

City of Ramsey
Agenda
Regular Planning Commission
Thursday November 7, 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 October 3, 2013

5. Public Hearing/Commission Business

1. PUBLIC HEARING: Consider Request for Interim Use Permit to Allow Periodic Temporary Lodging Accommodations at the Property Located 14501 Nowthen Blvd NW: Case of Family Promise in Anoka County
2. PUBLIC HEARING: Consider Request for Sketch Plan Review of Diehl Acres and Variance to Allow Private Well and Septic in the R-1 Residential (MUSA) District
3. Consider Request for Sketch Plan Review of Alpine Woods Third Addition; Case of Oakwood Land Development
4. Discuss 'Statement of Goals' for the Area near the 167th Avenue and Saint Francis Boulevard (TH 47)
5. Review Preliminary Metropolitan Council 2040 Forecasts
6. Adopt Resolution of Comprehensive Plan Compliance for Tax Increment Finance District No. 2 Modification
7. FOR UPDATE ONLY: Staff Update
 - Receive Development Update
 - Acknowledge Public Process Schedule for Armstrong West (Future Business Park)

8. Zoning Bulletins

6. Commission/Staff Input

7. Adjournment

Regular Planning Commission

4. 1.

Meeting Date: 11/07/2013

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated October 3, 2013

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

October 3, 2013

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 11/01/2013

Reviewed By

Tim Gladhill

Date

11/01/2013 11:03 AM

Started On: 10/29/2013 02:22 PM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 3, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Joseph Field
 Commissioner Matthew Maul
 Commissioner Cindy Nosan
 Commissioner Gary VanScoy

Members Absent: None

Also Present: Development Services Manager Timothy Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson
 Planning Consultant Tina Goodroad

1. CALL TO ORDER

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

2. CITIZEN INPUT

Sam Diehl, Brooklyn Park resident, commented he was submitting a development application that would be discussed by the Planning Commission in November. He encouraged the Planning Commission to contact him with questions prior to that time and explained he was looking forward to moving to the City of Ramsey.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated September 5, 2013

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to approve the following minutes as presented: Planning Commission Meeting Minutes dated September 5, 2013.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Consider Request for Site Plan approval for a Building Expansion on the Property Located at 6820 143rd Avenue NW; Case of Molin Concrete Products Company

Presentation

Planning Consultant Goodroad presented the staff report noting Molin Concrete Products Company was requesting Site Plan approval to begin concrete product production on site with a 10,000 square foot addition to the existing 60,092 square foot facility located at 6820 143rd Avenue NW. Staff discussed the plans in further detail and recommended the Commission approve the Site Plan contingent upon compliance with the City Staff Review File dated September 27, 2013.

Commission Business

Matt Westgard, Molin Concrete Products Company, thanked the Commission for considering his request this evening and for the thorough report from staff. He explained the intent of the building expansion would be to match the exterior of the current building.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council approve the Site Plan submittal contingent upon compliance with the City Staff Review File dated September 27, 2013.

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

5.02: Public Hearing: Request for Sketch Plan Review and Preliminary Plat Approval for Brookfield 4th Addition; Case of Capstone Homes

Public Hearing

Chairperson Levine called the public hearing to order at 7:15 p.m.

Presentation

Development Services Manager Gladhill introduced the staff report stating the applicant is requesting Preliminary Plat approval for Brookfield 4th Addition.

Planning Consultant Goodroad explained this plat is a continuation of the Brookfield Addition west of Nowthen Boulevard and generally north of 167th Avenue and will encompass a majority of the remaining lots from the original Preliminary Plat. The current Preliminary Plat includes seventy-seven (77) lots.

Development Services Manager Gladhill discussed the agreed upon features from the Brookfield Homeowners Association (HOA), which included landscaping along Nowthen Boulevard, within the cul-de-sac and a fountain within the water feature. He commented these amenities were not required by the City. It was noted the proposed 77 lots would have the option to participate in the HOA. He reported the City would be willing to assist in the planning of these amenities, but the maintenance and expense would be the responsibility of the HOA.

Development Services Manager Gladhill reviewed the request in further detail and recommended the Commission approve the Preliminary Plat for Brookfield 4th Addition contingent upon compliance with the Staff Review File dated September 27, 2013.

Citizen Input

This evening the attached letters were received from Joseph Newfeld, Tammy Sorens, and Christine Cooeluck.

Patrick O'Brian, 6915 169th Lane, explained he has lived in the Brookfield development since 2009. He discussed the changes that have occurred to the HOA since the developer, John Peterson, went bankrupt. His main concern was that dues were now voluntary and the association had no money. It was his hope that the new developer would assist the current HOA to bring the entire development together.

Terry Rain, 6920 170th Avenue NW, commented he was hoping to see this development work. He discussed the defects in the current bylaws that needed to be repaired for legal reasons. He stated the Brookfield homeowners were willing to work with the new developer.

Ben Minks, 17024 Barium Street in Andover, explained he was looking forward to building homes in Ramsey again. He indicated he did not understand all of the legalities and costs involved in resolving the HOA's concerns. However, he was willing to work with the current homeowners to find an amicable solution.

Development Services Manager Gladhill commented that the City was willing to facilitate conversations between the HOA and the developer.

John Hood, 6920 170th Trail NW, stated he has lived in the Brookfield development for the past five years. He wanted to see his neighborhood flourish and was looking forward to resolving the bylaw issues with Mr. Minks.

Sasha Albert, 7046 170th Trail, explained she was new to Brookfield and mentioned the HOA has been discussed in detail. She requested the City more closely monitor littering, noise restrictions and the speed of traffic in her neighborhood given the high level of construction activity.

Ms. Albert questioned how the outlots near Brookfield would be developed.

Development Services Manager stated there were preliminary indications that 21st Century Bank would convey one outlot to the City for a trail connection. The additional outlot may be conveyed to the HOA, when properly licensed with the State, for future park development.

Renee Blue, 16983 Garnett Street, commented her husband mows the cul-de-sac, which keeps here portion of the neighborhood looking nice. She clarified that a covenant was recorded by the neighborhood.

Development Services Manager Gladhill indicated this covenant was recorded with Anoka County and not with the City of Ramsey. He explained that the declaration of restrictive covenants went hand in hand with the development and served as an agreement among the property owners. This document was to assist the homeowners association in managing the properties and amenities within the development.

Ms. Blue stated there has been a breakdown in communication as she was not made aware there was a homeowners association in the Brookfield neighborhood.

Development Service Manager Gladhill reported he would assist the homeowners in tracking down the documentation on file with Anoka County.

Ms. Albert was told there was no homeowners association or covenants in place when she recently purchased her home in Brookfield.

Commissioner Field was appreciative that Capstone Homes was willing to work with the homeowners on the homeowner's association issue. He indicated the homeowners would have to work to validate the association and update their bylaws.

Curt Anderson, 16784 Olivine, stated there was currently no association or park in this neighborhood. He recommended that the park be pursued by the City due to the fact 77 additional lots were being developed.

Development Services Manager Gladhill indicated park dedication requirements would be discussed by the Park Commission at their next meeting. He stated the Planning Commission could discuss this matter and comments would be passed along to the Park Commission.

Commissioner VanScoy asked if staff knew the original intent of the park for this neighborhood.

Development Services Manager Gladhill explained the park was to be developed privately.

Mr. Rain stated he has lived in Brookfield for the past six years. He explained that the association had hired an attorney in the past and there were some conflicts between the homeowners understanding and that of the bank. He indicated the association did not have the funding to hire another attorney for a second opinion. He encouraged the developer to work with the homeowners to resolve the concerns and requested the water feature remain.

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

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

Chairperson Levine closed the public hearing closed at 8:09 p.m.

Commission Business

Commissioner VanScoy asked if the developer had any concerns with the Staff Review letter.

Mr. Minks had no concerns with the letter.

Commissioner Field was pleased that a number of the mature trees would be maintained as a buffer for the existing residents. In addition, a trail connection would be completed with this development.

Commissioner Bauer indicated the hearing this evening brought to the surface the issues the homeowners have had with their association. He encouraged all parties to continue to work together to resolve this matter. He thanked the developer for his willingness to assist.

Commissioner Brauer recommended the water feature/pond be the responsibility of the homeowners and not the developer.

Development Services Manager Gladhill explained the water feature was a stormwater pond that benefited the entire development. He reported the City has a drainage and utility easement to provide access to the stormwater pond. He commented the homeowners would be responsible for maintaining the liner in the pond.

Commissioner Nosan questioned why the homeowners wanted to have an association in place.

Mr. Minks understood that the association would like assistance with the maintenance of the main entrance, the water feature and to complete the private park.

Brad Demry, 7224 170th Trail, indicated he was a part of the original association and wanted to see it reinstated to ensure the neighborhood was well maintained, while also putting teeth behind the original covenants.

Motion by Commissioner Field, seconded by Commissioner VanScoy, to recommend that City Council approve the Preliminary Plat for Brookfield 4th Addition contingent upon compliance with the Staff Review File dated September 27, 2013.

Further Discussion

Commissioner Brauer recommended truck traffic not run up and down Garnett Street.

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

5.03: Receive Update on Housing Assistance Policy Progress

Presentation

Planning Consultant Goodroad presented the staff report and updated the Commission on the progress of the Housing Assistance Policy work completed by the ad-hoc sub-committee. She noted the committee has met three times over the course of the past several months with the purpose of establishing a framework in which to review requests for financial assistance for housing projects. It was noted the Council recommended a policy be created in order to ensure the City had an equitable and fiscally responsible application to housing assistance. Staff reviewed the policy in detail and requested comment from the Commission.

Commission Business

Chairperson Levine asked how the City's proposed policy compared to the policy in place by Anoka County. He recommended that the City's policy be compatible with Anoka County's.

Planning Consultant Goodroad commented most of her conversations with Anoka County were through email. It was her understanding Anoka County was working to provide assistance for the 50-60% threshold, and the City's policy would track the County's.

Commissioner Brauer supported the proposed policy.

5.04: Discuss Minnesota Department of Natural Resources (DNR) Rulemaking for Mississippi River Corridor Critical Area (MRCCA/Critical Area)

Presentation

Development Services Manager Gladhill presented the staff report noting the Minnesota Legislature authorized the Minnesota DNR to commence rulemaking related to the Mississippi River Corridor Critical Area (MRCCA). The intent is to update existing regulations found in Minnesota Statute Chapter 116G. The Critical Area extends from the Ramsey's western border south down to Hastings, stretching nearly 72 miles and encompasses approximately thirty

governmental subdivisions across the metro area. He explained that DNR staff met with City staff on September 25, 2013. The intent of this meeting was to:

- Meet the staff who develop plans and administer the MRCCA ordinance
- Provide an overview of and answer questions about the rulemaking process
- Review the district map(s) for the community
- Go over the draft rules and identify opportunities to improve them
- Review the MRCCA ordinances
- Review the bluff maps that have been developed – these are for informational purposes only and are not part of the rulemaking

Development Services Manager Gladhill explained the Council, EDA and staff would be meeting jointly with the DNR again on October 29th.

Commission Business

Chairperson Levine was pleased that the DNR was willing to hear the City's concerns.

Commissioner Bauer agreed stating a great deal of community feedback was gained during the Open House and local control over land use decisions was a key issue.

Chairperson Levine looked forward to receiving an update from staff on this issue at the November Planning Commission meeting.

5.05: Staff Update

The Staff Update was noted.

5.06: Zoning Bulletins

Zoning Bulletins were noted.

6. COMMISSION / STAFF INPUT

None.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:48 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 11/07/2013**By:** Chris Anderson, Community
Development

Information**Title:**

PUBLIC HEARING: Consider Request for Interim Use Permit to Allow Periodic Temporary Lodging Accommodations at the Property Located 14501 Nowthen Blvd NW: Case of Family Promise in Anoka County

Purpose/Background:

The City has received an application for an Interim Use Permit from Family Promise in Anoka County (FPAC) to allow periodic, temporary lodging accommodations at their day center, which is located on the Lord of Life Lutheran Church campus. The day center operates out of a secondary building on the property, which is addressed separately and is generally known as 14515 Nowthen Blvd NW. FPAC provides temporary shelter for children and their families through a network of partner churches, which typically provide meals and lodging accommodations. Through FPAC's day center, program participants are able to shower, do laundry and conduct internet searches for both employment and housing.

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:

FPAC, through the Lord of Life Lutheran Church, initially approached the City in October/November of 2012 about utilizing a secondary building on the Lord of Life campus for their day center operation. FPAC stated that there would be no overnight stays at the day center. After researching the past use of the building, it was determined that counseling/support services had been offered there by Lord of Life Church. Those services had been moved into the principal building (the church) on the property to provide FPAC space for their operation. Based on the past use of the building, and typical accessory uses of churches, the City considered FPAC's day center operation to be substantially similar to the past use of the building, deeming it to be a lawful, non-conforming use.

The church campus has multiple zonings including R-1 (MUSA) Residential, R-2 Residential and R-3 Residential. There are multiple buildings on the property including the church and this secondary building where FPAC currently operates. The FPAC building is located in the R-1 (MUSA) district while the church is in the R-2 Residential district. The property adjacent to the FPAC building to the south is the site of the Stoney River development, which is zoned R-3 Residential, and the properties across Nowthen Blvd from the FPAC building are zoned R-2 Residential. The overall size of the property is approximately thirty-five (35) acres.

In March of 2013, FPAC had a 'gap' in their hosting schedule and thus, contacted the City requesting permission to provide overnight accommodations for a two (2) week period (last week of March and first week of April). This request was reviewed by City Staff and the City Attorney and it was approved on the condition that any future requests would not be considered without a more formal review process, such as applying for and obtaining an interim use permit.

In September of 2013, FPAC had another 'gap' in their hosting schedule and again contacted the City seeking permission to provide overnight accommodations for four (4) families plus one (1) staff person for one week in early October. Based on past communications, that request was deferred by City Staff for further review and consideration. It should be noted that in both instances, FPAC was able to find alternative accommodations for their program participants.

After reviewing their hosting schedule for 2014, which currently has commitments from partner churches for forty-seven (47) of the fifty-two (52) weeks, FPAC submitted an application for an interim use permit. FPAC is seeking permission to provide temporary emergency lodging accommodations for up to fourteen (14) 'guests' plus one (1) staff person. The Family Promise national model does not include overnight accommodations and this is not their preference; however, FPAC is making this request for the sole purpose of having a back-up plan in place if they are unable to find alternative accommodations (rather than potentially putting these families out on the street).

As noted previously, FPAC works with partner churches throughout Anoka County that provide meals and lodging accommodations for their program participants. FPAC does not cook any meals on site; in fact, their facility does not even have a stove. Through FPAC, families can do laundry and shower at the day center in addition to searching for employment and housing. Based on the activities currently occurring on site (showering, laundry, and dishwasher), there would not be much increase in water usage, which is important as this building is still serviced by a septic system. The septic system is new (installed in 2012) and was sized based on water usage data from FPAC's former place of operation in Coon Rapids. The design, however, did state that FPAC must also install a water meter inside the structure to monitor only water used for domestic activities (i.e. would not include irrigation). This was a precaution to ensure that the capacity of the septic system was not exceeded. It does not appear that a meter was ever installed.

Staff is researching whether this type of use would be subject to any type of lodging licensing. The Minnesota Department of Health has delegated licensing of lodging establishments to Anoka County. As of the writing of this case, Staff has not heard had definitively from Anoka County Environmental Services whether this emergency temporary type of lodging would be subject to licensing. However, a term of the interim use permit does stipulate that FPAC would be required to obtain any and all applicable permits and/or licenses prior to commencing this use or provide documentation to the City that no such licenses or permits are required.

FPAC is requesting the interim use permit for the maximum allowable time of five (5) years. Also, they are seeking approval to provide emergency lodging accommodations for up to twelve weeks per year at their day center (14515 Nowthen Blvd NW) for a maximum of fourteen (14) 'guests' and one (1) staff member. FPAC was agreeable to limiting this to no more than one (1) week per month.

Alternatives

Alternative #1: Recommend that the City Council approve the interim use permit as requested. FPAC follows the national model of Family Promise, which relies on faith organizations and volunteers to meet the immediate basic needs of food and shelter of homeless families. FPAC would prefer not to provide emergency temporary lodging for their 'guests' as that is contrary to the national model and puts additional strain on their staff. Thus, their request is solely for emergency situations in which they are unable to find a partner church to act as a host. Looking at their 2014 hosting schedule, there are only five (5) weeks that they have yet to secure a host. Furthermore, the water demands would not be substantially greater during times of overnight stays as the activities that consume the most water (showering, laundry and running the dishwasher once per day) are already occurring during the day. If a meter is installed to monitor the water usage, it could provide the data showing either that the current system has sufficient capacity for the use or that the system needs upsizing for additional capacity.

Alternative #2: Recommend that the City Council approve the interim use permit with modifications. Based on the discussion, the Planning Commission may identify additional conditions and/or findings that are deemed relevant and germane to the requested use. If so, Staff could be directed to incorporate those conditions and/or findings prior to consideration by the City Council.

Alternative #3: Recommend that the City Council deny the interim use permit. The intent of the interim use permit would be to provide an emergency fall back option for FPAC in the event that there are no other alternatives for their program participants. FPAC has been operating at their current location for approximately one (1) year now and, while they have made two (2) requests to the City to allow overnight accommodations at their day center facility, they ultimately have found a partner to provide the accommodations. As this is truly meant to be a temporary measure, Staff would not support this alternative.

Funding Source:

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

Recommendation:

Staff recommends approving the request for an interim use permit contingent upon installation of a meter, at the applicant's expense, on the inside of the building to monitor domestic water usage as it relates to the capacity of the septic system.

Action:

Motion to recommend that the City Council adopt Resolution #13-11-182 adopting Findings of Fact #0918 relating to the applicant's request for an interim use permit;

-and-

Motion to recommend that City Council adopt Resolution #13-11-183 approving an interim use permit to provide periodic temporary lodging accommodations in the building generally known as 14515 Nowthen Blvd NW based on Findings of Fact #0918.

Attachments

Site Location Map

Letter from Applicant

DRAFT Findings of Fact

Draft Interim Use Permit

Form Review**Inbox**

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 11/01/2013

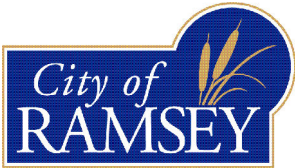
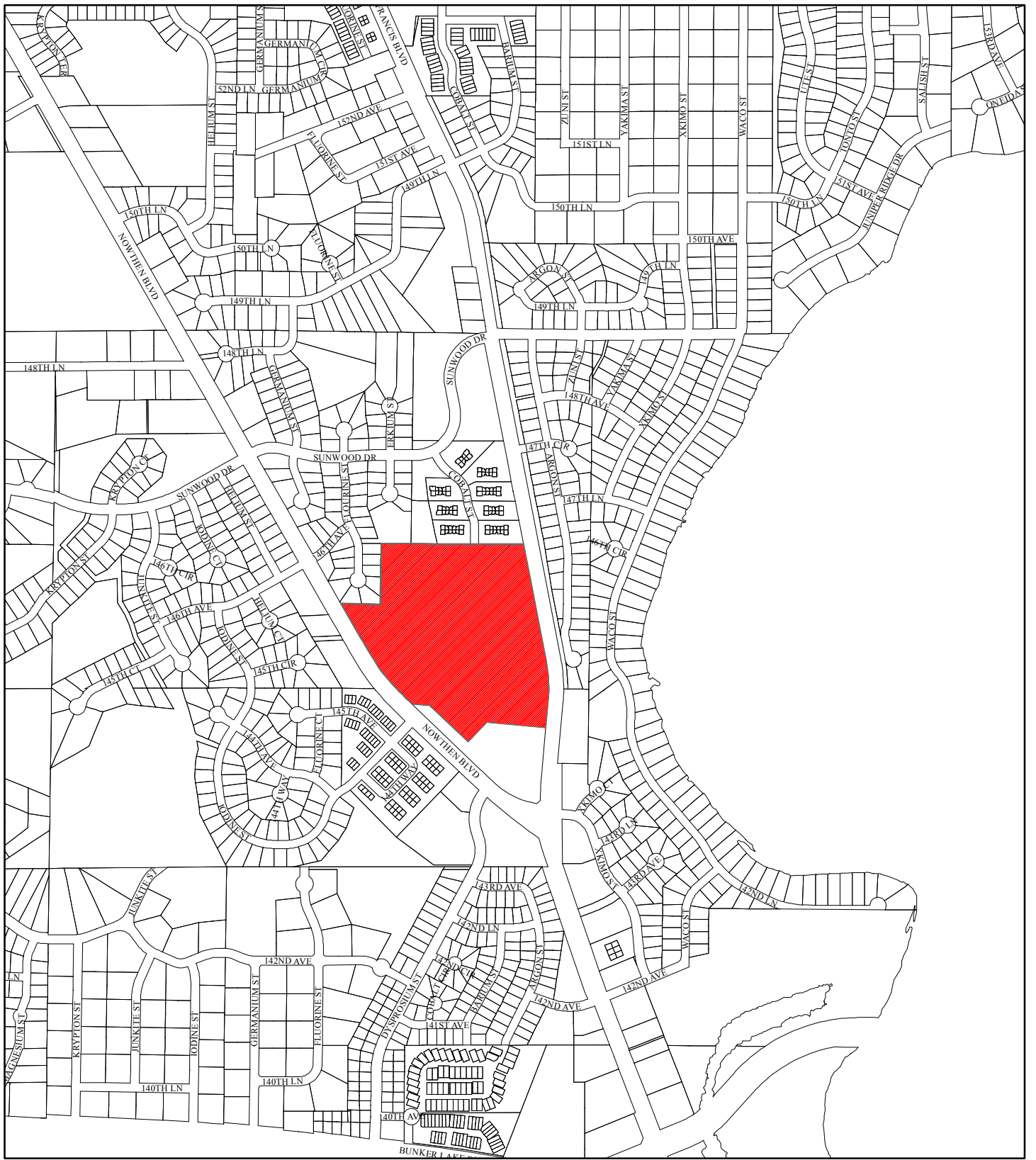
Reviewed By

Tim Gladhill

Date

11/01/2013 11:10 AM

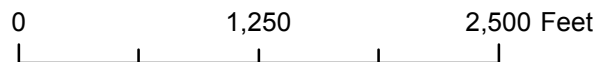
Started On: 10/29/2013 11:10 AM



Family Promise of Anoka County

Legend

- Site
- Parcels





October 1, 2013

Tim Gladhill
C/o The City Of Ramsey
Planning Commission
7550 Sunwood Dr. NW
Ramsey, MN 55303
tgladhill@ci.ramsey.mn.us

Dear Tim Gladhill,

On behalf of the Family Promise in Anoka County (FCAC) board of directors and myself, we respectfully submit an application for a Limited Use Permit for our Program Day Center.

FPAC is the only shelter in Anoka County that provides shelter for children and their families. Our day center is located at 14515 Nowthen Blvd. on the Lord of Life Church Campus, in the city of Ramsey. Our program provides temporary shelter for children and their families and assists them to regain their independence with dignity. Our day center allows program participants a place where they may shower, do laundry and access to the internet to search for employment and housing. Eighteen local churches provide daily hot meal and sleeping arrangements on a rotating basis, 52 weeks a year, 365 days a year.

In 2012 Family Promise assisted 27 families, 81 people move from homelessness to stable housing in Anoka County, covering a nine city and 3 townships area. Our program has an 80% success rate. However, on occasions FPAC experiences vacant weeks, whereby none of our partner churches are able to provide overnight accommodations for our guest families. During these weeks we are forced to make other accommodations for them.

Therefore the board has decided to move forward with the application for an "Interim Use Permit", to allow us to provide sleeping arrangements at the day center, on a very limited basis. In 2014 our partner churches have commitments to provide meals and sleeping accommodations for 47 of the 52 weeks.

I am attaching two checks with our application, one for the permit fee of \$200., and another check for \$600 to be held in escrow for possible additional application fees. We would appreciate a rapid response so that we can plan accordingly. I can be reached at 763-568-7349.

Sincerely,

Irene Rodriguez
Executive Director
Family Promise of Anoka County

Cc: Pastor David Lechelt, Lord of Life Church

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

RESOLUTION #13-11-182

A RESOLUTION ADOPTING FINDINGS OF FACT #0918 RELATING TO A REQUEST FROM FAMILY PROMISE IN ANOKA COUNTY TO ALLOW FOR PERIODIC TEMPORARY LODGING ACCOMMODATIONS AT THEIR DAY CENTER FACILITY

Family Promise in Anoka County, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for an Interim Use Permit to allow for periodic temporary lodging accommodations on the property generally known as 14501 Nowthen Blvd NW and legally described as follows:

Lot 1, Block 1, Stoney River Addition, except road subject to easement of record,
Anoka County, Minnesota

(the "Subject Property")

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

- 1) That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 (Interim Use Permits) of the Ramsey City Code on November 7, 2013 and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
- 3) That the Subject Property is approximately thirty-five (35) acres in size and includes the Lord of Life church and two other secondary buildings, including a single family home and a secondary building, generally known as 14515 Nowthen Blvd NW, that houses the Applicant's day center program (the "Building").
- 4) That the Subject Property has multiple zonings including R-1 Residential (MUSA), R-2 Residential (Medium Density), and R-3 Residential (High Density); the Building is within the R-1 Residential (MUSA) district.
- 5) That the surrounding properties are zoned R-3 Residential (High Density), R-2 Residential (Medium Density), and R-1 Residential (MUSA).
- 6) That the Building on the Subject Property was formerly utilized for counseling and support services provided by Lord of Life Lutheran Church.
- 7) That in November of 2012, the City confirmed that support/counseling services without overnight accommodations offered by the Applicant were considered a lawful, non-conforming use of the Subject Property.

- 8) That the Applicant's day center operation provides program participants a place to shower, do laundry and access the internet for employment and housing searches.
- 9) That the Applicant initially stated that there would be no overnight accommodations on the Subject Property as they work with partner churches that provide meals and overnight accommodations throughout the year.
- 10) That since moving their operation to the Building on the Subject Property, the Applicant has made two (2) requests to the City to allow temporary overnight accommodations for up to fourteen (14) 'guests' plus one (1) staff person when their partner churches could not provide said accommodations.
- 11) That the Applicant was informed in March of 2013, in response to the Applicant's first request to allow temporary overnight accommodations, that an interim use permit would be necessary to address any similar future requests.
- 12) That the Applicant requested permission from the City again in September of 2013 to allow temporary overnight accommodations for up to four (4) families when their partner churches could not provide said accommodations .
- 13) That request was deferred for additional review because the Applicant had not applied for nor obtained an interim use permit to allow such use.
- 14) That the Applicant has since submitted an application for an interim use permit to allow temporary overnight accommodations for up to fourteen (14) individuals and one (1) staff person when there are gaps in their hosting schedule.
- 15) That the Applicant has indicated that in 2014, they have commitments from their partner churches to provide meals and overnight accommodations for forty (47) of the fifty-two (52) weeks.
- 16) That the Applicant is requesting permission to provide emergency temporary lodging accommodations for up to twelve (12) weeks per year in their Building, if they are unable to arrange alternative accommodations with a partner church and that emergency temporary lodging accommodations would be limited to no more than one (1) week per month.
- 17) That the Applicant shall install and maintain both smoke detectors and carbon monoxide detectors in accordance with Minnesota State Building Code for all rooms to be used for sleeping.
- 18) That the Applicant shall at all times ensure that exits remain clear from any and all debris.
- 19) That the Applicant shall ensure that the Building is properly addressed.

