur at sites where the soil has not been previously excavated to an appropriate depth.

Immediately upon the discovery of buried human remains, the procedures listed below will to be followed:

(a) Stop the excavation, and using appropriate safety precautions, and with a minimum of further disturbance to the remains, verify that it appears to be human remains. Make note of what was found, its location and depth, etc.

(b) Contact the supervisor in charge immediately. The supervisor will contact the Ramsey Police Department immediately if it is suspected that the remains are recent.

(c) If unable to contact a supervisor, or if instructed, call the Ramsey Police Department and report the discovery. If necessary, the developer will cooperate with law enforcement authorities in securing the site.

(d) As soon as possible but within 48 hours, the supervisor shall contact the State Archaeologist and consult with them on how to proceed.

*Disposition* - Ownership/disposition of historic and prehistoric archaeological items, including Native American human remains or grave goods, will be determined by the State Archaeologist, the Native American Council or other appropriate authority.

Because there is no prime farmland on the site, there are no mitigation measures needed to address the change in land use. The very small amount of State-wide Important Farmland in the far southeast corner of the site will be lost from productive agricultural land, but will be replaced by green space uses that preserve the open character of the land.

Although the RTC site is not within the geographic area covered by MNRRA, every effort will be made by RTC LLC to work with Anoka County Parks, Ramsey Parks and the National Park Service to comply with the policies of these agencies and to minimize or avoid any adverse impacts from development of the RTC site.

## 26. Adverse Visual Impacts

*Will the project create adverse visual impacts during construction or operation? Such as glare from intense lights, lights visible in wilderness areas and large visible plumes from cooling towers or exhaust stacks?   X  Yes   No*

*If yes, explain. If any non-routine visual impacts would occur from the anticipated development, this should be discussed here along with appropriate mitigation.*

The current visual aesthetic on the site is one of an actively farmed area surrounded by residences to the north, a busy state highway and commercial strip to the immediate south, and commercial strips to the east and west. Although views from the site will not be impacted, those used to viewing farmland on the site will have a change.

Views during construction will change from the agricultural view currently seen at the site. Although “adverse” is not a quantitative measure relative to visual impressions, it is anticipated that most would consider an active construction site as less than visually appealing.

Views from the Mississippi River northward are not likely to be directly impacted because of the elevation difference between the River and the site. The site elevation is between about 860’ and 865’, with a knoll on the north end of the site reaching about 880’. The Mississippi River through this reach is about 830’ and located below a forested bluff. Direct viewing of the Ramsey Town Center will not be possible from the River. However, lights emanating from the site would likely be seen once the site is developed.

Summary of Environmental Impact. Conversion of agricultural land to urbanized land will have a net change in views that many do not view positively. Changing this view of “open land” to one of a fully developed urban area, however, is part of the City’s plan for its growth. The impacts of the conversion, however, can be mitigated, as outlined in the next section.

Mitigation element. Light emissions from commercial and residential areas cannot be avoided because of safety issues and the need for residences and businesses to see clearly at night. City Ordinance 9.11.07 describes any lighting used to illuminate an off-street parking area, sign, or other structure, must be arranged so that the light is deflected away from residential districts and public streets. Bulbs emitting in excess of 3,000 lumens (150 watts) must be arranged so that the light is not visible outside of the property where the light is located. There are several methodologies of acceptable screening methods for these nuisances that can also be used for transitioning from high- to low-density residential or from residential to commercial areas. Screening methods typically include a vegetative barrier no less than five feet high or other natural materials. Applying shields to street and parking lot lamps directs the light to the ground surface where it’s wanted, not into the adjacent neighborhood. All of these practices should minimize the impact of the light at the River, but will not eliminate it.

The visual impacts of construction on a scale that will occur at RTC over several years will be difficult to mitigate, but several measures to minimize the impact will be followed. The most offensive visual characteristics of construction, and possible mitigating actions are:

- Soil erosion leading to sediment movement off-site - Item 16 spelled-out a mitigation element to control on-site erosion and off-site sedimentation.
- Access streets and roads covered with dirt and gravel/rocks - The erosion and sediment control program will include egress gravel wash pads and will contain a daily sweeping plan for roads affected by construction traffic.
- Swirling dust caused by earth-moving activity on dry soil - A water truck will be available on site to spray areas experiencing dust movement. This will be especially critical on the sandy soils prevalent on site.
- Construction equipment and temporary trailers - Every effort will be made to screen immobile equipment and to park mobile equipment in a visually sheltered location at the end of the working day.
- Exposed soil - One of the essential elements in the erosion and sediment control plan will be rapid stabilization, covering and re-vegetation of exposed soils. Although some exposed soil will be impossible to avoid, every attempt will be made to minimize exposure.

## 27. Compatibility with Plans

*Is the project subject to an adopted local comprehensive plan, land use plan or regulation, or other applicable land use, water, or resource management plan of a local, regional, state or federal agency? X Yes \_\_\_No.*

*If yes, describe the plan, discuss its compatibility with the project and explain how any conflicts will be resolved. If no, explain.*

*The AUAR must include a statement of certification from the RGU that its comprehensive plan complies with the requirements set out in (Minnesota Rules) 4410.3610, subpart 1. The AUAR document should address the proposed AUAR area development in the context of the comprehensive plan. If this has not been done as part of the responses to Items 6, 9, 18 21, and others, it must be addressed here; a brief synopsis should be presented here if the material has been presented in detail under other Items. Necessary amendments to comprehensive plan elements to allow for any of the development scenarios should be noted. If there are any management plans of other local, state, or federal agencies applicable to the AUAR area, the document must discuss the compatibility of the plan with the various development scenarios studies, with emphasis on any incompatible elements.*

*City of Ramsey Local Comprehensive Plan.* The basis of implementing a large-scale development as covered by an AUAR is the compatibility of that development with the local unit of government's plan for the future of its community. In the Metropolitan Area, this outlook is described in a local comprehensive plan (LCP) prepared in accordance with Minnesota Statutes, Section 473. Among the requirements of this statute is the inclusion of a land use plan with staged development, housing and surface water management components, a public facilities section that addresses transportation, sanitary sewer, parks and open space, and water supply, and finally, an implementation program that describes the financial and institutional methods to be used to implement the LCP.

Minnesota Rules 4410.3610 references the need for a local unit of government within which an AUAR is being prepared to certify that the three elements referenced above are contained in its LCP. The City of Ramsey has an adopted *2001 Comprehensive Plan* that was most recently amended on February 26, 2002. The following list identifies the specific LCP chapter references meeting the content requirements for AUAR/LCP conformity:

- Chapter V - Land Use (existing land use, future land use, historic preservation, solar access protection)
  
- Chapter VI - Transportation Element (framework and goals, existing roadways, analysis of roadway system needs, roadway system plan, transit, aviation, railroad lines, bicycle and pedestrian trail system)

- Chapter VII - Housing Plan (existing conditions, senior housing, affordability, the plan for housing)
- Chapter VIII - Sewer Element (existing system, future sanitary sewer services)
- Chapter X - Park, Recreation and Open Space (existing park and creation facilities, the parks and creation plan)
- Chapter XV - Public Facilities (city administration, fire and rescue, police, public works, public schools, public facilities and services plan)
- Chapter XVI - Implementation Strategy (zoning ordinance, subdivision ordinance, septic system management program, capital improvement program, corridor studies, housing program, redevelopment planning, area master planning, part and trail comprehensive planning, GIS development, public services and facilities, central rural reserve area)
- Appendix C - Surface Water Management Policy
- Appendix E - Individual Sewage Treatment System (ISTS - septic tank) Program
- Appendix F - Water Supply Plan
- Appendix G - Capital Improvement Program

Based on the content contained with the February 26, 2002 Ramsey *Comprehensive Plan Update*, the City of Ramsey certifies that the requirements of Minnesota Rules 4410.3610 have been met.

*Preferred site design conformity with Ramsey LCP.* The preferred site design illustrated in Figure 6.1 is consistent with the City of Ramsey LCP, as referenced above and illustrated in Figure 5.4. The key element in establishing conformity is consistency with the future land use expectations of the City. The consistency set the stage for infrastructure support and financing needed to assure smooth development staging. Figure 5.4 illustrates that the Ramsey Town Center site is noted as predominantly “Mixed Use”, with additional increments of “Places to Work”, “Medium Density Residential” and “Low Density Residential”. The corridor between Highway 10 and the BNSF railroad tracks is designated as “Places to Shop”. The “Mixed Use” category represents a combination of residential, commercial, light industrial, open space and a transit hub. “Places to Work” is defined by the City as areas primarily reserved for office and industrial type development. The plan’s description of mixed use and the other less prominent uses fits perfectly with the preferred design. The existing highway commercial strip on the north side of Highway 10 (Figure 6.1) is subject to change as Mn/DOT’s plans for the highway take shape, but until that happens, there is no

anticipated change in its usage, other than possible use of City land for detention of stormwater.

Consistency on a map does not assure that project implementation will fully meet the City's intent with respect to the provision of service. It is for this reason that the various AUAR Items address infrastructure needs and phasing. The timing within which services will be provided to Ramsey Town Center is spelled-out in Items 12, 13, 17, 18, 21, 25 and 28. However, at this time, there has not been any financial commitment by the City to meet the timing schedule.

Although the entire LCP supports the approach proposed for Ramsey Town Center, some specific elements within the Plan pertain especially to the project. The Guiding Principles within the Vision and Guiding Principles section of the Plan (Chapter II) contain many statements that reflect the "town center" concept of development, with its emphasis on mixed land uses, pedestrian and environmental friendliness, and building a sense of community.

Chapter III of the LCP (Community Background) and Chapter XIV (Community Identity) address the City's intent to grow in a well thought-out manner and to build a sense of community. The Ramsey Town Center project will provide an opportunity to develop a central focal point for municipal civic activities, as well as working, shopping, establishing a home and finding local entertainment as the City's population grows from about 19,500 in the year 2000 to well over 30,000 by 2020.

Consistency relative to sense of community cannot be shown with maps and charts, but must be gained through repeated contact with public officials and members of the community. The preferred concept that eventually evolved into Figure 6.1 was derived after many such meetings. The list of forums for discussion included: Metropolitan Council Smart Growth community meetings; presentation and listening sessions with City officials and community leaders; a Town Center Task Force; the January 2003 retail design charette; and day-to-day interaction with City staff.

Consistency is also assured by matching the character of a new Ramsey Town Center with what the City expresses as its needs and desires in the LCP. Following are several such statements from the LCP for which the Town Center design fits:

*"Landowners are encouraged to preserve and restore areas of significant natural resources such as open prairie or tree canopy as permanent open space by increasing density in areas more conducive to development." (page V-11)*

*It is an Urban Residential policy of the City to "Encourage environmentally conscious site design and construction methods to assure that development respects the natural environment", to "Ensure open space that is part of a residential development is preserved as permanent open space..." and to "Ensure projects are consistent with the goals and policies of the Mississippi River*

*Critical Area Plan (MNRRA) and are sensitive to the Rivers natural environment”. (pages V-20 and 21)*

*It is a Places to Work policy of the City to “Require developments to adhere to environmentally sensitive design and construction standards”, to “Facilitate the clean up and redevelopment of brownfields and underutilized sites...” and to “Require individual sites to be connected to a trail system that links employees with the Town Center, parks and neighborhoods.” (page V-25)*

*“The purpose of the Town Center Mixed Use Area is to establish a community hub that integrates places to work, play and live and embraces transit oriented design in anticipation of the potential future commuter rail station.” The site will be a “pedestrian friendly environment that supports mass transit” with mixed use development that would support the station with connections to MRP. (pages V-26 and 27)*

*It is a Park and Recreation Plan goal of the City “To preserve continuous open space corridors that protect natural vegetation and water quality, provide wildlife habitat, and preserve the natural identity of Ramsey.” (page X-7)*

*“The Ramsey community has acknowledged and embraced the importance of the Mississippi River Corridor, its history, water quality, beauty and recreational opportunities. The future of the corridor through Ramsey consists of a sanctuary where wildlife and nature coexist with people and development.” (page XI-3)*

*“All future development should minimize the negative environmental impacts on the region’s ecological system ensuring that the built environment is in harmony with the natural environment.” (page XIII-1)*

Reference to Figure 5.4 shows the future land use reflected in the LCP. A comparison with the preferred concept plan for Ramsey Town Center (Figure 6.1) clearly illustrates the compatibility between the City’s vision for the future and the proposed development. Chapter V of the LCP describes how the City’s expectations on how it will develop by 2020. The Chapter is replete with references to the City’s intentions. All of this guidance will be used as Ramsey Town Center moves through the various phases of development and comes to the City for the approvals that accompany the development steps. Specific reference is made in Chapter V to a sub-set of Mixed Use called “Town Center Mixed Use Area”. This description addresses the area being proposed for development under this AUAR. The vision laid-out in the description parallels the site concept and sense of community focus proposed for Ramsey Town Center. The entire parcel being considered is within the MUSA (Figure 5.4) and will be served accordingly, as described in the various infrastructure elements of this AUAR, consistent with the 2000-2010 staging plan identified in the LCP (Figure V-3 in the Plan).

Chapter VI also identifies the City's desire to improve its trail system. The connection of trail linkages from Mississippi Regional Park (MRP) through Ramsey Town Center, connecting to Lake Itasca and other trails north of the Center is an integral part of this City vision. Completing this vision during development has always been part of the Town Center plan, as evidenced in Figure 6.1.

The water and sanitary sewer service elements of the LCP (Chapters IX and VIII) are discussed within the AUAR in Items 13 and 18, respectively. The storm sewer element is discussed in both Items 12 and 17. All of the infrastructure details are also discussed in Item 28.

Chapter X of the LCP addresses the parks and open space plans for the City. Figure 6.1 shows that a substantial portion of the proposed Ramsey Town Center will be devoted to open space that can become part of the City's system. Trail linkages have already been identified, but additionally, linkages within the site will occur among the various neighborhood parks and more regional-scale trails. The development of MRP will be a major benefit to the City's long-term goal of providing public access to the River. The connection of Ramsey Town Center trails to the River, as described in the site concept plan, will be a critical step in achieving this goal. Similarly, the opportunity exists to tie the Center to the Lake Itasca trail via a green corridor trail. Figure 25.5 illustrates one potential alignment for this trail. The City has not yet formalized the means by which this trail would be established, but identifying a possible path is part of the process. The City's Parks and Recreation Committee and City Council will ultimately decide upon the method of incorporating that this trail into development as it occurs northwest of Ramsey Town Center.

The connection and coordinated planning between the City and the state Mississippi River Critical Area and Wild and Scenic River (WSR), and the federal Mississippi National River and Recreation Area (MNRRA) was discussed in Item 14. The boundaries of these three specially designated areas overlap, as shown in Figure 14.1. Chapter XI of the City's LCP contains the required elements for implementing Executive Order 79-19 issued by the state for defined Critical Areas in 1979. This chapter addresses all of the required elements and also ties in the coordination aspects with MNRRA and WSR. Although none of these protected areas occurs within the boundaries of Ramsey Town Center, the AUAR must address potential impacts that site development could have on them. Item 14 addressed this impact and the mitigation plan associated with it. Reference is made in the LCP to the 1994 MNRRA Plan, *Comprehensive Management Plan for the Mississippi National River and Recreation Area* prepared by the Mississippi River Coordinating Commission and the USDI-NPS. This plan serves as general management plan for MNRRA and is reflected in the City's LCP, which exceeds Tier II requirements of MNRRA.

Chapter XIII of the LCP establishes the City's vision for environmental protection and resource management. A key feature of the Ramsey Town Center is its integration of natural resource attributes into the concept design. Chapter XIII identifies the natural features of the City and the manner in which they will be protected and enhanced.

Development of the Center site actually presents an opportunity to restore and incorporate environmental features that have not been a part of the landscape in recent memory. For example, the central green corridor is a remnant drainage feature that has not transmitted water in the memory of City or WMO officials. Connecting drainage from Lake Itasca to the Mississippi River to and through this feature will provide a chance to restore a natural function and the habitat, water quality and aesthetic benefits that accompany it. Similarly, installing runoff management practices that take full advantage of the infiltration character of porous Anoka Sandplain soils assures that surface water continues to recharge the essential drinking water aquifer supplying drinking water to City residents, whether on a municipal or private system.

Finally, the public facilities and implementation requirements of planning are addressed in Chapters XV and XVI of the LCP.

*Management plans of any other government agencies.*

As discussed previously in this AUAR, there are several other plans that potentially cover the Town Center site and its adjacent area.

*Lower Rum River Watershed Management Organization (LRRWMO).* The entire site falls within the jurisdiction of the Lower Rum River Watershed Management Organization (LRRWMO), which is a Joint Powers Agreement among the Cities of Ramsey, Anoka, Andover and Coon Rapids. Aspects of the LRRWMO relationship to this project were addressed in both Item 8 (permits) and Item 14 (related management districts).

The WMO's state approved (BWSR) second generation watershed plan was adopted by the LRRWMO in late 1998. The Ramsey Town Center site occurs within the WMO's West Mississippi District. The WMO plan, however, mapped the portion of the sub-watershed surrounding Lake Itasca as part of the Trott Brook drainage area, which meant that flow would be to the north from the Lake rather than to the south. Because flow emanating from Lake Itasca has not occurred within recent history, there was some uncertainty over the direction of flow, if it were ever to occur. To address this uncertainty, an EOR survey team established elevations around the lake and determined the drainage directions located in Figure 12.1. Determining this flow direction is essential for to the modeling effort to quantify the area contributing to flow that could cross the Ramsey Town Center site.

LRRWMO is also the designated "Local Governmental Unit" or LGU under the 1991 Wetland Conservation Act. This means that regulatory decisions on wetland impact within the City are made by the WMO. The WMO participated in all of the Technical Evaluation Panel (TEP) meetings related to this site, and is ultimately responsible for any subsequent permit decisions.

*Critical Area, MNRRA, Wild and Scenic River.* The management overlap between the Critical Area component of the City's LCP and the MNRRA plan were addressed in Item 14. This discussion also addressed the Wild and Scenic River coverage. Local

governments within the state Critical Area Corridor are required to incorporate the Standards and Guidelines of Executive Order 79-19 into local plans and ordinances for the Corridor. Local units of government shall permit development in the Corridor only in accordance with those adopted, approved plans and regulations. Specific policies within the Ramsey Critical Area Plan address those needs, as referenced earlier (Item 14). In addition to the Executive Order standards (previously listed) that were incorporated and approved in the City of Ramsey Critical Area plan, the following additional policies occur in the City's plan:

- ♦ Minimize direct overland runoff and maintain natural watercourses such as ditches, wetlands and floodplains to handle existing storm water runoff and slow the process of surface water infiltration.
- ♦ Ensure urban best management practices are strictly adhered to during and after construction projects including the replacement of all vegetative cover which is removed for construction purposes.
- ♦ Adopt development controls consistent with NURP standards and the MPCA's Urban Best Management Practices to reduce nonpoint source pollutant loading in storm water runoff.
- ♦ Minimize site alterations and protect natural watercourses, bottomland forests, prairies and woodlands as part of the development plan through such means as conservation easements or land preservation techniques.
- ♦ Prohibit alterations or disturbances of wetlands, tree canopy, significant habitat areas and natural vegetation areas.
- ♦ Ensuring that trail locations minimize any negative affects on the natural resource base.
- ♦ Ensure future development emphasizes continuous open space, minimizes utility and infrastructure needs and crossings....
- ♦ Ensure adequate views to and from the river are preserved while maintaining appropriate landscaping buffers and vegetative covers.
- ♦ Require future utility construction ... to be underground while minimizing disturbance of endangered habitat areas or undisturbed natural vegetation areas.
- ♦ Prohibit any unnecessary grading, filling, or any other significant alteration of areas within the Critical Area Corridor.
- ♦ Prohibit development on or alteration of slopes exceeding 12% including the riverfront bluff face.

*Anoka County.* Anoka County has a Comprehensive Master Plan for the County that covers all parts of the Critical Area under County jurisdiction in the Plan's Mississippi River Critical Area Management section. Planning and development of parks within this area by Anoka County Parks reflects the Critical Area goals under the Critical Area Act and Executive Order 79-19. The County's plan for Parks and Trail Corridors was shown in Figure 25.3. The City of Ramsey is working very closely with Anoka County Parks to develop trail connections paralleling the Mississippi River through MRP and connecting this regional trail to other City and County trails north of the River. The connections to Lake Itasca and Trott Trails would then traverse the Town Center site. Anoka County Parks has also expressed an interest to tie the architecture of the MRP buildings to the

architectural themes used in Ramsey Town Center. Finally, Anoka County Highway Department is working with the City and the site developer to assure that all of the road work potentially impacting County highways is acceptable and meets County standards.

*Anoka Conservation District (ACD).* ACD has a greenway corridor plan for wildlife corridors that crosses the Ramsey Town Center watershed and the site itself. Figure 27.1 illustrates the ACD greenway contained within the plan. Currently the plan indicates that an ideal wildlife corridor would go through the Town Center in essentially the same location as the central drainage swale. The location of the corridor is critical here because of the proximity of the Town Center to Mississippi West Regional Park, which is a local hub for wildlife. In a conversation with EOR, ACD staff (Rich Biske, Wildlife Habitat Management Technician) indicated that the drainage swale could be an appropriate wildlife corridor if native vegetation (specifically mentioned big blue stem and forbs) instead of turf grass was planted. He noted that if turf grass is planted in the central drainage swale, a wildlife corridor would need to be created in a less desirable location, possibly in the undeveloped area to the west of the site, as east of the site is already developed. ACD also expressed interest in connecting the trail system and possibly the wildlife corridor to the trails and open space associated with Sunfish Lake to the east.

*Department of Natural Resources (DNR).* DNR implements the State's Critical Area program and has approved the City's Critical Area Plan as part of its local comprehensive plan (see Item 27). DNR also administers the State Wild and Scenic Rivers program. Provisions to coordinate the Critical Area Plan with the Wild and Scenic River and the federal Mississippi National River and Recreation Area (MNRRA) are contained within the City's comprehensive plan.

*Metropolitan Council.* The Metropolitan Council is charged under Minnesota Statutes, Chapter 473 with assuring the orderly and economic development of the seven-county metropolitan area. To implement this responsibility, the Council reviews the local comprehensive plans (LCP) of communities within the region, and has approval authority over aspects of the plan that affect one of the four "regional systems" - wastewater, transportation, regional parks and airports. Other elements of the LCP that are not related directly to the four regional systems are reviewed for consistency with overall regional plans.

Of specific AUAR concern to the RTC site are the Ramsey LCP regional system elements addressing traffic and wastewater, and the non-system components addressing water supply and stormwater. The Ramsey LCP was adopted in 2001 by the City and approved by the Metropolitan Council. This AUAR reviewed the traffic and wastewater elements of the site development and drew some conclusions in Items 21 and 18, respectively, on system impact. Items 13 and 17 similarly addressed the water supply and stormwater aspects of the development.

*Minnesota Department of Health (MDH).* The MDH is the state agency responsible for assuring that municipal water suppliers meet the requirements of the state and federal

Wellhead Protection Program. The City of Ramsey has joined with several other communities in Anoka County, and the County itself, to develop its wellhead protection plan. This plan was addressed in Items 13, 19 and 20.

Summary of Environmental Impact. The proposed RTC site development is consistent with all of the planning documents covering its area.

Mitigation element. At this time, the Ramsey *2001 Comprehensive Plan*, as amended in 2002, fully addresses the development of the RTC site and adequately relates this development to the various other agency plans with which it must comply. However, any change in the project that would lead to deviation in one or more of the plans must be corrected by a plan amendment.

## 28. Impact on Infrastructure and Public Services

*Will new or expanded utilities, roads, other infrastructure or public services be required to serve the project?  Yes  No.*

*If yes, describe the new or additional infrastructure or services needed. (Note: any infrastructure that is a connected action with respect to the project must be assessed in the EAW; see EAW Guidelines for details.)*

*For an AUAR, this item should first of all summarize information on physical infrastructure presented under Items such as 6, 17, 18, and 21. Other major infrastructure or public services not covered under other items should be discussed as well – this includes major social services such as schools, police, fire, etc. The RGU must be careful to include project-associated infrastructure as an explicit part of the AUAR review if it is to exempt from project-specific review in the future.*

*Social Services.* The project area is served by the Ramsey Police Department. Based on the current standard ratio of 1.3-1.5 licensed officers per 1000 residents, the City of Ramsey should have 26 officers. There are typically 3 police officers on duty at a time from a total of 17 full time police officers, therefore the current ratio is 0.85 licensed officers per 1000 residents. The Police Department, when predicting future needs, considers crime rate, traffic increases, and overall growth. Future personnel, equipment and training needs are based on the general population growth of the City of Ramsey, which would include, but is not specific to the RTC. Future personnel needs are listed in Table 28.1. Through 2015, equipment and training needs are expected to increase proportionately with staffing changes. The Department is investigating the equipment and training required for preparing an officer for a potential terrorist attack anywhere within the city. The RTC is described by the department as the most likely location within the city for such an attack. Currently, the streets adjacent to the RTC are patrolled at least once a day. The RTC development may require more frequent patrols. The preferred design plan for the RTC includes the construction of a new police station, which would establish a permanent police presence on the site.

Table 28.1 Ramsey Police Department Future Personnel Needs

<b>Year</b>	<b>No. of Police Officers Needed</b>	<b>Additional Personnel Needs</b>
2004	2 Patrol Officers	1 Crime Prevention Specialist 1 Technician
2005	2 Patrol Officers	1 Community Service Officer
2006	2 Patrol Officers	
2007	2 Patrol Officers	1 Investigator 1 Technician
2008	2 Patrol Officers	1 Supervisor
2009	2 Patrol Officers	1 Lieutenant
2010-2015	1-2 Patrol Officers per year	1-2 Technicians

The Ramsey Fire Department serves the project area and has two full-time fire fighters, thirty one volunteers, two class A rated engines, a tanker engine, a tanker truck, two rescue vehicles, and two grass/brush fire trucks. The Fire Department has two stations with intentions to build a third. The recently built fire station on Armstrong Boulevard is less than a quarter of a mile from the RTC. The current equipment and staff should continue to be adequate after the development of the RTC. The Department does not foresee future needs until the completion of the third station.