- 20) That the Building is serviced by a subsurface sewage treatment system (SSTS) that was designed to handle twenty (20) gallons per person per day for twenty-eight (28) people, which is the equivalent of a four (4) bedroom home.
- 21) That the Applicant shall install a meter on the inside of the Building to monitor the water usage relative to the design capacity of the SSTS.
- 22) That if the water usage does exceed the designed capacity of the SSTS, the Applicant shall upsize the SSTS in accordance with Minnesota Rules Chapter 7080 within twelve (12) months.
- 23) That the Applicant is requesting the interim use permit for a duration of five (5) years.
- 24) That the proposed interim use will/will not result in adverse effects on the public health, safety and welfare of the residents of the City.
- 25) That the proposed use will/will not adversely impact traffic in the area.
- 26) That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
- 27) That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
- 28) That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
- 29) That the proposed use will/will not create additional requirements at public cost for public facilities and services.
- 30) That the proposed use will/will not be detrimental to the economic welfare of the community.
- 31) That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
- 32) That the proposed use will/will not be in accordance with the objectives of the Comprehensive Plan and the intent of Section 117-52 (Interim Use Permits) of the City Code.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26th day of November, 2013.

Mayor

ATTEST:

City Clerk

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

RESOLUTION #13-11-183

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR PERIODIC TEMPORARY LODGING ACCOMMODATIONS BASED ON FINDINGS OF FACT #0918, AND DECLARING THE TERMS OF SAME.

WHEREAS, Family Promise in Anoka County has properly applied to the City of Ramsey (the "City") for an interim use permit to provide periodic, temporary lodging accommodations in a secondary building on the property located at 14501 Nowthen Blvd NW and legally described as follows:

Lot 1, Block 1, Stoney River Addition, except road subject to easement of record,
Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on November 7, 2013, conducted a public hearing and recommended that the City Council approve/deny the request to provide periodic temporary lodging accommodations in the secondary building on the Subject Property for a term of five (5) years; and

WHEREAS, the City Council met on November 26, 2013 to review the request for an interim use permit to provide periodic temporary lodging accommodations in the secondary building on the Subject Property.

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

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

- 1) Based on Findings of Fact #0918, an Interim Use Permit ("Permit") to allow periodic temporary lodging accommodations on the **Subject Property** is hereby granted to Family Promise in Anoka County ("Permittee").
- 2) The term of the **Permit** shall commence on November 26, 2013 and shall expire five (5) years thereafter (November 26, 2018).
- 3) This **Permit** is applicable only to periodic temporary lodging accommodations on the **Subject Property**. Moreover, this **Permit** shall only authorize the periodic temporary lodging accommodations to occur within the secondary building generally known as 14515 Nowthen Blvd NW (the "Building"). The granting of this **Permit** does not allow for any other use that is prohibited in the R-1 Residential District.

- 4) The **Permittee** shall install both smoke detectors and carbon monoxide detectors in accordance with Minnesota State Building Code for each of the rooms to be used for sleeping within the **Building**. The **Permittee** shall schedule an inspection with the **City** to verify that this has been completed prior to any overnight lodging.
- 5) The **Permittee** shall be allowed to provide temporary overnight accommodations for up to twelve (12) weeks per year, but not more than one (1) week per month, in the **Building**.
- 6) The **Permittee** shall provide written notice to the **City** at least one (1) week in advance of any temporary overnight accommodations that will occur in the **Building** on the **Subject Property**.
- 7) The **Permittee** shall install a water meter in the **Building** to monitor the quantity of water being discharged into the subsurface sewage treatment system (SSTS) and shall provide monthly reports to the **City** to ensure that the water usage does not exceed the designed capacity of the SSTS.
- 8) The **Permittee** shall be required to upsize the SSTS within twelve (12) months if water usage exceeds the designed capacity of the existing SSTS.
- 9) The **Permittee** shall be responsible for obtaining and maintaining any applicable County and/or State permits and/or licenses and providing the **City** a copy of each.
- 10) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
- 11) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
- 12) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance, safety measures and quantities and storage of combustibles at any time.
- 13) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 14) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 15) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 16) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law.

Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this **Permit** unless compliance is waived or excused by the **City**.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 26th day of November, 2013.

FAMILY PROMISE IN ANOKA COUNTY

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Family Promise in Anoka County, a Nonprofit Corporation (Domestic) under the laws of Minnesota, on behalf of the corporation.

Notary Public

LORD OF LIFE LUTHERAN CHURCH

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Lord of Life Lutheran Church, a Nonprofit Corporation (Domestic) under the laws of Minnesota, on behalf of the corporation.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

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

Notary Public

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

This document reviewed by:
Ratwik, Roszak & Maloney
730 Second Ave. S. Suite 300
Minneapolis, MN 55402

Meeting Date: 11/07/2013

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Request for Sketch Plan Review of Diehl Acres and Variance to Allow Private Well and Septic in the R-1 Residential (MUSA) District

Purpose/Background:

General: The applicant is requesting Sketch Plan Review of Diehl Acres. This plat is located on the north side of Green Valley Road across from Green Valley Greenhouse. The Sketch Plan contemplates the creation of one (1) new buildable lot. The existing parcel has a dwelling and multiple accessory structures. The Plat would create a buildable lot with the intent to build a second dwelling on the north side of the County Ditch that traverses the Property. The Application has been forwarded to the Anoka County Highway Department, as it is located along a County Road.

It appears that the proposed Sketch Plan meets or exceeds minimum standards required by City Code related to the above. Note: Staff is concerned about the layout of the proposed new dwelling, stacked vertically from the public road (Green Valley Road). Often times, this scenario is considered a 'Flag Lot'. However, the proposal meets the minimum lot width standard, and the City's Public Safety Staff have reviewed the request and have no objection. Proper access construction, maintenance, and signage to direct emergency vehicles shall be required.

The action of recording of the Plat will result in one (1) existing accessory structure on the newly created parcel prior to the construction of the new dwelling. As it is anticipated that a new dwelling will be constructed in the near future, it is the City's policy to allow this on a temporary basis, until the dwelling is complete, with the submittal of a performance surety.

Land Use and Zoning: The site is guided Low Density Residential on the Comprehensive Plan and zoned R-1, MUSA. The minimum lot size in the R-1, MUSA zone is 10,800 sq. ft. Each of the proposed lots meets the minimum lot size.

Net Density Calculations. The Applicant shall provide gross acreage, as well as net acreage. Net acreage is calculated by subtracting wetlands and rights of way from the gross acreage. The Applicant must also provide Net Density Calculations described as number of units per net acre.

Landscaping: Two trees per dwelling unit are required. Deciduous trees shall be a minimum of one (1) inch caliper and evergreen trees shall be at least five (5) feet in height. *Please update the landscape plan to include a planting schedule that identifies the common and scientific name, root stock and quantity for each proposed species.*

- *A planting detail must be included with the landscape plan (another option is to incorporate the City's tree planting detail). At a minimum, it should state:*
 - *Planting depth shall be such that the 1st set of primary roots is at finished grade*
 - *Only prune out dead/broken/deformed branches at time of installation*
 - *Removal of upper portion of wire basket and burlap after being placed in planting hole if using B & B stock.*
 - *2-4 inches of wood chip mulch shall be included around all trees. Mulch shall not be piled against the trunk of trees.*

Density Transitioning: Due to the size of the proposed lots and the adjoining properties' zoning, density

transitioning is not required.

Tree Preservation: A detailed tree inventory shall be provided for all significant trees (defined below) within the limits of construction. At least forty percent (40%) of the inches of existing significant tree DBH must be preserved on the overall site. The tree preservation plan shall include the following:

- *All oak trees and evergreen trees that are four (4) inches or greater in Diameter at Breast Height (DBH) and all other deciduous trees that are eight (8) inches in greater DBH shall be identified on the tree inventory (cumulatively referred to as significant trees).*
- *Inventory shall include species, DBH, tree condition, whether the tree will be preserved or remove, a tally of total significant tree DBH on site and how many DBH inches will be removed.*
- *Inventory shall also identify location of tree save fencing, which shall be installed at least at the drip line of individual trees or groups of trees and shall be in place prior to any grading or removal work begins.*

Topsoil: The newly created lot will need to have four (4) inches of topsoil meeting the City's topsoil specification across all disturbed areas not otherwise improved with walkways, driveway, and home. A topsoil inspection is required prior to landscaping being installed and copies of the load tickets are required as well. This is reviewed at time of Building Permit Application and request for Certificate of Occupancy for the newly created lots. *Note: any wetlands within the limits of construction will need to be delineated and marked so that the wetland boundary is evident. No topsoil or other fill is permitted within any wetland.*

Building Elevations: No architectural renderings of the proposed home was submitted. No enhanced architecture above the minimum City Code requirements of Section 117-111 (R-1 Residential District) is being proposed. The required Development Agreement shall clearly state that additional architectural requirements are not being required at this time, and that the underlying requirements for the R-1 Residential (MUSA) District are required.

Streets: The Applicant is not planning on constructing additional public streets. The Applicant is proposing the construction of a new driveway with a connection to Green Valley Road. In addition, the Applicant is proposing to relocate an existing driveway to address access spacing. The request will need to be approved by the Anoka County Highway Department and will require the issuance of a Right of Way Permit from the Anoka County Highway Department.

The Applicant has submitted structural information regarding the culvert for the County Ditch Crossing. Staff has not completed review of this structural information. This review will be completed prior to review by the City Council.

Sidewalks and Trails. No sidewalks or trails are being proposed with the Plat. The City's current policy is to require the construction of a public trail on both sides of County Roads. There are no connecting trails along Green Valley Road. Staff will be reviewing this requirement prior to review by the City Council.

Development Fee Calculations: Development Fees due on the Plat. These fees will be attached as an exhibit to this review file when reviewed by City Council. Fees include, but are not limited to, Park Dedication, Trail Development, and Stormwater Management.

Development Agreement: *An executed Development Agreement will be required prior to releasing the plat for recording.*

Grading and Drainag: Grading and Drainage Plans are not required for Sketch Plan Review; however, the Applicant did submit said plans. These plans are currently under review. Initial comments include:

- The Applicant's Engineer shall determine base flood elevations
- The Applicant shall provide the City with concurrence that County Ditch #14 may be crossed and that the crossing has been approved by Anoka County
- The Applicant shall be required to draft a Maintenance Agreement related to continued maintenance of hydrology for the County Ditch Crossing. This must be drafted in recordable format.
- Wetland Report will need to be reviewed as to the date of preparation in relation to length of validity

(Wetland Conservation Act and State Rules)

Additionally, attached to this case are two (2) resolutions for consideration of a Variance to allow for a private well and septic system in the R-1 Residential (MUSA) District. As these services are not within the vicinity of the Property at this time, it appears to be reasonable to allow a private well and septic for the size of this request. There is sufficient space for the placement of a primary and secondary septic system location. Details of the request are found in the attached materials.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the Sketch Plan Review and Request for Variance.

Observations/Alternatives:

Alternative #1: Approve the request as is. The request appears to meet all minimum zoning and subdivision standards with amendments as requested by the City Staff Review File and after approval of the Variance. There appears to be a practical difficulty in requiring City sanitary sewer and water where neither are available. Staff recommends approval of this alternative, granting approval as presented.

Alternative #2: Deny the request. The request is a fairly simple lot split. With amendments as noted in the Review File, Staff would not recommend denial at this time.

Funding Source:

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

Recommendation:

Staff recommends approval of the request.

Action:

Motion #1: Motion to adopt a resolution adopting findings of fact related to the Variance.

Motion #2: Motion to adopt a resolution granting the Variance.

Motion #3: Motion to recommend that the City Council approve Diehl Acres.

Attachments

[Site Location Map](#)

[Sketch Plan Materials](#)

[Proposed Findings of Fact](#)

[Proposed Variance](#)

[Staff Review](#)

Form Review

Inbox

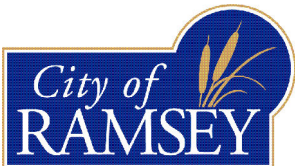
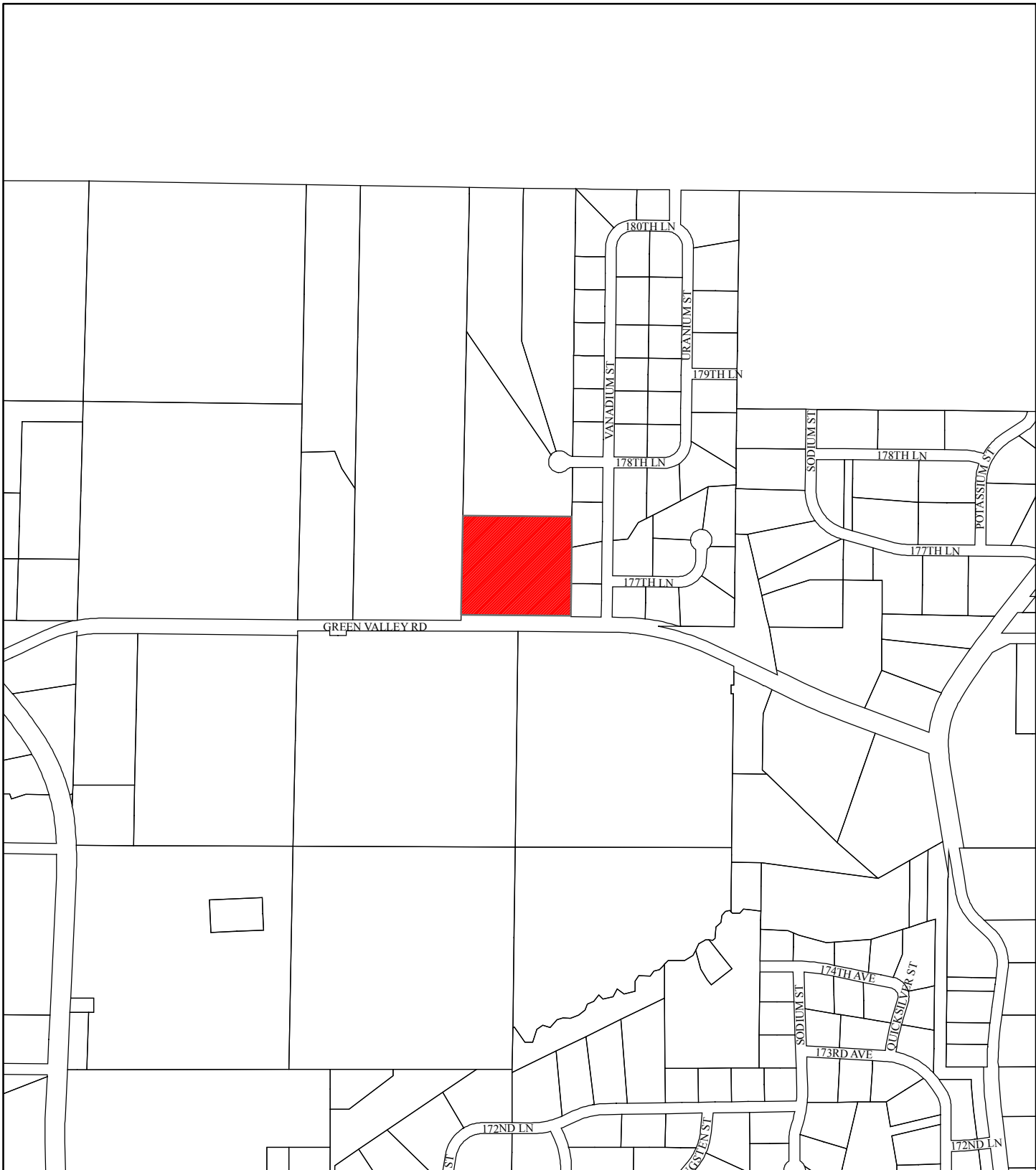
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 11/01/2013

Reviewed By

Tim Gladhill

Date

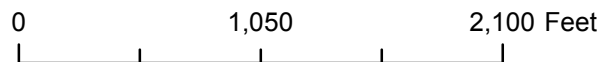
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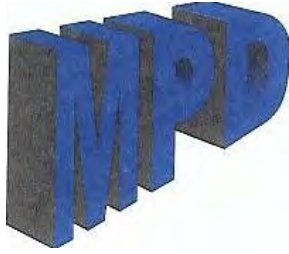


Diehl Addition

Legend

-  Site
-  Parcels





October 4, 2013

Planning Commission
City of Ramsey
7550 Sunwood Dr NW,
Ramsey, MN 55303

RE: Narrative: Sketch Plan, Minor Plat, and Variance: Diehl Acres

Dear Commissioners:

Midwest Planning & Design is working with Sam and Andrea Diehl regarding the approvals necessary for dividing their property at 6405 Green Valley Road (the "Property") into two lots for the purpose of building a new home. Sam and Andrea purchased the Property in June 2013 and hope to move into their new home as soon as possible.

Requested Action:

We are asking the Commission to move to approve the attached Sketch Plan, "Diehl Acres Minor Plat," and to recommend to the City Council approval of the attached Minor Plat, "Diehl Acres," and approval of the Variance to allow development in the R-1, MUSA without City sewer and water due to the current impossibility of compliance.

Proposal:

To subdivide the existing 9.13 acres of Lot 4, Block 1, Valley View Acres into two lots for the purpose of:

- Lot 1 Diehl Acres: New family home and attached garage,
- Lot 2: Diehl Acres Existing home to be remodeled, existing pole barn, existing sheds, orchard, garden and garage, existing cell tower.

Setting:

The Property is adjacent to Green Valley Road (CSAH 63), which provides the only access to the property. A 4 to 5-foot deep ditch, County Ditch 14 (the "Ditch"), bisects the property from northwest to east. The Ditch flood plain ranges from 880 feet in the east to 886 feet in the northwest. The Property is relatively flat to the west and south of the Ditch (888 feet near Green Valley Road and 884 feet near the Ditch).

Midwest Planning & Design LLC
1491 shoreline Drive
Wayzata, Minnesota 55391
952 476 1762
612 865 3302
Rkrier@mchsi.com

To the north of the Ditch the property rises from 884 feet near the Ditch to an 890-foot knoll in the center of the northern part of the property. There is heavy tree cover along the Ditch and in the far west portion of the property. Only 10 Box Elders will be removed through this project and 10 2.5 inch trees of a variety of species approved by the City are planned to be planted after construction of the new home.

Green Valley Road is fairly heavily travelled at high speeds. To the north and east are MUSA residential properties without municipal sewer and water. To the west is agricultural land. Across Green Valley Road is a large commercial/agricultural facility (greenhouses and related warehouse, parking, and retail).

The following pictures are intended to provide visual reference to the Commission and Council:



Looking North from CR 63 towards Ditch 14



Property from 178th street:
The property does not have access from this street. Property is separated by private property and a high voltage power line



Existing home adjacent to CR 63 to be remodeled



Looking from the property to the commercial property across CR 63



Proposed home site north of the Ditch



Location of new driveway to service new home site

Property, Existing and Proposed Improvements

Property:

The one, 9.13 acre lot will be divided into two lots. Both lots will continue to be designated and consistent with:

- The Comprehensive Plan, Future Land Use Plan. Property is:
 - Within the MUSA
 - Low Density Residential (LDR)
- R-1: MUSA Zoning with Flood Plain Overlay and Cell Tower Overlay districts
- Cell Tower Overlay district:
 - Setback to the adjoining lot line is the height of the tower (120 ft) plus 10 feet.
 - Towers are not allowed between the street and the principle structure on the lot.
- Flood Plain Overlay District/County Ditch 14:
 - County Ditch 14 bisects the property from northwest to east.
 - A 100-foot wide easement is being provided for this ditch.
 - The attached report from Loucks Associates establishes the flood plain at 880 feet near the east property line and 886 feet near the northwest property line.
 - The existing home located on lot 2 and the proposed home located on lot 1 are both outside of the flood plain.
 - Existing Ditch crossing is being removed and a new, improved ditch crossing is proposed in the northwest part of lot:
 - A new 48 inch culvert will be installed, improving Ditch flow and reducing upstream flooding.
 - 153 cubic yards of fill and rip rap will be use in conjunction with the crossing and 157 cubic yards of material will be removed in association with removing an existing crossing and to provide compensating storage within the flood plain.
 - Where the old crossing is removed ditch bank restoration and stabilization will be provided.

- The County Ditch crossing and its design will be submitted to the County for approval. A permit is required from the County. We have worked with the County on the easement and crossing.
- According to the City Staff the Ditch is not “protected waters” and the subject property is not within the Shoreland Overlay Zoning District.
- Green Valley Road (CSAH63):
 - CR 63 is a major collector with an existing Average Daily Traffic (ADT) of 1950 vehicles.¹
 - Projected 2030 ADT is:
 - 10100 ADT with a river crossing; and
 - 13600 ADT without a river crossing.
 - In accord with County standards, the following two (2) accesses are being proposed to Green Valley Road (CR 63) to replace the two existing accesses that will be closed. Each access will:
 - Be within 30 feet of the proposed side lot line dividing lot1 and lot 2;
 - Have 15 foot radius and no wider than 30 feet at the intersection with the paved part of Green Valley Road;
 - Have a 15 inch culverts for the CR ditch; and
 - Have a side slope of 6:1 or less.
 - We have worked with Anoka County regarding the accesses to CR 63 and these plans are consistent with the County’s comments.

Existing Improvements:

- Roughly 1,500 Sq. Ft. single family 2-story home located 30 feet from the front lot line. This home has been and is continuing to be remodeled and retained by the Diehl’s for the time being.
- 2,000 Sq. Ft pole shed.
- 936 Sq. Ft. detached garage.
- Cell Tower:
 - Multi use 120 foot high cell tower.
 - Leased for 25 years.
- Small shed, orchard, garden and pasture.
- Concrete driveways.
- Two County ditch crossings, one of which is proposed to be removed and replaced with an improved crossing with a larger culvert.
- Removal of two small sheds that located in “front” of the proposed new home’ lot 1.

Proposed Improvements:

- Approximately 2,700 Sq. Ft. new home and attached garage.
- New home will be serviced by a new bituminous 12-foot wide driveway with 18-foot wide drive at the Ditch crossing:
 - Designed to accommodate public safety equipment.
 - Preliminary specifications are included on the sketch plan.

¹ City’s Comprehensive Plan

- The new bituminous driveway serving the new home will be at or above the flood plain driveway protection level.
- Replacement driveway will be created for existing house per Anoka County's specifications.
- New County Ditch crossing:
 - With new 48 inch concert culvert designed to reduce existing up-stream flooding and replace current, inadequate culvert, improving Ditch flow.
 - Will accommodate emergency vehicles (see prelim. specifications).
 - Protect the Ditch's integrity with erosion control rip rap at the crossing.
- Removal of existing crossing with extensive Ditch improvement of flow and properties (see preliminary specifications).

New home location access design:

- The only logical location for a new home site is north of the Ditch. This is because:
 - Heavily traveled Green Valley Road, a Major Collector not being conducive to residential development.
 - Access only from Green Valley Road; all other options require crossing private property.
 - Large commercial/agricultural facility (greenhouses and related warehouse, parking, and retail) south of Green Valley Road not conducive to residential development.
 - Cell Tower's visual impact and setback requirements curtail any residential development in the south and southeast portion of the Property.
 - County Ditch and required 100-foot wide easement for the County Ditch limit development in the western part of the property.
 - Existing improvements limit the use of land in the south part of the property.
 - Flood Plain restricts use in the northwest part of the property limit development.
 - Existing trees dominate the western edge of the property; use of this area for a new home will require the removal of trees.
- The Proposed location of the new home on the knoll north of the Ditch presents an excellent location for the new home because:
 - Except for the 10 box elder in the driveway, building the new home will not require removal of any trees.
 - The home has proposed access for service and emergency vehicles that conform to the City Fire Marshall's standards and meet engineering standards for access.
 - The new County Ditch driveway crossing will help resolve the current issue of upstream flooding.
 - The surrounding land uses are residential.

- Future public utility access will be more easily accommodated from the north avoiding the necessity to cross the County Ditch on this property with public utilities.
- The location and views provide a quality residential environment that cannot be found elsewhere on the site.
- Each home will be serviced by a bituminous 12-foot wide driveway :
 - Designed to accommodate public safety equipment.
 - Preliminary specifications are included on the sketch plan.
 - Creating a spectacular approach to the new home, and preserving existing tree.

Concept Ghost Plat

- While the Diehls prefer the existing, rural nature of the Property, the Property is located in the MUSA. Because of this, we have prepared a ghost plat designed to show one concept for future improvement after the City provides sewer and water to the area.
- With the arrival of City sewer and water, it will be possible to plat the property into 14-15 urban lot.
- The proposed new home would be located on one of the urban lots.
- When plated for urban lots, the cell tower and existing home will likely be removed.
- Public access to CR 63 will likely not be allowed, requiring a continuous urban street from the north part of the property to the western edge of the property.

Variance:

The State Statute requires the City to find that a Practical Difficulty exists that would not let the property be developed without a variance.

- The proposed subdivision is within the R-1: MUSA Zone.
- City ordinance requires municipal sewer and water for residential development within the MUSA.
- City sewer and water will not be available to this area for some time.
- A variance is necessary from this City Code requirement for the proposed subdivision and construction of the new home. The request meets the criteria for granting the variance.

Should you need any additional information or explanation, please do not hesitate to contact me.

Sincerely,

Midwest Planning & Design, LLC

Richard Krier, AICP
President

DIEHL ACRES

VALLEY

CITY OF RAMSEY
COUNTY OF ANOKA
SEC. 2, T. 32, R. 25

KNOW ALL PERSONS BY THESE PRESENTS: That Samuel Diehl and Andrea Diehl, husband and wife, owners of the following described property situated in the County of Anoka, State of Minnesota, to wit:

Lot 4, Block 1, Valley View Acres, Anoka County, Minnesota.

Have caused the same to be surveyed, platted and known as DIEHL ACRES and do hereby dedicate to the public for public use the drainage and utility easements as shown on the plat.

In witness whereof said Samuel Diehl and Andrea Diehl, husband and wife, have hereunto set their hand this ____ day of _____, 20__.

SAMUEL DIEHL
By _____ Owner
ANDREA DIEHL
By _____ Owner

State of Minnesota
County of _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Samuel Diehl and Andrea Diehl.

Notary Public, _____ County, Minnesota
My commission expires _____

I, Charles E. Webb, Jr., hereby certify that I have surveyed and platted the property described on this plat as DIEHL ACRES; that this plat is a correct representation of the survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments have been correctly placed in the ground as shown or will be correctly placed in the ground as designated; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands as defined in LS 505.02, Subd. 1, or public highways to be designated other than as shown.

Charles E. Webb, Land Surveyor
Minnesota License Number 41226

State of Minnesota
County of _____

The foregoing Surveyors Certificate was acknowledged before me this ____ day of _____, 20__ by Charles E. Webb Jr., Minnesota License No. 41226.

Notary Public, _____ County, Minnesota
My commission expires _____

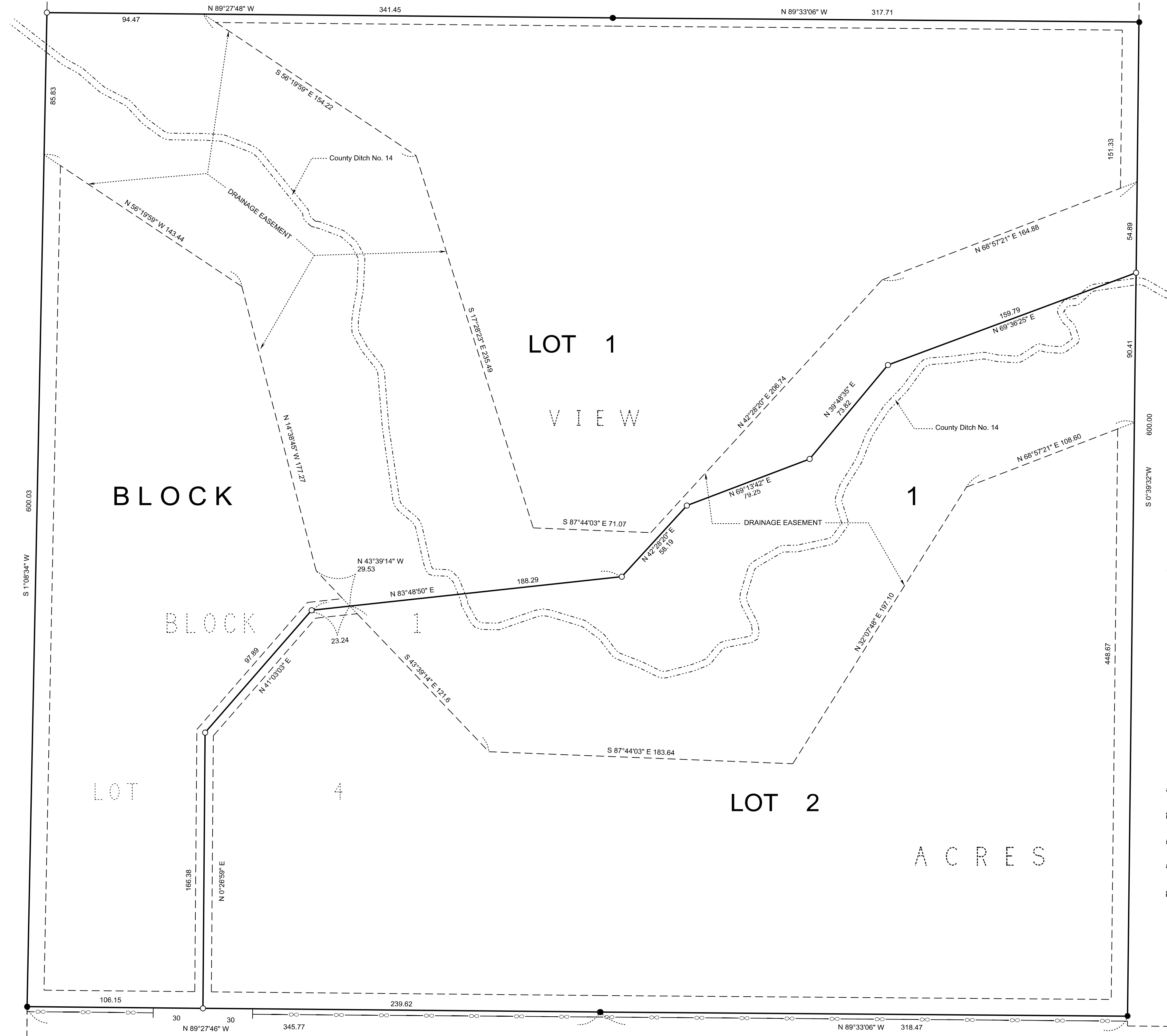
CITY OF RAMSEY, MINNESOTA

This plat of DIEHL ACRES was approved and accepted by the City Council of the city of Ramsey Minnesota, at a regular meeting thereof held this ____ day of _____, 20__. If applicable, the written comments and recommendations of the Commissioner of Transportation and County Highway Engineer have been received by the City of the prescribed period has elapsed without receipt of such comments and recommendations as provided by Minnesota Statutes, Section 505.03, Subdivision 2.

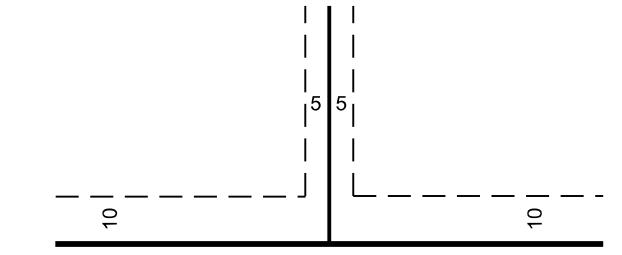
CITY COUNCIL OF THE CITY OF RAMSEY, MINNESOTA
_____, Mayor _____ Clerk

ANOKA COUNTY SURVEYOR

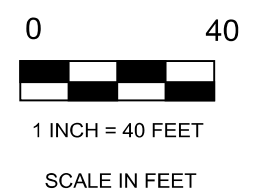
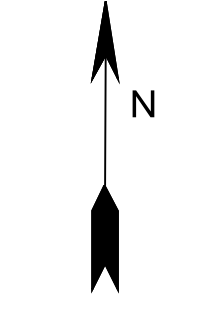
This plat was checked and approved on this ____ day of _____, 20__.



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:

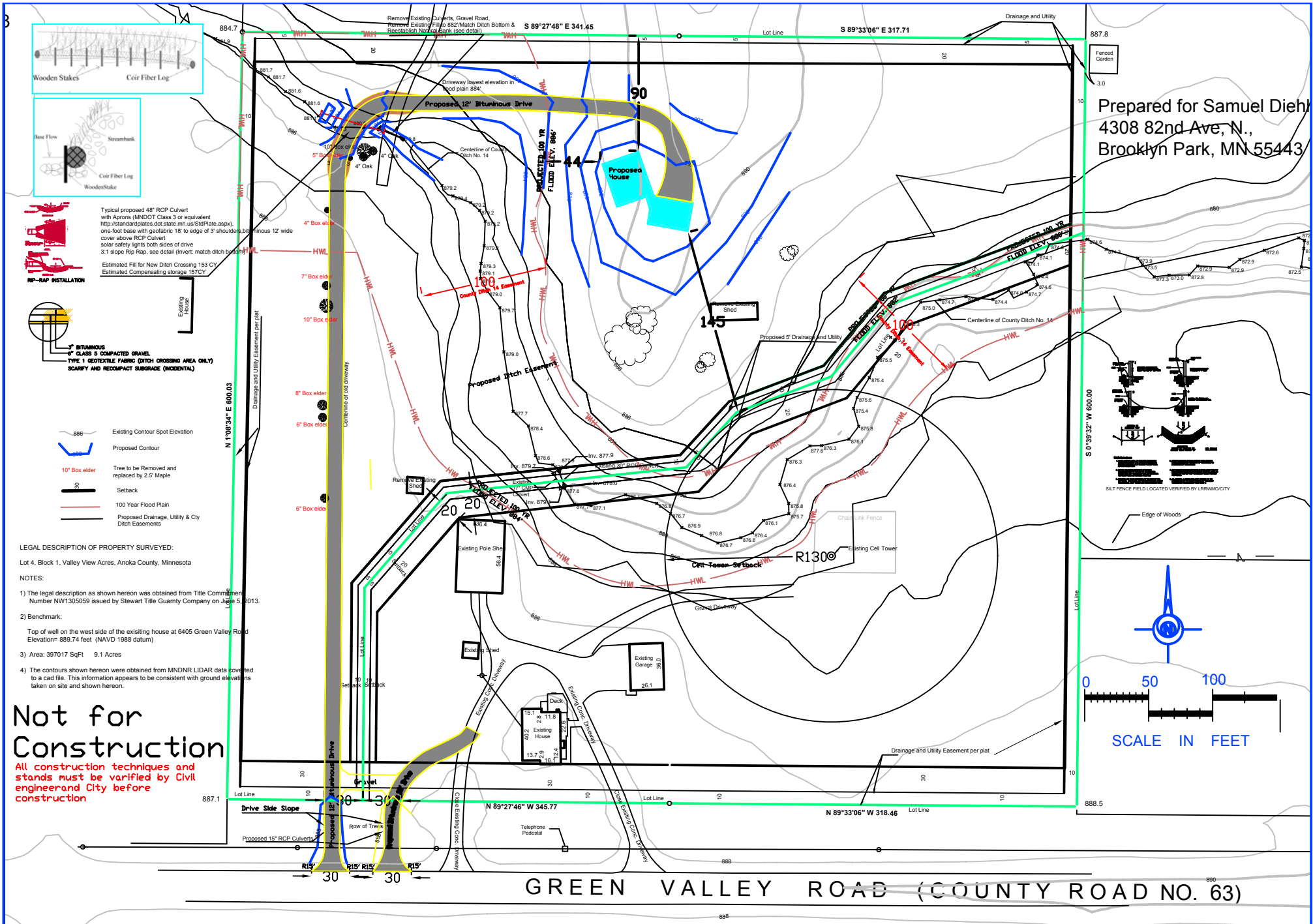


BEING 5 FEET IN WIDTH AND ADJOINING SIDE LOT LINES, ALSO BEING 10 FEET IN WIDTH AND ADJOINING RIGHT-OF-WAY AND REAR LOT LINES, UNLESS OTHERWISE SHOWN ON THE PLAT.



FOR THE PURPOSES OF THIS PLAT, THE EAST LINE OF VALLEY VIEW ACRES IS ASSUMED TO HAVE A BEARING OF SOUTH 0 DEGREES 27 MINUTES 05 SECONDS WEST

- DENOTES IRON PIPE MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED MINNESOTA LICENSE NO. 42116
- DENOTES RIGHT OF ACCESS DEDICATED TO THE COUNTY OF ANOKA



Sketch Plan for Minor Plat: Diehl Acres

Owners: Samuel and Andrea Diehl

OCTOBER 4, 2013
MPD 1491 SHORELINE DR
WAYZATA MN 55391
9524761762

CERTIFICATE OF SURVEY

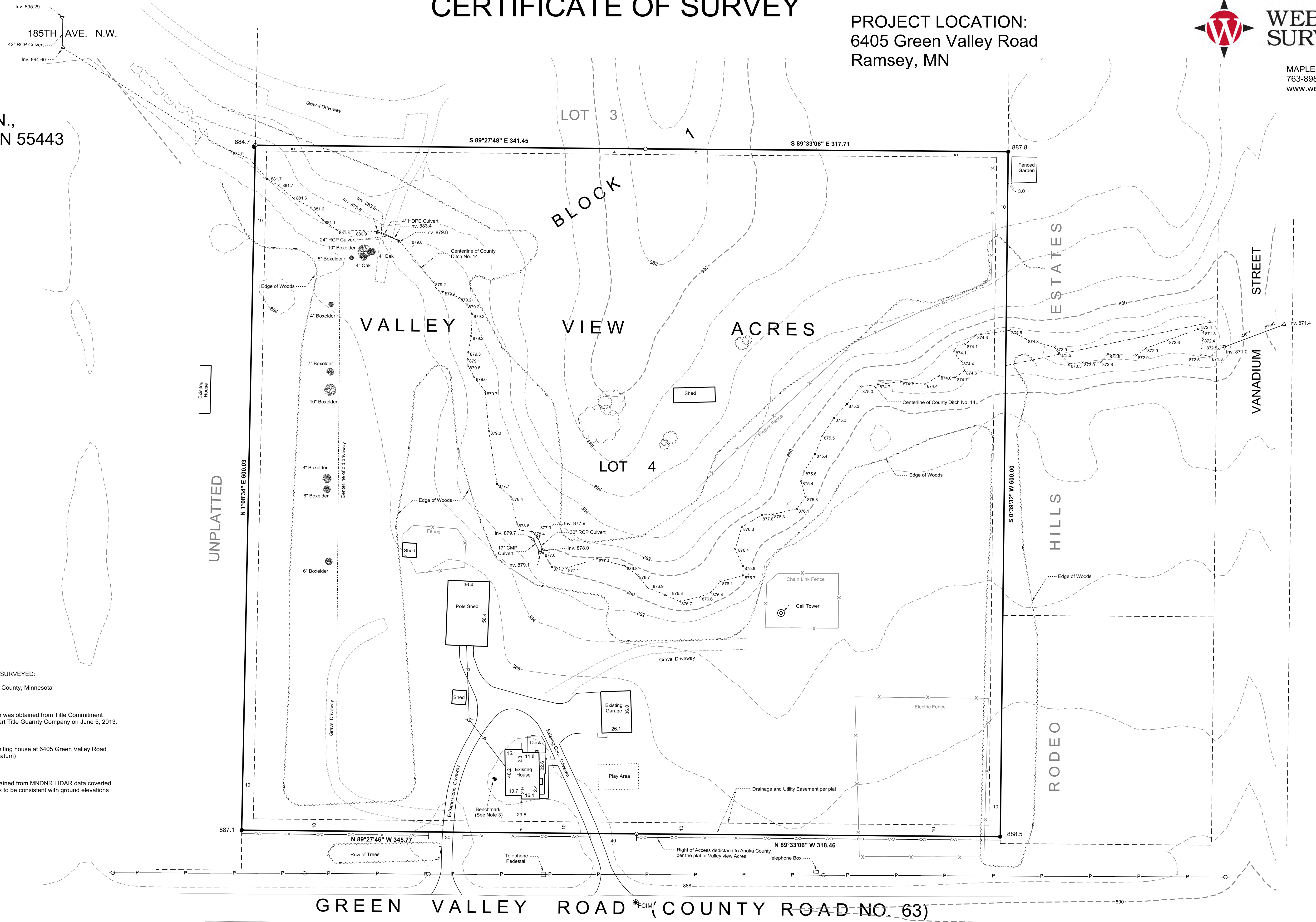
PROJECT LOCATION:
6405 Green Valley Road
Ramsey, MN



WEBB SURVEYING LLC

MAPLE LAKE, MN 55358
763-898-9999
www.webbsurveying.net

CLIENT:
Samuel Diehl
4308 82nd Ave, N.,
Brooklyn Park, MN 55443



LEGAL DESCRIPTION OF PROPERTY SURVEYED:

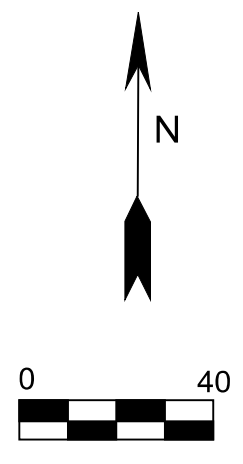
Lot 4, Block 1, Valley View Acres, Anoka County, Minnesota

NOTES:

- 1) The legal description as shown hereon was obtained from Title Commitment Number NW1305059 issued by Stewart Title Guaranty Company on June 5, 2013.
- 2) Benchmark:
Top of well on the west side of the existing house at 6405 Green Valley Road
Elevation= 889.74 feet (NAVD 1988 datum)
- 3) Area: 397017 SqFt 9.1 Acres
- 4) The contours shown hereon were obtained from MNDNR LIDAR data converted to a cad file. This information appears to be consistent with ground elevations taken on site and shown hereon.

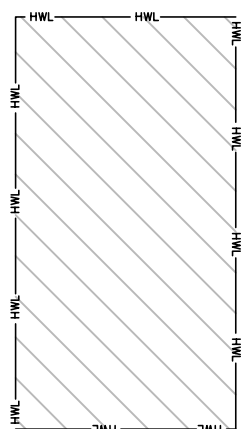
LEGEND

	Set Iron Monument
	Power Pole
	Phone Riser
	Spot Elevation
	Found Monument
	Tree
	Well
	Tree to be removed
	Set Monument in Case

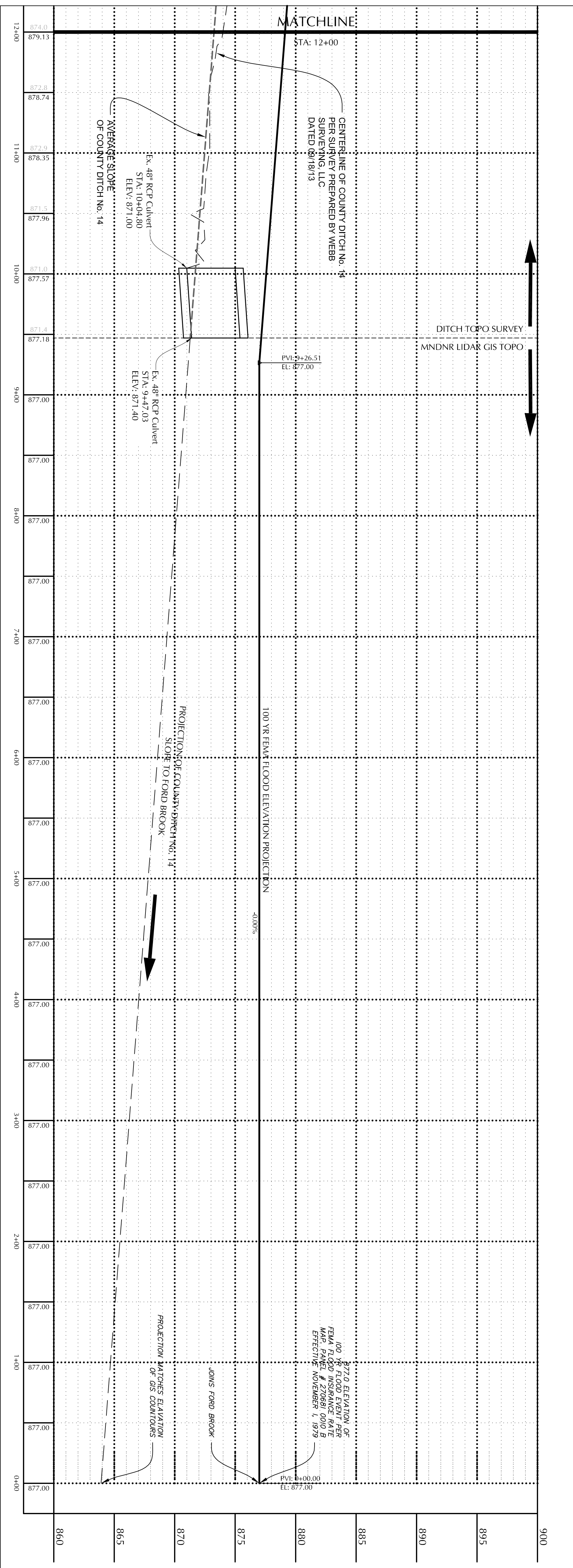
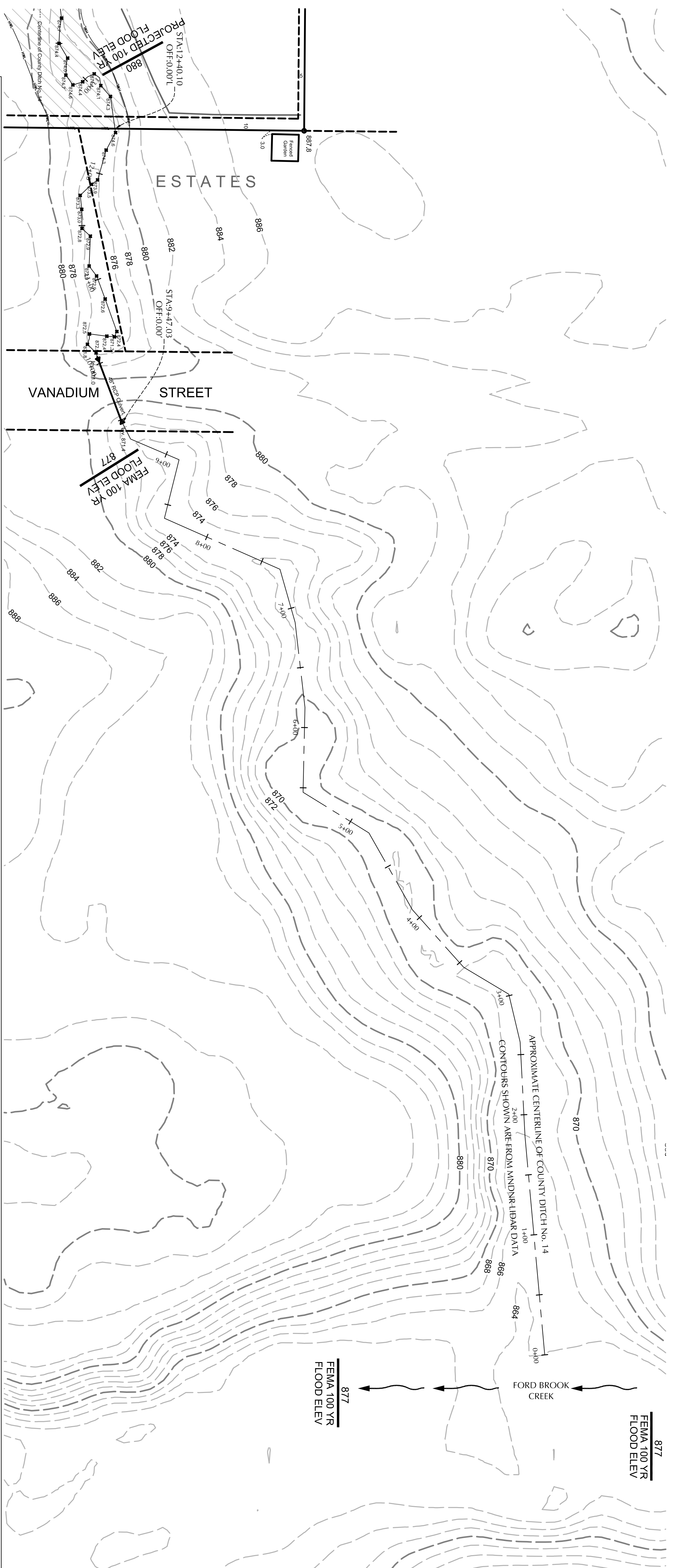


I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Surveyor under the laws of the State of Minnesota.
Charles E. Webb, Jr. Date: 9-13-13
License No. 41226

FILE NAME		
13047-DIEHL-ROT TRV	SCALE	DATE
40 Ftl/in	9-18-2013	DRAWN BY
JOB	REVISION	name
13047	1/1	1/1



DENOTES APPROXIMATE AREA PRONE TO 100 YR FLOOD



Project Name: VALLEY VIEW ACRES FLOOD ELEVATION DETERMINATION CO. DITCH 14

Owner/Developer: Ramsey, MN
Mr. Sam Diehl
4308 82nd Ave. N.
Brooklyn Park, MN 55443
samuel.diehl@ramsay.com

Professional Services:
LOUCKS ASSOCIATES
Planning • Civil Engineering • Land Surveying
7100 Hennepin Ave., Suite 300
Maple Grove, MN 55369
Telephone: (763) 424-5505
www.loucksassociates.com

© 2013
CADD Qualifications:
The Engineer of Record for the project shall be the Engineer of Record for the project and shall be responsible for the project. The Engineer of Record shall be responsible for the project and shall be responsible for the project. The Engineer of Record shall be responsible for the project and shall be responsible for the project.

Client Submittal
09/20/13

Quality Control: TMM
Checked By: TMM
Drawn By: TMM
Date: 09/20/13

Plan and Profile
Sta: 0+00 - 12+00

Project No.: 13326.0A
Sheet No.: C-1

Plotted: 09/23/2013 2:45 PM W:\2013\13326.0A\CADD DATA\CIVIL

September 24, 2013

Mr. Leonard Linton, PE
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
llinton@ci.ramsey.mn.us

7200 Hemlock Lane
Suite 300
Maple Grove, MN 55369
763.424.5505 *main*
763.424.5822 *fax*
loucksassociates.com

Re: Flood Elevation – Lot 4, Block 1, VALLEY VIEW ACRES - Ramsey, MN
Proposed Plat of DIEHL'S ACRES

Dear Mr. Linton:

As part of the project approval for DIEHL'S ACRES the City has requested a determination of the 100 year flood elevation of County Ditch No. 14.

The enclosed copy of the flood map from FEMA shows that the flood elevation is not established in this area but is established just to the east of the site at Vanadium Street. The flood elevation at Vanadium Street is 877.

As we discussed earlier, and with our discussion with the County Highway Department, there has not been a significant flooding issue in this area in the past. The existing ditch section and the existing culverts have been adequate to contain the runoff during previous flooding events.

The method we used to project the flood elevation to the site is a straight forward analysis of the ditch slope. Starting at the flood elevation of 877 at Vanadium Street, we projected the average ditch slope upstream into the site. The plan shows the flood elevations through the site.

We also analyzed the capacity of the ditch in relation to the upstream culvert capacity. The upstream culvert is a 42" culvert under 185th Ave. NW near Ebony Street, approximately 1.0 mile to the northwest. This culvert, with its size and slope has a capacity of approximately 150 cubic feet per second (cfs). The cross-sectional area of the ditch at station 17+00 provides approximately 155 cfs at a depth of 3.7 feet, or at an elevation of 880.5. See enclosed calculations. At the flood elevation of 883.0 the ditch provides 585 cfs of capacity. Therefore, the ditch has adequate capacity to contain additional flow from a flood event.

If you have any further questions or comments please feel free to give me a call.

Sincerely,
LOUCKS ASSOCIATES



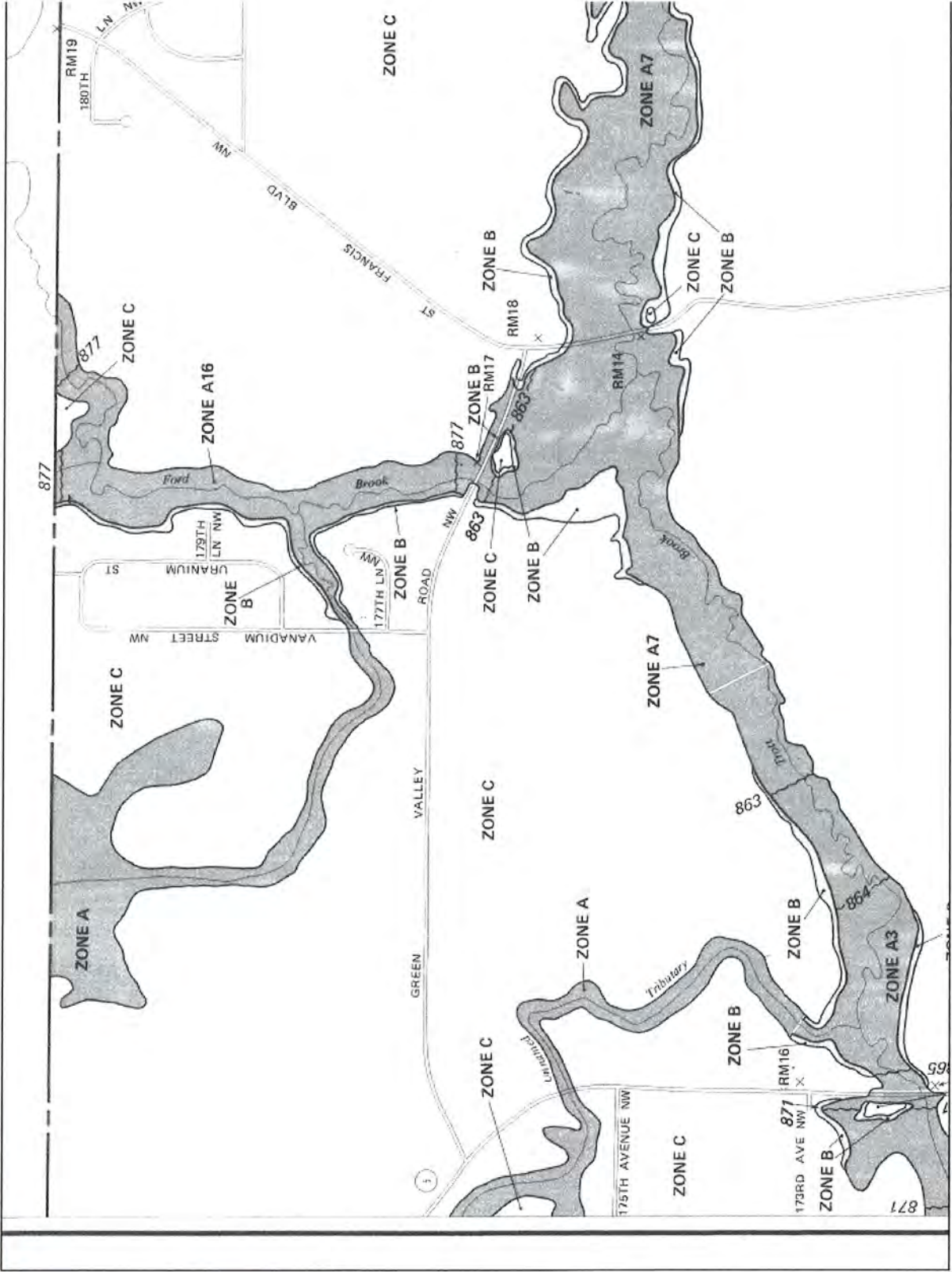
Todd W. McLouth, PE
Senior Project Engineer

Cc: Richard Krier, Midwest Planning

File: 013326.0A



Scale: 21 % LOMC: 03-05-2612A-270681



ditch capacity

Prepared by Loucks Associates
 HydroCAD® 10.00 s/n 02676 © 2011 HydroCAD Software Solutions LLC