The City of Ramsey feels that there is going to be a substantial level of commitment necessary for the Ramsey Towne Center as it relates to the Public Works Department. Due to the operational expectations of this area and impacts on the existing level of service, the City expects that there will be a need for 3 to 4 additional Public Works personnel to meet these increased demands such as: additional street maintenance, additional mowing and park clean-up, snow removal instead of snow plowing, sidewalk maintenance on a higher priority, additional street lighting with aesthetic banners, as well as traffic signals.

The City also expects an increased impact to its equipment needs to perform these additional and unique services such as banner hanging, replacement, and service, storm sewer cleaning at a increased increment and snow removal. This includes an additional sweeper due to the increased regularity of sweeping, sidewalk sweeper to keep the debris and therefore particulates and floatables out of the storm sewer, vacuum truck to keep up with the demands of catch basin cleaning and additional "snow removal" equipment with conveyor to help with removal activities. Since the amount of responsibility for maintenance is unclear at this stage, the above information is the City's estimate of the needs that will accompany this project.

The site should be adequately served by existing library and post office facilities. The preferred design includes a community center and new city hall to better serve the City of Ramsey and RTC residents.

The RTC and the surrounding area are within School District #11, served by nearby Ramsey Elementary School, Sandburg Middle School and Anoka High School, as well as several private schools. From the Anoka-Hennepin School District, new housing construction in the City of Ramsey impacts school enrollment as listed in Table 28.2. Using the data from the school district and the total residential units from the February 28, 2003 RTC concept design, the impact to school enrollment was calculated and is listed in Table 28.3. When residential type was specified as mixed use in the concept plan, the highest impact unit type, “Single Family Homes”, was assumed in order to determine the highest possible impact scenario. The unit type “Apartments” in Table 28.3 includes apartments and duplexes. All calculations were rounded up to the nearest whole number. Based on statistics and stated criteria, the impact of the RTC on school enrollment will be 830 school age enrollments and 399 preschool enrollments. Because the development will occur over time, not all enrollments will occur at the same time. Also, if the unspecified residential units are not single family homes, the enrollment impact will be significantly less than assumed here. Additionally, the RTC currently maintains that a school will be built on-site, which could absorb some of the additional enrollments. Finally, according to the Anoka-Hennepin School District, new housing is needed in order to replace the 100 graduating students every year. Therefore, as new housing units are constructed in the RTC over time, new students should be absorbed without significant impacts to school enrollment.

Table 28.2 City of Ramsey’s assumptions for new housing impacts on school enrollment

<b>Unit Type</b>	<b>No. of School Age Children/ No. of Units</b>	<b>No. of Preschool Age Children/ No. of Units</b>
Townhouses	1/8	1/25
Apartments	1/25	1/16
Single Family Homes	2/3	1/3

Table 28.3 Impact scenario of proposed RTC development

<b>Unit Type</b>	<b>Ramsey Town Center New Units</b>	<b>New School Age Children</b>	<b>New Preschool Age Children</b>
Townhouses	1154	145	47
Apartments	234	10	15
Mixed Use	1012	675	337
<b>Total</b>	<b>2400</b>	<b>830</b>	<b>399</b>

Summary of Environmental Impact. No adverse impacts to the social service infrastructure are anticipated. Road, sanitary sewer, water supply and stormwater infrastructure are addressed in Items 21, 18, 13 and 17, respectively.

Mitigation element. The major physical infrastructure elements of roads and streets, sanitary sewer, municipal water and storm sewer have all previously been addressed within this AUAR.

An evaluation of the social services needed for the RTC development indicates that the planning done for the City has accounted for the growth related to the RTC. Police, fire, public works, schools, and related City and postal services will all be impacted by the development. Additional equipment to perform City public works services will be needed. No additional mitigation is needed to meet the expected growth.

## **29. Cumulative Impacts**

This item does not require a response from an AUAR since the entire AUAR process deal with cumulative impacts from related developments within the AUAR area.

## **30. Other Potential Environmental Impacts**

*If applicable, this item should be answered as requested by the EAW form (if the project may cause any adverse environmental impacts not addressed by items 1 to 28, identify and discuss them here, along with any proposed mitigation).*

There are no additional major adverse environmental impacts beyond those addressed by Items 1-28. There are, however, two minor issues that need to be raised. First, the impacts of the Anoka-Ramsey Landfill on the RTC are presented to alleviate any potential concerns. The landfill is located within one mile of the RTC site in Township 32N, Range 25W, Section 22 (Figure 19.5). The RTC is located southwest of the landfill. Regional groundwater flow throughout this part of Ramsey is to the southeast, indicating that pollutants from the landfill are flowing away from the project area. Additionally, the continued mitigation at the landfill has contained the plume horizontally using twelve barrier wells and eight recovery wells. Finally, sampled residential wells screened in the Franconia aquifer have been negative for all monitored contaminants. This means that the potential for contamination of the water supply from the landfill is minimal because the City of Ramsey wells are screened in an aquifer that has not been contaminated and groundwater flow direction is away from the wells (Anoka/Ramsey Landfill SW-094 2000 Annual Report). Because of the location of the RTC, the minimal threat to the water supply and the successful remediation at the landfill, there should not be any adverse environmental impacts.

Secondly, the RTC will change land use from agricultural to urban. Although this marks an end to agricultural use of the site, Item 27 described the orderly planning process under which this transition occurred. The mitigation elements summarized in Appendix D address how the lost environmental features of the undeveloped agricultural site will be replaced, and in some cases, improved.

### 31. Summary of Issues

*List any impacts and issues identified above that may require further investigation before the project is begun. Discuss any alternatives or mitigative measures that have been or may be considered for these impacts and issues, including those that have been or may be ordered as permit conditions.*

*The RGU may answer this question as asked by the form or instead may choose to provide an Executive Summary to the document that basically covers the same information. Either way, the major emphasis should be on potentially significant impacts, the difference in impacts between major development scenarios, and the proposed mitigation.*

Meetings were held with many agency staff to identify issues related to this project that would be of interest to them. The agencies contacted for input were:

- Anoka Conservation District
- Anoka County - Parks, Public Services, Environmental Health, and Highways
- City of Ramsey
- Lower Rum River Watershed Management Organization
- Metropolitan Council - Comprehensive Planning, Environmental Services
- Minnesota Department of Natural Resources - Waters (Metro Region, Critical Areas Program)
- Minnesota Department of Transportation
- Minnesota Pollution Control Agency- Planning, Permitting
- National Park Service - MNRRA
- U.S. Army Corps of Engineers

Based on the input received, the following issues statements emerged as those in need of attention in the AUAR:

#### *Surface Water and Wetlands*

- There is a need to maintain the small amount of wetlands on the site, mitigate any losses and focus on maintaining infiltration capability through a surface water management plan; the City would like to incorporate Lake Itasca and the two northern wetlands, and an outlet for the site into the surface water management plan for the site. Issue addressed in Items 8, 11 and 17.
- A Ramsey street and sewer maintenance staff member stated that he could deal with pipes, but things like storm rain gardens and native vegetation he is not used to handling; therefore, the O&M is “different” and would require new training and possibly new equipment. Issue addressed in Item 17.
- A green drainage corridor/trail extending from Lake Itasca through the site to the Mississippi River crosses large tracts of privately held land. Although many are in favor of this, until a development proposal is received by the City, this can only be referenced as a “recommended” corridor. Issue addressed in Item 17

- The impact of the new NPDES Phase II nonpoint source control permit program should be assessed relative to future requirements as the site develops. Water quality impact should be evaluated down to the ultimate receiving water - the Mississippi River - because of its status as a highly valued and protected water throughout this reach. Issue addressed in Items 8 and 17.
- Any wetland alteration must be mitigated according to the Wetland Conservation Act process. Issue addressed in Items 8, 11 and 17.
- The adequate handling and passage of the 100-year flood event must be assured, and all LRRWMO requirements associated with this design must be met in doing so. Issue addressed in Item 17.
- An outlet is needed from this drainage area, since currently the minimal amount of flow leaving the site soaks into the ground along Highway 10 shortly to the southeast of the site. Issue addressed in Item 17.

#### *Parks and Trails*

- Project needs to provide an opportunity to link a trail system through the site. Issue addressed in Item 25.
- Attention is needed to minimize adverse impact on the Mississippi Regional Park; instead, it should enhance the park by using the project site as a connection to Lake Itasca via greenway and trail. Issue addressed in Item 25.
- In its dealings with Anoka Parks, BNSF has not allowed any elevated pedestrian crossings and has strict rules on tunneling under tracks; the at-grade option presents safety problems. Issue addressed in Items 21.
- Traffic plans for the Ramsey Boulevard/Highway 10 intersection should incorporate Anoka Parks' plan for development of the Mississippi Regional Park because this will be the only vehicle access location (with parking) allowed for the park. Issue addressed in Items 21 and 25.
- Land use along the trail connection within the site should be compatible with the trail. High intensity commercial use would deter use of the trail leading from the site into the Regional Park. Anoka Parks prefers a connection south of the site (similar to the Calthorpe location) rather than along Ramsey Boulevard, but the nature of the crossing could dictate the location. Issue addressed in Items 21 and 25.

#### *Traffic and Highways*

- The project needs to assess traffic patterns and flow to move cars in and out, and take advantage of site as regional center for transit. The site needs to fit into the regional and state plans for the City. Issue addressed in Item 21.

- The project needs to assess parking needs and traffic impact on, and adjacent to, the site, including traffic along County Roads 22, 64 and 5 that are used to bypass Highway 10, and using Ramsey and Sunfish Boulevards to by-pass Highway 47 through Anoka. Issue addressed in Item 21.
- Anoka County is requesting changes in the functional classification of several route segments on the County Road system near the project. Changes are being requested from collector to arterial status to address changing regional traffic patterns. Issue addressed in Item 21.
- Anoka County has identified traffic issues along Highway 10 that need to be addressed in any highway modifications. Issue addressed in Item 21.
- Transit planning coordination needs to occur among the site developers, the City the County and Mn/DOT. Issue addressed in Item 21.
- Access spacing on Industry Avenue must be negotiated with the County and the AUAR should recognize the changing character of Industry Avenue when it becomes a feeder road for the new River crossing. Issue addressed in Item 21.
- Impacts on air quality related to new traffic levels should be assessed. Issue addressed in Item 22.
- Mn/DOT plans for the Northwest River Crossing will start to take shape with the publication of a scoping study in May 2003. RTC will likely be impacted by the location of the crossing and its relationship to Highway 10 at Armstrong. Meanwhile, short-term improvements will be underway on Ramsey and Sunfish intersections. Issue addressed in Item 21.
- Longer-term improvements for Highway 10 have been studied but not yet added to the Mn/DOT list of projects (STIP). Mn/DOT's area manager for Highway 10 should be included in discussions about the sliver of land between the railroad tracks and Highway 10. Issue addressed in Item 21, and Mn/DOT brought into discussions on land in question.
- The status of the park and ride location, and the grant from Mn/DOT is not yet resolved (late February 2003), but funding could face some difficulty because of the state budget crisis. Details on location are needed by the City to keep the grant process alive. Issue addressed as part of the site design process and should be resolved by the time of AUAR document issuance.

#### *Drinking Water Protection*

- The project site is within the City's Drinking Water Supply Management Area (DWSMA) under the MDH Wellhead Protection (WHP) Program, and needs to be protected as such. The area has been identified as "vulnerable" in the WHP plan

preparation process because of tritium levels in the bedrock aquifer. Maintaining clean water infiltration is essential. Issue addressed in Items 13,17 and 19.

- The clean-up of all possible contamination on the site must be assured, including the BNSF railroad and the derelict farm. Issue addressed in Items 19 and 20.
- Coordination between infiltration practices and wellhead/groundwater protection is essential and should be a key design factor; that is, pre-filter pollutants prior to infiltration through such means as use of native vegetation swales and small-scale detention near parking lots, minimized pavement, or possible clay sealing of ponds that drain pollutant sources that could degrade groundwater (if any such sources are even allowed in the RTC). Issue addressed in Items 17 and 19.
- An assessment of the potential for the increased demand from the municipal system to impact local wells should be done. Issue addressed in Items 13 and 19.

#### *Planning*

- The site should be consistent with the local comprehensive plan, including the Critical Area component, and also consistent with MNRRA and “Wild and Scenic River” status of the River across Highway 10. Issue addressed in Items 8, 11, 14 and 27.

#### *Natural Resources*

- The existing wetlands should be incorporated into the surface water system as an amenity that adds to the environmental benefits of the site. Any alteration of wetlands must be mitigated according to the WCA process. Issue addressed in Items 11, 12 and 17.
- The few mature trees there are on the site should be preserved. Issue addressed in Item 11.
- The project should relate the natural features of the site to the Regional Park, featuring native vegetation types typical of the Anoka Sandplain. Issue addressed in Item 11.

#### *Hazardous Material Transport*

- There are many trains per day on the BNSF tracks. Some surely contain hazardous material that could pose a risk if spilled. Issue addressed in Item 20.

### **32. Certification by the RGU**

In an AUAR document, no certification by the RGU is required. However, the RGU is legally responsible for the accuracy and completeness of the document, for properly conducting the process associated with it, and for implementing the mitigation elements contained within the plan.

### **33. Mitigation Plan**

*The final AUAR document must include an explicit mitigation plan. At the RGU's option, a draft plan may be included in the draft AUAR document; of course, whether or not there is a separate item for a draft mitigation plan, proposed mitigation must be addressed through the document.*

*It must be understood that the mitigation plan in the final document takes on the nature of a commitment by the RGU to prevent potentially significant impacts from occurring from specific projects. It is more than just a list of ways to reduce impacts- it must include information about how the mitigation will be applied and assurance that it will. Otherwise the AUAR may not be adequate and/or specific projects may lose their exemption from the individual review. The RGU's final action on the AUAR must specifically adopt the mitigation plan; therefore, the plan has a political as well as a technical dimension.*

Mitigation elements have been included with each of the Items contained within this AUAR. The various elements have been combined to present a single reviewable element in Appendix D.

The City of Ramsey, in adopting this AUAR document, commits itself to implementing the mitigation elements contained throughout the document. To accomplish this, the City will work with its own programs, as well as those of the State, the County, the developer(s) and any builders they use, and citizens of the City.

### 34. Response to Comments on the Draft AUAR Document

*The final AUAR document must include a section specifically responding to each timely and substantive comment on the draft that indicates the way in which the comment has been addressed. Similar comments may be combined for the purposes of responding.*

#### **Criteria for Response**

Minnesota Rules 4410.3610, subpart 5(B) states that:

*“Comments must address the accuracy and completeness of the information provided in the draft analysis, potential impacts that warrant further analysis, further information that may be required in order to secure permits for specific projects in the future, and mitigation measures or procedures necessary to prevent significant environmental impacts within the area when actual development occurs.”*

Item 34 will contain all of the comments that meet these criteria, and the response to address the comment. Comments are grouped by topic, and may reflect more than one input.

**Comment #1.** Vibrations and noise levels from trains need to be assessed. Received from: Eric Zaetsch, citizen.

**Response.** The traffic on the railroad is not the result of development action at RTC, but rather a pre-existing condition. Noise and vibration levels that currently exist will not change as a result of this development. The development of the North Star commuter rail has not been confirmed at this time, so the addition of rail traffic serving the commuter rail cannot be determined.

The preliminary design (Figure 6.1) shows that the land uses along the rail tracks are not planned to be residential. The mixed use (Category 3) section will place the non-residential component closest to the tracks, and the residential component further to the north, buffered by the other uses. It is also the intent of the developer to sound-proof any of the new buildings, as needed. The movie theater, for example, would be a prime use in need of sound-proofing.

The issue of vibration on building structures is addressed in a new section (*Vibration*) added within Item 24 - Dust, Odor and Noise.

**Comment #2.** During the official review period, Metropolitan Council Environmental Services (MCES) asked that Item 18 be changed to reflect only on the RTC site itself, and not additional areas served by on-site systems. (See also Comments 4 and 12.7)

**Response.** NAWA revised Item 18 and Appendix G. Both sections will be distributed with the response to Comments.

**Comment #3.** Comments received from Anoka County during the review period, as it relates to authorization to use the corridor. What are the design specifics of the drainage corridor between the RTC site and the Mississippi River? What if the County does not agree to let this corridor be used for drainage?

**Response.** A follow-up report on the design details of the County-owned outlet route south of TH 10 has been prepared, and will be added as Appendix J in the revised AUAR. The report will be presented to the County Public Works and Parks Committees in early June. If these Committees agree that the route can be used, a recommendation will go to the County Board for action. Negotiations for development of the corridor for drainage and parks use would then begin in earnest among the County, City and RTC developer.

If the County-owned route is not allowed, alternative routes will need to be pursued. The draft AUAR did not specify a route, other than a suggestion that the current route southeastward along TH 10 could be pursued (Item 17, *Runoff Under Developed Conditions*). This discussion is expanded in the AUAR revision to identify two possible outlets, in addition to the TH 10 route. The Rivenwick Development to the southeast of the RTC site and the Alpaca Development to the southwest both have small outlet pipes draining the immediate developments. Discussions with the City and its consultant engineer have identified these as two possible connections between RTC and the River. Details on these two connections will be evaluated if discussions with the County on the original outlet do not lead to County approval to use the route.

**Response addendum.** In response to the information in Appendix J and a supplemental memorandum, the County in early June 2003 proposed to include the outlet as part of the Memorandum of Understanding (MOU) prepared between the County and the City of Ramsey. Although official County Board action will be needed to make acceptance official, the County has agreed in concept on the use of its land as a drainage route. This decision does recognize, however, the ultimate authority of the County to revert the land back to a transportation corridor if it is needed for a river crossing in the future, at which time alternative drainage features would be needed.

**Comment #4.** In response to changes made in Item 18 requested by MCES, Bolton & Menk, Inc. (David Martini) reviewed the Item and Appendix G on behalf of the City of Ramsey and submitted the following comments:

**Comment 4.1:** Section 18b. Paragraph 2 - The Sewer plan refers to an available capacity in the downstream facilities of 2.8 MGD. 7.87 MGD is the ultimate flow at full build out shown in the (1991) Comprehensive Sewer Plan and is the flow that has been used to design the existing system.

**Response:** Paragraph 2 of Section 18.b has been modified as follows:

“The City’s *Comprehensive Plan* documented MCES Projected Wastewater flows for the City of Ramsey to be between 542 and 668 MGY or a maximum of 1.8 MGD. The *Sewer Plan* indicated that at full build out, including Rural Areas,

7.87 MGD of flow would be generated. The MCES interceptors and the City's collection system have been designed for this ultimate flow at full build-out. However, because of bottlenecks in the MCES system downstream of Ramsey, maximum average daily flows are currently limited to an allocation of approximately 3.8 MGD. Therefore, it appears the existing collection system is sized to handle the flows projected in this report."

**Comment 4.2:** Section 18b. Paragraph 3 - I am not sure if 2.8 MGD is 30% of the capacity at the Anoka lift station. The Comprehensive Sewer Plan states that 2.8 MGD is approximately 35% of the ultimate flow at full build out.

**Response:** See response to Comment 4.1 above.

**Comment 4.3:** Section 18b. Paragraph 4 - The revised document makes recommendations that the City contact the MCES to make a new agreement for allocated capacity. Is this the City's document? If it is I think the language should be modified so that the City is not making recommendations to the City.

**Response:** True, this is the City's document, but clearly it consists of a series of recommendations to the City by the document preparer. The final mitigation plan will be changed to more directly reflect actions that will be taken by the City.

**Comment 4.4:** Section 18b. Paragraph 6 - The Mississippi River interceptor has a capacity of 10 MGD not 8 and the capacity of 2.8 to 3.8 MGD is controlled by downstream facilities that will need to be upgraded when the City's flow increases.

**Response:** The paragraph has been modified as follows:

"The two regional interceptors serving the City have a combined peak capacity of 18.0 MGD. The Rum River MUSA District, which is served by a 30-inch diameter interceptor, has a maximum design capacity of about 8 million gallons per day (MGD). The Mississippi River MUSA District, which is served by a 30-inch diameter interceptor, has a maximum peak design capacity of about 10 MGD. As stated earlier, although the collection system and interceptors are designed to carry 7.87 MGD, it is assumed that only 2.8 to 3.8 MGD of average daily flow capacity is currently available in the regional system due to downstream bottlenecks."

**Comment 4.5:** Section 18b. Paragraph 7 - ADD - "before upgrades will be needed in the downstream facilities." to the last sentence.

**Response:** Changed in text as suggested.

**Comment 4.6:** Table 18.7 - The average daily flow for the Mississippi River District matches the flow I had figured pretty close but the peaking factor of 2.13 that they use to calculate the peak flow is less than those used in the Comprehensive Sewer Plan, which were approximately 2.3 to 2.5.

**Response:** NAWE used the following formula to calculate peak flows from average flows less than 10 MGD (all flows in MGD):

$$Q_{\text{peak}} = 3.5 - (0.333 \times Q_{\text{ave}})$$

The method used is derived from Metcalf and Eddy, 3<sup>rd</sup> Edition, for estimating peak flows. The only difference is that for this project, the ratio of residential to commercial units when the rural areas are added is below that of a normal municipality. Because of this, the maximum peaking factor was lowered from 4 to 3.5.

**Comment 4.7:** Table 18.7 - The flows for the Rum River District are higher than the flows I had figured (3.2 vs. 2.9). This will make the total flow figures in the AUAR more conservative. With the information I have it is hard to identify why the figures are different.

**Response:** The AUAR flows are taken from the 1991 *Comprehensive Sewer Plan*. The origin of the reviewer's numbers are not known.

**Comment 4.8:** The appendix (G) information identifies specific PIN numbers and flows for some of the area to be developed but it is unclear what areas were figured for the Rural Sub-Districts and Future Existing MUSA for Build-out. Also, some of the PIN numbers are shown for both the Northwest and Southwest Sub-Districts.

**Response:** Duplicate property numbers were a mistake. Rural areas are the same as the 1991 Sewer Plan. Appendix G has been modified to reflect the comment.

**Comment 4.9:** The appendix (G) information Page 1 lists the Total Ramsey Town Center Wastewater Flows twice with different flows. Total is spelled Total at the bottom of the page.

**Response:** Appendix G has been modified to reflect the comment.

**Comment 4.10:** The appendix Refers to Hackenson Anderson Associates. Should be Hakanson.

**Response:** Changed in text as suggested.

**Comment #5.** The Minnesota Pollution Control Agency (MPCA) is not able to review the document because of limited staff resources available. This does not, however, constitute waiver by the Agency of any pending permits it would later require. A copy of the final AUAR is required.

**Response.** No change in the document required.

**Comment #6.** The Minnesota Department of Transportation (Mn/DOT) submitted the following set of comments:

**Comment 6.1:** The proposed Ramsey Town Center development proposes a mix of housing and commercial development, on a massive scale, with 2,400 “attached” residential units, and 1,651,000 square feet of commercial, industrial and institutional area. The Town Center development appears highly likely to significantly increase demand on already-congested roadways at TH 10-Ramsey Blvd. intersection, and the TH 10- Sunfish Lake Blvd. intersection - both of which will provide access to the development. TH 10 is an Interregional Corridor (IRC). Mn/DOT plans in 2004 to rebuild Ramsey Blvd. traffic signals, and extend turn lanes. We do not believe that this modest improvement will solve the deterioration in level of service that is likely to occur at this intersection once the Town Center development is complete. Further, in 2005, Mn/DOT plans to upgrade traffic signals, and extend TH 10 turn lanes serving the Sunfish Lake Blvd. NW intersection. Again, we do not believe that these improvements, even though they are clearly needed, will provide a complete solution for the existing, and likely future traffic congestion at this intersection. Since there is no imminent plan for major improvements to these intersections, such as the construction of interchanges, we need to work together with the City and County to find ways of providing additional roadway transportation infrastructure that will add capacity to these intersections in advance of further development. We would like to work with the City of Ramsey to explore additional funding for local and regional roadway improvements as well as initiatives that restrict the size and intensity of developments to ensure that a certain minimum level of service is maintained. Such initiatives might include binding agreements with developers where additional or increased intensity of development will only be allowed with necessary roadway improvements that maintain an acceptable level of service. Mn/DOT contacts are given.

**Response:** The AUAR acknowledges these traffic problems on page 21-7 by noting that the project traffic would cause intersections in the project vicinity on TH 10 to deteriorate to Level of Service F conditions and further notes on page 21-8 that improvements beyond those described by Mn/DOT will be necessary to achieve acceptable operations at these locations.

Relative to the need for cooperation in the pursuit of funding, the City of Ramsey is pursuing federal demonstration funding and is working to secure official mapping of the lands between the railroad and TH 10. This is in anticipation of accelerating the TH 10 Interregional Corridor (IRC) improvements that would provide for interchanges at three locations along TH 10 in Ramsey. The City and the project sponsor have initiated discussions with Anoka County and Mn/DOT to: evaluate phasing requirements for the suggested transportation mitigation; and explore funding strategies for the mitigation that include reimbursement mechanisms to allow the project to accelerate various elements of regional roadway improvements that would ultimately be programmed via the regional transportation planning process.

**Comment 6.2:** On page 17-10, the AUAR shows an increase in the run-off rate to Mn/DOT Right of Way. The run-off to Mn/DOT Right of Way must not be increased, and drainage patterns must be perpetuated. The development will probably need a drainage permit. When the final AUAR is submitted, it should be accompanied by drainage area maps, and storm drainage maps, and computations for 10-year and 100-

year storms for both existing and proposed conditions. Agencies which will need to grant approval are listed on pages 8-1 and 8-2 of the AUAR. This list should be amended to include the neighboring property owner in drainage area 10 for the wetland mitigation of the bordering wetland (Wetland D - DNR Protected Water 2-670W).

Figure 12-6 shows Anoka County extending Ramsey Blvd. southward into the (Mississippi Regional) park. The City of Ramsey suspended construction on the connection to TH 10 - Ramsey Blvd. for the Rivenwick development in the southeastern quadrant to TH 10 - Ramsey Blvd. until Mn/DOT finalizes plans for the intersection. Anoka County, or the Rivenwick developer, must provide an area for a storm drainage pond to handle the increased run-off from this intersection due to added lanes. Page 12-7 of the AUAR summarizes the wetland mitigation. Wetlands must be mitigated at 1 to 1, and Public Value Credits at 2 to 1. In drainage area 10, there seems to be a discrepancy in the mitigation rate. A Mn/DOT contact is given.