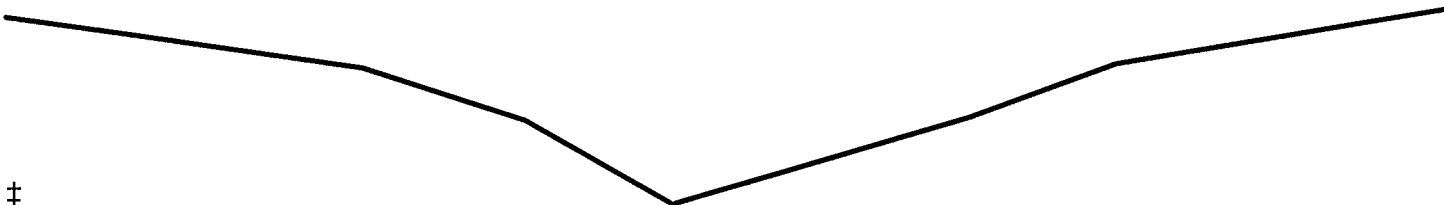
Summary for Reach Sta. 17+00: Ditch 14

Outflow = 0.00 cfs @ 5.00 hrs, Volume= 0.000 af

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Max. Velocity= 0.00 fps, Min. Travel Time= 0.0 min
 Avg. Velocity = 0.00 fps, Avg. Travel Time= 0.0 min

Peak Storage= 0 cf @ 0.00 hrs
 Average Depth at Peak Storage= 0.00'
 Bank-Full Depth= 7.20' Flow Area= 277.0 sf, Capacity= 906.54 cfs

Custom cross-section, Length= 50.0' Slope= 0.0078 '/' (102 Elevation Intervals)
 Constant n= 0.080 Earth, long dense weeds
 Inlet Invert= 0.00', Outlet Invert= -0.39'



‡

Offset (feet)	Elevation (feet)	Chan.Depth (feet)
-45.00	884.00	0.00
-21.00	882.00	2.00
-10.00	880.00	4.00
0.00	876.80	7.20
20.00	880.00	4.00
30.00	882.00	2.00
52.00	884.00	0.00

Depth (feet)	End Area (sq-ft)	Perim. (feet)	Storage (cubic-feet)	Discharge (cfs)
0.00	0.0	0.0	0	0.00
3.20	48.0	30.8	2,400	105.95
5.20	129.0	52.1	6,450	387.16
7.20	277.0	98.3	13,850	906.54

ditch capacity

Prepared by Loucks Associates
 HydroCAD® 10.00 s/n 02676 © 2011 HydroCAD Software Solutions LLC

Stage-Discharge for Reach Sta. 17+00: Ditch 14

Elevation (feet)	Velocity (ft/sec)	Discharge (cfs)	Elevation (feet)	Velocity (ft/sec)	Discharge (cfs)
0.00	0.00	0.00	5.30	2.99	401.89
0.10	0.22	0.01	5.40	2.99	417.63
0.20	0.35	0.07	5.50	2.99	434.65
0.30	0.46	0.20	5.60	2.99	452.74
0.40	0.55	0.42	5.70	3.00	471.98
0.50	0.64	0.75	5.80	3.01	492.42
0.60	0.72	1.23	5.90	3.02	513.94
0.70	0.80	1.85	6.00	3.03	536.74
0.80	0.88	2.63	6.10	3.04	560.67
0.90	0.95	3.61	* 6.20	3.06	585.77
1.00	1.02	4.77	6.30	3.08	612.17
1.10	1.08	6.16	6.40	3.09	639.70
1.20	1.15	7.76	6.50	3.11	668.55
1.30	1.21	9.60	6.60	3.13	698.64
1.40	1.27	11.70	6.70	3.15	729.95
1.50	1.33	14.06	6.80	3.18	762.67
1.60	1.39	16.70	6.90	3.20	796.61
1.70	1.45	19.63	7.00	3.22	831.92
1.80	1.50	22.84	7.10	3.25	868.60
1.90	1.56	26.41	7.20	3.27	906.54
2.00	1.61	30.27			
2.10	1.67	34.47			
2.20	1.72	39.03			
2.30	1.77	43.92			
2.40	1.82	49.22			
2.50	1.87	54.88			
2.60	1.92	60.91			
2.70	1.97	67.38			
2.80	2.02	74.22			
2.90	2.07	81.51			
3.00	2.11	89.23			
3.10	2.16	97.36			
3.20	2.21	105.95			
3.30	2.25	114.79			
3.40	2.29	124.11			
3.50	2.33	133.92			
3.60	2.37	144.21			
* 3.70	2.41	155.08			
3.80	2.45	166.45			
3.90	2.49	178.35			
4.00	2.53	190.84			
4.10	2.57	203.83			
4.20	2.61	217.46			
4.30	2.65	231.64			
4.40	2.69	246.40			
4.50	2.73	261.81			
4.60	2.77	277.78			
4.70	2.81	294.41			
4.80	2.85	311.67			
4.90	2.89	329.53			
5.00	2.92	348.11			
5.10	2.96	367.30			
5.20	3.00	387.16			

EAGLE SOIL SERVICES

5818 Halifax Avenue North ~ Brooklyn Center, MN 55429
Phone 612.441.7509 ~ Fax 612.441.9176 ~ Email eaglesoils@aol.com
Minnesota Licensed Soil Scientist #30018

March 18, 2000

Phil Johnson
6461 178th Lane NW
Ramsey, MN 55303

Dear Phil:

As requested, Eagle Soil Services has completed the wetland delineation on your property located in Secs. 2 & 3, T 32 N., R. 25 W. of Anoka County, MN. Enclosed are copies of the wetland transect sheets, aerial photo with the approximate wetland transects and boundaries located, National Wetlands Inventory (NWI) information, Remotely Sensed Data Summary sheet, and Anoka County Soil Survey information. Three copies of the delineation report are enclosed, one for your records, one for the Anoka Soil & Water Conservation District, and one for the City of Ramsey.

Anoka County Ditch #14 runs through the southern portion of the property. The ditch has not been delineated as a wetland; private landowners cannot engage in activities which negatively impact a County ditch, regardless if wetlands are present within the ditch or not.

Six wetland areas were located on the property. Wetland 1, which extends past the western property boundary, most closely resembles a Type 2 wetland. Dominant hydrophytic vegetation includes Reed-Canary Grass (*Phalaris arundinacea*, FACW+). Hydric soils and wetland hydrology criteria were met. The area also appears on the NWI maps as a PEMC (Palustrine, Emergent, Seasonally Flooded) wetland. There are 12 pink wetland delineation flags marking the upland/wetland boundary, and pink flagging has been placed in the surrounding vegetation to assist the survey crew in locating the flags.

Wetland 2 most closely resembles a Type 3 wetland. Dominant hydrophytic vegetation includes Reed-Canary Grass (*Phalaris arundinacea*, FACW+) and Broad-leaved Cattail (*Typha latifolia*, OBL). Hydric soil and wetland hydrology criteria were met, and the area appears as a PEMC (Palustrine, Emergent, Seasonally Flooded) wetland on the NWI maps. There are 7 pink wetland delineation flags marking the upland/wetland boundary, and pink flagging has been placed in the surrounding vegetation to assist the survey crew in locating the flags.

Wetlands 3 and 4 most closely resemble Type 3 Wetland surrounded by a fringe of Type 2 Wetland. Dominant hydrophytic vegetation includes Reed-Canary Grass (*Phalaris arundinacea*, FACW+), Tussock Sedge (*Carex stricta*, OBL), and Broad-leaved Cattail (*Typha latifolia*, OBL). Hydric soil and wetland hydrology criteria were met. There are 12 pink wetland delineation flags marking the upland/wetland boundary for Wetland #3, 7 pink delineation flags marking the boundary for Wetland #4.

Phil Johnson
Wetland Delineation Report
Page Two

Wetlands 5 most closely resemble Type 2 Wetland. Dominant hydrophytic vegetation includes Reed-Canary Grass (*Phalaris arundinacea*, FACW+). Hydric soil and wetland hydrology criteria were met. There are 5 pink wetland delineation flags marking the upland/wetland boundary.

Wetland 6 most closely resembles a Type 1 Wetland. Dominant hydrophytic vegetation includes Reed-Canary Grass (*Phalaris arundinacea*, FACW+), Barnyard Grass (*Echinochloa crusgalli*, FACW), and Giant goldenrod (*Solidago canadensis*, FACW). Hydric soil and wetland hydrology criteria were met and there are 8 pink wetland delineation flags marking the upland/wetland boundary.

According to the Wetlands Conservation Act, in the less than 50% original wetlands remaining area of the state (which includes Anoka County) a replacement plan is not required for draining or filling up to 2,000 square feet of Type 2 wetlands. Additionally, a replacement plan is not required for draining or filling up to 400 square feet of Type 3 wetlands. The Anoka Soil & Water Conservation District and the City of Ramsey may have additional or stricter requirements for wetland replacement plans; I caution you to check with them prior to beginning any filling, draining, or excavation activities.

Thank you for the opportunity to present this report. Please contact me at 441-7509 if you have any questions or require further information.

Sincerely,



Mary M West

Enclosures: 3 Wetland Delineation Reports

Wetland Delineation - Phil Johnson 03/16/00



Photo courtesy of the US Geological Survey.

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 1 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+
*Bromus purgans	H	FACU+
Monarda fistulosa	H	FACU
*Rhus typhina	S	NI
Rubus strigosus	H	FACW-
*Xanthoxylum americanum	S	FACU

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

___ Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA Codes from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained
 Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	A	10YR 3/2			Fine Sandy Loam
4-10	E	10YR 5/2			Fine Sandy Loam
10-18	Bt1	10YR 4/4			Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No
 Hydric Soils Present: Yes No

Remarks: Upland

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 1 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 90-100% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input checked="" type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patters in Wetlands Secondary Indicators (2 or more required): <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input checked="" type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u> </u> inches Depth to Free Water in Pit: <u> </u> inches Depth to Saturated Soil: <u> 0 </u> inches	
Remarks: USDA-FSA Aerial Photograph; USDA-FSA Aerial Photographs from 1981-1999 indicate wetland signatures 15 years out of 17	Remarks

SOILS

Map Unit Name
 (Series and Phase): Nowen Sandy Loam Drainage Class: Somewhat Poorly and Poorly Drained

Taxonomy: Mollic Ochraqualf Field Observations Confirm Mapped Type? Yes X No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	Oa	N 2.5/0			Mucky Loam
4-16	Bg1	N 2.5/0			Silty Clay Loam
16-24	Cg1	5GY 2.5/1			Silty Clay

Hydric Soil Indicators:

- | | |
|--------------------------------------|--|
| <u> </u> Histosol | <u> </u> Concretions |
| <u> </u> Histic Epipedon | <u> </u> High Organic Content in Surface Layer in Sandy Soils |
| <u> </u> Sulfidic Odor | <u> </u> Organic Streaking in Sandy Soils |
| <u>X</u> Aquic Moisture Regime | <u> </u> Listed on Local Hydric Soils List |
| <u>X</u> Reducing Conditions | <u> </u> Listed on National Hydric Soils List |
| <u>X</u> Gleyed or Low Chroma Colors | <u> </u> Other (Explain in Remarks) |

Remarks: Very poorly drained, hydric inclusion within Nowen mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? X Yes No

Wetland Hydrology Present? X Yes No Is This Sample Point Within a Wetland? X Yes No

Hydric Soils Present: X Yes No

Remarks: Type 2 Wetland

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 2 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
Agricultural Field, not yet planted		

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patters in Wetlands Secondary Indicators (2 or more required): <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: --- inches Depth to Free Water in Pit: --- inches Depth to Saturated Soil: --- inches	
Remarks: USDA-FSA Aerial Photograph; USDA-FSA files from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name

(Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	A	10YR 3/2			Fine Sandy Loam
4-14	Bt1	10YR 4/3			Fine Sandy Loam

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic Streaking in Sandy Soils |
| <input type="checkbox"/> Aquic Moisture Regime | <input type="checkbox"/> Listed on Local Hydric Soils List |
| <input type="checkbox"/> Reducing Conditions | <input type="checkbox"/> Listed on National Hydric Soils List |
| <input type="checkbox"/> Gleyed or Low Chroma Colors | <input type="checkbox"/> Other (Explain in Remarks) |

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Upland; Agricultural Field

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 2 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+
Typha latifolia	H	OBL

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 90-100% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

___ Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <u>X</u> Inundated <u>X</u> Saturated in Upper 12 Inches ___ Water Marks <u>X</u> Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>6-8</u> inches Depth to Free Water in Pit: <u>0</u> inches Depth to Saturated Soil: <u>0</u> inches	Remarks:
Remarks: USDA-FSA Aerial Photograph: USDA-FSA slides from 1981-1999 indicate wetland signatures 17 out of 7 years.	Remarks:

SOILS

Map Unit Name
 (Series and Phase): Dalbo silt loam 1-5% slopes Drainage Class: Moderately Well Drained
 Taxonomy: Aquic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-10	A	N 2.5/0			Mucky Loam
10-16	B1	10YR 2/1	C2P 10YR 4/6		Clay Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input checked="" type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input checked="" type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Very poorly drained, hydric inclusion within Dalbo mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No
 Hydric Soils Present: Yes No

Remarks: Type 3 Wetland pocket.

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 3 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Bromus purgans	H	FACU+
*Rhus typhina	S	N/I
Monarda fistulosa	H	FACU
Rubus strigosus	S	FACW-
*Solidago canadensis	H	FACU

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

_____ Recorded Data (Describe in Remarks) _____ Stream, Lake or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other _____ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: _____ Inundated _____ Saturated in Upper 12 Inches _____ Water Marks _____ Drift Lines _____ Sediment Deposits _____ Drainage Patters in Wetlands Secondary Indicators (2 or more required): _____ Oxidized Root Channels in Upper 12 Inches _____ Local Soil Survey Data _____ FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA files from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-3	A	10YR 3/2			Fine Sandy Loam
3-18	Bt1	10YR 4/3			Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Upland

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u> X </u> Yes <u> </u> No Is the site significantly disturbed (Atypical Situation)? <u> </u> Yes <u> X </u> No Is the area a potential Problem Area? <u> </u> Yes <u> X </u> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 3 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+
Carex stricta	H	OBL

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 90-100% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<u> </u> Recorded Data (Describe in Remarks) <u> </u> Stream, Lake or Tide Gauge <u> X </u> Aerial Photographs <u> X </u> Other <u> </u> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <u> X </u> Inundated <u> X </u> Saturated in Upper 12 Inches <u> </u> Water Marks <u> </u> Drift Lines <u> </u> Sediment Deposits <u> </u> Drainage Patters in Wetlands Secondary Indicators (2 or more required): <u> </u> Oxidized Root Channels in Upper 12 Inches <u> </u> Local Soil Survey Data <u> </u> FAC Neutral Test <u> X </u> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u> 4-6 </u> inches Depth to Free Water in Pit: <u> 0 </u> inches Depth to Saturated Soil: <u> 0 </u> inches	
Remarks: USDA-FSA Aerial Photograph; USDA-FSA maps from 1981-1999 indicate wetland signatures 17 years out of 17	Remarks: NWI map identifies area as PEMC Wetland

SOILS

Map Unit Name

(Series and Phase): Heyder fine sandy loam 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-6	Oa	N 2.5/0			Mucky Loam
6-14	Bg1	N 2.5/0			Silty Clay Loam

Hydric Soil Indicators:

- | | |
|---|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions |
| <input checked="" type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils |
| <input checked="" type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic Streaking in Sandy Soils |
| <input checked="" type="checkbox"/> Aquic Moisture Regime | <input type="checkbox"/> Listed on Local Hydric Soils List |
| <input checked="" type="checkbox"/> Reducing Conditions | <input type="checkbox"/> Listed on National Hydric Soils List |
| <input checked="" type="checkbox"/> Gleyed or Low Chroma Colors | <input type="checkbox"/> Other (Explain in Remarks) |

Remarks: Very poorly drained, hydric inclusion within Heyder mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Type 2 Wetland fringe around small Type 3 pocket

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 4 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Bromus purgans	H	FACU+
*Rhus typhina	S	N/I
Monarda fistulosa	H	FACU
Rubus strigosus	S	FACW-
*Solidago canadensis	H	FACU

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

___ Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA slides from 1981-1999 do not indicate wetland signatures	

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-3	A	10YR 3/2			Fine Sandy Loam
3-18	Bt1	10YR 4/3			Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Upland

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 4 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+
Carex stricta	H	OBL

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 90-100% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <u>X</u> Inundated <u>X</u> Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test <u>X</u> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u>4-6</u> inches Depth to Free Water in Pit: <u>0</u> inches Depth to Saturated Soil: <u>0</u> inches	Remarks: NWI map identifies area as PEMC Wetland
Remarks: USDA-FSA Aerial Photograph; USDA-FSA slides from 1981-1999 indicate wetland signatures 17 years out of 17	(Empty)

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-6	Oa	N 2.5/0			Mucky Loam
6-18	Bg1	N 2.5/0			Silty Clay Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input checked="" type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input checked="" type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input checked="" type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input checked="" type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Very poorly drained, hydric inclusion within Heyder mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Type 2 Wetland fringe around small Type 3 pocket

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 5 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Quercus rubra	T	FACU
*Rhus typhina	S	NI
Rubus strigosus	S	FACW-
*Solidago canadensis	H	FACU
Ulmus americana	T	FACW-

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<u> </u> Recorded Data (Describe in Remarks) <u> </u> Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other <u> </u> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA Aerial Photographs from 1981-1999 do not indicate wetland signatures	

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-5	A	10YR 3/2			Fine Sandy Loam
5-18	Bt1	10YR 4/3			Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

+
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Upland

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u> X </u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u> X </u> No Is the area a potential Problem Area? ___ Yes <u> X </u> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 5 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 90-100% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<u> </u> Recorded Data (Describe in Remarks) <u> </u> Stream, Lake or Tide Gauge <u> X </u> Aerial Photographs <u> X </u> Other <u> </u> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated <u> X </u> Saturated in Upper 12 Inches ___ Water Marks <u> X </u> Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: <u> 0 </u> inches	
Remarks:	Remarks:

SOILS

Map Unit Name

(Series and Phase): Heyder fine sandy loam 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-6	Oa	N 2.5/0			Mucky Loam
6-18	Bg1	N 2.5/0			Silty Clay Loam

Hydric Soil Indicators:

- | | |
|---|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils |
| <input checked="" type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic Streaking in Sandy Soils |
| <input type="checkbox"/> Aquic Moisture Regime | <input type="checkbox"/> Listed on Local Hydric Soils List |
| <input checked="" type="checkbox"/> Reducing Conditions | <input type="checkbox"/> Listed on National Hydric Soils List |
| <input checked="" type="checkbox"/> Gleyed or Low Chroma Colors | <input type="checkbox"/> Other (Explain in Remarks) |

Remarks: Very poorly drained, hydric inclusion within Heyder mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Type 2 Wetland

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u> X </u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u> X </u> No Is the area a potential Problem Area? ___ Yes <u> X </u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 6 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Quercus rubra	T	FACU
*Acer rubrum	S	FAC

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<u> </u> Recorded Data (Describe in Remarks) <u> </u> Stream, Lake or Tide Gauge <u> X </u> Aerial Photographs <u> X </u> Other <u> </u> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA slides from 1981-1999 do not indicate wetland signatures	

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained
 Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	A	10YR 3/2			Fine Sandy Loam
4-16	Bt1	10YR 4/3			Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Upland Soil

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No
 +
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No
 Hydric Soils Present: Yes No

Remarks: Upland Woods

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u> X </u> Yes <u> </u> No Is the site significantly disturbed (Atypical Situation)? <u> </u> Yes <u> X </u> No Is the area a potential Problem Area? <u> </u> Yes <u> X </u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 6 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Quercus rubra	T	FACU
*Acer rubrum	S	FAC
Tilia americana	S	FACU

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<u> </u> Recorded Data (Describe in Remarks) <u> </u> Stream, Lake or Tide Gauge <u> X </u> Aerial Photographs <u> X </u> Other <u> </u> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <u> </u> Inundated <u> </u> Saturated in Upper 12 Inches <u> </u> Water Marks <u> </u> Drift Lines <u> </u> Sediment Deposits <u> </u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required): <u> </u> Oxidized Root Channels in Upper 12 Inches <u> </u> Local Soil Survey Data <u> </u> FAC Neutral Test <u> </u> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: <u> --- </u> inches Depth to Free Water in Pit: <u> --- </u> inches Depth to Saturated Soil: <u> --- </u> inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA slides from 1981-1999 do not indicate wetland signatures	

SOILS

Map Unit Name
 (Series and Phase): Heyder fine sandy loam, 6-12% slopes, eroded Drainage Class: Well Drained
 Taxonomy: Typic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	A	10YR 2/1			Fine Sandy Loam
4-8	E	10YR 3/2			Fine Sandy Loam
8-18	Bt1	10YR 4/2	C2D 10YR 4/4, C2P 10YR 4/6		Fine Sandy Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Poorly drained inclusion within Heyder mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No
 +
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No
 Hydric Soils Present: Yes No

Remarks: Small depression in upland woods. Area appears to be used for mulching leaves and cutting of firewood. May have been wetter at one time. No herbaceous vegetation present; evidence of erosion from upland naturally filling in depression.

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 7 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Bromus purgans	H	FACU+
Setaria glauca	H	FACU
Setaria italica	H	FAC

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patters in Wetlands Secondary Indicators (2 or more required): <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: --- inches Depth to Free Water in Pit: --- inches Depth to Saturated Soil: --- inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA slides from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name

(Series and Phase): Dalbo silt loam, 1-5% slopes Drainage Class: Moderately Well Drained

Taxonomy: Aquic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-6	Ap	10YR 3/2			Loam
6-20	Bt1	10YR 4/3	C2P 10YR 4/6, Common	10YR 5/2 clay films	Clay Loam

Hydric Soil Indicators:

- | | |
|--|---|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions |
| <input type="checkbox"/> Histic Epipedon | <input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic Streaking in Sandy Soils |
| <input type="checkbox"/> Aquic Moisture Regime | <input type="checkbox"/> Listed on Local Hydric Soils List |
| <input type="checkbox"/> Reducing Conditions | <input type="checkbox"/> Listed on National Hydric Soils List |
| <input type="checkbox"/> Gleyed or Low Chroma Colors | <input type="checkbox"/> Other (Explain in Remarks) |

Remarks:

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

+

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Abandoned agricultural field

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 7 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Bromus purgans	H	FACU+
Setaria glauca	H	FACU
Setaria italica	H	FAC

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA Aerial Photographs from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name
 (Series and Phase): Dalbo silt loam, 1-5% slopes Drainage Class: Moderately Well Drained

Taxonomy: Aquic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-6	Ap	10YR 2/1			Loam
6-8	E	10YR 3/2			Loam
8-16	Bt1	10YR 4/3	C2P 10YR 4/6, Common 10YR 5/2 clay films		Clay Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

±
 Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Abandoned agricultural field

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <u>X</u> Yes ___ No Is the site significantly disturbed (Atypical Situation)? ___ Yes <u>X</u> No Is the area a potential Problem Area? ___ Yes <u>X</u> No (If needed, explain on reverse)	Community ID: Upland Transect ID: 8 Plot ID: 1

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Bromus purgans	H	FACU+
*Solidago canadensis	H	FACU

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -) - <10% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

___ Recorded Data (Describe in Remarks) ___ Stream, Lake or Tide Gauge <u>X</u> Aerial Photographs <u>X</u> Other ___ No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: ___ Inundated ___ Saturated in Upper 12 Inches ___ Water Marks ___ Drift Lines ___ Sediment Deposits ___ Drainage Patters in Wetlands Secondary Indicators (2 or more required): ___ Oxidized Root Channels in Upper 12 Inches ___ Local Soil Survey Data ___ FAC Neutral Test ___ Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ inches	Remarks
Remarks: USDA-FSA Aerial Photograph; USDA-FSA files from 1981-1999 do not indicate wetland signatures	Remarks

SOILS

Map Unit Name
 (Series and Phase): Hayden fine sandy loam 6-12% slopes, eroded Drainage Class: Well Drained

Taxonomy: Typic Hapludralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	Ap	10YR 3/2			Fine Sandy Loam
4-16	Bt1	10YR 4/3			Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks:

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Abandoned agricultural field

DATA FORM

ROUTINE WETLAND DETERMINATION

(1987 COE Wetlands Delineation Manual)

Project/Site Applicant/Owner: Phil Johnson Investigator(s): Mary M. West/Eagle Soil Services, Inc.	Date: 03/13/00 County: Anoka State: MN
Do Normal Circumstances exist on the site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Is the site significantly disturbed (Atypical Situation)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is the area a potential Problem Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If needed, explain on reverse)	Community ID: Wetland Transect ID: 8 Plot ID: 2

VEGETATION

Dominant Plant Species	Stratum	Indicator
*Phalaris arundinacea	H	FACW+
Solidago canadensis	H	FACU
Solidago gigantea	H	FACW
Echinochloa crusgalli	H	FACW

Percent of Dominant Species that are OBL, FACW, or FAC (excluding FAC -): 60-80% *Dominant Species
Remarks: NI = No indicator; insufficient information available to determine and indicator Status

HYDROLOGY

Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream, Lake or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators: Primary Indicators: <input type="checkbox"/> Inundated <input checked="" type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patters in Wetlands Secondary Indicators (2 or more required): <input type="checkbox"/> Oxidized Root Channels in Upper 12 Inches <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC Neutral Test <input type="checkbox"/> Other (Explain in Remarks)
Field Observations: Depth of Surface Water: ___ inches Depth to Free Water in Pit: ___ inches Depth to Saturated Soil: ___ 0 inches	Remarks:
Remarks: USDA-FSA Aerial Photograph: USDA-FSA photos from 1981-1999 indicate wetland signatures 10 out of 17 years.	Remarks:

SOILS

Map Unit Name
 (Series and Phase): Dalbo silt loam 1-5% slopes Drainage Class: Moderately Well Drained

Taxonomy: Aquic Eutroboralf Field Observations Confirm Mapped Type? Yes No

Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Colors (Munsell Moist)	Mottle Abundance/Contrast	Texture
0-4	A	10YR 2/1			Clay Loam
4-18	B1	10YR 4/2	C2D 10YR 4/4, C2P 10YR 4/6		Clay Loam

Hydric Soil Indicators:

<input type="checkbox"/> Histosol	<input type="checkbox"/> Concretions
<input type="checkbox"/> Histic Epipedon	<input type="checkbox"/> High Organic Content in Surface Layer in Sandy Soils
<input type="checkbox"/> Sulfidic Odor	<input type="checkbox"/> Organic Streaking in Sandy Soils
<input type="checkbox"/> Aquic Moisture Regime	<input type="checkbox"/> Listed on Local Hydric Soils List
<input checked="" type="checkbox"/> Reducing Conditions	<input type="checkbox"/> Listed on National Hydric Soils List
<input checked="" type="checkbox"/> Gleyed or Low Chroma Colors	<input type="checkbox"/> Other (Explain in Remarks)

Remarks: Poorly drained, hydric inclusion within Dalbo mapunit

WETLAND DETERMINATION

Hydrophitic Vegetation Present? Yes No

Wetland Hydrology Present? Yes No Is This Sample Point Within a Wetland? Yes No

Hydric Soils Present: Yes No

Remarks: Type 1 Wetland.