**Response:** The final route for runoff from the RTC site has not yet been determined. Currently, as described in Item 17, a very small amount of runoff from the site discharges into the Right of Way and eventually infiltrates. Under the preferred drainage route, increased runoff from the site will pass through the Mn/DOT ROW and proceed southerly along a route currently owned by the County. The new Appendix J describes the impact of this discharge and the assumptions used in evaluating it, which include use for drainage from the future upgrade of TH 10. A Mn/DOT permit will be sought once the final route is established. The Rivenwick development currently provides its own drainage. Its relationship to the ultimate drainage plan developed for the RTC site remains to be determined. However, the City, County and Mn/DOT will all be involved in this final determination once the drainage route is finalized.

During preparation of the wetland replacement plan, the property owner(s) abutting drainage area 10 will be contacted to determine their willingness to convey easements to the City for the wetland restoration and buffer establishment. It is also assumed that any work within this wetland will also be reviewed for DNR Protected Waters Permit requirements as well.

The PVC credits estimated for drainage area 10 is 3.79 acres for wetland restoration and 1.80 acres for wetland buffer establishment. This would provide a total of 5.59 acres of PVC for drainage area 10. This assumes an approximately 50-foot buffer around the entire wetland. The exact PVC credits for restoring the existing wetland and for buffer establishment within drainage area 10, will be not be determined until a final determination is made as to wetland replacement requirements for the entire Ramsey Station project. Table 12.3 was changed to reflect the proper numbers.

**Comment 6.3:** Any work on, or affecting Mn/DOT Right of Way will require a permit, including access, drainage, or other impacts. A Mn/DOT permit contact is given.

**Response:** Table 8.1 changed to reflect the need for a permit for any work within a Mn/DOT Right of Way.

**Comment 6.4:** As a reminder, Ramsey Blvd. is County State Aid (CSAH) Route 56. Sunfish Lake Blvd. NW is CSAH Route 57. Any work on a CSAH route must meet State Aid rules and policies. Also, the County must review any changes to its County State Aid system so that they stay within its system limits. Please note that both CSAH 56, and CSAH 57 are within Anoka County's jurisdiction and the County must have the opportunity to review and comment on the proposed development as well. Information sources on State Aids rules and policies, and a Mn/DOT contact are given.

**Response:** The AUAR notes in Section 21 that several roadways affected by project traffic are State Aid roadways. The City and project sponsor are currently working with the County to address the County and State requirements for roadway construction. All pertinent rules, policies and reviews will be followed.

**Comment 6.5:** Mn/DOT document submittal guidelines require three complete copies of plats and two copies of other review documents including site plans. Failure to submit these when a project is initiated will lead to delay. This is offered as advisory comment.

**Response:** Advisory comment acknowledged.

**Comment 6.6:** In Appendix B, please re-check the traffic assignments in Figures 7 and 8. For example, in Figure 8 (PM), the difference in the through volumes (for with, and without project) on westbound TH 10 at Sunfish Lake Blvd. NW is 1,065 (3,165 - 2,100). This number also represents the traffic entering the development in the afternoon (PM) from the east on TH 10 (43 percent of 2,480). If the differences in the Left Turns, and Right Turns at Ramsey Blvd. and Armstrong Blvd. NW are added, the result is 779. It appears that there is no accounting for 286 vehicles. These figures must be double-checked for accuracy, and any revised traffic information submitted to Mn/DOT (contact given).

**Response:** The turning movement assignments in Figures 7 and 8 of Appendix B have been rechecked. The westbound through movement at Sunfish Lake in the PM peak has been adjusted from 3,165 vehicles to 2,865 as shown in Revised Figure 8 ([Attachment 1 at the end of this response document](#)) to account for 300 inbound (to the project) vehicles that are assigned to use Sunfish Lake Boulevard to reach Industry Avenue. Of the 300 vehicles in this revision, 100 were assumed to use Sunfish Lake Boulevard and are included in the 418 vehicles assigned to the westbound right turn at Sunfish Lake Boulevard. The other 200 vehicles are assigned to the westbound through movement on Industry Avenue at Sunfish Lake Boulevard.

The turning movements in original Figure 8 on Sunfish Lake Boulevard and Industry Avenue included these vehicles and are not revised. Revised Figure 8, when compared to original Figure 5 (the future base traffic assignment), shows that 765 vehicles would enter the project from TH 10 east of Sunfish Lake Boulevard. The incremental difference in traffic turning right onto Ramsey and Armstrong Boulevards is 772. The difference between the two numbers is the result of rounding up during calculations made by the Traffix (computer modeling) program as it makes the incremental assignments from the multiple zones within the project site. Four additional pages of Appendix B are revised to account for this adjustment in traffic volumes: future with project (no mitigation)

Synchro assignment diagram (Attachment 2 at the end of this response document); the PM peak hour intersection calculation for TH 10 and Sunfish Lake Boulevard (Attachment 3 at the end of this response document); future with project (mitigated) Synchro assignment diagram (Attachment 4 at the end of this response document); and the PM peak hour intersection calculation for TH 10 and Sunfish Lake Boulevard for this condition (Attachment 5 at the end of this response document).

**Comment #7.** The Minnesota Department of Natural Resources (DNR) submitted the following set of comments:

**Comment 7.1:** Since all options assume discharge to the (Mississippi) River in one Corridor location or another (ex. page 17-17), and since there are recommendations, as well as text and figure references, for potential stormwater and wetland mitigation projects within the Mississippi River Critical Area Corridor/WSR/MNRRRA, the City of Ramsey should also include a permit for “Environmental Permit Review and Approval as applicable for projects within the Mississippi River Critical Area Corridor/Wild and Scenic River District” in Table 8.1.

**Response:** The applicable City of Ramsey permit, as required by the City of Ramsey Comprehensive Plan (as amended February 26<sup>th</sup>, 2002) for placement of a stormwater outfall within the Mississippi River Critical Area Corridor, will be obtained before work on the outfall structure is initiated.

**Comment 7.2:** On page 9-2, paragraph 4, in the list of nearby environmental resources, we suggest that the Mississippi River citation should also note that it is “designated a state Critical Area and Wild, Scenic and Recreational River”.

**Response:** The document has been changed to reflect the comment.

**Comment 7.3:** The DNR strongly encourages the implementation of proposals mentioned to mitigate impacts associated with the stormwater outfall to the Mississippi River, including high use at multiple scales of on-site retention and infiltration into the project; minimization of scour, erosion and velocities; and directional boring, erosion control and native re-vegetation. The proposed stormwater outfall to the Mississippi River will likely require a Public Waters work permit. This discussion of response to impact mitigation for the outfall should also reference the mitigation to improve the water quality of runoff prior to discharge to the River.

The DNR appreciates that proposed outlets for public waters wetland 2-670W (on-site) and Lake Itasca (off-site) will be above the ordinary high water levels and above the 100-year flood elevation for Lake Itasca. This will allow the natural storage of these basins to be utilized and permits for working in public waters will not be necessary for these two outlets.

**Response:** The City is currently working with the County to determine the route and character of the ultimate River discharge. Once these items are determined, the City can begin to work in earnest with the regulatory agencies to define the protection needed.

Currently, as pointed out in Item 17 of the AUAR, there is no discharge from the RTC site to the Mississippi River. Revisions within Item 17 in the AUAR document and the added Appendix J discuss the means that are proposed to handle runoff from the RTC site under some new drainage area and outlet assumptions. Negotiations on outlet alignment/character and further consideration of outlet options continue. The discussion of the drainage system does not include details on the specific BMPs that will be introduced into each block as they are constructed. The AUAR document looked instead at the overall need to address drainage under high flow conditions, and route that water such that flooding problems do not occur. This approach is required by the LRRWMO. Follow-up implementation of BMPs to enhance infiltration, filtration and detention will be a design detail that will likely lead to additional reduced runoff. Appendix J was developed after the release of the draft AUAR document in response to discussions with the County about the nature of the drainage outlet from TH 10 to the River. Details on runoff minimization BMPs will be an element of design as the project develops. Please refer also to responses for Comments #3, 7.13 and 12.10. The comment on outflow elevations is acknowledged.

**Comment 7.4:** The document accurately indicates that DNR Water Appropriation permit No. 85-6005 will need to be amended as additional wells are added to increase the municipal water supply due to the added development. It also mentions that monitoring of the surficial aquifer is recommended to determine more accurately whether there is an effect on the water table by withdrawals from the Franconia-Ironton-Galesville aquifer. Some form of monitoring will likely be a requirement of the permit process.

The statement of page 13-8 that the “wetlands in question experience natural drying during periods of low precipitation. The photographic history...shows wetland in the vicinity of the RTC site disappearing during the mid to late 1980s, which is prior to the development of the municipal wells. This same phenomenon occurs again in the mid to late 1990s and prior to the installation of wells 4 and 5” contradicts the statement on page 12-4 that “...photographic analysis showed that for the period 1981 through 1996, the acreage of wetlands remained fairly constant. Beginning in 1997, however, the acreage of wetlands visible on the aerial photography declined sharply.”

**Response:** The discussion in “*Groundwater-Surface Water Interaction and Wetland Impacts*” in Item 12 has been modified to address the comments.

**Comment 7.5:** The document lacks discussion of water conservation in the new development. The DNR would like to know if “low water use” landscaping would be used to minimize irrigation, as well as whether flow restrictors, watering bans, or other water conservation measures will be promoted.

**Response:** To reduce peak water usage in areas served by the municipal water system, the City of Ramsey has implemented an odd/even day sprinkling ban, pursuant to City Code 4.40.06 subd. 10. Residents may water on odd numbered days if your address ends in an odd number, and on even numbered days if your address ends in an even number. The sprinkling restriction includes no watering between 10:00 a.m. and 8:00 p.m. since a significant amount of water is lost due to evaporation during the hot portions of the day. Homeowners with automated systems are strongly encouraged to program them to

operate after 10:00 p.m. This minimizes evaporation and lessens peak demand on the system.

In addition to the residential sprinkling ban, the City is in the process of implementing an irrigation policy that is specific to townhouse, multifamily residential and commercial connections to the municipal water supply that requires that:

- All irrigation systems must install an approved backflow device
- All irrigation systems must include a Rain Sensor device to prevent irrigation systems from operating during rain events.

The City will shortly be updating its water supply plan. At this time, the current DNR guidelines for plan content will be incorporated. The plan will address new well, storage and treatment plant requirements, as well as the role of conservation in the provision of water. The revised water supply plan should be completed during the beginning phase of RTC construction, and will be applied to the new development.

**Comment 7.6:** On page 14-1, paragraph 2, sentences 1 and 3, for accuracy, we suggest the following changes: "...contains the City's DNR-conditionally approved Mississippi River Critical Area Corridor/MNRRRA plan." "...required elements, which the City has met and exceeded in some respects..."

**Response:** The document has been changed to reflect the comment.

**Comment 7.7:** On page 14-2, paragraph 1, next to the last sentence, the citation should be corrected to "...within Chapter 6105..."

**Response:** The document has been changed to reflect the comment.

**Comment 7.8:** We suggest the following change on page 14-2, paragraph 3, last sentence: "...Critical Area Plan has been conditionally approved b y the DNR as part of the City's LCP."

**Response:** The document has been changed to reflect the comment.

**Comment 7.9:** The summary of the environmental impacts on page 14-2 should acknowledge that there will be a stormwater outfall to the Mississippi River within the Corridor in one location or another because of the RTC site.

**Response:** The document has been changed to reflect the comment.

**Comment 7.10:** Regarding the asterisked paragraph on page 14-4, Executive Order C.1.a(8) requires preparation of criteria for control of noise, and does not specifically state that it is required for plans. This is a standard that we would look for consistency through city-wide or Corridor ordinances, not plans. Because local units of government shall permit development only in accordance with adopted plan and regulations and the DNR approval, the list of Executive Order standards submitted by DNR include those that must be assured by implementation of the Plan and regulations. Please omit the

asterisk on page 14-3 and the paragraph explanation on expected Plan amendments, as it is not needed.

**Response:** The document has been changed to reflect the comment.

**Comment 7.11:** On the stated assertion that the "...project does not directly affect the Critical Area" on page 14-4, last paragraph, if there will be a discharge to the Mississippi River because of this project, the project does directly affect the Critical Area, which should be acknowledged.

**Response:** The document has been changed to reflect the comment.

**Comment 7.12:** For any lands within the Critical Area/WSR/MNRRRA Corridor under the County's jurisdiction that may be affected by discharge, stormwater management or wetland mitigation of the RTC project, the County is subject to the same state Critical Area laws for local units of government. The County's Critical Area Plan was conditionally approved March 14, 2002, including a condition that "all future uses, development, management, transportation, utility, parks, recreation, and capital improvement and public facility programs affecting lands under County jurisdiction within the ...Corridor shall be consistent and permitted only in accordance with the County's Plan, the standards and guidelines of Executive Order 79-19, and other applicable local, state, and federal laws, whichever is more restrictive." For clarification, the last paragraph, the last sentence on page 14-4 should include the following: "The City will also work with Anoka County Parks to implement these standards and the County's DNR-conditionally approved MNRRRA/Critical Area Plan within MRP land controlled by the County."

**Response:** The document has been changed to reflect the comment.

**Comment 7.13:** While we appreciate that much has been done to minimize runoff from the developed site, we encourage additional effort to achieve pre-development volumes of runoff entering the Mississippi River.

**Response:** Item 17 and the added Appendix J discuss the means that will be used to handle runoff from the RTC site. However, the discussion of the drainage system does not include details on the specific BMPs that will be introduced into each block as it is constructed. The AUAR document looked instead at the overall need to address drainage under high flow conditions, and route that water such that flooding problems do not occur. This approach is required by the LRRWMO. Follow-up implementation of BMPs to enhance infiltration, filtration and detention will be a design detail that will likely lead to additional reduced runoff.

**Comment #8.** Anoka County submitted the following set of comments:

**Comment 8.1:** There are concerns about several issues related to infrastructure capacity, timing, connections to existing portions of infrastructure, and financing of improvements. We suggest that it would be to the benefit of the City and the developer that the County continues to be involved early in design discussions for this important project in Ramsey.

**Response:** The City of Ramsey is committed to working with the County to address the identified issues. Discussions on transportation and drainage issues have already begun.

**Comment 8.2:** One of the major concerns involves the future function of CSAH 116. The County, along with Mn/DOT and Hennepin County, has been working on a project for another crossing of the Mississippi River. Current plans show the extension of CSAH 116 as the connection for the crossing within the City of Ramsey. Additionally, CSAH 116 has been upgraded to an A Minor Arterial-Reliever. The Reliever status of the road relates to its function as a reliever for TH 10 in this vicinity. Since CSAH 116 is the main roadway through the Ramsey Town Center, traffic patterns and access locations should be reviewed with these system functions in mind. The current number of access points may need to be reconsidered.

**Response:** The AUAR notes on page 21-3 that the river crossing is under study and that Industry Avenue and Armstrong Boulevard would be affected by the potential river crossing, both as to regional function and the amount of traffic in the future. As noted on page 21-4, the timeframe for build-out of the RTC site will occur before the potential river crossing is implemented. The AUAR requirement is for analysis of the project timeframe and any concurrent activities that will affect that timeframe. The potential requirements of the river crossing on the ultimate size of Industry Avenue will be considered as part of the joint City/County/Mn/DOT review of phasing requirements for the project mitigation (also see the response to Mn/DOT Comment #6.1).

**Comment 8.3:** Traffic generation from the Ramsey Town Center is anticipated to be 51,200 trips per day, greater than anticipated by previous land uses. As traffic is analyzed for the development and for the overall area, it will be important to consider a system of local collector streets to preclude an over-dependence on the County Highway System for local trips.

**Response:** The project is adding a system of local and collector streets within the project site to accommodate and disperse project traffic over a series of full and partial access points along the county highways adjacent to the site and the project traffic assignment has incorporated parallel routes (Sunwood Drive) to the extent feasible.

**Comment 8.4:** A minor, but important issue, all County roads bordering the site are designated as A Minor Arterials. At some points in the document, the roads are designated as Principal Arterials. This should be corrected. (See also comment #12.1)

**Response:** The last sentence in the third paragraph on page 21-3 (and the corresponding text in Appendix B) incorrectly states that Anoka County is seeking to change the functional class on Armstrong Boulevard and Industry Avenue to Principal Arterial.

Additionally, per comment #12.1 from the Metropolitan Council, the request for change has been approved. The text has been revised to the following:

“The change in the functional class on these roadways to A Minor Arterial is in anticipation of this increased regional role.”

**Comment 8.5:** Transit facility improvements are welcome at this location, both for the Northstar Corridor and for bus transit connections. We encourage participation by the City and developer in continued coordination with the County’s systems (Anoka Traveler and Northstar), as well as coordination with Metro Transit, for future services and facilities.

**Response:** The City of Ramsey has requested a station stop at the Ramsey Town Center from the Northstar Corridor Development Authority (see also the Metropolitan Council Comment #12.3). Provision is made within the project for a park and ride facility to be used initially for the Northstar Coach service and ultimately for the commuter rail service. The project sponsor has authorized preparation of a Transportation Demand Management (TDM) plan for the project site that includes elements to encourage transit use by project residents, employees and visitors.

**Comment 8.6:** We recommend implementation of travel demand management (TDM) program as part of the overall development. Discussions should be held and plans made with the County and others relating to TDM activities before development plans are finalized. The discussion should include how the activities will be prioritized, funded, maintained, etc.

**Response:** See previous response. The TDM plan for the site will consider mechanisms for coordinating with the proposed Transportation Management Organization (TMO) in development by Anoka County, as well as coordination with Metro Commuter Services programs.

**Comment 8.7:** There is a listing of recommended improvements to roads and intersections within the County roadway system listed in item 21 of the AUAR; however there is no discussion of how these improvements will be funded or the timing of the improvements. We recommend the City and developer work these issues out in coordination with the County at early stages of the plan development prior to final approvals.

**Response:** See response to Mn/DOT Comment #6.13.

**Comment 8.8:** The AUAR discusses compatibility with the City’s Comprehensive Plan; however, there are compatibility concerns with the County’s Transportation Plan, specifically with respect to the CIP and financing of needed improvements. It will be important to collaborate with County staff on the timing and financing of improvements to the County road system.

**Response:** See response to Mn/DOT Comment #6.1.

**Comment 8.9:** There is discussion of the impact on municipal infrastructure, including public-street extensions, but there is no reference to the impact on the County Road system.

We would suggest that there is, indeed, impact including capacity, financial costs of construction and maintenance, etc. Because of these design and budgetary concerns, improvements such as signals, turn lanes, channelization, additional lanes for capacity, etc., should be considered the responsibility of the developers and/or the City.

**Response:** Comment noted. The suggested mitigation measures for transportation are made in the context of regional traffic patterns and while associated with the project traffic are not solely required to serve project traffic. Rather, by bringing the future level of service to an acceptable level, the project mitigation provides accommodation for future regional traffic demand.

**Comment 8.10:** The County regularly coordinates its systemic transportation issues with Mn/DOT. Due to its size and impact, the transportation issues posed by the Ramsey Town Center should also be coordinated with Mn/DOT plans for TH 10, commuter rail, commuter transit, and transit facilities for the area.

**Response:** See response to Mn/DOT Comment #6.1.

**Comment 8.11:** We would like to see provisions made in the Town Center design to accommodate a future potential pedestrian bridge, over TH 10 connecting the Town Center development to Mississippi West Regional Park. We concur that this should be aligned with the proposed treatment pond south of TH 10. In the interim, provisions should be made at the intersection of TH 10 and Ramsey Boulevard to accommodate pedestrian movement between the park and Town Center.

**Response:** The intersection improvements at TH 10 and Ramsey Boulevard described in Section 21 would include accommodation for pedestrians. The text on pages 21-8, B-17, and D-19 is revised to the following:

“TH 10 at Ramsey Boulevard—add an eastbound and a westbound through lane on the intersection approaches; add an eastbound and a southbound left turn lane and a westbound right turn lane. Provision for pedestrian crossings of TH 10 needs to be included. ...”

The project sponsor is committed to providing a pedestrian bridge of some kind in the future. The location and design of the bridge will depend upon several of the negotiations currently under way as part of the project design.

**Comment 8.12:** The design of the Ramsey Boulevard and TH 10 intersection must also accommodate the future vehicular connection between the park and Ramsey Boulevard south of TH 10. Ingress/egress to the park will need to be considered, with turn-lanes and stacking from TH 10 to the park entrance, and from the park entrance to TH 10.

**Response:** The requested intersection improvements would also be required to serve development in the Rivenwick 3<sup>rd</sup> Subdivision south of TH10. However, additional demand from the Park may require longer storage lengths in the westbound left turn and eastbound right turn lanes. The text on page 21-8 and page D-19 is revised to the following:

“TH 10 at Ramsey Boulevard—...A southbound through lane and a northbound left turn lane and northbound through/right lane would need to be added to serve the Rivenwick 3rd Subdivision traffic and traffic destined for the Mississippi West Regional Park independent of the project traffic. Traffic demands from these other land uses should be considered when the intersection improvements are designed.”

**Comment 8.13:** The proposed settling pond, treatment pond, and infiltration ponds, should be designed in such a manner as to meet the following objectives: bench in a tread way to accommodate a future trail with a minimum width of ten feet, plus two-foot wide shoulders, incorporate native plant materials that are suitable to the conditions of the site and provide an aesthetic park-like appeal, provide holding capacity to accommodate a 100-year flood event without over-topping the trail, and use an outlet structure at the Mississippi River which minimizes visual and physical intrusion in the park.

**Response:** Appendix J was developed after the release of the draft AUAR document in response to discussions with the County about the nature of the drainage outlet from TH 10 to the River. Most of the items mentioned above are addressed in the new Appendix. Details associated with items such as vegetation will be addressed during the detailed design process if this option goes forward. If negotiations with the County do not lead to the use of this outlet, other options that eventually lead to a River discharge elsewhere will be developed.

**Comment 8.14:** The viewshed from the park to the Town Center development should be considered. To the extent possible, plant materials should be used to screen the view of buildings or other man-made structures. Consideration of evening uses of the park should also be accommodated in lighting of the Town Center development. Light cast into the park or visible from the park will have a long-term detrimental impact on use of the park for evening activities.

**Response:** Item 26 addresses the visual impact of the RTC on the Regional Park. The Mitigation Element addresses the City Ordinance on lighting that will be followed to minimize light emission from the site.

**Comment 8.15:** We support the preservation of a wildlife corridor between Lake Itasca and the Mississippi River. To that end, provisions should be made in the design development of the Town Center and the future park to ensure continuity in both the alignment and natural characteristics of the wildlife corridor.

**Response:** The details of the drainage connections that would allow wildlife movement will be developed during the design stage. The current configuration allows for a continuous path from Lake Itasca to TH 10. The nature of the TH 10 crossing, currently a pipe, could prevent the easy movement of wildlife. The City will consider this need in designing the final drainage system.

**Comment 8.16:** Discussions should take place prior to detailed design to explore possibilities for achieving harmony in the architectural vernacular between the Town

Center development and the future park development, particularly where the two projects will interface e.g. lighting, site furnishings, landscaping, etc.

**Response:** The comment is acknowledged, and discussions on this have begun between the City and the RTC design team.

**Comment 8.17:** With the discussion of the City’s water supply system and potential contaminant sources, this section should include discussion of the vulnerability of the City’s wells and wellhead protection areas. The Minnesota Department of Health has determined that Ramsey wells 1 and 2 are not vulnerable to contamination and wells 3 and 4 are vulnerable to contamination. A formal well vulnerability assessment has not been completed for Well 5. We believe that Ramsey well 5 will also be classified as vulnerable to contamination. When the 10-year time of travel capture zone is determined for well 5 we believe that the wellhead protection area will be extended to the south.

**Response:** The *Wellhead Protection* section of Item 13 and page 19-2 of the document has been changed to reflect the comment.

**Comment 8.18:** It is our opinion that the AUAR has not provided adequate emphasis on the fact that this site is located within a City wellhead protection area. That the City is in the process of preparing and implementing a plan to protect the immediate groundwater resources (10 year time of travel capture zone) used for the municipal drinking water supply. And, that the wellhead protection plan must address potential contaminant sources because the FIG wells are determined to be vulnerable to surface spills and leaks.

Recommendations (of the commenter):

1. Discussion of the well vulnerability and wellhead protection area vulnerability should be included in this section and its impact on development of the site. However, this section should not preempt the wellhead protection planning or program activities of the City by addressing potential contaminant sources as a means to protect the City’s water supply wells.
2. The AUAR should determine whether additional municipal wells are planned for the site. If additional wells are planned on, or near, the site the AUAR should address this.
3. The AUAR should discuss the timeline and necessity of determining the vulnerability of Ramsey well 5 and its potential impact on development within this site.

**Response:** Changes have been made in Items 13, 19 and 20 to reflect these comments. Reference is made to Appendix F, where future appropriations are also addressed. The City’s planned update of its water supply plan will address the location and timing of new facilities associated with the RTC site.

**Comment 8.19:** The AUAR does not accurately summarize information on the geologic hazards and soil conditions in Item 19. The shallow water table, non-continuous clay

layer, shallow bedrock valleys, and (especially) the elevated tritium levels in the City wells indicate that shallow groundwater contamination will reach the City wells. In fact, the MDH has determined that Ramsey wells 3 and 4 are vulnerable to shallow groundwater contamination (Steve Robertson, MDH Hydrologist, 651-215-1322) and requires the City to address all potential contaminant sources in its wellhead protection plan (Art Persons, MDH Planner, 507-292-5138).

This does not mean that a leaking underground storage tank would likely cause the water from the City well to rapidly become unfit to drink. It means that in a system to uniformly evaluate the vulnerability of public water supply wells – Ramsey wells 3 and 4 require more attention to contaminant sources than other wells.

Recommendation (of the commenter):

4. The statement in the Summary of Environmental Impact (page 19-3) should be modified to reflect the above comments.

**Response:** The Summary of Environmental Impact in Item 19 has been changed to reflect the comment.

**Comment 8.20:** Discussion of this important drinking water protection program should be focused in this document instead of distributed throughout the sections of the AUAR.

Recommendation (of the commenter):

5. The discussion regarding wellhead fundamentals should be consolidated with discussions in other sections and placed in the water use section/item.

**Response:** Discussion of wellhead protection program fundamentals was expanded and consolidated into the *Wellhead Protection* section of Item 13. However, discussions of wellhead protection relevant to Items 19 and 20 remain within those Items.

**Comment 8.21:** The statement on page 13-2 regarding MDH approved wellhead protection plans is not accurate. Currently, the City is completing the second half of its wellhead protection plan that addresses wells 1, 2, 3 and 4. Well 5 is not part of the City's developing plan because it was constructed and activated after a wellhead delineation project commenced. A separate wellhead delineation project will have to be performed for Well 5 and likely addressed as a plan addendum with other City wells constructed in the next two years.

Recommendations (of the commenter):

6. The statement regarding the City's wellhead protection plan should be modified to reflect the above information.
7. Information regarding the location of the anticipated additional well should be included in the AUAR.

**Response:** The paragraph on page 13-2 has been modified as follows:

“Water Supply. The City currently operates five municipal wells in two well fields (Figure 13.2) and anticipates drilling an additional well in the near future. The first half of the wellhead protection plan for both well fields has been completed and approved by the Minnesota Department of Health (MDH). This half of the wellhead protection plan addresses WHPAs, DWSMAs and well vulnerability classifications for all municipal wells with the exception of well number 5. Well 5 is not part of the developing plan because it was constructed and activated after the wellhead delineation project began. A separate wellhead delineation project will be necessary for well 5 which could be performed in coordination as a plan addendum with other municipal wells that will be constructed within several years. The second part of the City’s wellhead protection plan is currently in progress and will address contaminant sources and education initiatives within the site and the City WHPA/DWSMA. Items 19 and 20 further detail the geologic setting and the potential Town Center impacts to the water supply. Appendix F provides a discussion for the potential locations of additional municipal wells.”

The location of new wells within the City is currently under study by the City as part of its water supply plan update. As stated in the AUAR, three new wells are likely needed to support growth associated with the RTC site and the western portion of Ramsey. Wellhead protection and appropriation issues will be addressed by the Minnesota Department of Health and DNR as part of the permitting process, as identified in Table 8.1.

**Comment 8.22:** We concur with the statements on pages 13-7 and -8 that groundwater level monitoring of the surficial aquifer would provide valuable information regarding trends in the availability of shallow groundwater that recharges the deeper aquifer utilized by the City’s wells. If it becomes necessary, such wells could be used to test and monitor the quality of the surficial aquifer in the event of a spill other pollution event.

Recommendation (of the commenter):

8. Insert discussion considering the installation of surficial monitoring wells to aid in determining if increased water demand from this development impacts groundwater availability. Selection of monitoring well positions should provide for determining groundwater flow direction. The materials and construction of the monitoring wells should be sufficient to utilize, if necessary, as water quality monitoring wells.

**Response:** The “Permitting” paragraph in Item 13 was modified to reflect the County’s comment.

**Comment 8.23:** The statement on page 13-8 that underground storage tanks (USTs) are restricted within a wellhead protection area may not be accurate. We are not aware of any additional restrictions or requirements for USTs within wellhead protection areas.

Recommendations (of the commenter):

9. This statement should provide a reference to State statute, rule, or local ordinance that places this addition restriction on USTs located within a wellhead protection area. If no supporting regulatory documentation is provided this statement should be deleted.

10. That the AUAR acknowledge that USTs may be located in the City's wellhead protection areas and encourage the City to address this potential contaminant source in their wellhead protection plan (under development).

**Response:** The Mitigation Element of Item 13 of the document has been changed to reflect the comment.

**Comment 8.24:** Re: Page 20-3 - The Ramsey Wellhead Protection Plan is in development. Part 1 on the wellhead protection plan, addressing WHPAs, DWSMAs and well vulnerability classifications has been completed and approved by MDH. Part 2 of the City's wellhead protection plan is being developed and will address contaminant sources and education initiative within the site and the City WHPA/DWSMA.

Recommendation (of the commenter):

11. That this statement be combined with other references to wellhead protection planning and inserted into the Water Use section/item. References to a developed wellhead protection plan should be modified to completion of Part 1 and continuing development of Part 2.

**Response:** See response to comment 8.1. References to the wellhead protection plan as having two parts have been corrected in the document as suggested.

**Comment 8.25:** (page 20-3) *"The most controlled land use in the WHPA is the use of underground storage tanks to store petroleum and any other potentially harmful substance. Underground tanks are allowed in the WHPA if the tanks are double-walled and groundwater around the tank is monitored for contamination from a possible leak in the tank. However, the use of underground tanks in these areas is strongly discouraged. In the case that a leak occurred, alternative water sources, such as the emergency connection with the City of Anoka, would potentially have to be used"*.

This statement overemphasizes the impact of a leaking underground storage tank on public water supply wells. Also, the “most controlled land use” in a wellhead protection area is a site-specific and debatable issue that may be taken up in the development of each wellhead protection plan. Each City in consultation with the MDH establishes its priority for address potential contaminant sources within its WHPA/DWSMA.

Recommendations (of the commenter):

12. Reference to underground storage tanks should be removed from the discussion of WHPA. Discussion of wellhead protection should emphasize that the process is specific, and tailored, to land use conditions within each WHPA/DWSMA. The development of the City’s wellhead protection plan and priority of contaminant sources should be left up to the City in consultation with the MDH.

13. The statements regarding wellhead protection in this section should be combined with other wellhead protection statements, found throughout the document, and placed in the Water Use section/item.

**Response:** The issue of underground storage tanks is relevant to the RTC site and was not removed completely from the text. The document has been changed to reflect all other aspects of this comment. See response to comment 8.1.

**Comment 8.26:** The three departments that reviewed this document have attempted to provide a thorough review of the AUAR for the Ramsey Town Center. Realistically, there will be changes to the plans to consider and many more levels of detail to review as the development progresses. Many of these changes and details will have the potential to impact the County infrastructure. Because of this, we ask that the City and the developer continue to work closely with the County on the issues raised in this review.

Our mutual goals will be best met if we continue working with each other in these early stages of the development plans, and if we plan to continue coordinating our efforts through the build-out of the Ramsey Town Center. Toward that end, we invite the City and developer to meet with the County at your earliest convenience to begin discussions of our comments and the issues raised in this letter.

**Response:** As stated in the response to Comment #8.1, the City intends to work closely with the County on all of the issues of joint concern.

**Comment #9.** The U.S. Department of the Interior - National Park Service (NPS) submitted the following comments, based on its statement that the “...proximity and the potential for RTC connections through the MNRRA corridor and to the Mississippi River itself, certain components of the RTC planning process could have a direct impact on the MNRRA corridor”:

**Comment 9.1:** Regarding stormwater runoff, the AUAR states that the RTC will require a stormwater outlet to the Mississippi River. Item 8, question 5 (page 8-6) states that a discharge path has not yet been identified and that permitting by the DNR will be required for future discharge to the River. We encourage the City of Ramsey to work closely with the DNR and other relevant agencies in the design of the RTC stormwater management system. Tables 17.1, 17.2 and 17.3 suggest significant increases in stormwater runoff from existing conditions during the 100-year rainfall and snowmelt events, for both the minimum and maximum projected runoff condition. We encourage minimization of runoff to the greatest extent possible and adherence to the Mississippi River Critical Area standards, as well as those of the MNRRA CMP.

**Response:** As stated in previous responses to Comments #3, 7.3 and 7.13, the details on runoff minimization BMPs will be an element of design as the project develops. The City is currently working with the County to determine the route and character of the ultimate River discharge. Once these items are determined, the City can begin to work in earnest with the regulatory agencies to define the protection needed.

**Comment 9.2:** The issue of a potential river crossing is also raised in the discussion on traffic in Item 21 of the AUAR. While decisions regarding a future bridge crossing will be made through the transportation planning process, the development of a town center could influence decisions for a new River bridge. In its plans for the RTC, we urge the City to carefully consider the potential impacts of any future crossing on the River corridor and on existing and proposed parks and open space on both sides of the river.

**Response:** As noted on page 21-3, a potential river crossing is being studied and a draft scoping document has been prepared. Page 21-3 further notes that an EIS for the river crossing would be the next step in the planning process. Such a document would address both the transportation and parks and open space impacts of the potential crossing.

**Comment 9.3:** The NPS also encourages the creation of continuous greenway corridors to, and along, the Mississippi River where possible, and promotes connections to the regional trail system, including access to the River. We also urge consideration of visual impacts on the river corridor of any tall structures planned within the RTC boundary, such as new elevated reservoir or communications towers.

**Response:** The AUAR identified the desire of the City and the RTC developer to connect the new RTC to the River trail via a connection along the drainage corridor. This connection would provide an opportunity for new residents and visitors to the RTC to walk to the River trail. The issue of visual impacts is addressed in Item 26 and in the response to Comment #8.15. The City acknowledges the comment on tall structures and will work with the developer to address this concern during site and building design.

**Comment 9.4:** The MNRRA Comprehensive Management Plan (CMP) provides NPS land use and protection guidelines for the Mississippi River corridor. Policies of particular relevance too RTC planning are as follows:

Policy 2, page 13: Reduce runoff through coordinated efforts of state and local agencies to update development and enforcement standards for major new

construction and redevelopment projects and by promoting increased stormwater retention in new construction and redevelopment projects.

Policy 11, page 20: If it becomes necessary to increase river crossing capacity, the order of preference will be first to expand the capacity of an existing bridge, second to add a parallel structure, and third to establish a new corridor. Development of a new crossing corridor will occur only when no feasible and prudent alternative (including consideration for a greater reliance on intermodal transportation) exists and only if the crossing is included in approved regional transportation plans. This includes the *Major River Crossing Study* prepared by the Metropolitan Council.

**Response:** The relationship of the RTC site development to the MNRRA documents, guidelines and policies is addressed several places in the AUAR document, including Items 9, 12, 14, 17, 25, and 27. Item 14 discusses the relationship between the MNRRA corridor and the Critical Area and Wild and Scenic River area. Although the RTC site is not within the corridor that defines each of these protected areas, it is adjacent to it and will discharge stormwater into and through the corridor. Because of this, special provisions will be made to minimize impact as described throughout the AUAR and in the newly added Appendix J. There will be strict adherence to all of the protective guidelines and regulations in effect. Reference is also made to the stormwater minimization and mitigation plans of the AUAR.

The River crossing is not a part of the RTC development. The traffic impacts of the RTC relative to any river crossing are discussed in Item 21. See also the response to Anoka County Comment #8.2.

**Comment #10.** The Lower Rum River Watershed Management Organization (LRRWMO) submitted the following statement:

We have received a copy of the AUAR for the Ramsey Town Center as submitted by the City of Ramsey. The permit applicant/developer must comply with the storm water management criteria, water quantity and quality, of the LRRWMO. The LRRWMO, being the Local Governmental Unit (LGU) administering the requirements of the 1991 Wetland Conservation Act, will also be reviewing the Wetland Fill/Mitigation Permit Application to ensure that the requirements of the Conservation Act are met.

**Response:** Table 8.1 acknowledges the permit coordination that is needed with the LRRWMO before any construction begins. All of the stormwater management and wetland mitigation elements in Items 10, 12 and 17 were prepared with LRRWMO and City input to properly reflect LRRWMO criteria. The City will work closely with the LRRWMO during all phases of design to assure that the WMO criteria are met.

**Comment #11.** Erika Sitz (citizen) submitted the following comments:

Thank you for the opportunity to comment on the AUAR document. My comments are confined to the sections concerning effects of this project on water resources, primarily on groundwater. This should trigger a more comprehensive review of water issues.

I realize that this document is for the Town Center development project and focuses on that geographical area. It's my understanding (though I am not certain of the scope) that it also takes into account other development, and thus effects on water, in Ramsey. But the nature of this kind of document is that it isn't the vehicle for a comprehensive approach that examines a broad enough scope to answer questions about its effect beyond this city. My greatest concern is that there has not been enough attention paid to the **cumulative** effects of the development that is happening in the northern metro area, for which I'm using the extended Metropolitan Statistical Area definition rather than the seven-county Metropolitan Council definition. This also more realistically covers the range of the Franconia-Ironton-Galesville (FIG) aquifer that is the drinking water source for this area, since the prolific Prairie du Chien-Jordan Aquifer is absent.

I am not a technical professional. I'm expressing a concern as a citizen that this kind of review be done by those who are so qualified, and who are removed from any involvement in this project, and that this review occur **before** the momentum for such a massive undertaking makes it impossible to do a thorough and competent professional job. I'm not picking on the Town Center project per se, but because of its scope it's a red flag to me to say we must look at a broader picture now rather than later.

I'm familiar with the tension that results from the current two-step process, first a general examination of environmental effects in the review document and then the "we'll address the details in the permitting process later" second step. My experience is that this always results in a question of "how can we ameliorate the effects of \_\_\_\_\_?" rather than "is this a wise thing to do, or more precisely to do on such a scope and scale, and how can we modify \_\_\_\_\_ to prevent or minimize negative effects?" I don't think that's a wise way to look at a specific proposal, but I'm even more certain that the piecemeal approach is not the best way to look at the broad picture. A **comprehensive review** should be done by an entity that is not involved in any project anywhere and thus can examine the issue from the broadest context and without any bias. This to me is the Minnesota Department of Natural Resources, Division of Waters.

I'm not technically competent to address the specific issues raised, e.g. relationship between the FIG and the surficial aquifer, but I'm eager to see agency responses to these issues.

**Response:** The City appreciates the input from Ms. Sitz as a concerned citizen. The State AUAR process was developed by the State Environmental Quality Board (EQB) to address the need for a more thorough cumulative assessment on large-scale projects. The extensive analyses in Item 13 and Appendix F were done to specifically address the impact of this site on the Franconia-Ironton-Galesville (FIG) aquifer. Extending this analysis beyond the immediate Ramsey vicinity to the Metropolitan Area is well beyond the scope of this AUAR. However, the City is willing to undertake whatever studies will be required by the DNR for amending the City's water appropriation permit. In addition, the joint study of the FIG aquifer referred to in the Minnesota Department of Health comments (Comment #13) will also assist in assuring the long-term viability of this resource in Anoka County. Both of these efforts will be done in cooperation with state agency staff having no involvement in this project.

**Comment #12.** After expressing its finding that the AUAR is complete, the Metropolitan Council submitted the following advisory and technical comments:

**Comment 12.1:** In Section 21- Classification Summary, the reclassification changes to A-minor arterials for Industry Avenue and Armstrong Boulevard were approved in April 2003.

**Response:** The last sentence on page 21-1 (and in the corresponding section of Appendix B) is changed to the following:

“In April 2003, Anoka County received a functional class change for Industry Avenue and Armstrong Boulevard to upgrade their designations to A-Minor Arterial.”

**Comment 12.2:** In Section 21- Planned Improvements, this section should note that any major improvements to the TH 10 corridor have to be in the Metropolitan Council’s Transportation Policy Plan before major investments in the corridor can be programmed. This document is scheduled to be revised in 2004. The section acknowledges funding shortfalls, which could delay any significant investment on the Ramsey segment of the corridor until the year 2020 or later. Further, there are no planned improvements for the TH 10 corridor in the current Minnesota Department of Transportation (Mn/DOT) 10-year Plan which identifies major highway project construction to the year 2012.

**Response:** The following is added after the third paragraph on page 21-3:

“For improvements like the Northwest River Crossing and the IRC enhancements to TH 10 to be funded, the investments need to be included in the Transportation Policy Plan (TPP) prepared by the Metropolitan Council in its role as Metropolitan Planning Organization for the region. Updating of the current TPP is scheduled to occur in 2004.”

**Comment 12.3:** In Section 21- Planned Improvements (page21-3), the AUAR should note the City of Ramsey formally requested the Northstar Corridor Development Authority (NCDA) in 2002 to add a Ramsey commuter rail station to the project. The request was forwarded to Mn/DOT by the NCDA and the department agreed to further evaluate the feasibility of a station at the Ramsey Town Center site. The feasibility study should proceed when the state portion of the funding for the commuter rail project is secured.

**Response:** The following sentence is added to the last paragraph on page 21-3:

“Additionally, a request by the City of Ramsey to the Northstar Corridor Development Authority to further evaluate the feasibility of a station at the Ramsey Town Center was approved by Mn/DOT (the lead agency for the EIS) and should proceed when the state portion of funding for the commuter rail project is secured.”

**Comment 12.4:** In Section 21- Traffic Analysis Report Summary, this section should acknowledge the development and potential benefits of a pedestrian circulation system for the site as conceptually illustrated in the “RTC LLC” plan shown in Section 6. With a variety of mixed land uses, higher density and a pedestrian-friendly environment, a pedestrian system was part of the themes and desired outcomes for the Ramsey Town Center design which emerged from the Calthorpe lead planning effort for the Ramsey Town Center site. The mix of land uses, compactness and network of greenways/drainage ways should induce bike and pedestrian trips for work, shopping, school, entertainment, and recreational purposes. If not year-round, at least seasonal. These internal trips would replace some auto trips. The AUAR should address the potential for alternative mode splits and indicate if some form of a pedestrian walk way system is still part of the project’s development program.

**Response:** On page 21-5, the traffic analysis for the AUAR incorporates trip generation adjustments for the density and diversity of the project’s mixed use pedestrian oriented design that account for approximately 16 percent of the project PM peak hour trip-making that would otherwise occur in automobiles. Further reductions for alternate mode use related to the project’s design were considered uncertain given that dedicated transit to the site is not yet a reality and that the suburban location of the project and short timeframe to build-out indicate a continued (at least initial) use of automobiles to access the project in advance of a transit infrastructure being built.

**Comment 12.5:** In Section 21- Mitigation Element, given the bleak long-term outlook for the timely availability of state and county funding (acknowledged by the AUAR document) to complete the projects listed, and assuming the need to have the projects completed by the time the Ramsey Town Center project is scheduled to be completed in 2007, it may be useful to prioritize the projects that are critical to providing a reasonable level of access to the project. An emerging trend is for more local funding of critical highway projects needed to support ongoing local development. The local funding is one means to insure that needed highway improvement projects are constructed in a timely manner. Local funding strategies can range from fully paying for the project such as the new Tamarack Interchange in Woodbury, city/private partial funding provided to construct the I-494 Penn Avenue Interchange, or reimbursements. Reimbursements are typically financial agreements between Mn/DOT and a municipality whereby the municipality funds a Mn/DOT project to accelerate the timing of its construction. The municipality is refunded the project cost at a future time when funds for the project become available to the department. The AUAR should acknowledge the need for creative funding mechanisms and partnerships if the mitigation projects listed are to be constructed within the desired time frame as determined in part by the phasing and timing of the Ramsey Town Center project.

**Response:** See response to Mn/DOT Comment #6.1.

**Comment 12.6:** In Section 17 - Water Quality - Stormwater Runoff, in the AUAR, alternative land consumption strategies were considered to reduce the amount of impervious materials on the site. A suggestion is the design of a project that implements a shared parking design to reduce the tendencies in commercial development to over

design (given conventional parking stall/commercial square footage ratios) the number of parking stalls constructed.

**Response:** This is a good suggestion that forms the basis for the traffic section of the AUAR. The traffic design is predicated on a shared parking concept for the mixed use core of the project area that supports the trip adjustments for mixed use (See Metropolitan Council Comment #12.4).

**Comment 12.7:** In Section 18, the AUAR indicates the projected build-out flow from the Town Center, currently located within the 2020 MUSA boundary, will be 4.2 Million Gallons per Day (MGD) and 7.3 MGD for the City as a whole. The design flow per acre based on proposed land use type appears to be conservative, although acceptable. The City's design of the local wastewater systems is higher than those used by the Metropolitan Council Environmental Services (MCES) to design metropolitan facilities. Based on the information in the AUAR, MCES believes the actual flow from the existing MUSA with the Town Center would be 3.5 to 3.8 MGD. This requirement is consistent with Metropolitan Council Wastewater System Plan.

The comprehensive plan will need to be amended to include the Town Center prior to implementing the AUAR. The long term flow projections for the City of 7.3 MGD as shown in the AUAR is not consistent with the Metropolitan Council Wastewater System Plan and thus represents a substantial impact to the Metropolitan Disposal System. This need for future sewer services will require changes to the Council's Systems Plan. A meeting should be established between the City and the Metropolitan Council to discuss this need.

**Response:** We concur with the observation that flows within the 2020 MUSA may not be as high as those presented in the AUAR. At this level of planning, it is difficult to project future flows to a high degree of accuracy. Therefore, it should be assumed that a 20% deviation in projections in either direction is possible.

We also concur that the *Comprehensive Sewer Plan* must be upgraded to incorporate the RTC development, as well as other changes in development projections. The Mitigation Element for the revised Item 18 addresses the intent of the City to address this need with MCES. Finally, we concur with the recommendation to schedule a meeting with MCES to discuss the potential major impacts of the projected 7.3 MGD flows at full build-out.

**Comment 12.8:** In Section 10 - Cover Types, if there are any significant native trees in the shelterbelts or the homestead site, the project would benefit from preserving and incorporating the trees into the new development to the extent possible. A city tree ordinance may provide the appropriate mitigation process for any trees that are removed.

**Response:** The City's Environmental Policy Task Force (EPTF) is charged with creating a tree preservation ordinance that will require certain data to be provided prior to start of construction of improvements that includes location, size, and type of trees located on the development site. In addition, the ordinance prescribes measures to be taken during construction that will protect the trees to be saved. The ordinance also creates the Ramsey Tree Book that outlines preferred, acceptable, and unacceptable trees to be

planted in Ramsey. The City has scheduled a public hearing on a draft ordinance on June 5, 2003, with the expectation that the City Council will review the ordinance later in June.

**Comment 12.9:** In Section 11 - Mitigation Element/Wildlife Habitat, the proposed greenway and trail connection between the Town Center project and the Mississippi West Regional Park, Regional Trail and the Mississippi River may provide a desirable connection. For the trail connection to be safe and convenient for people to use, a grade-separated connection is preferred. An over pass would seem to provide a safer connection for people due to the length a tunnel would need to be to traverse both the railroad tracks and TH 10. A wildlife corridor connection would likely work better if it was an underpass. The Minnesota Department of transportation provides “critter crossing” on some of their road projects and could provide examples of successful projects. A wider and greener connection would make the connection between the development and the regional park/river stronger.

**Response:** Please refer to the response to Comment #8.16 for the wildlife element. The details of the trail connection are under discussion among the County Parks Department, the City and the developer. It is anticipated that Mn/DOT will ultimately be part of the discussion as well as the design details for crossing TH 10 develop.

**Comment 12.10:** In Section 12 - Drainage Area 26, a portion of the storm water connection to the Mississippi River is proposed to be in Mississippi West Regional Park. Coordination with Anoka County Parks is required for any work proposed in the park. If storm water management for the Town Center development is done in the park, appropriate mitigation should be provided. Public park land that was purchased/donated for park purposes that is used to manage storm water for an off-site development should be replaced with comparable parkland. Figure 12.4 indicates that some of the wetland mitigation will take place in the regional park. If land within the park is utilized for wetland mitigation for the Town Center development, this land should be replaced with comparable land.

**Response:** Discussions are under way with the County on the use of its land to develop a drainage and trail corridor between the RTC site and the Mississippi River. The new Appendix J shows that the drainage infiltration featured noted as 26b in Figure 12.4 no longer extends into the Mississippi Regional Park. However, a pipe connection from 26b to the River remains a part of the drainage concept, provided this route is approved by the County. The nature of the pipe and the design of the outlet structure at the River are discussed in Appendix J and will be the subject of regulatory review by the DNR, County and City if and when it occurs.

**Comment 12.11:** In Section 12 - Mitigation Impacts Associated with Stormwater Outfall to the Mississippi River, preservation of the river bluff and its natural vegetation is important. The storm water management infrastructure should strive to minimize disturbance to the natural shoreline of the river. Council staff concurs with the AUAR recommendation for use of directional boring techniques in lieu of open-cut construction.

**Response:** The City concurs with the need to protect the River bluff. Please refer to the above comment (#12.10) response and Appendix J, and the discussion of Critical Area/MNRRRA/WSB standards in Item 14.

**Comment 12.12:** In Section 14 - Resource Protection Zones, Water Related Management District, if wetland mitigation or stormwater management for the Town Center project takes place on the south side of TH 10 and in the regional park, those activities are within the Mississippi Critical Area and the appropriate rules apply from the City's Critical Area Plan.

**Response:** Please refer to the discussion in Item 14.

**Comment 12.13:** In Section 11 - Fish, Wildlife and Ecologically Sensitive Resources, given the extent of the proposed water feature on the site and extent of nearby sandy upland area, the site habitat may be even more amenable to amphibians and reptiles in the future than it is now. Turtles are known to travel up to a mile from wetland feeding areas to their upland nesting areas. Council staff recommends requiring the use of surmountable curbs on all roads within the proposed development area so turtles do not become trapped within the roadways.

**Response:** Although the city of Ramsey uses a standard of B618 curb and gutter, it realizes the importance of protecting turtles from becoming trapped within the roadways and has modified that standard on new developments in sensitive areas. This standard modification has predominantly been used in residential areas with low traffic volumes. Since the City of Ramsey is committed to protection of any protected species, it would be willing to change to surmountable curbs in all residential areas and look into the higher traffic roadways and commercial areas to determine the feasibility of installing surmountable curbs there as well.

**Comment 12.14:** In Section 13 - Water Use, the AUAR states on page 13-7 that the groundwater level in the FIG has been trending upward in the last two years. It goes on to state that there appears to be no effect from pumping the municipal wells on the water level in the surficial material. It further recommends that long-term monitoring of the surficial aquifer be conducted. The Council concurs with this recommendation. Two years of data is not sufficient to show the long-term effects of pumping. The fact that the water level in the two wells analyzed level off after a short period of pumping may indicate that water is leaking from the surficial aquifer.