**WETLAND DOCUMENTATION RECORD
REMOTELY SENSED DATA SUMMARY**

Owner/Landuser: Phil Johnson County/State: ANOKA COUNTY, MN Slide Reviewer: Mary M. West/Eagle Soil Services Site Identification No: That part Secs. 2 & 3, T. 32 N., R. 25 W.	Date: 03/13/00
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FSA COLOR SLIDE DATA

DATE	CLIMATE CONDITION	INTERPRETATION: DO = Drowned Out; CS = Crop Stress
9/81	NORMAL	Wetland pockets 1-4 visible
8/82	DRY	Wetland pockets 1-4 visible
10/83	NORMAL	Wetland pockets 1-4 visible
6/84	WET	Wetland pockets 1-4 visible
7/85	NORMAL	Wetland pockets 1-4 visible
7/86	NORMAL	Wetland pockets 1-4 visible
7/87	DRY	Wetland pockets 1-4 visible
7/88	DRY	Wetland pockets 1-4 visible
8/89	NORMAL	Wetland pockets 1-4 visible
7/90	WET	Wetland pockets 1-4 visible
7/91	WET	Wetland pockets 1-4 visible
6/92	DRY	Partial slide, property not completely visible
6/93	WET	Wetland pockets 1-4 visible
7/94	DRY	Wetland pockets 1, 3, 4
7/95	NORMAL	Slide Not Available
8/96	DRY	Wetland pockets 1-4 visible
7/97	NORMAL	Wetland pockets 1-4 visible
7/98	NORMAL	Wetland pockets 1-4 visible
8/99	DRY	Wetland pockets 1-4 visible

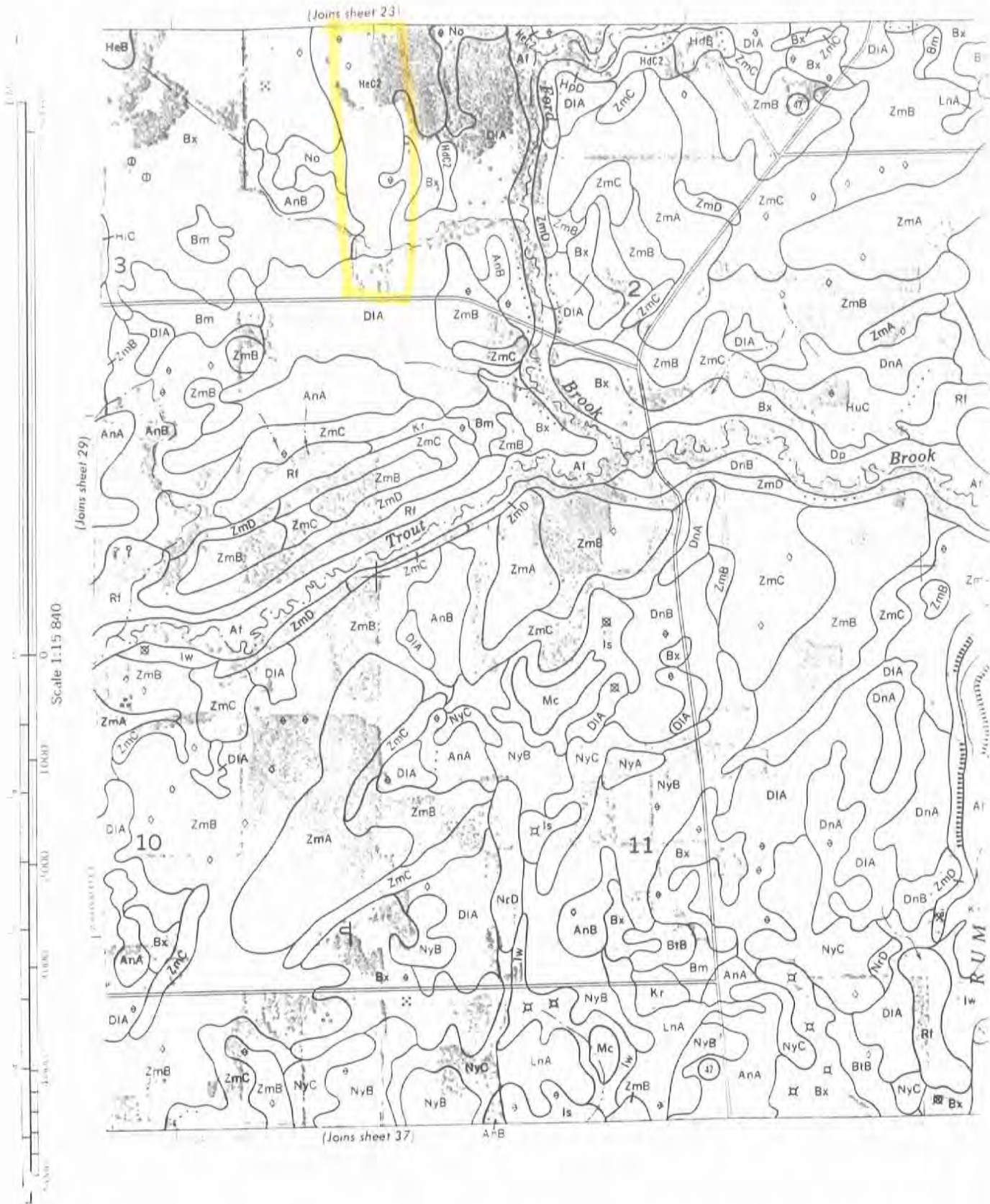
NWI CLASSIFICATION:

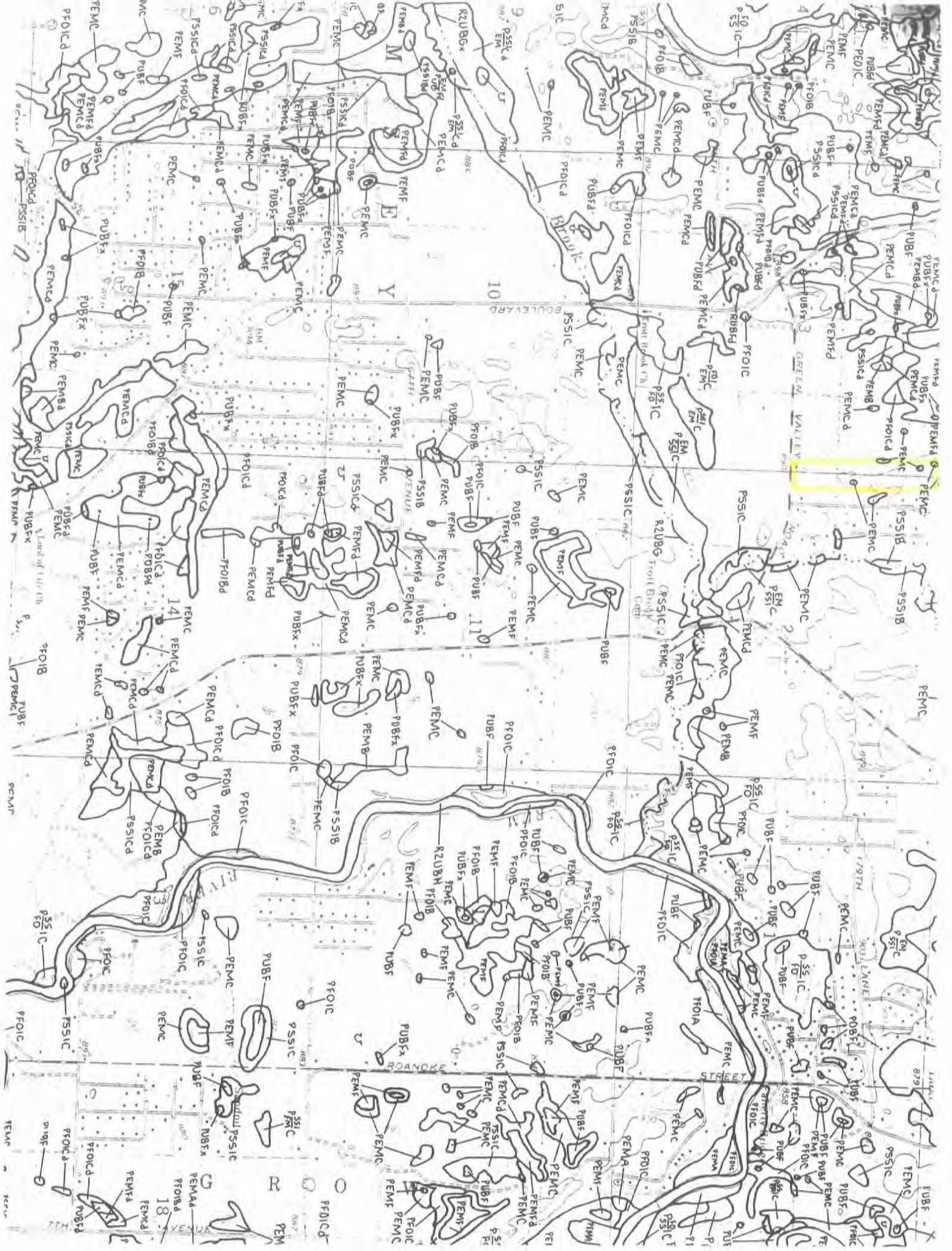
WETLANDS 1-4 PEMC (Palustrine, Emergent, Seasonally Flooded)

NUMBER OF YEARS OBSERVED THAT HAVE WET SIGNATURES:

WETLANDS #1, #3 & #4 = 17 out of 17 years

WETLAND #2 = 15 out of 17





GREEN VALLEY ROAD

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

RESOLUTION #13-11-

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

WHEREAS, Samuel and Andrea Diehl, hereinafter referred to as “Applicant,” has properly applied for a variance to allow a private well and septic system on the property generally known as 6405 Green Valley Road NW and legally described as follows:

Lot 4, Block 1, Valley View Estates, 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 R-1 Residential (MUSA) District and is approximately 4.08 acres in size.
2. That the Subject Property is surrounded by R-1 Residential (MUSA) District zoning developed with businesses.
3. That Sec. 117-111 requires that properties within the R-1 Residential (MUSA) District connect to City sanitary sewer and water systems.
4. That City sanitary sewer and water systems are not in close proximity to the Subject Property.
5. That the variance requested is the minimum variance, which would alleviate the practical difficulty.
6. That the variance is in harmony with the purposes and intent of the ordinance due to the circumstances of availability of City sanitary sewer and water.
7. That if granted, the variance will not permit a use that is prohibited in the R-1 Residential District.
8. That if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
9. That if granted, the variance will/will not unreasonably increase the congestion in the public street.

10. That if granted, the variance will/will not increase the danger of fire or endanger the public safety.
11. That if granted, the variance will/will not unreasonably diminish property values in the neighborhood.
12. That if granted, the variance will/will not violate the intent of the Comprehensive Plan.
13. 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 7th day of November, 2013.

Chairperson

ATTEST:

City Clerk

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

RESOLUTION #13-11-

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

WHEREAS, Samuel and Andrea Diehl, hereinafter referred to as “Applicant,” has properly applied for a variance to allow a private well and septic system on the property generally known as 6405 Green Valley Road NW and legally described as follows:

Lot 4, Block 1, Valley View Estates, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on November 7, 2013, conducted the public hearing and adopted findings of fact relating to the request for a variance.

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 #_____, a variance to allow a private well and septic system is hereby granted.
2. 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.
3. 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:

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

DATE	11/1/13	PROJECT ADDRESS	
PROJECT TITLE	DIEHL ACRES		
ESCROW #	113852		
DEPARTMENT:	Planning		
TECHNICAL REVIEWER:	Name: Tim Gladhill Phone: 763-576-4308 Email: tgladhill@ci.ramsey.mn.us		

We offer the following comments regarding your request for a Preliminary Plat for Diehl Acres:

General: The applicant is requesting Sketch Plan Review of Diehl Acres. This plat is located on the north side of Green Valley Road across from Green Valley Greenhouse. The Sketch Plan contemplates the creation of one (1) new buildable lot. The existing parcel has a dwelling and multiple accessory structures. The Plat would create a buildable lot with the intent to build a second dwelling on the north side of the County Ditch that traverses the Property. The Application has been forwarded to the Anoka County Highway Department, as it is located along a County Road.

Setbacks: Required	Proposed:
Front yard: 30 feet	Meets/Exceeds Minimum
Side yard uninhabitable: 6 feet	Meets/Exceeds Minimum
Side yard habitable: 10 feet	Meets/Exceeds Minimum
Side yard corner: 30 feet	Meets/Exceeds Minimum
Rear yard: 30 feet	Meets/Exceeds Minimum
Minimum lot width: 80/corner 90	Meets/Exceeds Minimum

**Note: Minimum Lot Width is measured at front yard setback (30 feet from front property line), not front property line, nor at curb line.*

It appears that the proposed Sketch Plan meets or exceeds minimum standards required by City Code related to the above. Note: Staff is concerned about the layout of the proposed new dwelling, stacked vertically from the public road (Green Valley Road). Often times, this scenario is considered a ‘Flag Lot’. However, the proposal meets the minimum lot width standard, and the City’s Public Safety Staff have reviewed the request and have no objection. Proper access construction, maintenance, and signage to direct emergency vehicles shall be required.

The action of recording of the Plat will result in one (1) existing accessory structure on the newly created parcel prior to the construction of the new dwelling. As it is anticipated that a new dwelling will be constructed in the near future, it is the City’s policy to allow this on a temporary basis, until the dwelling is complete, with the submittal of a performance surety.

Land Use and Zoning: The site is guided LDR on the Comprehensive Plan and zoned R-1, MUSA. The minimum lot size in the R-1, MUSA zone is 10,800 sq. ft. Each of the proposed lots meets the minimum lot size. *Applicant shall provide total acreage of the proposed preliminary plat.*

Net Density Calculations. The Applicant shall provide gross acreage, as well as net acreage. Net acreage is calculated by subtracting wetlands and rights of way from the gross acreage. The Applicant must also provide Net Density Calculations described as number of units per net acre.

Landscaping: Two trees per dwelling unit are required. Deciduous trees shall be a minimum of one (1) inch caliper and evergreen trees shall be at least five (5) feet in height. *Please update the landscape plan to include a planting schedule that identifies the common and scientific name, root stock and quantity for each proposed species.*

- *A planting detail must be included with the landscape plan (another option is to incorporate the City's tree planting detail). At a minimum, it should state:*
 - *Planting depth shall be such that the 1st set of primary roots is at finished grade*
 - *Only prune out dead/broken/deformed branches at time of installation*
 - *Removal of upper portion of wire basket and burlap after being placed in planting hole if using B & B stock.*
 - *2-4 inches of wood chip mulch shall be included around all trees. Mulch shall not be piled against the trunk of trees.*

Density Transitioning: Due to the size of the proposed lots and the adjoining properties' zoning, density transitioning is not required.

Tree Preservation: A detailed tree inventory shall be provided for all significant trees (defined below) within the limits of construction. At least forty percent (40%) of the inches of existing significant tree DBH must be preserved on the overall site. The tree preservation plan shall include the following:

- *All oak trees and evergreen trees that are four (4) inches or greater in Diameter at Breast Height (DBH) and all other deciduous trees that are eight (8) inches in greater DBH shall be identified on the tree inventory (cumulatively referred to as significant trees).*
- *Inventory shall include species, DBH, tree condition, whether the tree will be preserved or remove, a tally of total significant tree DBH on site and how many DBH inches will be removed.*
- *Inventory shall also identify location of tree save fencing, which shall be installed at least at the drip line of individual trees or groups of trees and shall be in place prior to any grading or removal work begins.*

Topsoil: The newly created lot will need to have four (4) inches of topsoil meeting the City's topsoil specification across all disturbed areas not otherwise improved with walkways, driveway, and home. A topsoil inspection is required prior to landscaping being installed and copies of the load tickets are required as well. This is reviewed at time of Building Permit Application and request for Certificate of Occupancy for the newly created lots. *Note: any wetlands within the limits of construction will need to be delineated and marked so that the wetland boundary is evident. No topsoil or other fill is permitted within any wetland.*

Building Elevations: No architectural renderings of the proposed home was submitted. No enhanced architecture above the minimum City Code requirements of Section 117-111 (R-1 Residential District) is being proposed. The required Development Agreement shall clearly state that additional architectural requirements are not being required at this time, and that the underlying requirements for the R-1 Residential (MUSA) District are required.

Streets: The Applicant is not planning on constructing additional public streets. The Applicant is proposing the construction of a new driveway with a connection to Green Valley Road. In addition, the Applicant is

proposing to relocate an existing driveway to address access spacing. The request will need to be approved by the Anoka County Highway Department and will require the issuance of a Right of Way Permit from the Anoka County Highway Department.

The Applicant has submitted structural information regarding the culvert for the County Ditch Crossing. Staff has not completed review of this structural information. This review will be completed prior to review by the City Council.

Sidewalks and Trails. No sidewalks or trails are being proposed with the Plat. The City's current policy is to require the construction of a public trail on both sides of County Roads. There are no connecting trails along Green Valley Road. Staff will be reviewing this requirement prior to review by the City Council.

Development Fee Calculations: Development Fees due on the Plat. These fees will be attached as an exhibit to this review file when reviewed by City Council. Fees include, but are not limited to, Park Dedication, Trail Development, and Stormwater Management.

Development Agreement: *An executed Development Agreement will be required prior to releasing the plat for recording.*

Grading and Drainag: Grading and Drainage Plans are not required for Sketch Plan Review; however, the Applicant did submit said plans. These plans are currently under review. Initial comments include:

- The Applicant's Engineer shall determine base flood elevations
- The Applicant shall provide the City with concurrence that County Ditch #14 may be crossed and that the crossing has been approved by Anoka County
- The Applicant shall be required to draft a Maintenance Agreement related to continued maintenance of hydrology for the County Ditch Crossing. This must be drafted in recordable format.
- Wetland Report will need to be reviewed as to the date of preparation in relation to length of validity (Wetland Conservation Act and State Rules)

Meeting Date: 11/07/2013

By: Tim Gladhill, Community Development

Information

Title:

Consider Request for Sketch Plan Review of Alpine Woods Third Addition; Case of Oakwood Land Development

Purpose/Background:

General: The submitted minor subdivision proposes to plat approximately 0.30 acres to create one (1) buildable single-family lot. The proposed plat would not re-configure existing property lines. The proposed subdivision would convert an existing outlot to a buildable lot. The Property is generally located west of Sunfish Lake Boulevard (CSAH 57), along Uranium Street.

Zoning: The Property is located in the R-1 Residential: MUSA Zoning District. Single-family detached dwellings are a permitted use in this district. The Property is adjacent to other R-1 Residential (MUSA) parcels to the west and south, but does abut a parcel in the R-1 Residential (Rural Developing) district to the north. Thus, density transition requirements are applicable.

Lot Size Requirements: There are minimum lot size requirements. The minimum required lot area is 10,800 square feet. The minimum required lot width is 80 feet. According to the submitted Sketch Plan, it appears that these minimum standards are met.

Setbacks, Building Coverage, and Other Bulk Standards. It appears that the proposed lot will be able to accommodate required minimum standards as illustrated in the Sketch Plan.

Access and Streets: The Property proposes to provide access from Uranium Street. The Property is currently encumbered by an easement for the purpose of an existing cul-de-sac. When ALPINE WOODS was originally approved, it was anticipated that the parcel to the north, located at 15558 Sunfish Lake Boulevard (the "Adjacent Parcel"), may desire to develop as a single-family development in the future. Since Uranium Street terminated at the north of the plat, adequate turn around provisions were required. In this case, the required cul-de-sac radius impacted the Property in such a way that a dwelling could not be constructed that met City Code standards. The Developer proposed to plat the Property as an outlot that could be converted to a buildable lot in the future if Uranium Street were extended to the north, thus eliminating the need for the cul-de-sac in the current location. There was no guarantee that Uranium Street would be extended to the north, so the City allowed the Property to be subdivided as an outlot as opposed to a buildable lot.

On October 5, 2012, the City issued a Building Permit for the Adjacent Parcel. The previous dwelling was removed and replaced with a new dwelling without further subdivision of the Adjacent Parcel. Staff discussed alternatives for reserving a corridor for an extension of Uranium Street as well as reserving space for future development on this adjacent parcel. However, the owner of the Adjacent Parcel made the decision to replace the existing dwelling with a single dwelling at this time. The chosen location has impacts to the ability to extend Uranium Street in the future, but does not completely eliminate the possibility in the future. However, it does appear that the current Owner of the Adjacent Parcel does not desire to develop additional lots for the foreseeable future. As a result, the Applicant desires to discuss alternatives to the current cul-de-sac in order to allow the Property to be converted to a buildable lot to facilitate the construction of a single-family home.

Staff has been reviewing several alternatives for a revised cul-de-sac submitted for review. The current proposal requests that the existing cul-de-sac diameter be reduced. Staff is open to an alternative that provides adequate turn around provisions for larger equipment (public safety apparatus, delivery vehicles, maintenance equipment, etc.) as

well as adequate snow storage. The City requires a diameter/width of at least seventy (70) feet for larger vehicle maneuverability..

Staff will forward the request to the Planning Commission for Sketch Plan Review for further review, comment, and alternative analysis. Alternatives for the Planning Commission to consider include, but are not limited to: 1) consider a smaller cul-de-sac radius and allow deviation to setback requirement; 2) work with the Owner of the Adjacent Parcel to secure additional easement area; 3) consider a hammer-head terminus; 4) take no action/not approve the Plat until Uranium Street is extended as originally approved; 5) other.

In any scenario, if the current cul-de-sac radius is reduced and the replacement alternative does not meet the minimum standards of City Code Section 117-614 (Subdivision design standards), additional City approvals will be required. The two (2) tools available to the City are the issuance of a Variance or approval of a Planned Unit Development (PUD). Staff will discuss these alternatives following Sketch Plan Review to see if a preferred alternative to the current cul-de-sac is directed by the Planning Commission.

Staff is recommending that additional review be completed and identification of an acceptable cul-de-sac replacement prior to submitting a Final Plat for review. This would include future Planning Commission review and recommendation prior to review by the City Council.

Tree Preservation Plan: The City's Tree Preservation Ordinance does not apply to your proposed plat, as the Property is devoid of significant tree cover.

Traffic Analysis: A traffic analysis will not be required due to the size of the project.

Grading and Drainage: The Sketch Plan does not include grading/drainage information. This information is not required for Sketch Plan Review. However, this information must be submitted with the Final Plat Application as directed by the City Engineer. A permit from the Lower Rum River Water Management Organization will not be required; however the Applicant may need to obtain an NPDES from MPCA.

Landscaping. The Applicant is responsible for the planting of two (2) trees per dwelling unit at the time of construction of a dwelling unit. Additionally, the Applicant is responsible for satisfying the density transitioning requirements by installing landscaping along the northern property boundary. The Applicant is also responsible for the installation of topsoil, consistent with City Code requirements.

The Applicant shall prepare a landscape plan that provides at least eight (8) overstory trees, eight (8) evergreen trees, and eight (8) understory trees along the northern property boundary. Minimum plant sizes for transitioning purposes shall be: 2.5 inch caliper for overstory trees, six (6) feet in height for evergreen trees, and 1.5 inch caliper for understory trees.

Easements: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for drainage and utility easement dedication. Drainage and utility easements must be ten (10) feet in width abutting dedicated right-of-way, five (5) feet in width along both side and rear lot lines, and encumber any 100-year flood zone for all existing and proposed surface waters and wetlands.

The existing easement for the temporary cul-de-sac will need to be vacated through an Application for Easement Vacation. The preferred alternative for replacement of the existing cul-de-sac will also need to be dedicated to the City.

Utilities: Municipal Water and Sanitary Sewer have been extended to the site. The Applicant will be responsible for applicable connection fees to be outlined during the Final Plat Review.

Other Development Fees. The Applicant will also be responsible for Park Dedication, Trail Development, and Stormwater Management Fees. A full analysis of applicable development fees will be provided with the Final Plat Review.

Notification:

A Public Hearing is not required; however, Staff did attempt to notify all Property Owners within 700 feet of the Property of the Sketch Plan Review.

Observations/Alternatives:

Alternatives for the Planning Commission to consider include, but are not limited to: 1) consider a smaller cul-de-sac radius and allow deviation to setback requirement; 2) work with the Owner of the Adjacent Parcel to secure additional easement area; 3) consider a hammer-head terminus; 4) take no action/not approve the Plat until Uranium Street is extended as originally approved; 5) other.

Funding Source:

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

Recommendation:

Staff recommends that the Applicant proceed with Final Plat development based on the current submittal for reduced cul-de-sac width. Please note, it is still feasible that the owner of the Adjacent Parcel may be interested in providing space for a full cul-de-sac in exchange for compensation.

Action:

Motion to recommend that the City Council approve the Final Plat based on Sketch Plan Review.

Attachments

Site Location Map

Plat

Reduced Cul De Sac

Staff Review

Form Review

Inbox

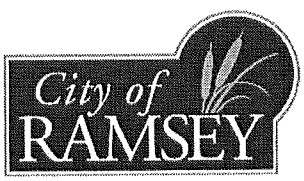
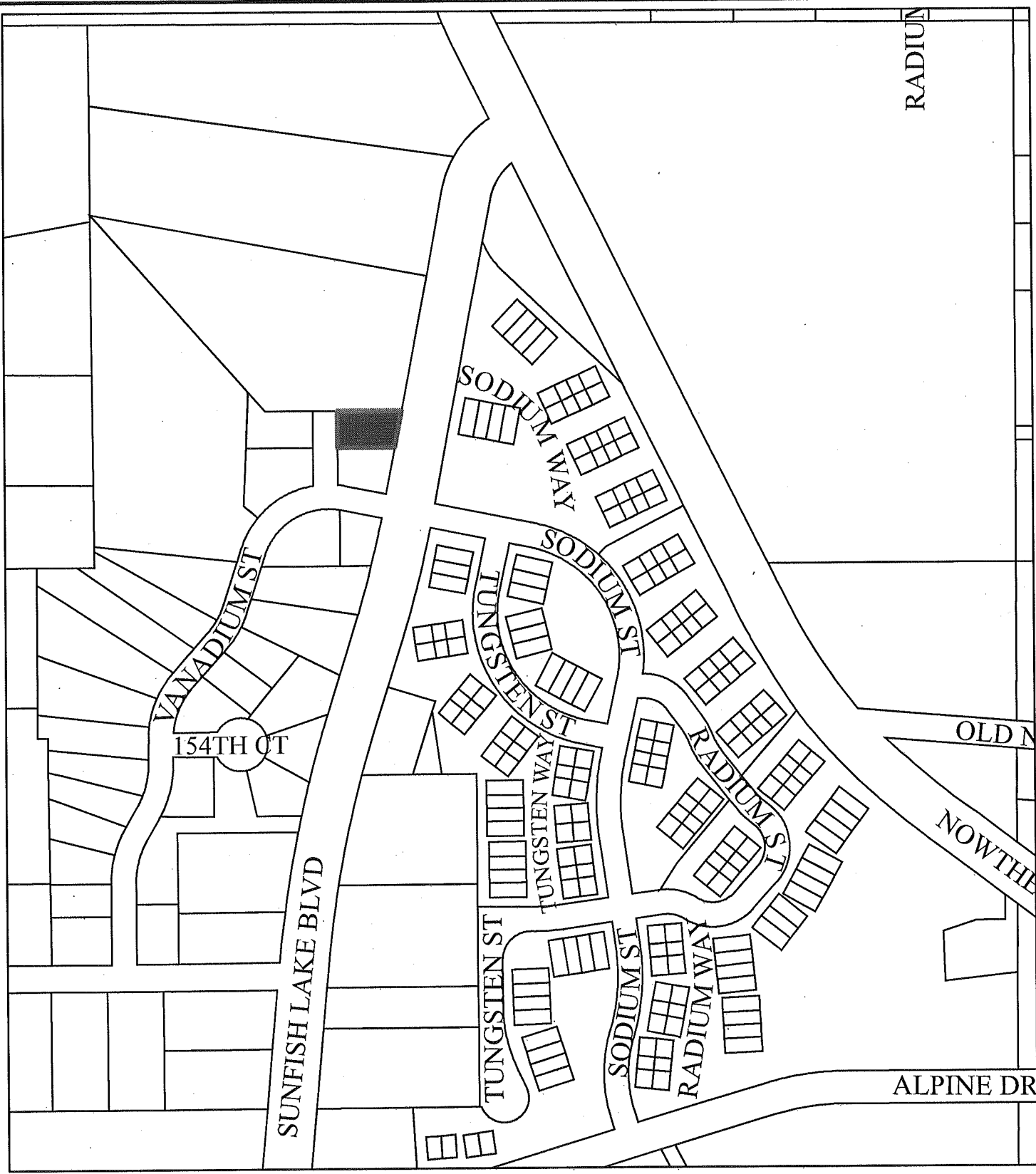
Chris Anderson
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 11/01/2013

Reviewed By

Chris Anderson
Tim Gladhill



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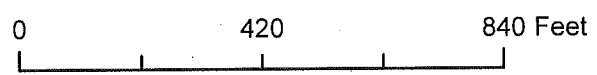
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11/01/2013 12:16 PM
Started On: 10/07/2013 11:38 AM



ALPINE WOODS 3RD ADDITION

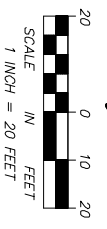
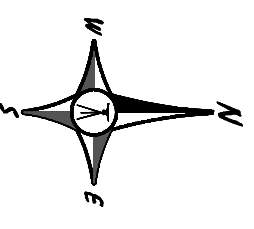
Legend

-  Site
-  Parcels

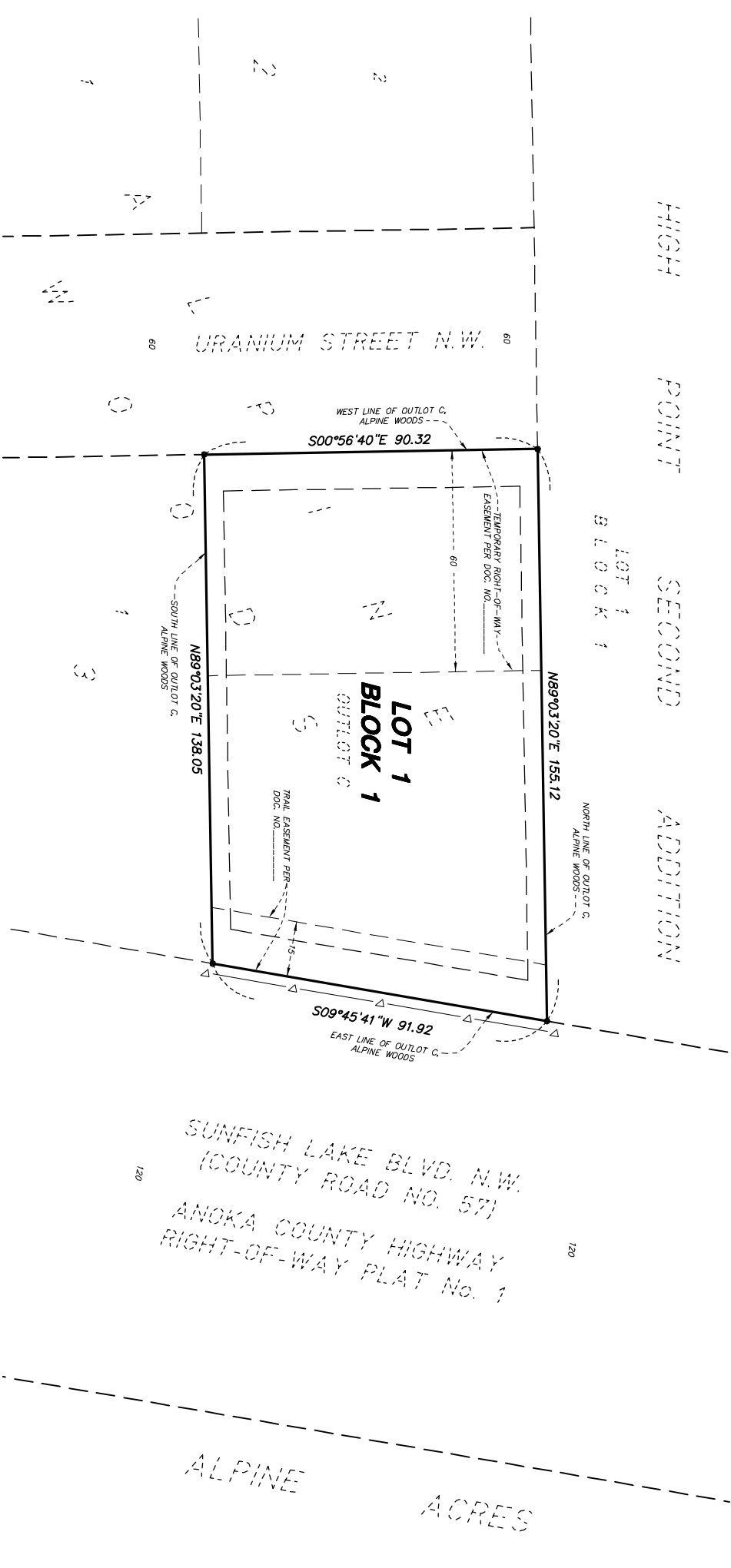


ALPINE WOODS THIRD ADDITION

CITY OF RAMSEY
COUNTY OF ANOKA
SEC. 23, T. 32, R. 25



DRAFT COPY
NOT OF RECORD



KNOW ALL PERSONS BY THESE PRESENTS, That Oakwood Land Development, Inc., a Minnesota corporation, owner of the following described property situated in the County of Anoka, State of Minnesota, to wit:

Outlot C, ALPINE WOODS, according to the recorded plat thereof, Anoka County, Minnesota.

Has caused the same to be surveyed and platted as ALPINE WOODS THIRD ADDITION and does hereby donate and dedicate to the public for public use forever the drainage and utility easements as shown on this plat. Also dedicating to the County of Anoka the right of access onto County Road No. 57 as shown on this plat.

In witness whereof said Oakwood Land Development, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

OAKWOOD LAND DEVELOPMENT, INC.

By: _____
John R. Peterson, President

State of Minnesota
County of _____

This instrument was acknowledged before me on _____ by John R. Peterson, as President of Oakwood Land Development, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My commission expires _____

I, Kyle J. Roddy, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set, within one year, that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Kyle J. Roddy, Licensed Land Surveyor
Minnesota License Number 42627

State of Minnesota
County of _____

This instrument was acknowledged before me on _____ by Kyle J. Roddy

Notary Public, _____ County, Minnesota
My commission expires _____

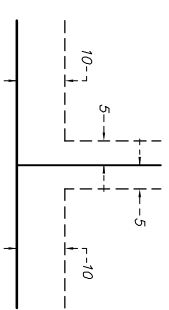
CITY COUNCIL
CITY OF RAMSEY, MINNESOTA
This plat of ALPINE WOODS THIRD ADDITION was approved and accepted by the City Council of the City of Ramsey, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd 2.

CITY COUNCIL
CITY OF RAMSEY, MINNESOTA
By: _____ Mayor By: _____ Clerk

ANOKA COUNTY SURVEYOR
I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Larry D. Holm, Anoka County Surveyor

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 5 FEET IN WIDTH AND ADJOINING SOLE LOT LINES AND BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS AND REAR LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.

BEARING NOTE

FOR THE PURPOSES OF THIS PLAT, THE NORTH LINE OF OUTLOT C, FROM ANOKA COUNTY, MINNESOTA IS ASSUMED TO HAVE A BEARING OF NORTH 89 DEGREES 03 MINUTES 20 SECONDS EAST.

LEGEND

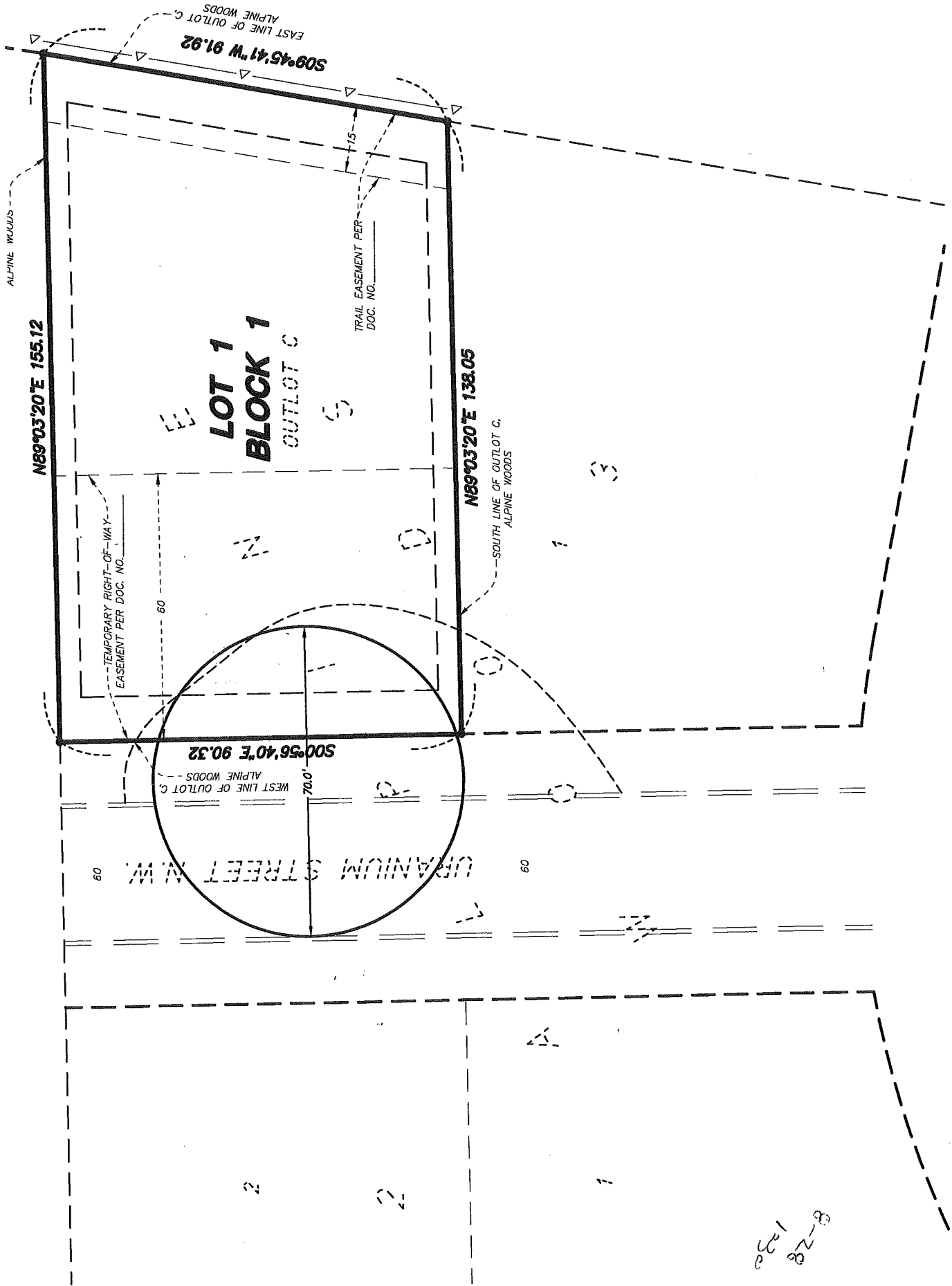
• DENOTES 1/2 INCH IRON PIPE MONUMENT FOUND
—Δ—Δ— DENOTES RIGHT OF ACCESS DEDICATED TO ANOKA COUNTY

NOTE REGARDING WETLANDS

THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES, UNITED STATES CORPS OF ENGINEERS AND OTHER WATER MANAGEMENT AGENCIES HAVE CONDUCTED SURVEYS OF WETLANDS IN ACCORDANCE WITH MINNESOTA CHAPTER 505.01, SUBDIVISION 3 OF MINNESOTA STATUTES AND MAY NOT BE SHOWN HEREON. DEVELOPMENT OF LANDS CONTAINING SAID WETLANDS MAY BE SUBJECT TO SPECIAL CONDITIONS OR LIMITATIONS.



ANDERSON PASSIE
CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
CAMBRIDGE, MN 5508



8-28
 1230

November 1, 2013

Oakwood Land Development
Attn: John R. Peterson
2281 County Road B West
Roseville, MN 55113

Re: Sketch Plan Review of Alpine Woods Third Addition (Minor Plat) request

Dear Mr. Peterson:

The City of Ramsey has received your application for a Sketch Plan Review for Alpine Woods Third Addition generally located west of Sunfish Lake Boulevard, along Uranium Street NW. City Staff is recommending to the Planning Commission comment on the proposed cul-de-sac replacement and direct Staff to bring back the proposal to Planning Commission prior to submitting a Final Plat for review. In addition, successful satisfaction for future recommendation of the request is contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated November 1, 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, November 1st, 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.

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

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Development Services Manager

Enclosures

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

DATE	11/1/13	PROJECT ADDRESS	
PROJECT. TITLE	ALPINE WOODS THIRD ADDITION		
ESCROW #	113667		
DEPARTMENT:	PLANNING DIVISION		
TECHNICAL REVIEWER:	NAME: TIM GLADHILL PHONE: 763-576-4308 EMAIL: TGLADHILL@CI.RAMSEY.MN.US		

We are in receipt of your Sketch Plan for a subdivision to create one (1) buildable lot. The Sketch Plan includes two (2) sheets prepared by Anderson Passe & Associations, Inc., undated. We offer the following comments regarding your application:

General: The submitted minor subdivision proposes to plat approximately 0.30 acres to create one (1) buildable single-family lot. The proposed plat would not re-configure existing property lines. The proposed subdivision would convert an existing outlot to a buildable lot. The subject property is generally located west of Sunfish Lake Boulevard (CSAH 57), along Uranium Street.

Zoning: The Property is located in the R-1 Residential: MUSA Zoning District. Single-family detached dwellings are a permitted use in this district. The Property is adjacent to other R-1 Residential (MUSA) parcels to the west and south but does abut a parcel in the R-1 Residential (Rural Developing) district to the north. Thus, density transition requirements are applicable (*see landscaping paragraph for more information*).

Lot Size Requirements: There are minimum lot size requirements. The minimum required lot area is 10,800 square feet. The minimum required lot width is 80 feet. According to the submitted Sketch Plan, it appears that these minimum standards are met.

Setbacks, Building Coverage, and Other Bulk Standards. It appears that the proposed lot will be able to accommodate required minimum standards as illustrated in the Sketch Plan.

Access and Streets: The Property proposes to provide access from Uranium Street. The Property is currently encumbered by an easement for the purpose of an existing cul-de-sac. When ALPINE WOODS was originally approved, it was anticipated that the parcel to the north, located at 15558 Sunfish Lake Boulevard (the "Adjacent Parcel"), may desire to develop as a single-family development in the future. Since Uranium Street terminated at the north of the plat, adequate turn around provisions were required. In this case, the required cul-de-sac radius impacted the Property in such a way that a dwelling could not be constructed that met City Code standards. The Developer proposed to plat the Property as an outlot that could be converted to a buildable lot in the future if Uranium Street were extended to the north, thus eliminating the need for the cul-de-sac in the current location. There was no guarantee that Uranium Street would be extended to the north, so the City allowed the Property to be subdivided as an outlot as opposed to a buildable lot.

On October 5, 2012, the City issued a Building Permit for the Adjacent Parcel. The previous dwelling was removed and replaced with a new dwelling without further subdivision of the Adjacent Parcel.

Staff discussed alternatives for reserving a corridor for an extension of Uranium Street as well as reserving space for future development on this adjacent parcel. However, the owner of the Adjacent Parcel made the decision to replace the existing dwelling with a single dwelling at this time. The chosen location has impacts to the ability to extend Uranium Street in the future, but does not completely eliminate the possibility in the future. However, it does appear that the current Owner of the Adjacent Parcel does not desire to develop additional lots for the foreseeable future. As a result, the Applicant desires to discuss alternatives to the current cul-de-sac in order to allow the Property to be converted to a buildable lot to facilitate the construction of a single-family home.

Staff has been reviewing several alternatives for a revised cul-de-sac submitted for review. The current proposal requests that the existing cul-de-sac diameter be reduced. Staff is open to an alternative that provides adequate turn around provisions for larger equipment (public safety apparatus, delivery vehicles, maintenance equipment, etc.) as well as adequate snow storage. The City requires a diameter/width of at least seventy (70) feet for larger vehicle maneuverability..

Staff will forward the request to the Planning Commission for Sketch Plan Review for further review, comment, and alternative analysis. Alternatives for the Planning Commission to consider include, but are not limited to: 1) consider a smaller cul-de-sac radius and allow deviation to setback requirement; 2) work with the Owner of the Adjacent Parcel to secure additional easement area; 3) consider a hammer-head terminus; 4) take no action/not approve the Plat until Uranium Street is extended as originally approved; 5) other.

In any scenario, if the current cul-de-sac radius is reduced and the replacement alternative does not meet the minimum standards of City Code Section 117-614 (Subdivision design standards), additional City approvals will be required. The two (2) tools available to the City are the issuance of a Variance or approval of a Planned Unit Development (PUD). Staff will discuss these alternatives following Sketch Plan Review to see if a preferred alternative to the current cul-de-sac is directed by the Planning Commission.

Staff is recommending that additional review be completed and identification of an acceptable cul-de-sac replacement prior to submitting a Final Plat for review. This would include future Planning Commission review and recommendation prior to review by the City Council.

Tree Preservation Plan: The City's Tree Preservation Ordinance does not apply to your proposed plat, as the Property is devoid of significant tree cover.

Traffic Analysis: A traffic analysis will not be required due to the size of the project.

Grading and Drainage: The Sketch Plan does not include grading/drainage information. This information is not required for Sketch Plan Review. However, this information must be submitted with the Final Plat Application as directed by the City Engineer. A permit from the Lower Rum River Water Management Organization will not be required; however the Applicant may need to obtain an NPDES from MPCA.

Landscaping. The Applicant is responsible for the planting of two (2) trees per dwelling unit at the time of construction of a dwelling unit. Additionally, the Applicant is responsible for satisfying the density transitioning requirements by installing landscaping along the northern property boundary. The Applicant is also responsible for the installation of topsoil, consistent with City Code requirements.

The Applicant shall prepare a landscape plan that provides at least eight (8) overstory trees, eight (8) evergreen trees, and eight (8) understory trees along the northern property boundary. Minimum plant sizes for transitioning purposes shall be: 2.5 inch caliper for overstory trees, six (6) feet in height for evergreen trees, and 1.5 inch caliper for understory trees.

Easements: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for drainage and utility easement dedication. Drainage and utility easements must be ten (10) feet in width abutting dedicated right-of-way, five (5) feet in width along both side and rear lot lines, and encumber any 100-year flood zone for all existing and proposed surface waters and wetlands.

The existing easement for the temporary cul-de-sac will need to be vacated through an Application for Easement Vacation. The preferred alternative for replacement of the existing cul-de-sac will also need to be dedicated to the City.

Utilities: Municipal Water and Sanitary Sewer have been extended to the site. The Applicant will be responsible for applicable connection fees to be outlined during the Final Plat Review.

Other Development Fees. The Applicant will also be responsible for Park Dedication, Trail Development, and Stormwater Management Fees. A full analysis of applicable development fees will be provided with the Final Plat Review.

Regular Planning Commission

5. 4.

Meeting Date: 11/07/2013

Submitted For: Patrick Brama, Administrative Services

By: Patrick Brama, Administrative Services

Information

Title:

Discuss 'Statement of Goals' for the Area near the 167th Avenue and Saint Francis Boulevard (TH 47)

Purpose/Background:

Case Background-

The retail node located at the intersection of 167 Ave and Trunk Highway 47 is the focus of this discussion. The purpose of this case is to discuss a proposed policy, which outlines the City's position regarding the future development of the 167th retail node. The proposed policy is known as a "Statement of Goals." This case was first introduced and reviewed by the Planning Commission on August 1, 2013. At which time, the Planning Commission authorized Staff to conduct a public input process--in conjunction with the proposed "Statement of Goals."

Purpose of Case-

Discuss attached "Statement of Goals." Provide comments for City Council consideration. NOTE: the Planning should specifically consider the "Public Input" and "Zoning" sections of this document.

Detailed Background-

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with City Councils and EDA boards for several years ("167/47 Node"). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions, and escalating crime.

The City has received a significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure. Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale. In early 2013, the City responded to two (2) requests for a zoning amendment to expand the list of permitted and conditional uses. These uses included an indoor shooting range and warehousing/distribution user.

The EDA, Planning Commission, and City Council have expressed interest in addressing the 167/47 Node. As a result, the EDA drafted a policy to guide the City's position on the future development of 167/47 Node—known as a "Statement of Goals."

This Statement of Goals identifies a common goal, vision, working parameters and a process to garner public input. The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as development proposals are received. The Ramsey Economic Development Authority (EDA) shall represent the City of Ramsey in relation to the 167/47 Node by utilizing this document.

Notification:

Notification is not required for this topic at this time.

Observations/Alternatives:

Attached to this case is the proposed Statement of Goals. Additionally, attached to this case a summary of this project--including raw public input process information.

Funding Source:

Regular Community Development and Administration Staff duties.

Recommendation:

Staff recommends approval of the "Statement of Goals." Staff is seeking comments on the Statement of Goals for City Council consideration. NOTE: the Planning should specifically consider the "Public Input" and "Zoning" sections of this document.

Action:

Motion to recommend that the City Council adopt the "Statement of Goals" for the 167/47 Node.

Attachments

Statement of Goals Draft 10312013
167 47 Project Summary (raw public input)

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	11/01/2013 09:51 AM
Patrick Brama	Patrick Brama	11/01/2013 10:00 AM
Tim Gladhill	Tim Gladhill	11/01/2013 11:04 AM
Form Started By: Patrick Brama		Started On: 11/01/2013 09:11 AM
Final Approval Date: 11/01/2013		

City of Ramsey

**STATEMENT OF GOALS:
167TH AVENUE AND TRUNK HIGHWAY 47 RETAIL NODE
DRAFT DOCUMENT**

BACKGROUND

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with City Councils and EDA boards for several years (“167/47 Node”). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions and escalating crime.

The City has received a significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure.

Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale.

The EDA, Planning Commission and City Council have expressed interest in addressing the 167/47 Node.

PURPOSE

Guide City participation in the redevelopment of the 167/47 Node; and, specifically identify a common goal, vision, working parameters and garner public input.

The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals are received. The Ramsey Economic Development Authority (EDA) shall act as first point of contact for City in relation to the 167/47 Node by utilizing this Statement of Goals.

Note: The City Council makes all final policy decisions; which may deviate from this document. This document is not a legally binding agreement.

GOAL

To improve and/or remove *properties-of-concern* and encourage sustainable market-driven redevelopment of the 167/47 Node that will benefit the entire City of Ramsey.

Please reference Appendix A: Primary Area of Concern.

VISION

A mixture of residential and retail uses. Residential users may include single family residential, townhomes, apartments or senior living units as directed by the market. Retail will include a market driven neighborhood commercial node. Redevelopment of the 167/47 Node should include a connection to Elmcrest Park and/or nearby trails where feasible.

PARAMETERS

Listed below are a number of parameters intended to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals and inquiries are received.

- A. CITY LAND ACQUISITION: The City does not support purchasing property to redevelop the 167/47 retail node.

- B. MARKETING: The Ramsey EDA does support facilitating a professional marketing package for the 167/47 retail node to entice redevelopment/investment; which would include:
 - I. Information matrix: asking prices, County valuations, tax information, utility information, ownership buy-in, maps, current zoning information, future land use information, etc.
 - II. An inventory of what City and State financial assistance options exist for a potential redevelopment project.
 - III. List of desirable uses (i.e. retail and wide range of residential); and, other allowable uses (i.e. compatible to surrounding residential)
 - IV. Professional material developed in partnership with the City and proactively marketed by a third party broker. Broker will be chosen by ownership group.
 - V. Marketing material shall be paid for by the ownership group. The Ramsey EDA is willing to considering financially contributing to this effort.

- C. ZONING:
 - I. The City would support a Comprehensive Plan and Zoning Amendment to allow retail or residential (of the appropriate density that balances compatibility of the surrounding area and market viability) land uses at 167/47 Node.
 - II. The City would support consideration of an Ordinance Amendment to allow for a gun range user, as a Conditional Use, at the 167/47 Node.
 - III. The City does not support a Comprehensive Plan and Zoning Amendment for the 167/47 Node to allow warehouse and/or light manufacturing land uses.
 - IV. The Planning Commission will review requests for additional Permitted or Conditional Uses.

- D. CITY FINANCIAL ASSISTANCE:
 - I. AVAILABLE TOOLS:
The City has a number of financial assistance programs potentially available for qualified projects; including
 - 1. Redevelopment Tax Increment Financing District (TIF)
 - 2. Tax Abatement

3. EDA Revolving Loan Fund (RLF)*
4. Anoka County HRA Account
5. State Redevelopment Grant and Loan Program
6. Land Write Down (City Owned Parcels)

The City will consider all financial assistance programs listed above for projects that directly address existing blighted properties; see Appendix A: Primary Area of Concern.

The City will consider financial assistance program #6 listed above for projects that do not directly address existing blighted properties; see Appendix A: Primary Area of Concern.

Utilization of financial assistance requires completion and approval of a Business Subsidy Application by the Ramsey EDA and City Council. Consideration will be based on the merits of an individual project and community benefit.

II. *EDA REVOLVING LOAN FUND (RLF)*

Upon adoption of this Statement of Goals, the Ramsey EDA will review alternatives to utilize the City's existing Revolving Loan Fund (RLF) to stimulate cleanup and revitalization of the 167/47 Node. This may include, but is not limited to the following:

- i. Storefront Matching grants to help encourage/spark the 'clean-up' or improved 'curb-appeal' of properties. For example, a matching grant with a \$10,000 maximum City contribution.
- ii. Revitalization Loan Program: low interest loans that are tied to revitalizing properties to a marketable condition.

NOTE: the City has about \$275,000 available for these types of programs. This effort would require the creation and adoption of new program policies.

III. *PEDESTRIAN UNDERPASS*

It has been requested, for the City to consider funding a pedestrian underpass to connect the east and west side of MN trunk Highway 47. A pedestrian underpass would increase public safety, enhance connectivity to and from Elmcrest Park and increase foot traffic to retail businesses.

At this point, the City will not pre-commit a specific funding source, or specific dollar amount, to a pedestrian underpass. The City would react to this specific request at the time of future development; and, would base their response on the merits of a project—and the value it will bring to the community. Examples funding solutions below:

- i. Redevelopment TIF District proceeds
- ii. Grant Programs (various)
- iii. Park/Trail Dedication Fees (from 167/47 area, new development)
- iv. Land Write Down (city owned parcels)
- v. Cost Share Agreement with developer

IV. SEWER TRUNK FUND

The 167/47 Node is not currently connected to City sanitary sewer service. Extending sanitary sewer service to this node will make properties more attractive for future development and will provide existing property owners with an alternative to the use of septic tanks.

At this point, the City of Ramsey is not willing to *fully* fund a special sanitary sewer service line to the 167/47 Node. However, if a property owner (or developer) was willing to share the cost of extending sewer service, the City would be willing to discuss an agreement.

NOTES:

The cost of extending a special 8" force main sanitary sewer line to the 167/47 Node is estimated to be \$1.5M. It is estimated, at full build out, the special 167/47 Node sewer trunk line would recapture \$500,000-\$750,000 in sewer trunk fees (based on 2012 adopted sewer trunk fees). Therefore, a shortfall of \$750,000-\$1M in funding would occur.

Additionally, extending an undersized, special, sanitary sewer line to the 167/47 node may result in extra costs (in the long run) if the City ever decided to serve the north east portion of the Ramsey with sanitary sewer service.

Today, the City does have sufficient trunk fund dollars to pay for the 167/47 Node special sanitary sewer line. However, the City is planning for sanitary sewer service in three other future growth locations in Ramsey. Unlike the 167/47 Node, said areas do have sufficient forecasted development capacity to fully recapture the cost of proposed future sanitary sewer trunk lines.

PUBLIC INPUT:

Two levels of public input were critical to this Statement of Goals: (A) Primary Property Owners; and (B) Surrounding Property Owners.

A. Primary Property Owners:

Primary property owners are outlined in Appendix B.

The City does support facilitating an ownership meeting group to brainstorm options, share information and to investigate opportunities for redevelopment and additional uses that are compatible with the surrounding residential area. This effort will be led by the Economic Development Authority (EDA).

The City desires a consistent, collaborative approach with a single voice amongst all property owners. Several separate messages per individual property owner is not a desired nor effective approach.