*In addition, the tritium sampling discussed on pages 19-2 and 19-3 of the EAW indicate that water in the City's municipal wells has recharged within the last 50 years suggesting a connection between the surficial and bedrock aquifers. The Council is currently undertaking studies to evaluate the ability of the FIG aquifer to support planned growth in the northwest metropolitan area. While the study conducted for the AUAR concludes that the FIG has sufficient capacity to support growth, the Council recommends that the city continue monitoring water levels to establish long-term trends and further evaluate aquifer capacity and potential impact on surface water features.*

**Response:** The City acknowledges these points and refers the commenter to the response to Comment #13.1.

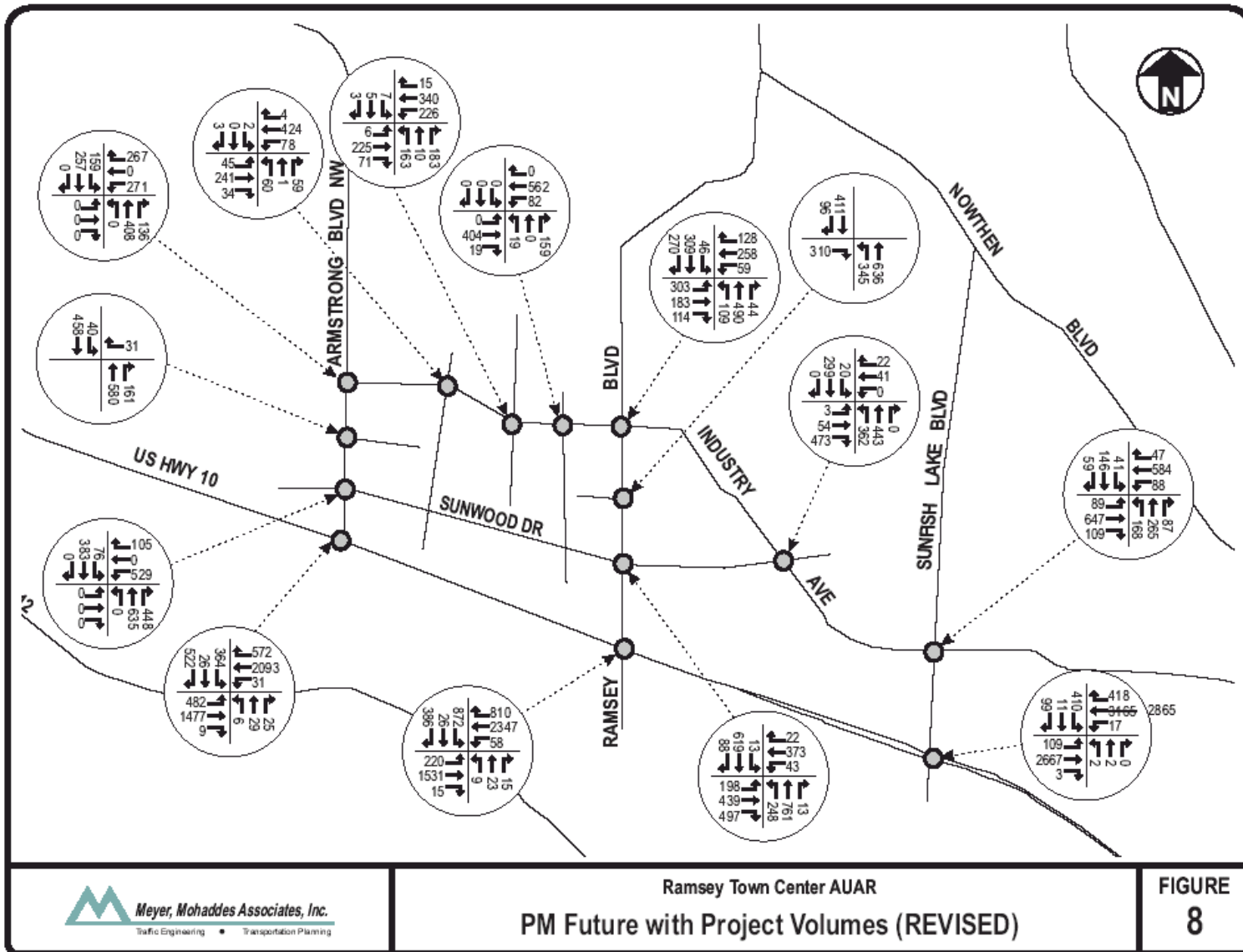
**Comment #13.** The Minnesota Department of Health (MDH) submitted the following advisory and technical comments:

**Comment 13.1:** The wells used as a source of supply by the City of Ramsey's water supply system are completed in the FIG aquifer. Local indicators (as discussed in the AUAR, especially in Appendix F) are that the capacity of the FIG in the Ramsey area is sufficient to handle the existing and anticipated future withdrawals, with limited effects on the overlying materials. I am not sure if the observations made in the report are due to a higher inherent transmissivity, greater natural and pumping-induced recharge, or some combination of these factors, than is observed for the FIG elsewhere, but I would point out that the properties of the FIG are somewhat variable in the Metropolitan Area. Therefore, I would encourage the City to make itself aware of ongoing research being conducted by the Minnesota Geological Survey and the Metropolitan Council on the FIG and its water supply potential in the northwestern part of the Twin Cities Metropolitan Area (Chris Elvrum at the Met Council, 651-602-1066). Understanding the system dynamics of the FIG locally and regionally will help the City respond to (and perhaps avoid) complaints about its municipal pumping interfering with other local resources such as private wells and surface water bodies.

**Response:** The City acknowledges the differences in the FIG within the region and is committed to undertaking the study identified in the AUAR to further its knowledge of the FIG behavior locally. The City will follow the progress of the MGS/Met Council study and will cooperate to the extent possible with all of the agencies involved in researching and regulating use of the FIG. The City recognizes the need to provide observation wells in the glacial aquifer and the need to perform both a pump test and long term trending analysis. It also concurs with the observation that the local transmissivities observed in Municipal Wells No. 3 and 4 are probably not representative of average conditions with the FIG. As a result, a more extensive hydrogeologic investigation of the local FIG capacity is planned prior to installation of additional wells.

**Comment 13.2:** I would encourage the recommendation made on pages 13-7 and 13-8 (as well as Appendix F) that one or more nests of monitoring wells be placed in the area around the well filed to monitor water level changes in the glacial materials over time. I might also suggest that, if these wells were to be placed, a pumping test could be performed using one of the city's existing wells. Such a test would establish the nature of the hydraulic connection between the bedrock and the (surficial) drift and could probably be accomplished at little cost to the City. MDH staff and equipment are available to assist with such an effort because the results could be used to refine the wellhead protection planning efforts of the City. In the end, the kind of data generated from long term monitoring and from pumping tests will be of greater value in establishing the effect, if any, of municipal pumping on groundwater elevations in the area than just about any other kind of data or analysis.

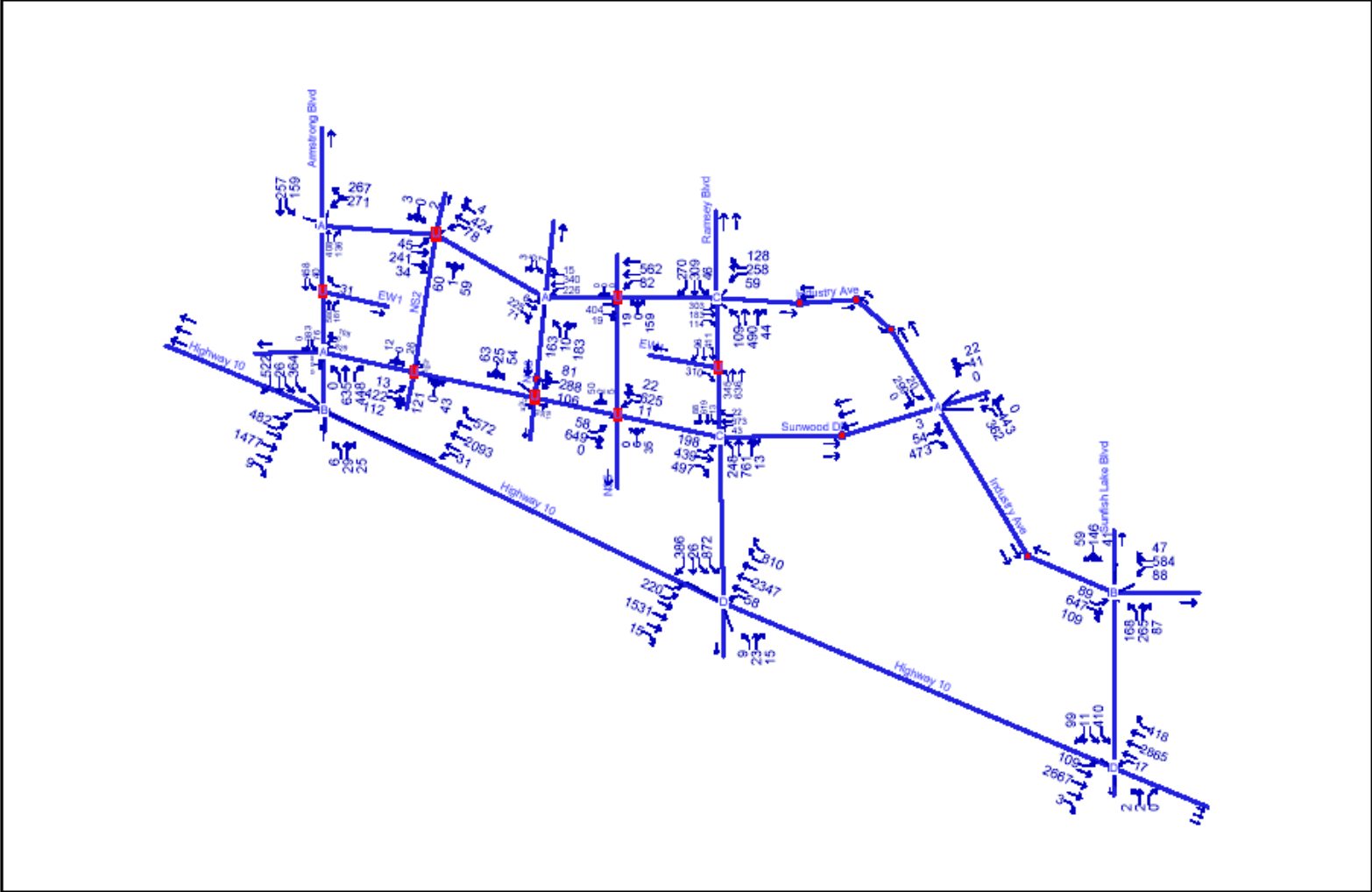
**Response:** The City acknowledges the comments and will incorporate them into its monitoring program as it develops. The offer of staff and equipment assistance is gratefully acknowledged, and will be considered as well.



COMPARISON AUAR Graphics Fig 8-Future w/ Project PM IDR

Map - Ramsey AUAR  
Levels of Service

Timing Plan: PM Peak  
Ramsey AUAR PM Future w Proj (Mitigated)-Revised



05/23/2003

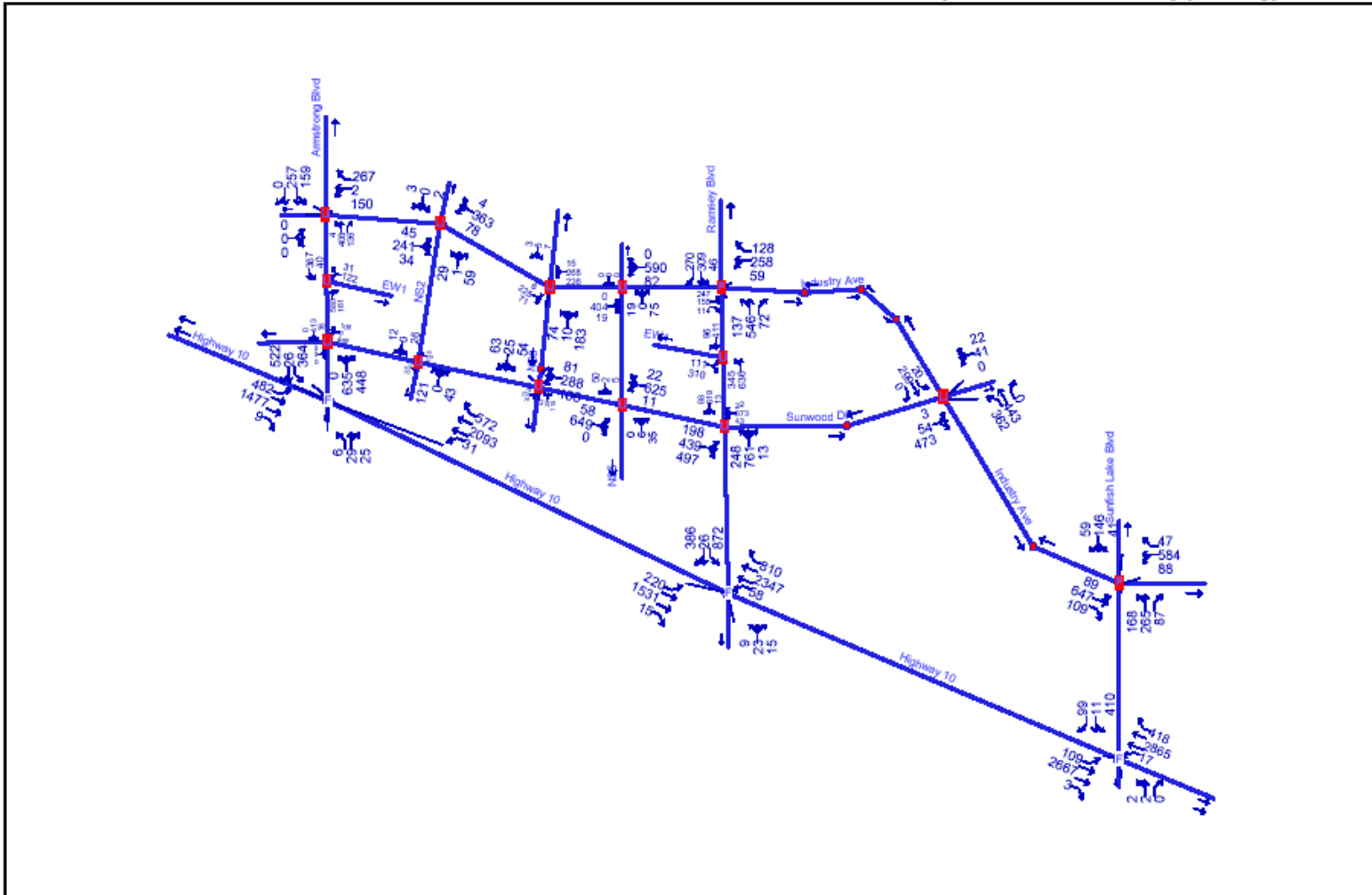
Meyer, Mohaddes Associates Inc.

**HCM Signalized Intersection Capacity Analysis**      **Scenario: PM Future w Proj (Mitigated)-Revised**  
**9: Highway 10 & Sunfish Lake Blvd**      **Timing Plan: PM Peak**

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0		4.0		4.0	4.0	
Lane Util. Factor	1.00	0.91	1.00	1.00	0.91	1.00		1.00		0.97	1.00	
Frt	1.00	1.00	0.85	1.00	1.00	0.85		1.00		1.00	0.86	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00		0.98		0.95	1.00	
Satd. Flow (prot)	1770	5085	1583	1770	5085	1583		1817		3433	1611	
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00		0.69		0.95	1.00	
Satd. Flow (perm)	1770	5085	1583	1770	5085	1583		1292		3433	1611	
Volume (vph)	109	2667	3	17	2865	418	2	2	0	410	11	99
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	118	2899	3	18	3114	454	2	2	0	446	12	108
Lane Group Flow (vph)	118	2899	3	18	3114	454	0	4	0	446	120	0
Turn Type	Prot		Perm	Prot		Perm	Perm		Perm	Prot		
Protected Phases	1	6		5	2			8		7	4	
Permitted Phases			6			2	8		8			
Actuated Green, G (s)	20.0	94.5	94.5	8.0	82.5	82.5		8.0		15.0	27.0	
Effective Green, g (s)	23.0	97.5	97.5	11.0	85.5	85.5		10.5		15.0	29.5	
Actuated g/C Ratio	0.15	0.65	0.65	0.07	0.57	0.57		0.07		0.10	0.20	
Clearance Time (s)	7.0	7.0	7.0	7.0	7.0	7.0		6.5		4.0	6.5	
Vehicle Extension (s)	5.5	5.5	5.5	5.5	5.5	5.5		3.0		3.0	4.5	
Lane Grp Cap (vph)	271	3305	1029	130	2898	902		90		343	317	
v/s Ratio Prot	0.07	c0.57		0.01	c0.61					c0.13	c0.07	
v/s Ratio Perm			0.00			0.29		0.00				
v/c Ratio	0.44	0.88	0.00	0.14	1.07	0.50		0.04		1.30	0.38	
Uniform Delay, d1	57.6	21.4	9.2	65.1	32.2	19.4		65.1		67.5	52.3	
Progression Factor	1.11	0.68	0.23	1.00	1.00	1.00		1.00		1.00	1.00	
Incremental Delay, d2	1.8	2.5	0.0	1.2	40.9	2.0		0.2		154.9	1.3	
Delay (s)	65.9	17.1	2.1	66.3	73.1	21.5		65.3		222.4	53.6	
Level of Service	E	B	A	E	E	C		E		F	D	
Approach Delay (s)		19.0			66.6			65.3			186.7	
Approach LOS		B			E			E			F	
<b>Intersection Summary</b>												
HCM Average Control Delay			56.0	HCM Level of Service				E				
HCM Volume to Capacity ratio			1.03									
Actuated Cycle Length (s)			150.0	Sum of lost time (s)				16.0				
Intersection Capacity Utilization			106.2%	ICU Level of Service				F				
c Critical Lane Group												

Map - Ramsey AUAR  
Levels of Service























Timing Plan: PM Peak  
Ramsey AUAR PM Future w Proj (No Mitig) - Revised



05/23/2003

Meyer, Mohaddes Associates Inc.

**HCM Signalized Intersection Capacity Analysis**      **Scenario: PM Future w Proj (No Mitig) - Revised**  
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Frt	1.00	1.00	0.85	1.00	1.00	0.85		1.00			1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00		0.98			0.95	1.00
Satd. Flow (prot)	1770	3539	1583	1770	3539	1583		1817			1776	1583
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00		0.74			0.73	1.00
Satd. Flow (perm)	1770	3539	1583	1770	3539	1583		1384			1359	1583
Volume (vph)	109	2667	3	17	2865	418	2	2	0	410	11	99
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	118	2899	3	18	3114	454	2	2	0	446	12	108
Lane Group Flow (vph)	118	2899	3	18	3114	454	0	4	0	0	458	108
Turn Type	Prot		Perm	Prot		Perm	Perm		Perm	Perm		Perm
Protected Phases	1	6		5	2			8				4
Permitted Phases			6			2	8		8	4		4
Actuated Green, G (s)	20.0	67.0	67.0	8.0	55.0	55.0		29.5			29.5	29.5
Effective Green, g (s)	23.0	70.0	70.0	11.0	58.0	58.0		32.0			32.0	32.0
Actuated g/C Ratio	0.18	0.56	0.56	0.09	0.46	0.46		0.26			0.26	0.26
Clearance Time (s)	7.0	7.0	7.0	7.0	7.0	7.0		6.5			6.5	6.5
Vehicle Extension (s)	5.5	5.5	5.5	5.5	5.5	5.5		3.0			4.5	4.5
Lane Grp Cap (vph)	326	1982	886	156	1642	735		354			348	405
v/s Ratio Prot	0.07	c0.82		0.01	c0.88							
v/s Ratio Perm			0.00			0.29		0.00			c0.34	0.07
v/c Ratio	0.36	1.46	0.00	0.12	1.90	0.62		0.01			1.32	0.27
Uniform Delay, d1	44.6	27.5	12.1	52.5	33.5	25.2		34.7			46.5	37.1
Progression Factor	0.87	1.03	0.86	1.00	1.00	1.00		1.00			1.00	1.00
Incremental Delay, d2	0.2	208.5	0.0	0.8	405.7	3.9		0.0			161.2	0.6
Delay (s)	38.8	236.9	10.5	53.3	439.2	29.0		34.7			207.7	37.7
Level of Service	D	F	B	D	F	C		C			F	D
Approach Delay (s)		228.9			385.3			34.7			175.3	
Approach LOS		F			F			C			F	
<b>Intersection Summary</b>												
HCM Average Control Delay			302.7									F
HCM Volume to Capacity ratio			1.66									
Actuated Cycle Length (s)			125.0						12.0			
Intersection Capacity Utilization			144.7%									H
c Critical Lane Group												

**Regular Planning Commission**

**5. 7.**

**Meeting Date:** 06/06/2013

**By:** Tim Gladhill, Community Development

**Information**

**Title:**

FOR UPDATE ONLY: Receive Report on Monthly Activities

**Background:**

The attached reports provide an update on development review and land use policy activities completed by City Council, Boards and Commissions, and City Staff. The attached reports provide the most recent updates on development projects within the community.

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

Preparation of the monthly updates are being handled as part of regular Staff duties.

**Staff Recommendation:**

**Action:**

For update only. No action requested.

**Attachments**

[Development Update dated May 30, 2013](#)

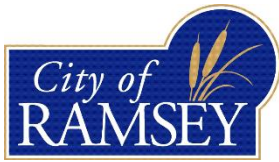
[Development Update dated May 16, 2013](#)

[Development Update dated May 9, 2013](#)

[Development Updated dated May 2, 2013](#)

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill (Originator)	Tim Gladhill	05/31/2013 12:04 PM
Form Started By: Tim Gladhill		Started On: 05/31/2013
Final Approval Date: 05/31/2013		



## City of Ramsey Development Update

May 30, 2013

### Report Background

The following report is updated weekly.

#### Seasons of Ramsey [No Update]

*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at [www.essenceproperties.com](http://www.essenceproperties.com), 320-255-9910, or [info@essenceproperties.com](mailto:info@essenceproperties.com).

Work has commenced and continues on the project. Staff will provide updates as needed. [Updated May 16, 2013]

#### McDonalds (Sunwood Retail in The COR) [Updated]

*Primary Reviewer: Chris Anderson ([canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us); 763-433-9905)*

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketple. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

*The next step in the process is to award bids on the Stage I Improvements, after the posting period is complete. Construction would be anticipated to start this summer on the Stage I Improvements, with construction of the McDonald's building to follow. [Updated May 30, 2013]*

#### Northgate Performing Arts Center [Updated]

*Primary Reviewer: Consulting Planner (Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

*The Building Permit was issued for Northgate Performing Arts Center on Friday, May 10, 2013. A pre-construction meeting was held on Monday, May 20, 2013. The project is now eligible to start construction of the building. [Updated May 30, 2013]*

### Super America (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson ([canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us); 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

### North Commons (COR THREE) [No Update]

Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

*On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve. [Updated March 30, 2013]*

### Residence at The COR [No Update]

Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Residence at The COR, a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center in 2011. The City Council approved the request in November, 2011. The project is currently under construction. The Developer anticipates the opening of a leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit [www.corapts.com](http://www.corapts.com) or call 763-208-5931.

*A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June. [Updated May 30, 2013]*

### Stoney River [No Update]

Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit. [Updated April 25, 2013]

## Mary T, Inc. Housing [No Update]

*Primary Reviewer: Consulting Planner (Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The City has requested Planning Commission review of a concept plan for housing for disabled veterans on a parcel located within The COR.

The Planning Commission held a work shop to receive a presentation from Mary T., Inc. on Thursday, March 14, 2013. The Developer must now submit the required land use applications. Staff anticipates said applications in the spring of 2013. The Developer has stated they desire to start construction in 2013.

Staff has received notification that the Developer is now exploring multiple options for sites within Ramsey, other than the site originally identified. Staff will be meeting with the Developer in mid-May to discuss potential options. [Updated April 25, 2013]

## Housing Assistance Policy [Updated]

*Primary Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council *in June*. [Updated May 30, 2013]

## 167<sup>th</sup> Avenue Retail Node [Updated]

*Primary Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167<sup>th</sup> Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167<sup>th</sup> Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting. [Updated April 11, 2013]

## Former Municipal Center Future Land Uses [Updated]

*Primary Contact: Patrick Brama ([pbrama@ci.ramsey.mn.us](mailto:pbrama@ci.ramsey.mn.us); 763-433-9903)*

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18<sup>th</sup> from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

*Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project. Staff will be presenting a case to discuss possible next steps, tentatively scheduled for the June 11, 2013 City Council Meeting. [Updated May 30, 2013]*

### June Planning Commission Cases

The following cases will be forwarded to the June Planning Commission (details will be included following completion of the technical reports to the Planning Commission):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167<sup>th</sup> Ln NW; Case of Linda Eidem
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg

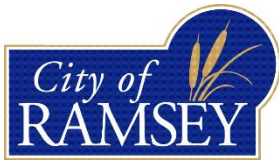
### Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit [www.cityoframsey.com/planning-division](http://www.cityoframsey.com/planning-division).



---

Tim Gladhill, Development Services Manager



## City of Ramsey Development Update

May 16, 2013

### Report Background

The following report is updated weekly.

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*The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review. [Updated May 16, 2013]*

#### Northgate Performing Arts Center [Updated]

*Primary Reviewer: Consulting Planner (Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

*The Building Permit was issued for Northgate Performing Arts Center on Friday, May 10, 2013. A pre-construction meeting is tentatively scheduled for Monday, May 20, 2013. [Updated May 16, 2013]*

### Super America (Sunwood Retail in The COR) *[No Update]*

*Primary Reviewer: Chris Anderson ([canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us); 763-433-9905)*

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

### North Commons (COR THREE) *[No Update]*

*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance. [Updated March 14, 2013]

### Residence at The COR *[No Update]*

*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

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The Developer was allowed to open two (2) units for the purposes of a leasing office and model unit. A certificate of occupancy has not yet been issued pending completion of final improvements necessary to open Phase I. Prospective tenants must be accompanied by leasing staff at all times when visiting the leasing office or model unit. [Updated May 9, 2013]

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*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

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The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit. [Updated April 25, 2013]

### Mary T, Inc. Housing *[No Update]*

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The Planning Commission held a work shop to receive a presentation from Mary T., Inc. on Thursday, March 14, 2013. The Developer must now submit the required land use applications. Staff anticipates said applications in the spring of 2013. The Developer has stated they desire to start construction in 2013.

Staff has received notification that the Developer is now exploring multiple options for sites within Ramsey, other than the site originally identified. Staff will be meeting with the Developer in mid-May to discuss potential options. [Updated April 25, 2013]

### Housing Assistance Policy [No Update]

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The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

*The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council at the May 28, 2013 City Council Meeting. [Updated May 9, 2013]*

### 167<sup>th</sup> Avenue Retail Node [No Update]

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The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167<sup>th</sup> Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167<sup>th</sup> Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings. [Updated April 11, 2013]

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In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18<sup>th</sup> from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

*Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project. Staff will be forwarding a case for City Council review in the near future. [Updated May 16, 2013]*

## June Planning Commission Cases

The following cases will be forwarded to the June Planning Commission (details will be included following completion of the technical reports to the Planning Commission):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167<sup>th</sup> Ln NW; Case of Linda Eidem
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg

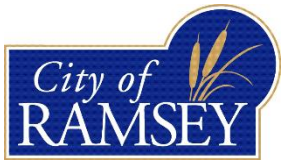
## Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit [www.cityoframsey.com/planning-division](http://www.cityoframsey.com/planning-division).



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Tim Gladhill, Development Services Manager



## City of Ramsey Development Update

May 9, 2013

### Report Background

The following report is updated weekly.

#### Seasons of Ramsey [Updated]

*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at [www.essenceproperties.com](http://www.essenceproperties.com), 320-255-9910, or [info@essenceproperties.com](mailto:info@essenceproperties.com).

*The first Building Permit for one (1) building was issue this week. It is anticipated that two (2) more buildings will receive a Building Permit by the end of the week. [Updated May 9, 2013]*

#### McDonalds (Sunwood Retail in The COR) [Updated]

*Primary Reviewer: Chris Anderson ([canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us); 763-433-9905)*

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

*Staff has drafted a case to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting, pending receipt and review of the specification manual for these improvements. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review. Building Permit Plan Review is anticipated to be complete by the end of the day on Monday, May 13, 2013. [Updated May 9, 2013]*

#### Northgate Performing Arts Center [Updated]

*Primary Reviewer: Consulting Planner (Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

*Staff has received revised plan sheets as requested and is in the process of completing Building Permit review. Staff is hopeful to issue a Building Permit by the end of the week. [Updated May 9, 2013]*

### Super America (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson ([canderson@ci.ramsey.mn.us](mailto:canderson@ci.ramsey.mn.us); 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

### North Commons (COR THREE) [Updated]

Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance. [Updated March 14, 2013]

### Residence at The COR [Updated]

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*The Developer was allowed to open two (2) units for the purposes of a leasing office and model unit. A certificate of occupancy has not yet been issued pending completion of final improvements necessary to open Phase I. Prospective tenants must be accompanied by leasing staff at all times when visiting the leasing office or model unit. [Updated May 9, 2013]*

### Stoney River [No Update]

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The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit. [Updated April 25, 2013]

### Mary T, Inc. Housing [No Update]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)

The City has requested Planning Commission review of a concept plan for housing for disabled veterans on a parcel located within The COR.

The Planning Commission held a work shop to receive a presentation from Mary T., Inc. on Thursday, March 14, 2013. The Developer must now submit the required land use applications. Staff anticipates said applications in the spring of 2013. The Developer has stated they desire to start construction in 2013.

Staff has received notification that the Developer is now exploring multiple options for sites within Ramsey, other than the site originally identified. Staff will be meeting with the Developer in mid-May to discuss potential options. [Updated April 25, 2013]

### Housing Assistance Policy [Updated]

*Primary Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

*The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council at the May 28, 2013 City Council Meeting. [Updated May 9, 2013]*

### 167<sup>th</sup> Avenue Retail Node [No Update]

*Primary Contact: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167<sup>th</sup> Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167<sup>th</sup> Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings. [Updated April 11, 2013]

### Former Municipal Center Future Land Uses [Updated]

*Primary Contact: Patrick Brama ([pbrama@ci.ramsey.mn.us](mailto:pbrama@ci.ramsey.mn.us); 763-433-9903)*

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18<sup>th</sup> from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

*Staff has updated the Planning Commission on the status of the project (May 2, 2013) and is scheduled to update the EDA on May 16, 2013. Staff will also provide an update and seek future direction at the May 28, 2013 City Council Meeting. [Updated May 9, 2013]*

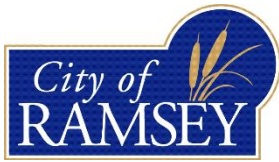
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Tim Gladhill, Development Services Manager



## City of Ramsey Development Update

May 2, 2013

### Report Background

The following report is updated weekly.

#### Seasons of Ramsey [Updated]

*Primary Reviewer: Tim Gladhill ([tgladhill@ci.ramsey.mn.us](mailto:tgladhill@ci.ramsey.mn.us); 763-576-4308)*

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*Preliminary grading has commenced on the project. Upon receipt of revised Certificate of Surveys based on elevations after preliminary grading, Staff will begin issuing Building Permits for the project. The Developer has also submitted Architect's Supplemental Instruction #1, which is under review by Staff. [Updated May 2, 2013]*

#### McDonalds (Sunwood Retail in The COR) [Updated]

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*Preliminary grading has commenced on the project for compliance with the Minor Plat approval. Staff met with the developer to discuss Building Permit Review Comments. The Developer will be submitting revised plan sheets for review in the near future. [Updated May 2, 2013]*

### Super America (Sunwood Retail in The COR) [No Update]

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*The Developer hopes to open 'Phase One' of the project this week. The Building Division has been completing a number of final inspections to potentially allow a temporary Certificate of Occupancy on approximately 52 units. The Developer has also submitted for the required Rental License. A news story on the project was featured in this weeks' Finance and Commerce magazine. [Updated May 2, 2013]*

### Stoney River [No Update]

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*The first meeting of the sub-committee is scheduled for Thursday, May 02, 2013. Staff anticipates forwarding an Interim Policy Statement to the City Council for consideration following this meeting, while the sub-committee works to complete the Housing Assistance Policy. [Updated May 2, 2013]*

### 167<sup>th</sup> Avenue Retail Node [No Update]

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*Tim Gladhill*

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Tim Gladhill, Development Services Manager

**Regular Planning Commission**

**5. 8.**

**Meeting Date:** 06/06/2013

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Enclosed are zoning periodicals for your review.

**Background:**

n/a

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Staff Recommendation:**

**Action:**

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**Attachments**

Zoning Bulletins

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# Zoning Bulletin

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## Permit/Fees—County board charges developer unlawful building permit fees

Developer seeks restitution, but board argues voluntary payment defeats claim for return

Citation: *D.R. Horton, Inc. v. Board of Sup'rs for County of Warren*, 737 S.E.2d 886 (Va. 2013)

VIRGINA (02/28/13)—This case addressed the issue of whether certain building permit fees paid to the county, which were later found to be unlawful,

### Contributors

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were nonetheless paid “voluntarily” and were not reimbursable under the common law voluntary payment doctrine.

**The Background/Facts:** Blue Ridge Shadows, LLC (“BRS”) owned a tract of land in Warren County (the “Property”). At BRS’ request, the Board of Supervisors for Warren County (the “Board”) rezoned the Property from agricultural to suburban residential. As part of the rezoning process, BRS made a number of written “proffers” to the Board as inducements for the right to develop the property as a subdivision containing up to 225 residential units. The Board ultimately accepted BRS’s “Revised Rezoning Request Proffer” (the “Revised Proffer”), in conjunction with approving BRS’s rezoning application. In the Revised Proffer, BRS proposed, among other things, to construct and operate a centrally located wastewater treatment plant and water system to service the residential units within the development. BRS also proposed to “make cash payments in the total amount of \$8,000.00 per residential unit” payable each time Warren County (the “County”) issued a building permit for one of the units.

Subsequent to the Revised Proffer, BRS proposed: (1) that the Board allow BRS to hook-up to the Town of Front Royal’s (the “Town”) water and sewer services in lieu of BRS constructing the proposed water and sewer systems; and (2) that, in exchange, BRS would pay to the County an additional “hook-up fee” in the amount of \$4,000 for “each residential water/sewer hookup obtained” from the Town. The parties never executed an agreement regarding this proposal. The Board, however, voted to allow the development to connect to the Town’s water and sewer systems. The Board also voted to amend BRS’s Revised Proffer to the County by deleting BRS’s obligation to construct such systems for the development.

Eventually, D.R. Horton, Inc. (“Horton”) purchased the Property from BRS. Horton purchased the Property subject to BRS’s Revised Proffer, as amended by the deleted obligation to construct the water and sewer systems.

Between May 2006 and January 2010, the County issued to Horton a total of 52 building permits. For each permit, Horton paid to the County a “proffer fee” of \$12,000, amounting to \$4,000 more than the \$8,000 fee set forth in the Revised Proffer. Horton paid the additional \$4,000 fee under protest, stating: it did not believe it was obligated to pay the fee pursuant to the terms of the Revised Proffer; that it would pay the fee “until this matter has been resolved” in order “to avoid further damage to [Horton]”; and that it was paying the fee “only under protest and with a full reservation of its rights and remedies.”

In 2007, Horton obtained a declaratory court judgment, which held that Horton was not obligated to pay the \$4,000 “hook-up” fees to the Town.

In 2008, Horton sued the Board, seeking reimbursement of \$104,000—constituting the total in \$4,000 fees paid on its first 26 building permits.

As an affirmative defense, the Board raised the voluntary payment doctrine.

The voluntary payment doctrine, as established under Virginia common law, provides that:

Where a party pays an illegal demand with a full knowledge of all the facts which render such demand illegal, [i] without an immediate and urgent necessity therefor, or [ii] unless to release his person or property from detention, or [iii] to

prevent an immediate seizure of his person or property, such payment must be deemed voluntary, and cannot be recovered back. And the fact that the party at the time of making the payment, files a written protest, does not make the payment involuntary.

The court agreed with the Board. It held that Horton was barred from being awarded reimbursement of the unlawful fees because it paid them “voluntarily” within the meaning of the voluntary payment doctrine.

Horton appealed.

**DECISION: Affirmed.**

The Supreme Court of Virginia also held that Horton was barred from being awarded reimbursement of the unlawful fees because it paid them “voluntarily” within the meaning of the voluntary payment doctrine.

On appeal, Horton had made four arguments for why its payment of the subject fees was involuntary so as to negate the Board’s voluntary payment defense.

Horton argued that it paid the fees involuntarily because the County’s refusal to issue the building permits without payment of the fees constituted a seizure of a property right consisting of Horton’s right to develop the subdivision. The court disagreed. It held that there was no seizure of a property right effected by the County’s unlawful demand for fee payments as Horton did not in any way “los[e] the right to develop its property” as a result of that demand; and indeed Horton proceeded with development.

Next, Horton asserted that it paid the fees involuntarily because it faced criminal charges if it proceeded without obtaining the permits from the County, or, alternatively, it faced breach of contract actions by third parties if it refused to go forward with its residential construction to avoid paying the fees. The court also rejected this claim. The court found no evidence that the County was threatening Horton with any criminal action or that Horton had executed any contract with a third party for construction of a residence in the subdivision. Furthermore, neither circumstance could be considered under the voluntary payment doctrine as a basis for establishing an involuntary payment without Horton showing as a threshold matter that there was an “immediate and urgent necessity” for paying the County’s unlawful demand—which the court found was lacking.

For its third argument, Horton asserted that an immediate and urgent need to pay the fees rendered its payments involuntary. Horton contended that need was because it had to “do what it could to build and sell houses,” which included paying the fees to obtain the permits authorizing their construction. The court again rejected Horton’s argument. The court explained that to establish the requisite necessity to pay an unlawful demand, Horton had to show that it “had no time or opportunity before paying the County’s unlawful demand to at least seek an appropriate legal remedy.” The court found Horton failed to do so; Horton could have sought injunctive relief any time during the three and a half year period over which it paid the fees.

Finally, for its fourth argument, Horton contended that it had adequately protested the assessment of the fees. Rejecting that argument, the court noted that “simply protesting an unlawful demand does not render payment of the demand involuntary under the voluntary payment doctrine.”

See also: *Barrow v. Prince Edward County*, 121 Va. 1, 92 S.E. 910 (1917).

See also: *Williams v. Consolvo*, 237 Va. 608, 379 S.E.2d 333 (1989).

See also: *Vick v. Siegel*, 191 Va. 731, 62 S.E.2d 899 (1951)

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*Case Note:*

*Horton had also argued that it was entitled to fee reimbursement because the County's retention of the fees unjustly enriched the County and was inherently inequitable. The court again rejected Horton's argument, finding that the voluntary payment doctrine provided the County a valid defense to a claim asserting unjust enrichment.*

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## Inverse Condemnation—Condition placed on special exception is deemed unlawful

Property owner then claims condition amounted to a regulatory taking

Citation: *Midwest Minerals, Inc. v. Wilson*, 2013 WL 772640 (Ind. Ct. App. 2013)

INDIANA (02/27/13)—This case addressed the issue of whether a regulatory taking (i.e., inverse condemnation) occurred as a result of a condition placed on a special exception granted to the landowner.

**The Background/Facts:** Midwest Minerals, Inc. (“Midwest”) owned real property (the “Property”) in West Terre Haute in Vigo County (the “County”), Indiana. The Property was zoned M-2 heavy industrial and had been the site of a former coal mine. The County’s Unified Zoning Ordinance (the “Ordinance”) provided an exhaustive list of permitted uses in the M-2 heavy industrial district. The Ordinance also provided a list of activities that required a special exception, which included manufacturing gas.

Midwest sought to establish a molecular methane gas processing unit on the Property. The processing unit would allow Midwest to extract coal mine methane gas and then process it by filtering out impurities to bring the methane gas to commercial grade.

Because it was determined that Midwest’s proposed activities would constitute “manufacturing” gas, Midwest was required, under the Ordinance, to apply to the Board of Zoning Appeals of the Area Plan Commission of Vigo County (the “BZA”) to obtain a special exception.

Eventually, in 2005, the BZA granted the special exception subject to certain conditions. One of the conditions—“the public water condition”—required Midwest to provide public water to any residential use, existing and future, within one-half mile of any and all wells associated with coal mine methane processing to insure there would be no contamination of the water supply to the surrounding residences.

In 2007, Midwest challenged the public water condition, and the trial court removed the condition. The BZA did not appeal that decision.

In July 2009, Midwest filed a complaint against the BZA and the Board of Commissioners of Vigo County (collectively, the "Boards"). Midwest alleged that the public water condition constituted a taking without just compensation under Article I, § 21 of the Indiana Constitution. In particular, Midwest asserted that the BZA's actions in imposing the public water condition constituted a "complete deprivation of [Midwest's] property interest" from the time that the public water condition was issued, February 8, 2006, until the trial court ruled that the public water condition was invalid, on July 2, 2007. Midwest argued that during those 17 months, Midwest was unable to begin construction of the molecular gate processing unit. As such, Midwest claimed that it was therefore denied all economically beneficial or productive use of the land and was entitled to damages.

The trial court entered judgment for the Boards. The court held that the Boards' actions did not constitute a taking of Midwest's Property.

Midwest appealed.

**DECISION: Affirmed.**

The Court of Appeals of Indiana held that the Boards' actions did not constitute a taking (i.e., inverse condemnation) of Midwest's Property because Midwest was not deprived of all economic or productive use of the Property due to the public water condition.

The court explained that "inverse condemnation" "is a process provided by statute to allow persons to be compensated for the loss of property interests taken for public purposes without use of the eminent domain process." It provides a remedy for takings of property that would otherwise violate Article I, § 21 of the Indiana Constitution and the Fifth Amendment of the United States Constitution as made applicable to the states by the 14th Amendment. Specifically, Indiana Code 32-24-1-16 provides the statutory remedy for inverse condemnation. It provides that if a person's property is taken for public use without legal procedures followed, that person may be entitled to damages.

The court further explained that a "taking" includes any substantial interference with private property that "destroys or impairs one's free use and enjoyment of the property or one's interest in the property." If a regulation goes "too far," it will be recognized as a taking. In that regard, regulations that amount to takings include: regulations that require the property owner to suffer a physical "invasion" of his or her property; and regulations that deny all economically beneficial or productive use of land.

Here, Midwest had contended that, though zoned M-2 industrial, its Property had only one viable economic use: the molecular gate processing unit. The court rejected this contention. The court found that, while "not cost effective, it may be possible to remove and transport the methane gas [to be purified elsewhere] by pumping it into a truck." Thus, Midwest may have been able process gas offsite. Moreover, the court found that the Property was available for other uses including warehousing, recreational use, forestry, or a conservation club. Accordingly, the court concluded that Midwest had not been deprived of all economic or productive use of the property.

Still, the court acknowledged that, where a regulation places limitations on land that fall short of eliminating all economically beneficial use, a taking nonetheless may have occurred, depending on a complex set of factors, including: (1) the regulation's economic effect on the landowner; (2) the extent to which the regulation interferes with reasonable investment-backed expectations; and (3) the character of the government action.

Looking at these factors with regard to Midwest's Property, the court found: (1) that Midwest could not show a significant economic effect as a result of the alleged taking because Midwest had not purchased the subject property for the purpose of harvesting and processing methane gas in the first instance and had not held the property for many years without using it for any purpose; (2) that with respect to the alleged impact on reasonable investment-backed expectations, the evidence showed that any impact was insignificant since there was no evidence of any contractual deadlines for beginning construction on the molecular gate processing unit, and that nearly two years after the public water condition was struck down construction had yet to begin on the processing unit; and (3) that the character of the government action in this case supported the conclusion that there was no taking, for while the public water condition was ultimately struck down, the BZA implemented it believing it to be in the best interests of the public health.

The court concluded that the 17-month period of time that the public water condition was implemented did not constitute inverse condemnation.

See also: *Ragucci v. Metropolitan Development Com'n of Marion County*, 702 N.E.2d 677 (Ind. 1998).

See also: *Board of Zoning Appeals, Bloomington, Ind. v. Leisz*, 702 N.E.2d 1026 (Ind. 1998).

## **Standing—Nonprofit organization challenges state environmental agency's decision regarding planned Wal-mart**

Wal-Mart argues the organization lacks standing to bring the challenge

Citation: *Clean Water Advocates of New York, Inc. v. New York State Dept. of Environmental Conservation*, 103 A.D.3d 1006, 2013 WL 626923 (3d Dep't 2013)

NEW YORK (02/21/13)—This case addressed the issue of whether a nonprofit organization had standing to challenge a determination of a state environmental agency to accept a stormwater pollution prevention plan ("SPPP") in connection with a proposal to construct a large retail store.

**The Background/Facts:** Wal-Mart Stores, Inc. ("Wal-Mart") sought to construct a Wal-Mart Supercenter in the Town of Lockport, Niagara County,

New York. In furtherance of that proposed project, Wal-Mart submitted a SPPP to the state Department of Environmental Conservation ("DEC"). The DEC accepted the SPPP.

Thereafter, the Clean Water Advocates of New York, Inc. ("CWA") filed a CPLR article 78 proceeding challenging DEC's determination. It alleged that "[s]tormwater discharges from construction activity contribute to the increase of pollutants" in the Tonawanda Creek, the Erie Canal, Lake Ontario and the Niagara River, which its members used for recreational purposes and as their potable water source.

The Supreme Court, Albany County found that CWA lacked standing to maintain the proceeding.

CWA appealed.

**DECISION: Affirmed.**

The Supreme Court, Appellate Division, Third Department, New York, also held that CWA lacked standing to challenge the DEC's decision to accept Wal-Mart's SPPP.

In so holding, the court explained that for an organization to have standing to bring a CPLR article 78 proceeding challenging administrative decision making, it must show that: "one or more of its members would have standing to sue[;] . . . that the interests it asserts are germane to its purposes so as to satisfy the court that it is an appropriate representative of those interests . . . [;] [and] that neither the asserted claim nor the appropriate relief requires the participation of the individual members." For an individual to establish standing, the individual "must demonstrate an injury-in-fact that falls within the zone of interests protected by the pertinent statute." Also, in matters involving land use development, the party challenging the administrative determination must show that he or she will "suffer direct harm, injury that is in some way different from that of the public at large." In matters alleging an impact upon a natural or cultural resource, the individual making the challenge must show that his or her use of a resource is more than that of the general public.

Here, CWA had identified one member of its organization, Joanne Woodhouse ("Woodhouse"), as a member that had standing to sue. Woodhouse had alleged that "[her] house [was] located within 900 feet of the [project site], 4 miles of the Tonawanda Creek, 1.5 miles of the Erie Canal, 14 miles of Lake [Ontario] and 22 miles of the Niagara River."

The court found that the proximity of Woodhouse's property to the proposed project did not, without more, give rise to a presumption that she would be adversely affected in a way different from the public at large. The court found that Woodhouse had failed to give more; she had failed to articulate any specific harm that she would suffer based on her proximity to the project.

The court also found that CWA had failed to demonstrate that the approval of the SPPP would: directly harm any of its members in their use and enjoyment of natural resources in some way different in kind or degree from that of the public at large; or that any injuries that its members would suffer due to the alleged impacts to the water bodies would be different from that faced by the general public. The court concluded that those "generalized allegations did

not demonstrate an injury distinct from the general public in the area” and therefore were insufficient to confer standing. Thus, having failed to establish that any of its members had standing to maintain the proceeding, CWA also lacked standing.

See also: *Finger Lakes Zero Waste Coalition, Inc. v. Martens*, 95 A.D.3d 1420, 944 N.Y.S.2d 336 (3d Dep’t 2012).

See also: *New York State Ass’n of Nurse Anesthetists v. Novello*, 2 N.Y.3d 207, 778 N.Y.S.2d 123, 810 N.E.2d 405 (2004).

See also: *Society of Plastics Industry, Inc. v. County of Suffolk*, 77 N.Y.2d 761, 570 N.Y.S.2d 778, 573 N.E.2d 1034, 21 Env’t. L. Rep. 21413 (1991).

## Nonconforming Use—In renovating water-damaged nonconforming use, property owner exceeds parameters of zoning permit

Borough issues a “stop work” order, saying total destruction of the structure terminated the nonconforming use

Citation: *Motley v. Borough of Seaside Park Zoning Bd. of Adjustment*, 2013 WL 776544 (N.J. Super. Ct. App. Div. 2013)

NEW JERSEY (03/04/13)—This case addressed the issue of whether a property owner’s removal of every part of a nonconforming structure, except the foundation and footings, effected a total destruction of property, thus terminating the nonconforming use and the owner’s right to continue that use.

**The Background/Facts:** Daniel Motley (“Motley”) owned property (the “Property”) in the Borough of Seaside Park (the “Borough”). The Property was in an R-3 zone, which was restricted to single-family uses. Motley’s property was a preexisting nonconforming use because it contained two structures, a rear building -which Motley’s brother occupied—and a front building (the “Building”)—which Motley occupied. The two structures were erected in 1931, long before the zone restrictions were put into effect in 1972.

In 2006, pipes in the Building’s hot water system burst and caused significant water damage. Motley decided to pursue renovations of the Building. In 2009, he applied to the Borough’s Zoning Board of Adjustment (the “Board”) for a zoning permit for “repair [and] renovation of [the] existing [Building].”

The Borough’s zoning officer (the “ZO”) approved Motley’s permit application. The approval noted that there was to be “[n]o expansion of [the Building’s] dimensions.”

After Motley began renovations, it became clear that the Building was in “[m]uch worse condition than had been anticipated.” Eventually, a Borough building inspector determined that the entire structure needed to be removed.

Motley proceeded with the demolition without contacting the ZO. Eventually, the entire structure was removed, except for the foundation and the footings.

In February 2010, after discovering the extent of demolition to the Building, the Borough's code enforcement office issued a stop work order. The ZO explained that Motley's demolition went beyond the scope of the zoning permit.

Motley contested the issuance of the stop work order and sought to have it vacated by the Board. The Board denied Motley's application to lift the stop work order. The Board based its decision on its determination that Motley's actions amounted to "total destruction" of the Building and exceeded the parameters of Motley's zoning permit. The Board referenced the Borough's zoning ordinance § 25-616(E) (the "Ordinance"). The Ordinance stated that a preexisting nonconforming use may be repaired or maintained, so long as the repair or maintenance did not result in the "total destruction" of the property. New Jersey statutory law (N.J.S.A. 40:55D-68) similarly provides that: "[a]ny nonconforming . . . structure . . . may be restored or repaired in the event of partial destruction thereof."

Motley filed a legal action, seeking to overturn the Board's decision.

The trial court reversed the Board's decision and lifted the stop work order. The court found that replacement of the Building, without altering the original dimensions, was "not unreasonable . . . upon discovery of the unsafe and dilapidated condition of the existing walls."

The Board appealed.

**DECISION: Affirmed in part and reversed in part.**

The Superior Court of New Jersey, Appellate Division, disagreeing with the trial court, held that the "stop work" order was justified by Motley's: effective "total destruction" of the Building—in violation of the Ordinance and N.J.S.A. 40:55D-68; and improper conduct in exceeding the limitations of the zoning permit.

In so holding, the court noted that the policy with preexisting nonconforming uses is "to restrict them closely." Moreover, noted the court, "given the statutory objective to eradicate nonconforming uses over time, local governing bodies may not adopt ordinances that authorize the restoration or replacement of all nonconforming structures, even on the condition that the cubic size of the replacement structure does not exceed the size of the existing structure."

Analyzing N.J.S.A. 40:55D-68, which again provides that: "[a]ny nonconforming . . . structure . . . may be restored or repaired in the event of partial destruction thereof," the court noted that the statute did not define "partial destruction." The court determined that, in analyzing whether more than "partial destruction has occurred," it must "consider whether the destruction is so substantial in nature—qualitatively if not quantitatively—to surpass the 'partial' threshold that the statute expresses."

Here, the court agreed with the Board's position that Motley's removal of all of the walls of the building down to the foundation and footings exceeds any reasonable notion of a mere partial demolition.

The court also held that the stop work order was justified by Motley's

improper conduct in exceeding the limitations of the zoning permit that had been issued to him. The court rejected Motley's contentions that the stop work order should be overturned based on: "equitable estoppel" or "relative hardship." Here, found the court, Motley was not in a situation where he had reasonably relied on the ZO's express permission to do something. Rather, Motley had exceeded the scope of this zoning approval and created the very problem from which he was seeking to extract himself. The root of Motley's loss was Motley's actions in ignoring the limitations of the zoning approval and in failing to consult with the proper local officials when it appeared that more of the Building needed to be removed.

See also: *Lacey Tp. v. Mahr*, 119 N.J. Super. 135, 290 A.2d 450, 57 A.L.R.3d 415 (App. Div. 1972).