The City has received direction from surrounding property owners to market the entire 167/47 Node as an opportunity to developers—rather than only marketing properties individually. Through the EDA, the City will explore options to support a joint marketing effort for the 167/47 Node.

B. Surrounding Property Owners:

On September 26, 2013, the City of Ramsey hosted a collaborative public process with residents to discuss opportunities and barriers for redevelopment of the 167/47 Node. The intent of this process was to garner general public input before specific development proposals were crafted and reviewed by the City; and, before this Statement of Goals was adopted. The planning and facilitation of this public input process was led by the Planning Commission. 232 nearby property owners were invited via direct mailing, 26 participants registered and staff estimates over 30 people attended.

The following summarized public input was received:

I. UN-DESIRED USES

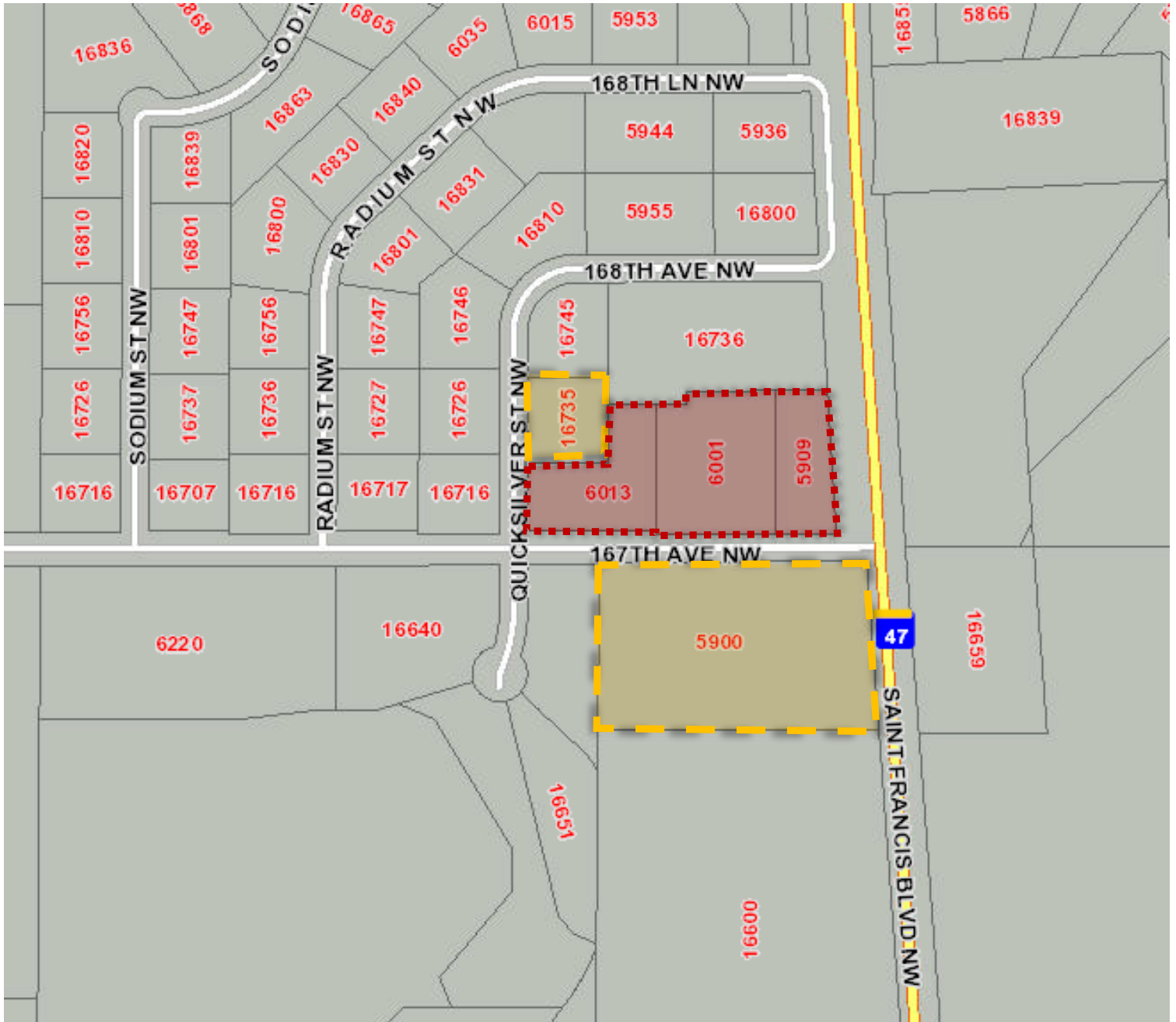
- Manufacturing
- Warehousing (in most cases)
- High density housing
- Rental housing (in most cases)

II. DESIRED USES/IMPROVEMENTS

- Grocery store, coffee shop, convenience store, gun range, bar/lounge, hardware store, restaurant
- Anchor businesses
- Single family homes, retirement homes
- Townhomes are acceptable (in most cases)
- City support, light at intersection, address septic/sewer
- More rooftops and population needed

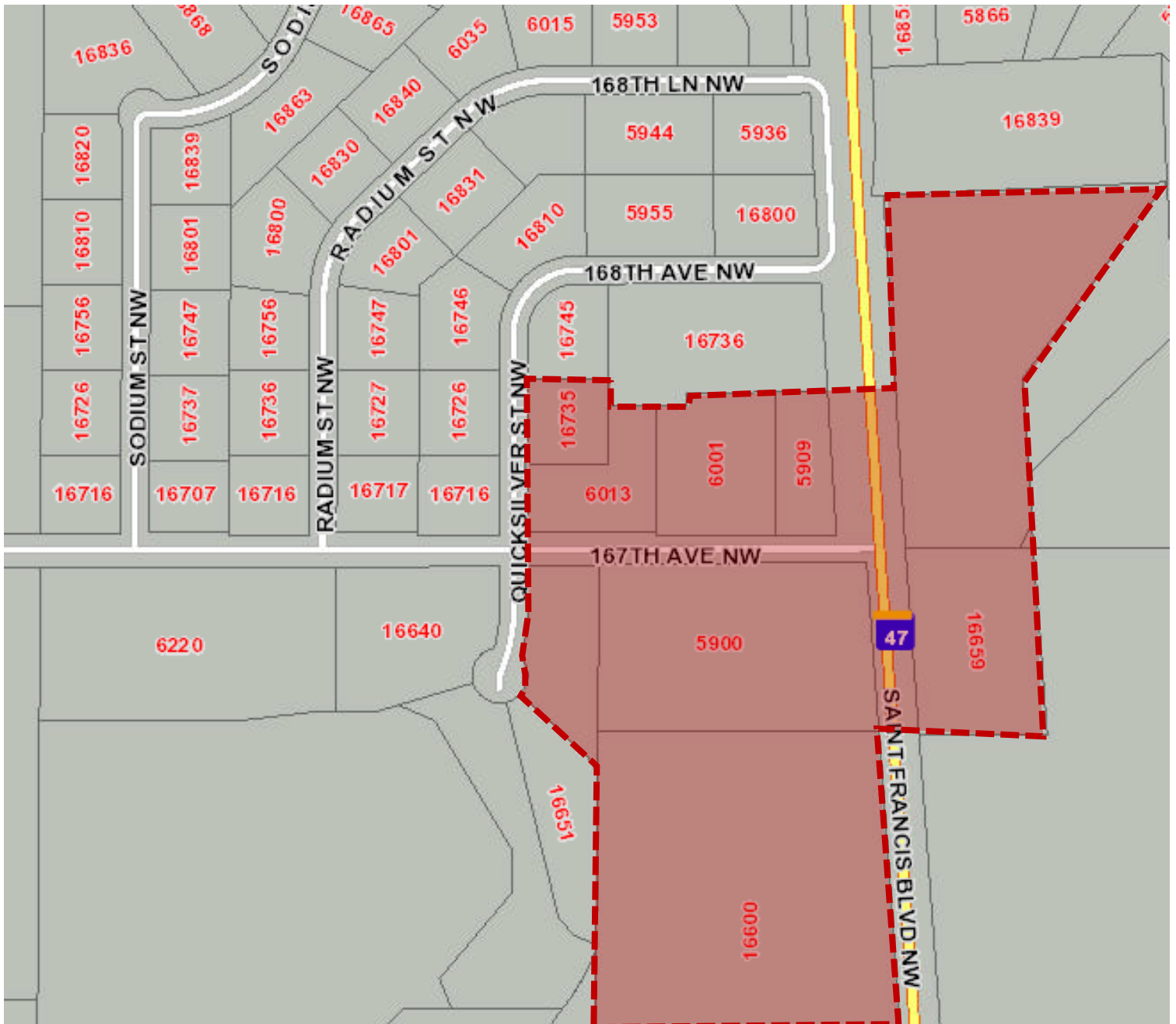
APPENDIX A

RED [Sort Dash]: Primary Area of Concern
YELLOW [Long Dash]: Secondary Area of Concern



APPENDIX B

RED [Sort Dash]: Primary Property Owners



Project Summary

167th Avenue Node at Saint Francis Boulevard (TH 47)

Statement of Purpose

This purpose of this document is to provide a summary of City review, actions, and policies related to the 167th Avenue Node at Saint Francis Boulevard. There are two components to this summary report:

1. Public Involvement and Collaborative Process
2. Statement of Goals

History

The following is a brief history of the City of Ramsey's participation in the 167th Avenue Node.

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with past and current City Councils, Planning Commissions, and Economic Development Authority (EDA) boards for several years ("167/47 Node"). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions, and escalating crime.

The City has received a significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure. Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale. In early 2013, the City responded to two (2) requests for a zoning amendment to expand the list of permitted and conditional uses in the 167/47 Node. These proposed uses included an indoor shooting range and warehousing/distribution user.

As a result of items discussed above, the EDA, Planning Commission, and City Council expressed interest in addressing the 167/47 Node. At the July EDA meeting a policy to guide the City's position on the 167/47 was drafted (known as the Statement of Goals). ***A copy of said policy is attached to this memo as Exhibit C.***

The purpose of the policy is to guide City participation in the redevelopment of the 167/47 Node; and, specifically identify a common goal, vision, working parameters and a process to garner public input. The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals are received.

A portion of the proposed policy covers future land uses and a public input process. Therefore, the EDA requested the Planning Commission review the proposed policy and champion the public input process.

Project Webpage

www.cityoframsey.com/167

Project Contact – Land Use and Zoning

Tim Gladhill

Development Services Manager

763-576-4308

tgladhill@cityoframsey.com

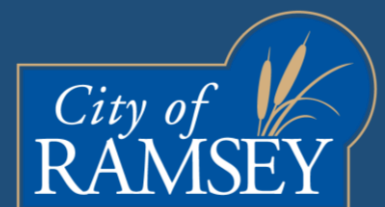
Project Contact – Economic Development Tools

Patrick Brama

Assistant to the City Administrator

763-433-9903

pbrama@cityoframsey.com



Public Involvement

On September 26, 2013, the City of Ramsey hosted a collaborative process with its residents to discuss opportunities and barriers. The intent of this process was to involve residents and stakeholders early in the policy and standards development process. ***A copy of the invite to the collaborative process is attached to this memo as Exhibit A.***

The comments received as part of the collaborative process are attached to this memo as Exhibit B.

Next Steps

Planning Commission review of public comments and recommendation on Statement of Goals.

EDA review of public comments and Planning Commission recommendation. Staff presents financial data related to trunk sewer system.

Recommendation brought forward to City Council to adopt Statement of Policy. Adjustments to Comprehensive Plan and Zoning Code will be included in 2040 Comprehensive Plan Update, or as requested.

DRAFT

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
763-427-1410
www.cityoframsey.com

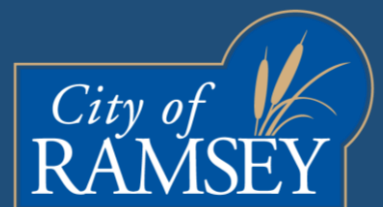
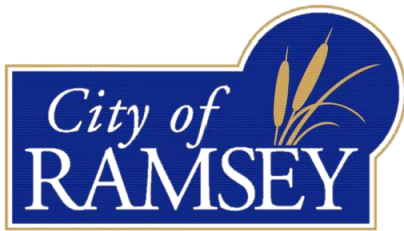


Exhibit A – September 26, 2013 Collaborative Process Invite



7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.cityoframsey.com

Ramsey wants to invite you to participate in a public discussion to review appropriate land uses for the node at 167th Avenue and Saint Francis Boulevard (Highway 47)

The City of Ramsey is reaching out to you as a Property Owner near the 167th Node. Historically, this has been a neighborhood-retail anchored area surrounded by residential properties and adjacent to the Rum River Hills Golf Course. The scope of the review is the current retail corner. The corner is currently experiencing high vacancy rates and deteriorating building conditions. Many of these owners have asked the City to amend the zoning to allow for additional permitted uses. Before the City considers any Comprehensive Plan and Zoning Amendment, we want to hear from you about what land uses or redevelopment would be compatible with the surrounding area.

The City invites you to participate in being part of the process and reviewing alternatives (ranging from new/amended uses and standards to no changes at all).

*Thursday, September 26, 2013 at 6:00 p.m.
Ramsey Municipal Center, Alexander Ramsey Room
7550 Sunwood Drive NW, Ramsey, MN 55303*

The City desires to hear your thoughts on:

- What land uses would you find as acceptable being a neighboring property owner?
- Would you support additional residential development near this intersection?
- Would you support warehousing or other business type uses at this intersection?
- What general questions or concerns regarding the node do you have?

This initial public process hosted by the City on September 26th will begin with a short background presentation at 6:00 p.m. followed by an open public forum and process.

The Planning Commission, in conjunction with the Economic Development Authority, will likely be reviewing potential amendments to the City's 2030 Comprehensive Plan over the next several months. In order for that review to be effective, your feedback and assistance in developing a potential, new Future Land Use Map for the area is critical. We want you to be part of the process, not simply reacting to future proposals.

Please consider joining us on September 26, 2013 to be part of the discussion and solution. You may also submit comments to tgldhill@cityoframsey.com or by calling 763-576-4308. For more background information, visit our webpage at www.cityoframsey.com/167.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Development Services Manager



Project Summary – 167th Avenue Node at Saint Francis Boulevard

167TH COMMERCIAL NODE MEETING
September 26, 2013

GROCERY STORE

- Nearest one is 7-8 miles away, would be nice to have one closer
 - Have to be a one-stop shop
- We don't want manufacturing
- Restaurant would work – no restaurants near
- The road and traffic may not help a grocery store
- All the businesses need to be working together in order to have success
- People need a reason to stop, not just one business
- Dollar Store (?)
- Multiple businesses need to be uniform and work together
- Someone says no residential, another says townhomes on water tower property
- Don't want it to be re-zoned
 - Small business is OK (perhaps residential)
- Mid to upscale restaurant would be a good fit – decided by all the group
 - People need a place to stop
 - Need something that will make people go out of their way
- A gun range – needs a draw, sustainable businesses, working together
- The regulars may keep a business going
- A business must see a profit

SMALL BUSINESS

- Problems
 - Population is needed for retail
 - No Apartments
- Other close retail
- City didn't help keep retail there
- Warehouse
- Bar/Lounge – No
- Septic System Upgrade

NEED - Retail/Residential

- Single/Townhomes – no rental
- Light at intersection
- Hardware store
- Restaurant/bagel coffee shop
- Gas station
- City support area
 - Advertising/promote
- Coop store (grocery)

- Senior housing
- New location/corner
- Fast food
- Athletic area

RUM RIVER HILLS GOLF COURSE

- Problem
 - Need tunnel under Highway 47
 - Septic/water sewer
 - Traffic Signal
 - Can we get a path along Highway 47?
- Pros
 - More roof tops
 - Retirement Community
 - More people to accommodate commercial on 167th Avenue
 - Banquet facility
 - Add cross country ski trails
 - Ability to cross Highway 47

MEETING COMMENT SHEET	
Project: 167 th Avenue/TH 47 Node	Meeting Date: September 26, 2013
Commenter:	Place/Room: Alexander Ramsey Room
Do You Want a Follow Up? Y/N?	Phone Number:
Email:	Address:

General Comments:	City should have learned a lesson being involved with buying property at the COR and not buy any land. If the golf course can do their expansion without our taxes going up I am in favor.
How do you feel about additional residential development in the area?	Need population for retail to survive.
What are your thoughts on continuing the current amount of commercial retail in the area?	
What are your thoughts on warehousing uses with outside storage?	NS.



Small Business	Need
<p><u>Problems</u></p> <ul style="list-style-type: none"> 1) Population is needed for retail No Apts other close retail city didnt help keep retail here warehouse Bar/Lounge No Septic System 2) Upgrade 	<p><u>Retail/Residential</u></p> <ul style="list-style-type: none"> * 1) single / Town Home * No Rental 2) Light at Intersection 3) How low store 4) Restaurant/Bagel shop * 5) Gas Station * K 6) City Support Area Advertising/Promote 7) Coop store (Grocery) * Senior Housing * New location/comm. 8) Fast food 9) Athletic Area



Exhibit C – Statement of Goals

Drafted by Patrick Brama, Adopted XX/XX/2013

City of Ramsey

STATEMENT OF GOALS: 167TH AVENUE AND TRUNK HIGHWAY 47 RETAIL NODE DRAFT

BACKGROUND

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with City Councils and EDA boards for several years (“167/47 Node”). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions and escalating crime.

The City has received significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure.

Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale.

The EDA, Planning Commission and City Council have expressed interest in addressing the 167/47 Node.

PURPOSE

To guide City participation in the redevelopment of the 167/47 Node; and, specifically identify a common goal, vision, working parameters and a process to garner public input.

The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals are received. The Ramsey Economic Development Authority (EDA) shall represent the City of Ramsey in relation to the 167/47 Node by utilizing this document.

Note: The City Council makes all final policy decisions; which may deviate from this document. This document is not a legally binding agreement.

GOAL

To improve and/or **remove properties-of-concern** and encourage **sustainable market-driven redevelopment** of the 167/47 Node that will benefit the entire City of Ramsey.

Please reference Appendix A: Primary Area of Concern.

VISION

A mixture of residential and retail uses. Residential users may include single family residential, townhomes, apartments or senior living units as directed by the market. Retail will include a market driven neighborhood commercial node. Redevelopment of the 167/47 Node should include a connection to Elmcrest Park and/or nearby trails.

PARAMETERS

Listed below are a number of parameters intended to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals and inquiries are received.

A. City Land Acquisition: The City does not support purchasing property to redevelop the 167/47 retail node.

B. Marketing: The Ramsey EDA is interested in the idea of **facilitating** a professional marketing package for the 167/47 retail node to entice redevelopment/investment; which would include:

I. Information matrix: asking prices, County valuations, tax information, utility information, ownership buy-in, maps, current zoning information, future land use information, etc.

II. An inventory of what City and State financial assistance options exist for a potential redevelopment project.

III. **Professional material developed in partnership with the City and proactively marketed by a third party broker. Broker will be chosen by ownership group. The City will not be responsible for broker fees.**

IV. List of desirable uses (i.e. retail and wide range of residential); and, other allowable uses (i.e. compatible to surrounding residential)

C. Zoning:

I. The City would support a Comprehensive Plan and Zoning Amendment to allow retail or residential (of the appropriate density that balances compatibility of the surrounding area and market viability) land uses at 167/47 Node.

II. The City does not support a Comprehensive Plan and Zoning Amendment for the 167/47 Node to allow warehouse and/or light manufacturing land uses.

III. The Planning Commission will review requests for additional Permitted or Conditional Uses.

D. City Financial Tools:

I. The City has a number of financial assistance programs potentially available for qualified redevelopment projects; including

- i. Redevelopment Tax Increment Financing District (TIF)
- ii. Tax Abatement

- iii. Ramsey EDA Fund and Revolving Loan Fund (RLF)*
- iv. Anoka County HRA Account
 - v. State Redevelopment Grant and Loan Program
- vi. Land Write Down
- vii. Sewer Trunk Fund*

The City will consider all financial assistance programs listed above for projects that directly address existing blighted properties; see Appendix A: Primary Area of Concern.

The City will consider financial assistance programs vi-vii listed above for projects that do not directly address existing blighted properties; see Appendix A: Primary Area of Concern.

Utilization of financial assistance requires completion and approval of a Business Subsidy Application by the Ramsey EDA and City Council.

**Sewer Trunk Fund.* The 167/47 Node is not currently connected to City sanitary sewer service. Through the City's Comprehensive Sewer and Water Plan, it has been determined a trunk sanitary sewer line *could* be constructed to serve the 167/47 Node in the future (estimated \$1.5M expenditure 2013). However, the 167/47 Node sewer trunk line is identified as a special trunk line; which means, it was not included in the pro forma to determine sewer trunk fees.

It is estimated, at full build out, the special 167/47 Node sewer trunk line would recapture XXXXX dollars in sewer trunk fees (based on the pro forma). Therefore, the City would be subsidizing XXXXX dollars, after collection of sewer trunk fees, for the proposed trunk line.

The City does have sufficient dedicated funding available to construct said sewer trunk line (City Sewer Fund balance estimated \$3.4M 2013). In order to replenish the City Sewer Fund, the City would only support an extension of the sewer trunk line if a XXXXXXXXX demand was created by new development. [need council direction—may not be political support]

PUBLIC INPUT:

It is important to compile public input regarding the 167/47 Node before final adoption of this document by the City Council. Two levels of public input are important to this process: (I) Property Owners; and (II) Surrounding Property Owners.

- A. Primary Property Owners: The City does support facilitating an ownership meeting group to brainstorm options, share information and to investigate opportunities for redevelopment and additional uses that are compatible with the surrounding residential area. This effort will be led by the Economic Development Authority (EDA).

The City desires a consistent, collaborative approach with a single voice amongst all Owners if the City is to assist in the process. Several separate messages per individual Owners is not a desired nor effective approach.

B. Surrounding Property Owners: The Planning Commission will be responsible for drafting a public input process structure; and, facilitation of this process.

NOTES [needs to be amended]: The EDA has suggested the use of a project webpage, notification in the Ramsey Resident and one of the following two options: (1) survey (online or direct mail) or (2) a public open house.

The purpose of public input is general feedback; not proposal specific. For example: what are your general thoughts regarding the 167/47 Node, what do you think are appropriate land uses, what do you think are in appropriate land uses?

APPENDIX A

RED [Sort Dash]: Primary Area of Concern
YELLOW [Long Dash]: Secondary Area of Concern



Meeting Date: 11/07/2013

By: Tim Gladhill, Community Development

Information

Title:

Review Preliminary Metropolitan Council 2040 Forecasts

Purpose/Background:

Minnesota Statutes Chapter 473 provides direction to the Metropolitan Council in regards to the foundation for regional planning. This is the chapter that provides guidance for communities within the metropolitan area to prepare Comprehensive Plans. The Regional Planning Cycle updates once every ten (10) years following the completion of the US Census.

The next stage in the Regional Planning Cycle is to prepare the 2040 Regional Development Framework. This task is completed by the Metropolitan Council and is currently underway. The current process is also known as Thrive MSP 2040. Included in the Development Framework are goals, policies, and implementation strategies for the region as a whole. The Development Framework also includes forecasts for future household, population, and employment growth. The planning period for the Development Framework will be through 2040. These forecasts and policies are important to review as they will have effects on a number of aspects for the City; development of the Comprehensive Plan Update, financing for regional systems (roads, parks, trails, sewers, etc.).

The Metropolitan Council has released preliminary local forecasts for the year 2040. The Metropolitan Council has not yet released revised forecasts for the years 2020 and 2030 yet. The Metropolitan Council has released preliminary local forecasts in advance of the official review process to give local communities a chance to comment and allow the forecasting model to be re-calibrated. Ramsey's preliminary forecasts are as follows:

	Year (2040)
Households	12,500
Population	28,400
Employment	7,000

For comparison purposes, existing estimates are as follows:

	Year (2012)
Households	8,134
Population	23,946
Employment	5,303

The preliminary forecasts do represent continued growth and development within Ramsey through 2040. However, these forecasts do represent a reduction in forecasted growth when compared to the City's current Comprehensive Plan and growth forecasts. In response, Metropolitan Council Staff has indicated that existing forecasts in the current Comprehensive Plan would be honored; however, those ultimate growth forecasts would be anticipated to be experienced at a date beyond 2040 instead of at 2030. The existing forecasts from the 2030 Comprehensive Plan are as follows:

	Year (2030)
Households	15,900
Population	42,500
Employment	12,050

There could be a number of factors that have led to the revised forecasts, including previous economic conditions, changes in regional policies, changes to model assumptions and software, etc. Staff has included a number of presentations prepared by the Metropolitan Council as background on demographics and assumptions that framed the initial preparation of the preliminary forecasts.

Staff attended a Local Officials Workshop on Tuesday, October 29, 2013 to better understand the policies, assumptions, and technical components that went into the forecast model. Staff has prepared a document to serve as a response. This is a preliminary draft to frame discussion. The discussion this evening is to better understand the policy direction of the City to refine this document. Responses to the preliminary forecasts are due by December 1, 2013. Following that date, the model will be re-calibrated and re-run. At that time, the forecasts will be sent for official comments by local communities. There will be future opportunities to further refine these forecasts.

Staff recommends that the City host a process similar to what was used to develop the Future Land Use Map for the 2030 Comprehensive Plan Update to help formulate a portion of the City's forecast recommendations (total capacity). This would focus on the mapping exercise that was completed at the end of that process. However, it would be unlikely that this process could be completed by the December 1 deadline. This could be completed during the official comment period, however. The intent of this process is to have the Future Land Use Map inform our response to the Forecasts versus the Forecasts inform our decisions on the Future Land Use Map.

During the 2030 Comprehensive Plan Update process completed during 2008-2010, a major comment was in regards to the growth forecasts appearing to be too aggressive and not reflective of the true market. Additionally, some participants felt that the forecasts were driving the development of the Future Land Use Map, versus the Future Land Use Map helping to inform the process of developing the forecasts. However, at that time, the City was unable to adjust forecasts as low as originally desired, as the forecasts had already been adopted in advance of the Comprehensive Plan Update process. This is a key factor as to why the City should remain involved in this current forecast development process.

The most recent City documents that addressed growth forecasts were the 2012 Comprehensive Sanitary Sewer and Water Studies. These studies acknowledged that the current forecasts would not be experienced due to the economic conditions at that time. These Studies assumed an average, flat-rate household growth of 260 new households per year. This assumption was a simple assumption, using a combination of historical average growth rates and previous comprehensive plan assumptions. In comparison, the preliminary 2040 forecasts would be an average growth rate of 150 households per year. NOTE: Staff is not assuming a linear growth rate; these averages are used for illustrative/comparison purposes only.

Additionally, Staff recommends that the City focus equally on population as well as household forecasts. The Preliminary Forecasts appears to be more focused on the number of Households, with Population forecasts to be finalized at a later date, Staff feels it important to set equal important on Population. As the report will note below, several key factors and investments will utilize Population Forecasts in prioritizing goals and investments. Furthermore, Staff recommends that Household Size (persons per household) be addressed and refined based on 2010 Census figures. Finally, the City will be reviewing Employment Forecasts with the EDA as well. Staff will be forwarding information on the three (3) Small Area Plans (background attached) to assist in revising the Employment Forecast.

It is noted that, regardless of what the official forecast becomes, the City does have the ability to request a Comprehensive Plan Amendment if actual growth experienced exceeds the forecasted amount. In addition, as noted above, it appears that the Metropolitan Council will honor the total capacity of households, population, and employment from the 2030 Comprehensive Plan (existing). However, if it is going to be the policy of the City that it expects and/or encourages growth at a higher rate than an average of 150 households per year, that the City's Statement of Policy should recommend a change to the preliminary forecasts. There is additional time and process associated with Comprehensive Plan Amendments if the City wants to adjust those in the future.