See also: *Krul v. Board of Adjustment of City of Bayonne*, 122 N.J. Super. 18, 298 A.2d 308 (Law Div. 1972), *aff'd*, 126 N.J. Super. 150, 313 A.2d 220 (App. Div. 1973).

See also: *Hill v. Board of Adjustment of Borough of Eatontown*, 122 N.J. Super. 156, 299 A.2d 737 (App. Div. 1972).

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**Case Note:**

*In its decision, the court noted the concern that the limitations on reconstruction that are set forth in N.J.S.A. 40:55D-68 "may sometimes lead to harsh outcomes for owners of nonconforming structures who innocently come to learn that their buildings must be demolished." However, the court found that policy concern, "to the extent it has any validity," is best reserved for a potential legislative response, either through statutory amendments or through the adoption of municipal ordinances within the powers delegated to local governing bodies. Still, noted the courts, it is the prerogative of municipalities to ensure that such nonconformities eventually "wither and die." "Accordingly, if an owner such as [Motley] allows his nonconforming building to degrade into a poor condition that requires a complete destruction of the building, the municipality should be permitted to terminate that use and require conformity," said the court.*

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## Zoning News from Around the Nation

### MASSACHUSETTS

State Attorney General Martha Coakley has rejected a zoning bylaw of the Town of Reading, which would have banned marijuana dispensaries. The attorney general told the town clerk that the blanket ban on dispensaries would "frustrate the purpose" of the state ballot question approved by voters last fall legalizing marijuana for medicinal purposes in Massachusetts. The attorney general's office did reportedly conclude that municipalities could adopt zoning by-laws to regulate the location of marijuana treatment centers within towns and could adopt zoning by-laws to regulate treatment centers or enact temporary bans.

Source: *The Stoneham Sun*; [www.wickedlocal.com](http://www.wickedlocal.com)

## NEW YORK

The Appellate Division of the state supreme court recently heard an appeal of a lower court's ruling that held that the Town of Dryden has the right to ban fracking in its boundaries. A decision from the court was expected in approximately six to eight weeks.

Source: *Times Union*; [www.timesunion.com](http://www.timesunion.com)

## NORTH CAROLINA

The state House has passed House Bill 150, entitled "An Act to Clarify When a County or Municipality May Enact Zoning Ordinances Related to Design and Aesthetic Controls." The purpose of the Act is to "clarify" that local governments in North Carolina do not have the power under zoning enabling legislation to control building design elements of homes. Among other things, the Act specifies that a local government cannot, under their zoning powers, control the following with respect to residences: exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The proposed legislation's companion bill, SB 139, must now be approved by the state senate.

Sources: *Triangle Business Journal*; <http://www.bizjournals.com/triangle>;  
*The National Law Review*; <http://www.natlawreview.com>

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## Preemption—Natural gas substation operator denied expansion based on county zoning laws

Operator contends county zoning laws are preempted by the Natural Gas Pipeline Safety Act and the Natural Gas Act

Citation: *Washington Gas Light Co. v. Prince George's County Council*, 2013 WL 1189296 (4th Cir. 2013)

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*The Fourth Circuit has jurisdiction over Maryland, North Carolina, South Carolina, Virginia, and West Virginia.*

FOURTH CIRCUIT (MARYLAND) (03/25/13)—This case addressed the issues of: whether the Natural Gas Pipeline Safety Act preempted county zoning plans; and whether the Natural Gas Act preempted county zoning plans.

**The Background/Facts:** Washington Gas Light Company (“Washington Gas”) operated a natural gas substation in Prince George’s County, Maryland (the “County”). Washington Gas sought to expand that substation with the addition of a liquefied natural gas (“LNG”) storage tank. The County denied Washington Gas’ requested approval of the LNG storage tank based on recently enacted county zoning plans (the “County Zoning Plans”). The County Zoning Plans were “aimed at maximizing ‘transit-oriented development’ and prohibited all industrial usage in the area” that included Washington Gas’ substation site (the “Site”).

Following the denial of its proposed expansion, Washington Gas eventually brought a federal action seeking, among other things: (1) a declaration that the federal Natural Gas Pipeline Safety Act (the “PSA”) preempted the County Zoning Plans; and (2) a declaration that the federal Natural Gas Act (“NGA”) preempted the County Zoning Plans. Washington Gas argued that the PSA comprehensively regulated LNG facility siting and therefore the PSA preempted the County Zoning Plans. Washington Gas also argued that the NGA transferred jurisdiction over the enlargement or expansion of Washington Gas’ facilities to the Maryland Public Service Commission (“MDPSC”) and that that delegation of authority preempted the County Zoning Plans.

The County filed a counter-claim seeking a declaration that federal law did not preempt the County Zoning Plans.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court granted summary judgment in favor of the County.

**DECISION: Affirmed.**

The United States Court of Appeals, Fourth Circuit, agreed with the County and the district court: neither the PSA nor the NGA preempted the County Zoning Plans.

In so concluding, the court explained that under the Supremacy Clause of the United States Constitution, federal law is the “supreme Law of the Land.” (U.S. Const. art. VI, cl. 2). Accordingly, federal law preempts any conflicting state law. Preemption, further explained the court, generally occurs in one of three circumstances: (1) when federal law expressly declares the intention that state law be preempted; (2) when federal law impliedly preempts state law by so occupying the

field of regulation that there is “no room left for the states to supplement federal law”; and (3) when federal and state law actually conflict.

Here, the court found that none of those circumstances existed in relation to the PSA and the County Zoning Plans. The court held that the PSA did not expressly preempt the County Zoning Plans. Rather, the PSA expressly preempted state and local law in the field of pipeline safety (49 U.S.C.A. § 60104(c) (2006)) and the County Zoning Plans were not safety regulations but were land use regulations “designed to foster residential and recreational development.” Moreover, said the court, even assuming safety concerns played some part in the enactment of the County Zoning Plans, those concerns would have been merely incidental to the overall purpose of the County Zoning Plans, and therefore insufficient to justify a finding that the County Zoning Plans were, in fact, safety regulations preempted by the PSA.

“Because the County Zoning Plans [were] beyond the scope of the PSA’s express preemption provision,” the court also found it “unlikely” that the PSA impliedly preempted the County Zoning Plans. The court said that even if it “were to find that the PSA has preemptive effect beyond the express preemption provision . . . [it] would not conclude that Congress intended the PSA to occupy the field of natural gas facility siting” since the PSA expressly did “not authorize the Secretary of Transportation to prescribe the location or routing of a pipeline facility.” (49 U.S.C.A. § 60104(e) (2006).)

Also, the court also held that the PSA did not preempt the County Zoning Plans by conflict. Here, the court found that because the County Zoning Plans were not safety standards, they did not stand as an obstacle to the PSA’s purpose of creating federal minimum safety standards on all natural gas pipeline facilities.

Washington Gas had also argued that the NGA transferred jurisdiction over the enlargement or expansion of Washington Gas’ facilities to the MDPSC and that that delegation of authority preempted the County Zoning Plans. The Court of Appeals disagreed. The court held that the NGA did not preempt the County Zoning Plans because the NGA only preempted state and local laws governing *interstate* natural gas operations, and here, Washington Gas, although crossing state lines, was treated as a local distribution company under a Federal Energy Regulatory Commission grant for service area determination.

See also: *Texas Midstream Gas Services, LLC v. City of Grand Prairie*, 608 F.3d 200 (5th Cir. 2010).

See also: *Algonquin Lng v. Loqa*, 79 F. Supp. 2d 49, 147 O.G.R. 128 (D.R.I. 2000) (holding that a city zoning ordinance requiring the operator of an *interstate* natural gas pipeline facility to obtain local zoning approval for a proposed modification was preempted by the NGA and PSA).

**Case Note:**

Washington Gas had also sought a declaration that Maryland's mandatory referral procedure applied to the LNG project. Maryland's mandatory referral statute exempts certain public utility projects from local zoning review. (See Md. Code Ann., Land Use § 20-301). Washington Gas argued that, as a privately owned public utility, mandatory referral plainly applied to its proposed extension.

The district court abstained from resolving that count under the "abstention doctrine" articulated in *Burford v. Sun Oil Co.*, 319 U.S. 315, 63 S. Ct. 1098, 87 L. Ed. 1424 (1943). Under that doctrine, "courts may abstain when the availability of an alternative, federal forum threaten[s] to frustrate the purpose of a state's complex administrative system." Specifically, *Burford* abstention is permissible when:

*[F]ederal adjudication would 'unduly intrude' upon 'complex state administrative processes' because either: (1) 'there are difficult questions of state law whose importance transcends the result in the case then at bar'; or (2) federal review would disrupt 'state efforts to establish a coherent policy with respect to a matter of substantial public concern.'*

Here, the Court of Appeals agreed that the *Burford* abstention was appropriate. The court found it appropriate because the resolution of Washington Gas' mandatory referral county turned on whether Maryland's mandatory referral statute should have been applied. The answer to that depended on the construction of the state land use statute—and specifically the definition of "privately owned public utility."

## Proceedings—Residents allege agenda item for zoning board's meeting violated state Open Meetings Act

Residents claim agenda item failed to specify the nature of the business to be discussed

Citation: *Anolik v. Zoning Bd. of Review of City of Newport*, 2013 WL 1314947 (R.I. 2013)

RHODE ISLAND (04/02/13)—This case addressed the issue of whether the information contained in a published agenda item sufficiently satisfied the requirements of the Rhode Island's Open Meetings Act, § 42-46-6(b).

**The Background/Facts:** In November of 2008, the Zoning Board of Review of the City of Newport (the "Board") received a letter from Turner Scott, counsel for Congregation Jeshuat Israel. The letter requested an extension of the time in which to substantially complete certain improvements to Congregation Jeshuat Israel's property that had been approved by a previous zoning board decision. That previous decision had expressly contained a condition to the effect that there be substantial completion of the improvements within two years.

Turner Scott's request for an extension of time was referenced in one of the items contained in the "AGENDA" that was posted with respect to a February 23, 2009 Board meeting. That agenda item read in its entirety as follows:

"TV. Communications:

Request for Extension from Turner Scott received 11/30/08

Re: Petition of Congregation Jeshuat Israel"

The Board voted unanimously at the February 23, 2009 meeting to approve the request for an extension of time. That vote was reflected in a decision of the Board, dated March 24, 2009, which required (1) that the "improvements must be started and [be] substantially complete [by] February 23, 2011," and (2) that counsel for Congregation Jeshuat Israel would provide "a written update on the progress of the project on or before February 23, 2010."

In August 2009, Sheila Anolik, Wendy Anolik, and Jeffrey Anolik (the "Anoliks") filed a legal complaint in superior court, alleging that the above-quoted agenda item violated the Rhode Island Open Meetings Act (§ 42-46-6(b)). The Anoliks contended that the agenda item violated the Act because it was a "vague and indefinite" notice to the public and "one lacking specificity."

Among other things, the Open Meetings Act requires that public bodies give: "written notice of their regularly scheduled meetings"; and "give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date [of the meeting]." (Section 42-46-6(b).) With respect to that "supplemental written public notice," the statute provides:

This notice shall include the date the notice was posted, the date, time and place of the meeting, and *a statement specifying the nature of the business to be discussed.* (Emphasis added).

Here, the Anoliks contended that the agenda item did not constitute "a statement specifying the nature of the business to be discussed," as required by the Open Meetings Act.

The superior court disagreed. Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the court issued summary judgment in favor of the Board.

The Anoliks appealed.

**DECISION: Vacated and matter remanded with instructions.**

The Supreme Court of Rhode Island agreed with the Anoliks. It held that the contested agenda item failed to meet the requirements of the Open Meetings Act.

The court explained that when the General Assembly included in § 42-46-6(b) a requirement that there be “a statement specifying the nature of the business to be discussed,” without explicitly indicating what such a statement should include, it “intended to establish a flexible standard aimed at providing fair notice to the public under the circumstances . . . .” Accordingly, the court said that, here, the Board was required to “provide fair notice to the public under the circumstances, or such notice based on the totality of the circumstances as would fairly inform the public of the nature of the business to be discussed or acted upon.”

Here, the court found that the disputed agenda item failed to “reasonably describe the purpose of the meeting or the action proposed to be taken . . . .” The court found the agenda item simply indicated that a communication had been received from on Turner Scott regarding a petition of Congregation Jeshuat Israel. The court also found that the agenda item failed to: specify the property that was at issue, providing no information as to a street address, a parcel or lot number, or even an identifying petition or case number; or to provide any information as to exactly what was the reason for the requested extension or what would be its duration. Additionally, and determinatively, the court also found that by designating the agenda item under the rubric of “Communications,” the Board failed to inform the public that any action would be taken with respect to the agenda item. The court determined that “in no way [did] the agenda item give notice that the request for extension was to extend the temporal parameters then in effect for the purpose of completing or substantially completing the improvements.”

Because the agenda item did not fairly inform the public of the nature of the business to be discussed or acted upon, the court concluded that it did not comply with the standards established by the Open Meetings Act.

The court vacated the superior court’s grant of summary judgment in favor of the Board. Also, the court remanded the matter to the superior court with instructions that: summary judgment be issued in favor of the Anoliks; and action taken by the Board with respect to the extension requested by Turner Scott be declared null and void.

See also: *Tanner v. Town Council of Town of East Greenwich*, 880 A.2d 784 (R.I. 2005).

## Use—County approves conditional use permit allowing winery to host events, construct commercial kitchen

Conservation appeals permit approval, arguing such activities are not “commercial uses in conjunction with farm use” as required by state statute

Citation: *Friends of Yamhill County v. Yamhill County*, 255 Or. App. 636, 2013 WL 1136795 (2013)

OREGON (03/19/13)—This case addressed the issue of whether a winery’s proposal for a new tasting room and the hosting of up to 44 events per year on property zoned exclusive farm use constituted a “commercial use in conjunction with a farm use,” as required in order for the winery to obtain a conditional use permit.

**The Background/Facts:** Stoller Vineyards, Inc. (“Stoller”) operated on property consisting of approximately 373 acres and zoned “exclusive farm use” (“EFU”). Over 180 acres of the property was planted in vineyards, with plans to plant 30 to 40 more acres of vineyard. Stoller produced 10,000 to 12,000 cases of wine annually. It also sold an additional 220 tons of fruit annually.

In 2001, Yamhill County (the “County”) approved Stoller’s application for a winery under the authority of what is now codified as ORS 215.283(1)(n) (establishing wineries as a permitted use in EFU zones) and ORS 215.452 (setting forth the requirements for permitted-use wineries in EFU zones).

In May 2011, Stoller applied for a conditional-use permit (“CUP”) to construct a new building that would include a “tasting room, commercial kitchen, offices and storage.” It also proposed to conduct 44 events per year on the property and requested approval to provide meal service at the events.

Subject to various conditions, the County approved Stoller’s CUP application under Oregon statutory law, ORS 215.283.2(a). ORS 215.283(2)(a) provides that certain specified nonfarm uses may be established, subject to the approval of the governing body in any EFU zone, including: “[c]ommercial activities that are in conjunction with farm use.”

Friends of Yamhill County (“Friends”) appealed the County’s decision to the state Land Use Board of Appeals (“LUBA”). Friends argued

that the CUP was approved in error because: (1) the approved commercial activity—in particular, the “events venue and commercial food service facility”—was a new use that could not be considered to be “in conjunction with farm use” under ORS 215.283(2)(a); and (2) even if it was, the level of activity exceeded the “incidental” limitation imposed on such activity under the applicable law.

The County, on the other hand, contended that this case presented a straightforward application of ORS 215.283(2)(a).

LUBA agreed with the County.

Friends appealed.

**DECISION: Affirmed.**

The Court of Appeals of Oregon also agreed with the County. It held that the County properly approved Stoller’s CUP application because the proposed new tasting room and commercial kitchen were commercial uses in conjunction with farm use, as permitted under ORS 215.283(2)(a).

The court explained that although “in conjunction with a farm use” was not statutorily defined, courts had interpreted that the commercial activity “must enhance the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.” Also, the court noted that the state legislature had specifically authorized wineries as “permitted uses” in EFU-zoned land and had explicitly allowed wineries to sell “[i]tems directly related to the sale and promotion of wine produced in conjunction with the winery, the sale of which is incidental to retail sale of wine on-site . . . .” (ORS 215.452(2)(b).) In addition, the legislature had clarified the meaning of “incidental” by imposing a limit on gross income from the sale of incidental items of not more than “25 percent of gross income from the retail sale on-site of wine produced in conjunction with the winery.”

Here, the court found that Friends was essentially arguing that the commercial activities proposed by Stoller were not activities in conjunction with the vineyard (i.e., a farm use), but were, at most, activities in conjunction with the winery (i.e., a nonfarm use). The court rejected that argument. It held that “incidental activities” such as tasting rooms and associated retail sale activities were permitted as farm-use-related commercial activities “to the extent that they are secondary to and support the wine processing activities of the winery.” Thus, the court rejected Friends’ argument that a tasting facility and associated wine-marketing activities categorically could not be considered to be “in conjunction with farm use” because such activities were in conjunction with a winery rather than a viticulture farm use.

The court also rejected Friends’ argument that the 44 authorized events and commercial kitchen exceeded the scope of what was permis-

sible under ORS 215.283(2)(a). The court said that “the type of activity proposed [was] not necessarily the determining factor.” Rather, “to be ‘in conjunction with farm use,’ the commercial activity must enhance the farming enterprises of the local agricultural community to which the EFU land hosting that commercial activity relates.” As long as the commercial use assisted farmers in processing and marketing crops and encouraged people to visit the area and buy the produce of the vineyards and surrounding farms, the commercial use could be permissible under ORS 215.283(2)(a), concluded the court.

Nevertheless, the court acknowledged that not all commercial activities tied to the marketing of wine would be allowable as a farm-use-related commercial activity in connection with a vineyard operation. Rather, the court said that “any commercial activity beyond the direct processing and selling of wine must, to be approved as a commercial activity in conjunction with the farm use of viticulture, be both ‘incidental’ and subordinate to the processing and selling activities of the winery.”

Here, the court agreed with LUBA that the County’s approval of 44 events annually and a commercial kitchen at the Stoller Winery came “dangerously close to creating a scenario in which the incidental and secondary activities (events and food service) overtake the primary activity (the processing and selling of wine).” However, the court also concluded that the County approval of Stoller’s CUP application fell within the scope of ORS 215.283(2)(a) since the approval imposed conditions that were “designed to ensure that the event and food-service activities w[ould] remain incidental and secondary to the processing and sale of wine.” Specifically, here, the County had required that the 44 events be “directly related to” the sale and promotion of wine produced at the winery. In addition, income from the approved non-wine-related activity could not exceed 25% of the gross income from onsite retail sales of wine from the winery. Moreover, the ability to provide meal service was limited to the 44 events, and the onsite kitchen could not serve more than 72 guests per event. Stoller was required to submit an annual report demonstrating that it was meeting the imposed conditions. Moreover, here, Stoller’s event and food-service activities were intended to promote Stoller wines and could be reasonably expected to enhance Stoller’s wine marketing. In short, the activities would “reinforce the profitability of operations and the likelihood that agricultural use of the land will continue,” concluded the court.

See also: *Craven v. Jackson County*, 94 Or. App. 49, 764 P.2d 931 (1988), decision aff’d, 308 Or. 281, 779 P.2d 1011 (1989).



## Zoning News from Around the Nation

### CONNECTICUT

The state Senate Public Health Committee has advanced Senate Bill 115, which would amend existing state law to prohibit from residential nursing home placement people convicted of sexual assault or murder. Language in the bill provides that nothing in it “shall be construed to limit any powers lawfully executed by any zoning commission or any planning commission . . .” The bill will now be considered by the Senate Judiciary Committee.

Source: *The Hartford Courant*; <http://articles.courant.com>

### FLORIDA

“A proposal to give commercial developers a three-year break on impact fees for roads when building small projects is advancing in the Legislature over the objections of Florida’s cities and counties.” Opponents of the legislation—SB 1716 and HB 321—reportedly claim “the moratorium could hinder efforts to build new roads and expand existing ones needed to keep up with growth.” Supporters reportedly argue “that the intent is to help ‘mom and pop’ developers by waiving the road impact fees for new commercial projects that are building up to 6,000 square feet.” SB 1716 has “received unanimous support from Community Affairs” and will be considered by the Senate Education Committee. HB 321 has “received overwhelming support from both the Economic Development and Tourism Subcommittee and Finance and Tax Subcommittee, with the next appearance before the Finance and Tax Subcommittee.”

Source: *Jacksonville Business Journal*; [www.bizjournals.com/jacksonville](http://www.bizjournals.com/jacksonville)

### IDAHO

The state Senate has passed, and the House is debating, SB 1192a—a bill that would exempt a state parking garage project near the Capitol from Boise city planning and zoning requirements.

Source: *The Spokesman-Review*; [www.spokesman.com](http://www.spokesman.com)

### TEXAS

The state Senate has approved legislation “that would provide zoning protection to Austin neighborhoods when the state develops its land with public-private partnerships.” Senate Bill 507 “would require the state to submit plans for public-private projects on state land—other than the Capitol complex—to municipal zoning. But if a city



turns down the zoning, the state can appeal to a seven-member board that includes a majority of state officials.”

Source: *Statesman*; [www.statesman.com](http://www.statesman.com)

## WISCONSIN

State Senator Kathleen Vinehout is introducing a bill that would require those selling property to disclose knowledge of a contract, or an option to contract that allows for frac-sand mining on the property. The proposed bill would also: “require local government considering a frac-sand mine application to notify the public in advance through newspaper reports as well as written notices to property owners near the proposed mine prior to taking action”; and require “a license for those who are prospecting for mine sites.” It also would list frac-sand mining as a conditional use in areas zoned for agriculture with the intention to “give local officials an opportunity to negotiate conditions for operation of a mine.”

Source: *River Falls Journal*; [www.riverfallsjournal.com](http://www.riverfallsjournal.com)

# ZONING PRACTICE

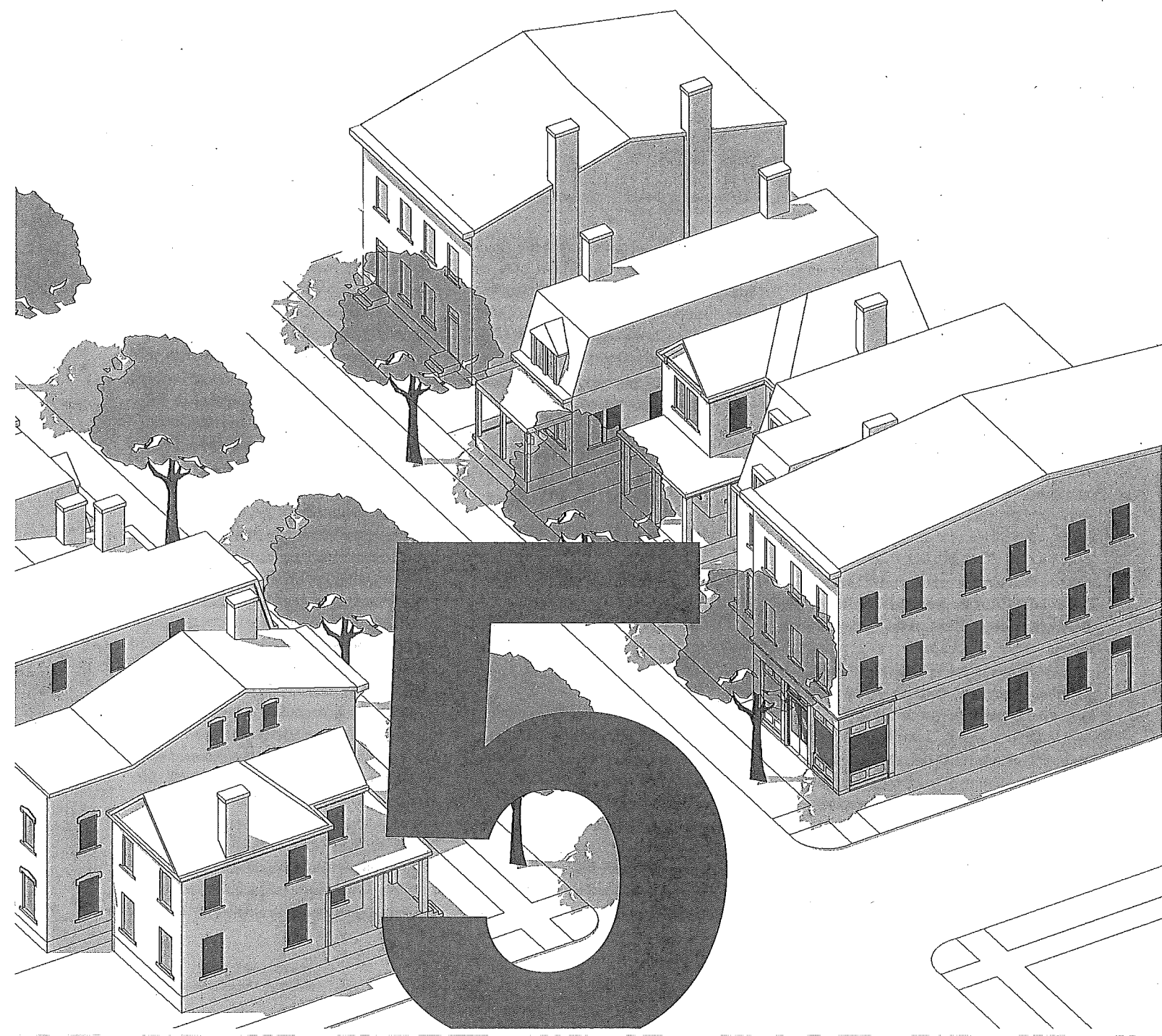
MAY 2013



AMERICAN PLANNING ASSOCIATION

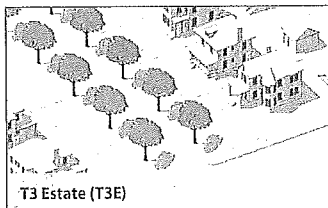
➔ ISSUE NUMBER 5

## PRACTICE FORM-BASED ZONING

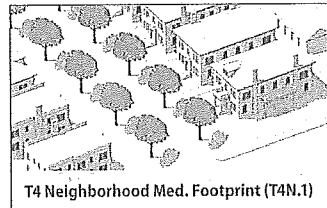


# Avoiding Common Form-Based Code Mistakes, Part 1

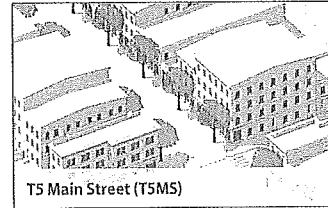
By Daniel Parolek



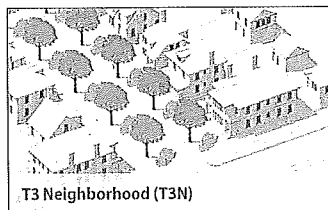
T3 Estate (T3E)



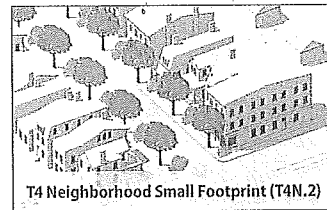
T4 Neighborhood Med. Footprint (T4N.1)



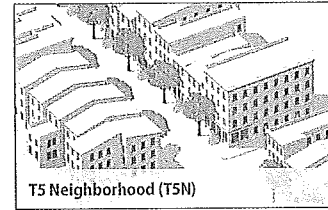
T5 Main Street (T5MS)



T3 Neighborhood (T3N)

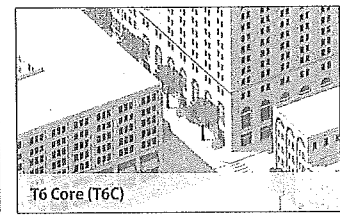


T4 Neighborhood Small Footprint (T4N.2)



T5 Neighborhood (T5N)

➔ These illustrations show the seven transect-based zones in Cincinnati's new FBC.



T6 Core (T6C)

Opticos Design, Inc.

Most cities have a broken zoning system that is not delivering the type of development they want or need to be able to respond to shifting market demands for walkable urban places or other trends that will enable them to compete as 21st century cities or regions. As Rouse and Zobl explained in the May 2004 issue of *Zoning Practice*, there are two fundamental problems with Euclidean zoning: (1) separating uses and limiting density has led to excessive land consumption and (2) proscriptive development standards have proven ineffective in protecting traditional urban neighborhoods from incompatible development. Consequently, it's no surprise that a growing number of communities have expressed interest in the form-based code (FBC) as a potential solution to the problems posed by conventional, Euclidean, zoning.

While form-based coding was conceptualized as a comprehensive, communitywide approach to regulating the form of development in a city or region, at the time of Rouse and Zobl's article, most FBCs applied only to specific neighborhoods or districts. The good news is that the theory has now been proven in practice.

Since 2004, citywide FBCs have spread rapidly to large cities like Miami and Denver; medium-sized cities like Cincinnati; towns like Flagstaff, Arizona, and Livermore, California;

and even small rural communities like Kingsburg, California. At the county level, Lee, North St. Lucie, and Sarasota counties in Florida have all adopted FBCs, and Beaufort County, South Carolina, and Kauai County (the entire island), Hawaii, are currently working on new codes. Even in the sprawling Phoenix region, Mesa, Arizona, has adopted a FBC to prepare

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its downtown to capture the transformative potential of transit, and Phoenix is about to embark on an FBC effort after an early failed attempt. In fact, as of November 2012, there were more than 250 adopted FBCs across the country, with 82 percent adopted since 2003 (Borys and Talen).

In this same period, the proliferation of articles on form-based coding in trade publications such as *Urban Land*, *The Urban Lawyer*,

*Economic Development Journal*, and *Builder* testifies to spreading interest among developers, land-use attorneys, economic development professionals, and home builders. In 2004, a group of early form-based coding practitioners and advocates founded the Form-Based Codes Institute to promote best practices and expand awareness, and the first comprehensive book on the topic, *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers*, appeared in 2008.

The flip side of this wave of adoptions is that many cities have experienced ineffective or failed past attempts at form-based coding. There are two primary reasons for this. First, there is a shortage of practitioners who can do form-based coding well. The combination of technical zoning knowledge and understanding of how to write effective regulations—combined with the need for strong urban design skills that enables the FBC writer to understand what makes a community unique, what will make it better, and what built results the code writing will influence—is not a common set of skills taught to planners or architects. Second, many cities do not have the knowledge to know what to ask for or demand of their consultants in a form-based coding process. An estimated half of the cities asking for FBCs are simply getting “user-friendly” updates that do not address the core problems in the code.

## ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of May to participate in our "Ask the Author" forum, an interactive feature of *Zoning Practice*. Daniel Parolek will be available to answer questions about this article. Go to the APA website at [www.planning.org](http://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 author 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 Author

Daniel Parolek is coauthor of the first comprehensive book on FBCs, *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers*. He is a founding board member of the Form-Based Codes Institute, and founding principal of Opticos Design, Inc., a California Benefit Corporation. Opticos's recent and current form-based coding work includes a citywide FBC for Cincinnati, Ohio, FBCs for downtown Mesa, Arizona, and three major commercial corridors in Richmond, California, and a SmartCode update for Petaluma, California's SMART Station Area.

Fortunately, this is changing as senior planning staff members learn more about the best practices of form-based coding, schools begin to teach more courses in smart growth planning and form-based coding, and people continue to educate themselves on these topics.

The form-based coding approach and methodology presented in the articles mentioned above represent a paradigm shift in the way we write zoning codes, not just an attempt to add an additional layer of form-based regulations on a use-based system. The intent of this two-part series is to give communities the knowledge to know what to ask for and what to request of their consultants, and for consultants to understand how to select the most effective form-based code approach. These two articles will address common form-based coding misconceptions and highlight common mistakes to avoid based on up-to-date best practice standards learned from the most recent applications. They will also compare different approaches for regulating urban form and give them appropriate labels so they are not confused or used interchangeably.

### COMMON MISCONCEPTIONS

Even with the growing application of FBCs to neighborhoods, cities, and regions across the country, many communities remain hesitant to embrace form-based coding. Undoubtedly, some of this hesitation is rooted in common misconceptions related to FBCs.

### Form-Based Codes Are Relatively Untested

Contrary to popular belief, FBCs have been tested in the marketplace. Here are statistics from just two projects to summarize the potential economic benefits of an FBC. First, along

the Columbia Pike corridor in Arlington County, Virginia, more than 1,300 units and almost 250,000 square feet of nonresidential space have been built in eight different projects with complex infill conditions under the Columbia Pike Form-Based Code since its adoption in

2004. Second, from 2005 to 2008, the taxable value of properties subject to FBCs in Nashville, Tennessee, increased in value by an average of 75 percent and one area, Ridgeview, showed a 2,000 percent increase in value. This was compared to a 27 percent increase in value in

## COMPONENTS OF A FORM-BASED CODE

Communities should analyze how effective the entire FBC system, not its individual components, is for responding to planning trends and goals. FBCs are more than just mixed use zoning districts. Here is an overview of standard and optional components:

- ◆ **Building Form Standards:** Building form standards are form-based zone standards that replace the existing zone standards. They are the core component of an FBC and typically regulate the configuration, features, and functions (uses) for buildings that define and shape the public realm. To be the most effective, their content should be generated primarily by community character documentation as opposed to the preexisting zone standards for each area.
- ◆ **Regulating Plan:** A regulating plan is the map assigning the code's various standards to physical locations, including the form-based zone standards. It replaces the zoning map in a form-based code. In a citywide form-based code it is the same as the zoning map and will have form-based and non-form-based zones on it. It is usually applied in a more fine-grained manner than a zoning map, taking existing and intended form into account.
- ◆ **Frontage Type Standards:** Frontage type standards regulate the appropriate transition from the private realm to the public realm. The ultimate intent of frontage standards is to ensure, after a building is located correctly, that its interface with the public realm and the transition between the two are detailed appropriately.
- ◆ **Public Space Standards:** Public space standards are specifications for the elements within the public realm, including thoroughfares and civic spaces. Thoroughfare standards incorporate detailed requirements for sidewalk, parking lane, and travel lane widths and street tree locations. Civic space standards regulate parameters, such as maximum and minimum size, and introduce a range of nonsuburban civic space types into a city or town.
- ◆ **Building Type Standards:** Many FBCs include building type standards that are supplemental to the building form standards. They introduce an appropriate range of building types that are allowed within each form-based zone and regulate form characteristics specific to each type. To be effectively regulated, especially when applied at a larger scale, building type standards should be tied back directly to zone standards.

areas not subject to a FBC. Keep in mind this construction and the property value increase took place, in part, during one of the largest economic recessions in this country's history. Has this gotten your attention yet?

### Form-Based Codes Are for Greenfields

While it is true that modern form-based coding was pioneered by the planners of Seaside, Florida, 30 years ago, FBCs have since proven to be an effective tool for regulating complex urban environments. For the past 10 to 15 years, the practice of form-based coding has focused on replacing existing zoning in existing urban environments. This can be seen in the examples introduced above and the growing list of non-greenfield FBCs (Borys and Talen 2012).

### FBCs Are Just Guidelines

An effective FBC replaces the existing zoning and eliminates the need for guidelines. See the section below that compares different approaches to regulating urban form.

### Form-Based Coding Is Too Complicated

Form-based coding is sometimes seen as being too complicated because the practice is relatively new and not well understood. Unlike conventional zoning, it integrates urban design as an integral part of the coding process. From a procedural perspective, applying a FBC is not any more complicated than a typical rezoning, but writing a successful FBC does require a different skill set than a conventional zoning ordinance. The FBC process engages the community, builds upon the unique characteristics that communities value, and, in the end, is a document that anyone can pick up and easily understand and use. If the task of applying FBCs seems daunting, start small and let it spread.

### Form-Based Coding Is a Boilerplate Approach

Often this misconception originates from inappropriate use of the SmartCode template. The SmartCode is a free model FBC created by Duany Plater Zyberk & Company, and while it is true that many communities have adopted FBCs based on the SmartCode, the code's authors never intended a community to adopt it in whole or in part without first calibrating it to a specific local context. Furthermore, many FBCs are not rooted in the SmartCode at all.

In reality, the extensive community character documentation and analysis phase completed in a FBC process is often far more

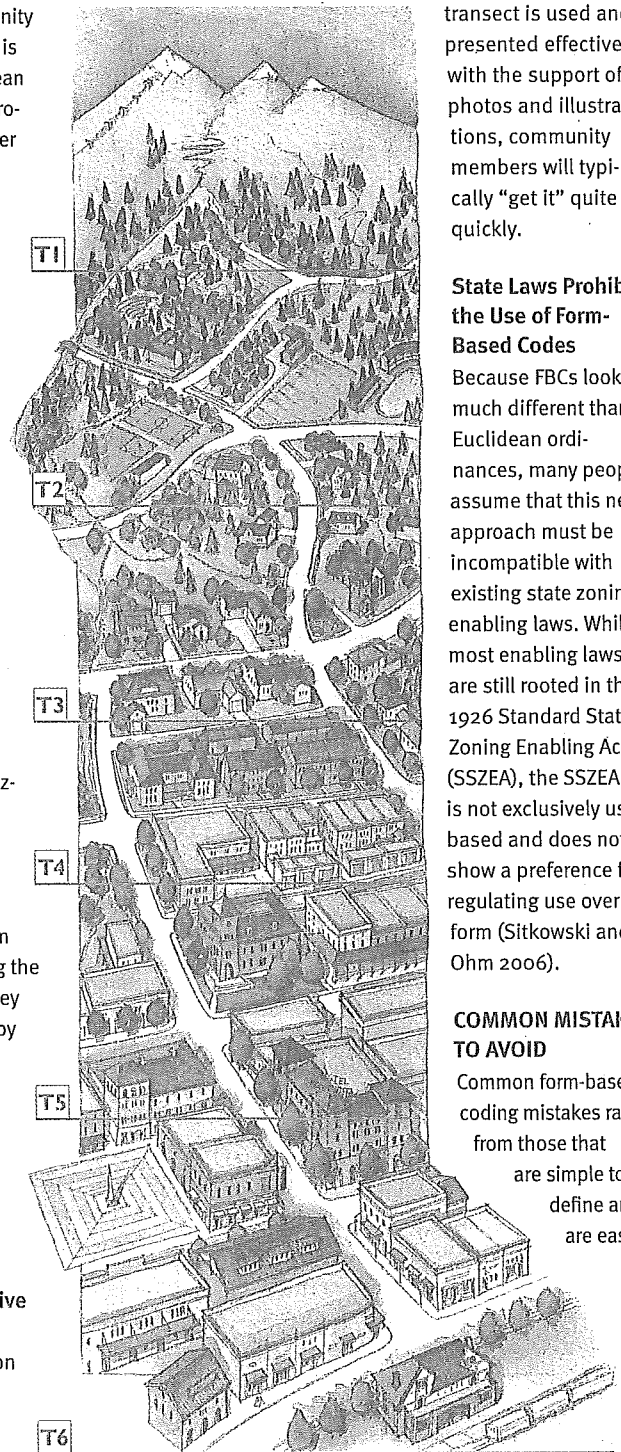
extensive than any community character assessment that is typically done for a Euclidean code, and this extensive process enables the code writer to extract the unique DNA from a community's urban form and make that the basis for the framework and regulations within the code. This documentation, analysis, and calibration stage will be summarized in part two of this series next month and is discussed comprehensively in *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers*.

### Form-Based Codes Do Not Regulate Use

While form-based coding uses form rather than use for its framework or organizing principle, FBCs are not silent on use and do include use tables. The use regulations simply become tertiary to the form standards instead of being the primary regulation, and they are simplified and vetted by the code writer so as not to compromise the intent of the FBC. The approach to use tables within FBCs will also be discussed in more detail next month.

### The Urban-to-Rural Transect Is Not an Effective Organizing Principle

The primary misconception about the urban-to-rural transect is that it is too simplistic to capture the variety present in complex built environments. In reality, applications in Miami; Cincinnati; Mesa; El Paso, Texas; Birmingham, Alabama; and the code in progress for Beaufort County, South Carolina, clearly illustrate the complexity and effectiveness of the transect as a zoning tool and its ability to reinforce unique characteristics and patterns of a wide range of places. If the



transect is used and presented effectively, with the support of photos and illustrations, community members will typically "get it" quite quickly.

### State Laws Prohibit the Use of Form-Based Codes

Because FBCs look much different than Euclidean ordinances, many people assume that this new approach must be incompatible with existing state zoning enabling laws. While most enabling laws are still rooted in the 1926 Standard State Zoning Enabling Act (SSZEA), the SSZEA is not exclusively use based and does not show a preference for regulating use over form (Sitkowski and Ohm 2006).

### COMMON MISTAKES TO AVOID

Common form-based coding mistakes range from those that are simple to define and are easily

⊕ This illustration of Flagstaff, Arizona's transect illustrates different contexts in the city that became the basis for its form-based zones.

corrected, to those that are more technical and relate to overall approach and methodology, and thus take more thought to carefully address. A group of these common mistakes, both easy and technical, are addressed in this issue, but the list will be continued next month in part two.

### Using FBCs to Regulate Suburban Contexts

The primary intent of form-based coding is to effectively regulate walkable urban areas. When you try to use them to regulate drivable suburban areas (i.e., areas that are intended to remain drivable suburban areas) this will compromise the clarity and effectiveness of the code and possibly raise false expectations. This means that in a citywide application you will typically have a form-based system in place to regulate walkable urban or desired walkable urban areas (i.e., sprawl repair or greenfield development) and a refined Euclidean system to regulate drivable suburban areas effectively. In essence, this is the key to an effective hybrid code.

### Confusing Other, Less Effective Zoning Approaches with Form-Based Coding

Because the practice of form-based coding is still relatively new and represents a major change in the methodology of zoning, it is often hard for communities to know what to ask for or what to look for in a consultant's experience. In addition, because form-based coding seems to be the latest "buzz" in zoning practice, almost every code project is being labeled form-based zoning or form-based coding, which threatens to distort and dilute the meaning of the concept. For example, FBCs are not design guidelines or graphical representations of existing Euclidean standards. And FBCs are not synonymous with any zoning district or ordinance that enables a mix of uses. (See table on pages 6 and 7.)

### DISTINGUISHING AMONG DIFFERENT ZONING APPROACHES

The information below and the table supporting this article are intended to clarify and classify different zoning approaches to prevent further confusion about what an FBC is and to enable comparison for cities and code writers alike. These are generally organized from least to most comprehensive and effective.

### Adding Graphics to an Otherwise Conventional, Use-Based Code

An FBC is not simply a conventional code with graphics added to it. Even though taking this step can make a document a bit easier to use and understand, it does not address the core problems

that are inherent in almost every existing zoning code, which is their inability to effectively regulate urban form. Taking this step often confuses users because they think they are using a new code and then get frustrated when they realize the core problems have not been addressed. This is not a recommended approach.

### Adding Design Guidelines Without Changing Base Zoning Districts

In this approach, the code writer is simply adding another layer of regulations or policy direction (depending upon how they are adopted) but not addressing the problems inherent in the existing zoning code, and when completed, the guidelines often conflict with the zoning standards, making it difficult to administer and confusing to users. Simply said, adding this additional layer of regulation decreases clarity and predictability. Meanwhile, a well-written FBC incorporates the elements that, in a Euclidean system, might historically be included in site planning guidelines and makes them integral to the zoning code.

### Adding Mixed Use Districts to an Otherwise Conventional Use-Based Code

Starting in the mid- to late-1990s many communities added mixed use districts to their existing zoning codes in an attempt to make walkable, urban development easier and to facilitate neighborhood revitalization. The problem was that, in too many cases, these districts included prescriptive numerical dimensional standards and did not signal a clear intent on form. Furthermore, other suburban-oriented regulations in the code, such as parking and landscaping requirements, compromised the end result of these districts or limited their use by developers.

### Reorganizing the Code and Adding Graphics

This method takes the first approach one step further by cleaning up administration and procedures and restructuring the code organization, in addition to adding graphics. This will make a code much easier to understand, but it is still not addressing the core problem of suburban DNA and tendencies of a code to incentivize auto-dependent development. Use is still the organizing principle. The first few projects will likely provide disappointing results after such a large coding effort. Such results only reinforce the misconception that built form cannot be regulated effectively and is best addressed in arbitrary design review meetings.

### Integrating a Complete FBC Into an Otherwise Use-Based Code

This is an excellent approach when you do not have the budget or are not in a good position to do a complete code rewrite. This approach puts a framework in place for targeted application of a complete FBC, and if it is done correctly, it can grow to cover other parts of a city as the budget, political will, or other factors enable it. An example is Mesa's parallel FBC, which was written for initial application to its downtown to respond to the implementation of light rail but done in a way that could either be used by the city in future planning and coding efforts or by property owners of larger sites that met a certain set of criteria, such as a large grayfield site. What is often not understood about this approach is that it is not simply adding some new form-based standards or form-based zones but rather creating a complete, parallel code within an existing zoning code.

To be most effective, the FBC should be mandatory, replacing the zoning for one or more

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mapped districts. In states with strong private property rights concerns, a mandatory FBC effort may be politically infeasible. When a mandatory code is not possible, an optional FBC overlay may still be an effective alternative. In this approach, property owners have an option of developing under conventional zoning or under the FBC. At first glance, this may seem similar to a planned development district, but unlike a planned development, the FBC is mapped to one or more areas and does not require a rezoning. The future of these areas has been predetermined by the visioning and coding process and is not subject to site-by-site negotiation. The Columbia Pike FBC is an excellent example of this optional overlay approach.

**Using Form as an Organizing Principle for the Zoning Code**

This is the most comprehensive approach and, when done well, the most effective approach to form-based coding. In this approach, the table of contents of the code document is structured with a form-first philosophy. Every provision from the preexisting code is vetted for its applicability to the form-first operating system before it is transferred so that it does not compromise the intent. All regulations, including parking, landscaping, lighting, and signage, relate to context rather than to a specific use. This approach is perfect for a community that has made a strong commitment to promote smarter, more sustainable growth, transit-oriented development, or simply non-auto-dependent development that reinforces its unique character.

*Miami 21*, the citywide code for Miami, which received APA's 2011 National Planning Excellence for Best Practice award, is the most comprehensive application of this approach to date. Most of the city of is mapped with form-based zones. This was possible because a majority of the city is urban in character, and the process had strong support from then-Mayor Manny Diaz.

*Livermore, California*, used this approach to make infill a priority and to reinforce its commitment to promoting redevelopment. Even though the form-based zones were only mapped on a limited basis in Livermore, the system was in place to default to walkable urban development instead of making it the exception, reinforcing the city's smart growth policies and allowing the FBC to spread geographically in the future without any major changes or additional work on the code.

*Flagstaff, Arizona*, also used form as the organizing principle for its new code.

▲ --- LESS COMPREHENSIVE & EFFECTIVE --- --- MORE COMPREHENSIVE & EFFECTIVE --- ▼

Form-Based Codes  
 Form-Based Codes

Typical Approaches to Zoning Urban Form (from least to most effective)	What Should this Approach be Called?	Organizing Principle	New Components Created and Included
1. Adding graphics to a Euclidean, use-based code	Graphics-Based Code	Use	Primarily additional graphics and tables, content has minor changes only
2. Adding design guidelines/site planning guidelines to a Euclidean, use-based code	Design Guidelines or Design Standards	Use	Components similar to FBC components may be created but they do not replace the code so they may not be as carefully vetted and may create conflict within the zoning code
3. Adding mixed use zones to a Euclidean, use-based code	Targeted Mixed Use Zone Application	Use typically, sometimes form	New base zones and zone standards only
4. Adding graphics, reorganizing code, cleaning up administration, and minor changes to development standards	Code Clean Up and Reorganization	Use	Mostly just translating existing information into tables and creating drawings to support existing code information
5. Optional Form-Based Code overlay	Form-Based Code Overlay	Form	All typical FBC elements included, process rethought for FBC application
6. Integrating a complete form-based code within a preexisting zoning code	Parallel Form-Based Code	Form for FBC section, use for the rest of the preexisting code	All typical FBC elements included, process and all general standards (parking, landscaping etc.) rethought for FBC application
7. Using form as an organizing principle for the entire zoning code and using form-based code components as the driver for your table of contents	Citywide Form-Based Code	Form	All typical FBC elements included, process and all general standards (parking, landscaping etc.) rethought for FBC application; administration procedures, variances, etc., all rethought to support the FBC

Flagstaff's process replaced a problematic performance-based system that had a primary objective of protecting natural resources with a form-based approach that promotes appropriate urbanism, while still protecting natural resources.

This approach can work effectively in small towns as well. For example, Kingsburg, California, is an agricultural community in California's Central Valley with a population of approximately 11,500 people. It adopted this

approach successfully within its zoning code to preserve its small-town character.

In the cases of Livermore, Flagstaff, and Kingsburg, the suburban parts of the city, where there was no intent to change them, is still mapped with used-based zones; these zones reside on the map next to form-based zones. In addition, the cleaned-up use-based regulations reside next to the form-based regulations in the code. If the city decides to transform these suburban areas into walk-

Is the overall Code reorganized for Usability?	Likely Cost Range	Considerations for this Approach
Not in this example	Low, primarily because it is a graphic design-usability exercise only	This is completely ineffective and should be avoided. This is what you will often get if your budget is too low for a true FBC: It will look good, but will not produce predictable results. Does not address obstacles for good development or process-related issues inherent in most zoning codes.
No	Low, primarily because it does not address the problems with underlying zoning	Mostly ineffective due to typical issues inherent in existing code that are not addressed; may even contradict zoning. Adds another layer of regulations that confuses intent and negatively impacts usability and administration.
No	Low, primarily because this approach entails creating only new base zones	Effectiveness depends highly on quality and clarity of existing code and development review process. If administration and the code document structure are good, detailed visioning is completed, and the mixed use zones are not oversimplified, this can begin to show good results. Existing parking, use tables, landscaping standards, etc., must be vetted.
Yes	Medium to high depending on scale of city or county	Addresses many of the issues above but ultimately still has use as an organizing principle, which limits the effectiveness of the code and stops it short of being an FBC. Does not typically complete documentation and analysis of place to extract the DNA that becomes the basis for the code but rather uses existing zone standards as starting point and makes changes to those.
No	Low to medium, depending primarily on extent of visioning completed	Administration, parking, landscaping, and all other elements within code must be vetted and coordinated with intent of the FBC and potentially included in the FBC and replaced when the overlay is triggered.
Sometimes	Medium, primarily due to the fact that a complete, parallel code is being created to replace the existing code in targeted areas	Administration, parking, landscaping, and all other elements within code must be vetted and coordinated with intent of the FBC Division.  If you are doing a complete code rewrite and you choose this approach, you are writing two complete, parallel code documents, which is not a good use of resources. This approach is still sending a message that the default is drivable suburban development and that FBCs are the exception.
Yes	High, slightly higher than #4 due to charrettes for FBC Focus Areas, extensive documentation and analysis phase, and careful vetting of all standards	In this approach, the structure of the entire zoning code is completely rethought, a new operating system is established, and thus the entire table of contents of the code document is structured with a form-first philosophy. Every last bit of content from the preexisting code is vetted for its applicability to the form-first operating system before it is transferred so that it does not compromise the intent. This approach is perfect for a city that has made a strong commitment in its city policies to promote smarter, more sustainable growth. Let Euclidean zoning regulate drivable suburban contexts, and the FBC regulate walkable urban contexts. It is called a citywide form-based code not because the entire city has form-based coding applied, but rather the entire city has been assessed and the FBC applied to where it makes sense. The FBC application can then easily spread.

able urban places, it can apply the form-based zones to these areas, after visioning, without requiring a new coding effort. Note that it is best to call these hybrid codes, not hybrid FBCs, because it is not the FBC that is hybrid but rather the entire code because it has both form-based and Euclidean components.

## CONCLUSIONS

The application and interest in form-based coding has exploded across disciplines since *Zoning Practice's* introduction to the topic in 2004. This is largely due to the ineffectiveness of a Euclidean zoning to address the demands of 21st century cities, towns, and regions for walkable urbanism, diverse housing choices, more sustainable development patterns, and the desire to reinforce unique community character. The FBC, when applied correctly, has proven to be an extremely effective zoning tool for addressing these demands.

Stay tuned. The next issue of *Zoning Practice* will cover more common mistakes to avoid in form-based coding, including omitting an extensive documentation and analysis phase, not refining land-use tables, using the urban to rural transect incorrectly, not graphically assessing your existing zone standards, using too many graphics, and not linking your form-based coding and comprehensive planning efforts.

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A FORM-BASED CODE AND ITS  
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