As previously stated, a number of factors will have an impact on future growth. For purposes of this preliminary review, Staff has focused on two (2) major topics that could restrict future growth if left un-addressed:

1. Transportation Capacity (Highway 10/Highway 47)
2. Water Supply Capacity (Groundwater Supply/Surface Water Supply)

Transportation Capacity

Staff recommends that the City comment on the capacity of Highway 10 and Highway 47 as part of the response to the preliminary forecasts. Although future growth forecasts are lower than what is in the current Comprehensive Plan, the City should acknowledge that both systems currently have capacity and congestion issues. Staff recommends that it is important that regional policies address capacity of these systems, even if no growth were experienced, based on existing levels of service. (NOTE: the current Comprehensive Plan classified Highway 10 as Level of Service 'F' at current levels over the entire stretch through Ramsey. Level of Service scoring ranges from A-F, with F being the lowest score possible).

Water Supply Capacity

The City fully acknowledges the need to address water supply issues for future growth. The City currently derives its municipal water supply from a series of groundwater wells and pump houses. Based on water supply availability and historical usage data, it will be important to continue to address water conservation and alternative supply issues in the near future.

Staff recommends that the City comment on the City's previous policy statements for a need to address water supply issues on a regional issue, not as a local issue. Staff's preliminary analysis of documents used in the preparation of the preliminary forecasts indicate at least a note that this is an issue that will need to be addressed on a regional level. Staff will need additional time to fully analyze to what level this may occur.

Timeframe

Responses to the Preliminary Forecasts are due by December 1, 2013 in order to be included with the 're-calibrated' forecasts. Once re-calibrated, these forecasts will be the foundation for the development of the 2040 Comprehensive Plan Update. The Regional Framework will be developed based on these forecasts through 2014. The Regional Framework will then lead to System Plans (Land Use, Transportation, Wastewater, Parks and Open Space). The System Plans then lead to Local System Statements that will be the driver of the City's 2040 Comprehensive Plan Update and will be available in late 2015. The 2040 Comprehensive Plan Update will be due December 31, 2018.

Desired Outcome

To best assist Staff in formulating a recommendation, Staff is seeking general policy direction as to how the City should approach future growth:

1. Actively pursue growth and economic development opportunities
2. React to development proposals as they come forward
3. Assume aggressive growth rates
4. Assume average growth rates over the past ten (10) years, or
5. Assume conservative growth rates with the ability to react to additional growth if experienced

Notification:

Notification is not required at this time.

Observations/Alternatives:

The alternatives for recommendation include the following:

1. Metropolitan Council Preliminary 2040 Forecasts as presented
2. Existing City of Ramsey Forecasts (revised 2012 within the Comprehensive Sanitary Sewer and Water Studies)
3. In Between Metropolitan Council Preliminary 2040 Forecasts and Existing City of Ramsey Forecasts (2012)
4. Other

Funding Source:

This case is being handled as part of normal Staff duties.

Recommendation:

Following preliminary discussions as part of the October 29, 2013 Joint Meeting with the City Council, Staff recommends that the City respond that it feels that the Preliminary Forecasts appear slightly low, but that the City does not desire that the Forecasts be amended as high as the 2030 Forecasts (current forecasts).

As these are preliminary numbers, and not official responses on behalf of the City, Staff recommends that the City submit Building Permit Levels for the years 2011-2013 (year to date) as well as future projects under review. With that information, Staff will work with the Metropolitan Council to develop a revised forecasts to bring forward at a future date. Staff does not recommend submitting actual numbers to revise the Preliminary Forecasts at this time.

The Draft Preliminary Response (attached) has been revised to reflect the above recommendation.

Action:

Motion to recommend that the City Council adopt the Preliminary Response to the Metropolitan Council Preliminary 2040 Forecasts.

Attachments

Preliminary Forecasts

Forecast Methodology

Preliminary Local Forecast Presentation - Metropolitan Council

Preliminary Regional Forecast Presentation - Metropolitan Council

MetroStats Handout - Metropolitan Council

Benchmark Presentation - Metropolitan Council

Regional Planning Cycle Presentation - Metropolitan Council

Proposed Outcomes, Principles and Policies of 2040 Framework - Metropolitan Council

Responding to Preliminary Forecasts - Metropolitan Council

167/47 Summary

15153 Nowthen Boulevard: Former Municipal Center Summary

Armstrong West Summary

Historical Permit Data

PRELIMINARY RESPONSE

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Tim Gladhill	11/01/2013 11:22 AM
Tim Gladhill (Originator)	Tim Gladhill	11/01/2013 11:23 AM
Chris Anderson	JoAnn Shaw	11/01/2013 11:24 AM
Tim Gladhill (Originator)	JoAnn Shaw	11/01/2013 11:24 AM
Form Started By: Tim Gladhill		Started On: 10/30/2013 02:00 PM
Final Approval Date: 11/01/2013		

2040 Preliminary Forecasts
Released for Comments, September 11, 2013



Note: These are preliminary and have not been adopted by the Council.
(pt) denotes part of a city; remainder of city is in neighboring county.

◊ = Rogers annexed Hassan Township in 2012; forecasts have been combined.
† = Laketown Township will be fully annexed before 2030; forecast has been reassigned to neighboring cities.

	POPULATION			HOUSEHOLDS			EMPLOYMENT		
	2000	2010	2040	2000	2010	2040	2000	2010	2040
ANOKA COUNTY									
Andover	26,588	30,598	35,800	8,107	9,811	15,600	3,583	4,669	5,500
Anoka	18,076	17,142	22,100	7,262	7,060	10,000	13,489	12,840	14,800
Bethel	443	466	790	149	174	370	229	86	640
Blaine (pt)	45,014	57,186	80,300	15,926	21,077	34,200	16,757	19,668	27,000
Centerville	3,202	3,792	4,600	1,077	1,315	1,990	363	409	670
Circle Pines	4,663	4,918	5,700	1,697	2,006	2,500	2,150	790	1,480
Columbia Heights	18,520	19,496	24,600	8,033	7,926	11,000	6,397	3,484	4,900
Columbus	3,957	3,914	4,300	1,328	1,416	1,960	507	1,172	2,450
Coon Rapids	61,607	61,476	71,700	22,578	23,532	32,600	21,682	23,260	35,000
East Bethel	10,941	11,626	16,600	3,607	4,060	7,700	1,374	1,123	1,990
Fridley	27,449	27,208	32,600	11,328	11,110	14,800	26,257	21,333	29,200
Ham Lake	12,710	15,296	16,200	4,139	5,171	7,100	3,194	2,931	4,600
Hilltop	766	744	1,360	400	380	600	257	314	400
Lexington	2,142	2,049	2,800	819	787	1,200	634	467	700
Lino Lakes	16,791	20,216	28,000	4,857	6,174	11,300	2,671	3,313	6,000
Linwood Township	4,668	5,123	6,500	1,578	1,884	3,100	154	219	350
Nowthen	3,557	4,443	5,700	1,123	1,450	2,600	337	318	630
Oak Grove	6,903	8,031	10,300	2,200	2,744	4,800	359	741	1,250
Ramsey	18,510	23,668	28,400	5,906	8,033	12,500	4,008	4,779	7,000
St. Francis	4,910	7,218	10,900	1,638	2,520	5,100	1,247	1,537	2,600
Spring Lake Park (pt)	6,667	6,234	6,500	2,676	2,597	3,000	4,401	2,934	3,800
Anoka County Total	298,084	330,844	415,750	106,428	121,227	184,020	110,050	106,387	150,960
CARVER COUNTY									
Benton Township	939	786	640	307	297	300	282	274	370
Camden Township	955	922	720	316	329	340	15	56	110
Carver	1,266	3,724	6,900	458	1,182	3,000	176	187	340
Chanhassen (pt)	20,321	22,952	31,600	6,914	8,352	13,300	8,366	9,746	16,100
Chaska	17,603	23,770	30,500	6,169	8,816	13,400	10,955	11,123	15,200
Cologne	1,012	1,519	3,300	385	539	1,540	294	270	510
Dahlgren Township	1,453	1,331	1,150	479	494	530	203	202	310
Hamburg	538	513	590	206	201	280	117	109	130
Hancock Township	367	345	450	121	127	210	35	10	20
Hollywood Township	1,102	1,041	1,160	371	387	560	100	90	200
Laketown Township †	2,331	2,243	-	637	660	-	355	116	-
Mayer	554	1,749	7,000	199	589	3,300	92	151	230
New Germany	346	372	1,180	143	146	560	50	46	120
Norwood Young America	3,108	3,549	8,000	1,171	1,389	3,800	1,559	1,165	2,040
San Francisco Township	888	832	900	293	307	420	61	46	120
Victoria	4,025	7,345	11,700	1,367	2,435	5,000	932	1,502	1,760
Waconia	6,814	10,697	16,100	2,568	3,909	6,900	4,082	5,578	8,200
Waconia Township	1,284	1,228	1,300	429	434	580	72	98	390
Watertown	3,029	4,205	5,900	1,078	1,564	2,800	682	556	1,510
Watertown Township	1,432	1,204	1,390	478	468	660	207	392	370
Young America Township	838	715	650	267	266	310	105	119	110
Carver County Total	70,205	91,042	131,130	24,356	32,891	57,790	28,740	31,836	48,140

	POPULATION			HOUSEHOLDS			EMPLOYMENT		
	2000	2010	2040	2000	2010	2040	2000	2010	2040
DAKOTA COUNTY									
Apple Valley	45,527	49,084	62,100	16,344	18,875	26,600	12,106	14,279	18,700
Burnsville	60,220	60,306	76,200	23,687	24,283	32,800	31,765	31,593	41,200
Castle Rock Township	1,495	1,342	1,100	514	504	510	344	356	440
Coates	163	161	160	64	66	70	252	109	180
Douglas Township	760	716	870	235	259	420	96	92	80
Eagan	63,557	64,206	86,800	23,773	25,249	36,100	42,750	49,526	70,000
Empire Township	1,638	2,444	2,500	515	792	1,130	217	255	320
Eureka Township	1,490	1,426	1,430	496	518	670	196	460	220
Farmington	12,365	21,086	26,900	4,169	7,066	11,600	3,986	4,438	7,300
Greenvale Township	684	803	1,240	227	275	590	68	49	640
Hampton	434	689	890	156	245	420	178	127	210
Hampton Township	986	903	1,230	320	329	580	186	85	210
Hastings (pt)	18,201	22,172	28,900	6,640	8,735	13,300	8,872	8,532	10,400
Inver Grove Heights	29,751	33,880	46,300	11,257	13,476	20,200	8,168	9,442	12,900
Lakeville	43,128	55,954	72,400	13,609	18,683	30,500	10,966	13,862	21,800
Lilydale	552	623	1,340	338	375	590	354	355	420
Marshan Township	1,263	1,106	1,110	404	403	520	220	117	320
Mendota	197	198	340	80	78	150	266	270	340
Mendota Heights	11,434	11,071	15,200	4,178	4,378	6,500	8,549	11,550	13,700
Miesville	135	125	150	52	52	70	97	116	120
New Trier	116	112	110	31	41	50	30	35	60
Nininger Township	865	950	840	280	372	400	165	149	330
Northfield (pt)	557	1,147	1,860	216	414	860	79	470	730
Randolph	318	436	490	117	168	230	123	122	100
Randolph Township	536	659	760	192	246	360	130	113	120
Ravenna Township	2,355	2,336	2,180	734	780	1,010	115	38	50
Rosemount	14,619	21,874	29,200	4,742	7,587	12,400	6,356	6,721	11,600
Sciota Township	285	414	510	92	140	240	21	33	250
South St. Paul	20,167	20,160	23,500	8,123	8,186	10,600	7,697	8,557	10,900
Sunfish Lake	504	521	560	173	183	260	23	8	-
Vermillion	437	419	500	160	156	230	221	93	180
Vermillion Township	1,243	1,192	1,610	395	424	750	280	90	80
Waterford Township	517	497	650	193	193	310	461	679	1,010
West St. Paul	19,405	19,540	27,100	8,645	8,529	11,900	8,905	7,471	10,000
Dakota County Total	355,904	398,552	517,030	131,151	152,060	222,920	154,242	170,192	234,910
HENNEPIN COUNTY									
Bloomington	85,172	82,893	113,600	36,400	35,905	49,900	104,548	86,530	108,100
Brooklyn Center	29,172	30,104	34,100	11,430	10,756	14,800	16,698	11,001	13,800
Brooklyn Park	67,388	75,781	90,500	24,432	26,229	36,900	23,692	24,084	36,000
Champlin	22,193	23,089	27,300	7,425	8,328	11,900	2,734	4,012	5,200
Chanhassen (pt)	-	-	-	-	-	-	979	1,159	1,160
Corcoran	5,630	5,379	9,100	1,784	1,867	4,000	1,792	1,093	1,780
Crystal	22,698	22,151	28,300	9,389	9,183	12,400	5,638	3,929	6,100
Dayton (pt)	4,693	4,617	7,300	1,546	1,619	3,300	1,057	921	2,250
Deephaven	3,853	3,642	3,400	1,373	1,337	1,450	1,021	688	880
Eden Prairie	54,901	60,797	82,700	20,457	23,930	33,900	51,006	48,775	64,000
Edina	47,425	47,941	70,800	20,996	20,672	30,200	52,991	47,457	61,100
Excelsior	2,393	2,188	3,000	1,199	1,115	1,300	1,823	2,220	2,240
Fort Snelling (unorg.)	442	149	190	-	135	140	35,526	23,215	24,000
Golden Valley	20,281	20,371	28,900	8,449	8,816	12,300	30,142	33,194	38,800
Greenfield	2,544	2,777	4,000	817	936	1,810	337	613	620
Greenwood	729	688	760	285	290	330	161	82	240
Hanover (pt)	332	609	890	113	196	400	86	36	90
Hopkins	17,367	17,591	27,400	8,359	8,366	12,300	11,979	11,009	13,200

	POPULATION			HOUSEHOLDS			EMPLOYMENT		
	2000	2010	2040	2000	2010	2040	2000	2010	2040
Independence	3,236	3,504	5,100	1,088	1,241	2,310	169	587	850
Long Lake	1,842	1,768	2,600	756	732	1,100	2,510	1,093	1,820
Loretto	570	650	790	225	269	350	661	366	340
Maple Grove	50,365	61,567	89,600	17,532	22,867	37,000	18,309	29,877	40,700
Maple Plain	2,088	1,768	2,800	770	723	1,250	1,792	1,579	1,930
Medicine Lake	368	371	530	159	160	220	10	15	100
Medina	4,005	4,892	7,600	1,309	1,702	3,300	3,254	3,351	6,000
Minneapolis	382,747	382,578	487,700	162,352	163,540	209,900	308,127	281,732	419,100
Minnnetonka	51,102	49,734	74,700	21,267	21,901	32,200	51,276	44,228	60,100
Minnnetonka Beach	614	539	500	215	201	240	201	174	40
Minnetrista	4,358	6,384	11,800	1,505	2,176	5,200	379	665	740
Mound	9,435	9,052	11,100	3,982	3,974	5,100	1,811	1,165	1,660
New Hope	20,873	20,339	26,800	8,665	8,427	11,800	13,565	11,080	15,000
Orono	7,538	7,437	10,100	2,766	2,826	4,400	1,110	1,562	1,650
Osseo	2,434	2,430	3,700	1,035	1,128	1,720	2,312	1,749	1,890
Plymouth	65,894	70,576	101,800	24,820	28,663	42,200	53,491	46,227	68,500
Richfield	34,310	35,228	45,400	15,073	14,818	20,300	11,762	15,604	19,600
Robbinsdale	14,123	13,953	18,800	6,097	6,032	8,500	7,109	6,858	7,600
Rockford (pt)	144	426	870	57	184	400	384	94	630
Rogers ◊	6,051	11,197	15,900	1,973	3,748	6,900	5,414	7,907	12,900
St. Anthony (pt)	5,664	5,156	7,600	2,402	2,210	3,200	1,992	1,626	1,900
St. Bonifacius	1,873	2,283	2,420	681	863	1,040	436	478	460
St. Louis Park	44,102	45,250	68,200	20,773	21,743	30,500	40,696	40,485	46,100
Shorewood	7,400	7,307	8,100	2,529	2,658	3,400	782	1,113	1,430
Spring Park	1,717	1,669	2,410	930	897	1,000	1,028	583	1,140
Tonka Bay	1,547	1,475	1,470	614	586	680	266	298	430
Wayzata	4,113	3,688	6,100	1,929	1,795	2,700	6,268	4,567	7,200
Woodland	480	437	450	173	169	190	22	8	30
Hennepin County Total	1,116,206	1,152,425	1,547,180	456,131	475,913	664,430	877,346	805,089	1,099,400
RAMSEY COUNTY									
Arden Hills	9,652	9,552	12,500	2,959	2,957	4,300	12,326	12,402	17,900
Blaine (pt)	-	-	-	-	-	-	677	893	1,080
Falcon Heights	5,572	5,321	5,800	2,103	2,131	2,380	4,190	5,298	4,600
Gem Lake	419	393	510	139	155	240	586	526	600
Lauderdale	2,364	2,379	2,900	1,150	1,130	1,360	360	718	1,010
Little Canada	9,771	9,773	13,900	4,375	4,393	6,300	5,960	5,467	8,300
Maplewood	35,258	38,018	49,700	13,758	14,882	21,400	29,259	27,635	33,200
Mounds View	12,738	12,155	15,700	5,018	4,954	6,900	4,170	6,386	7,800
New Brighton	22,206	21,456	28,900	9,013	8,915	12,700	11,007	9,213	12,300
North Oaks	3,883	4,469	6,200	1,300	1,746	2,500	1,091	1,260	1,080
North St. Paul	11,929	11,460	14,800	4,703	4,615	6,800	3,499	2,942	3,500
Roseville	33,690	33,660	46,300	14,598	14,623	20,600	39,211	35,104	45,000
St. Anthony (pt)	2,348	3,070	4,200	1,295	1,638	1,900	1,390	1,357	2,050
St. Paul	286,840	285,068	338,900	112,109	111,001	146,000	188,124	175,933	253,400
Shoreview	25,924	25,043	35,000	10,125	10,402	14,900	9,938	11,665	14,800
Spring Lake Park (pt)	105	178	220	48	75	100	202	66	20
Vadnais Heights	13,069	12,302	18,600	5,064	5,066	8,200	7,164	6,678	12,300
White Bear Township	11,293	10,949	14,300	4,010	4,261	6,200	2,131	2,309	3,400
White Bear Lake (pt)	23,974	23,394	31,000	9,469	9,747	14,100	12,020	11,085	13,600
Ramsey County Total	511,035	508,640	639,430	201,236	202,691	276,880	333,305	316,937	435,940

	POPULATION			HOUSEHOLDS			EMPLOYMENT		
	2000	2010	2040	2000	2010	2040	2000	2010	2040
SCOTT COUNTY									
Belle Plaine	3,789	6,661	11,500	1,396	2,362	5,100	1,428	1,847	2,700
Belle Plaine Township	806	878	830	266	310	370	77	69	130
Blakeley Township	496	418	350	166	165	170	70	69	150
Cedar Lake Township	2,197	2,779	3,200	719	939	1,440	91	82	250
Credit River Township	3,895	5,096	5,900	1,242	1,662	2,600	265	397	330
Elko New Market	804	4,110	8,000	286	1,259	3,500	248	317	750
Helena Township	1,440	1,648	1,540	450	548	730	473	147	420
Jackson Township	1,361	1,464	1,480	461	486	650	92	168	620
Jordan	3,833	5,470	7,200	1,349	1,871	3,300	1,321	1,587	2,450
Louisville Township	1,359	1,266	1,040	410	425	440	476	298	350
New Market Township	3,057	3,440	2,800	956	1,146	1,200	262	325	240
New Prague (pt)	3,157	4,280	7,400	1,160	1,618	3,500	2,282	2,142	2,480
Prior Lake	15,917	22,796	34,300	5,645	8,447	14,700	7,972	7,766	11,800
St. Lawrence Township	472	483	560	144	161	250	145	48	210
Sand Creek Township	1,551	1,521	1,210	478	554	570	249	298	530
Savage	21,115	26,911	34,400	6,807	9,116	14,100	5,366	6,753	9,900
Shakopee	20,568	37,076	49,800	7,540	12,772	20,100	13,938	18,831	28,800
Spring Lake Township	3,681	3,631	3,500	1,217	1,267	1,590	176	390	180
Scott County Total	89,498	129,928	175,010	30,692	45,108	74,310	34,931	41,534	62,290
WASHINGTON COUNTY									
Afton	2,839	2,886	3,800	996	1,081	1,700	351	411	530
Bayport	3,162	3,471	4,600	763	855	1,310	4,900	3,790	5,000
Baytown Township	1,533	1,617	2,060	492	573	930	154	69	210
Birchwood Village	968	870	890	357	351	400	20	25	30
Cottage Grove	30,582	34,589	40,700	9,932	11,719	17,400	6,263	6,484	9,200
Dellwood	1,033	1,065	1,200	353	373	510	282	277	310
Denmark Township	1,348	1,737	2,280	481	615	990	386	629	520
Forest Lake	14,440	18,377	26,900	5,433	7,015	12,400	6,636	6,449	10,200
Grant	4,026	4,094	4,300	1,374	1,463	1,890	750	449	670
Grey Cloud Island Township	307	295	250	117	117	120	50	10	60
Hastings (pt)	3	-	-	2	-	-	224	64	100
Hugo	6,363	13,332	23,200	2,125	4,990	10,300	1,917	1,973	3,500
Lake Elmo	6,863	8,061	11,700	2,347	2,776	5,000	1,682	1,941	3,000
Lakeland	1,917	1,796	2,800	691	681	1,320	374	302	470
Lakeland Shores	355	311	390	116	117	180	20	26	40
Lake St. Croix Beach	1,140	1,053	1,280	462	460	580	50	129	100
Landfall	700	663	610	292	257	270	50	25	20
Mahtomedi	7,563	7,676	8,800	2,503	2,827	3,900	1,252	2,090	2,600
Marine on St. Croix	602	689	1,000	254	302	460	235	124	200
May Township	2,928	2,776	3,700	1,007	1,083	1,670	40	66	150
Newport	3,715	3,435	5,200	1,418	1,354	2,500	2,480	1,605	2,210
Oakdale	26,653	27,401	33,900	10,243	10,956	14,900	7,812	8,651	13,700
Oak Park Heights	3,777	4,445	6,300	1,528	1,911	2,700	2,713	4,358	5,400
Pine Springs	421	408	410	140	144	180	10	72	100
St. Marys Point	344	366	400	132	147	180	10	15	10
St. Paul Park	5,070	5,273	7,500	1,829	1,967	3,400	1,399	1,515	1,800
Scandia	3,692	3,934	4,900	1,294	1,498	2,240	272	519	780
Stillwater	15,323	18,227	23,100	5,797	7,076	10,400	10,719	9,628	10,400
Stillwater Township	2,553	2,364	2,210	833	855	1,000	120	165	210
West Lakeland Township	3,547	4,054	6,400	1,101	1,286	2,800	313	232	450
White Bear Lake (pt)	351	403	560	149	198	260	131	184	130
Willernie	549	507	680	225	218	300	135	182	270
Woodbury	46,463	61,961	78,200	16,676	22,594	31,400	15,899	19,438	28,600
Washington County Total	201,130	238,136	310,220	71,462	87,859	133,590	67,649	71,897	100,970
METRO AREA	2,642,062	2,849,567	3,736,000	1,021,456	1,117,749	1,614,000	1,606,263	1,543,872	2,133,000

METROPOLITAN COUNCIL'S PRELIMINARY FORECASTS METHODOLOGY

SEPTEMBER 18, 2013



**METROPOLITAN
COUNCIL**

Metropolitan Council's Preliminary Forecasts Methodology

Long-range forecasts at Metropolitan Council are updated at least once per decade. Population, households and employment levels are projected with a 30-year time horizon. The regional and local forecasts express future expectations based on an understanding of regional dynamics, and representing expected outcomes of policies and planning. Consistent with *Minnesota Statutes 473.146* and *473.859*, these forecasts provide a shared foundation for coordinated, comprehensive planning by the Council and local governments.

A preliminary regional forecast was presented at Metropolitan Council's Committee of the Whole on April 18, 2012. Preliminary local forecasts were issued on September 11, 2013. The ultimate results of this project – a final regional forecast, together with local forecasts – will be included in the *Thrive MSP 2040* plan for Council approval in April 2014.

Overview of forecasting project.

Metropolitan Council's long-term forecasting is premised on understanding the Twin Cities' situation within the larger, national economy: The region's business conditions and competitive advantages determine regional economic and employment levels, which in turn prompt population growth through migration.

Subsequent to the *regional* forecast, *local* forecasts address geographic distributions within the region. Regional population, households and employment will site in specific places. Metropolitan Council assumes that real estate demand and supply dynamics, interacting with future transportation accessibility, primarily determine outcomes, influenced by regional land use policies and local plans.

Considering the multi-scale nature of future planning needs, Metropolitan Council employs multiple forecast modeling tools:

- A regional economic model for forecasting region-level economic activity and migration flows in response to economic opportunity.
- A demographic model packaging population forecasts into various household types
- A land use model simulating and projecting real estate market dynamics, in order to locate future land use, households and employment to communities and zones.

Methodology of REMI PI.

In 2011, following a review of best practices in regional economic modeling, the Council selected REMI PI as the model best fitting the Council's understanding of regional growth. REMI PI is a structural macroeconomic simulation model. It makes use of computable general equilibrium (CGE) techniques for simultaneous solution of macroeconomic accounts, as well as input-output matrices to represent inter-industry flows and impacts. Also, the model employs new economic geography techniques to represent regional differentials and aggregated interactions among regions, mainly trade and migration flows.

Simulation and projection of economic activities (production, consumption, and trade) are central to the model; Cobb-Dougllass functions determine the balance of capital, and labor levels; and the model seeks equilibrium between industries' labor demand, wage levels, and labor supply. If industries' labor demand intensifies (or slackens), then wages and labor supply adjust up (or down) via economic migration. Thus, economic competitiveness and labor demand are the major determinants of migration in the REMI PI model.

A more detailed description can be found in the model documentation:
Regional Economic Models Inc. (2013), *REMI PI+ Model Equations*, online at www.remi.com/download/documentation/pi+/pi+ version 1.5/PI+ v1.5 Model Equations.pdf

Our Minnesota implementation of the model has two *home regions*: the Twin Cities metro is one; the remaining 80 counties are a second region; the rest of the nation and the world are additional linked economies. Model updates delivered by Regional Economic Models Inc. in 2011, 2012 and 2013 assess the Twin Cities metro having factor cost advantages, resource advantages, and good workforce availability across a complete range of occupations. These characteristics inform a forecast of above-average growth in coming decades.

Methodology of Profamy model.

Metropolitan Council has also implemented Profamy, a separate demographic model for projecting household counts by demographic cohort, using extended cohort-component techniques to represent household change dynamics.

The model groups all population members by age, race and gender, and projects forward distributions of life cycle states based on demographic schedule probabilities. These schedules cover fertility rates, survival rates, leave home rates, inter-regional migration, household formation, and cohabit/marriage/separation rates. Summarization of probabilities provides a comprehensive time-series of population and households characteristics.

A more detailed description is available from the model developers. See:
Yi Zeng, et al. (2010), *Household and population projections at sub-national levels: An extended cohort-component approach*, online at <http://paa2010.princeton.edu/papers/101958>

In 2012, Metropolitan Council staff worked with HCF Consulting to update the model with region-specific 2010 base year data, region-specific fertility rates, and migration rates by age, race and gender. The migration rates table is a compilation of migration results from the REMI PI model. Profamy was tested by Council staff and its projections compared with the REMI PI forecast. Given the same demographic schedules, and the exogenously-provided migration rates, Profamy can produce a 30-year-horizon population projection that is within 1 percent of the REMI PI forecast.

Metropolitan Council staff are using REMI PI for economic, employment and population forecasts. Profamy is used as a follow-on process, to parse the REMI PI population projections into households by household type. HCF Consulting has provided programming that allows the model user to enforce consistency with the time-series of population projections received from the REMI PI modeling.

Modifications to the as-delivered REMI PI model.

In the implementation of REMI PI, Council staff modify some settings and data inputs to the model. First, the national forecast in the Council's model is controlled to match nation-level GDP projections and industry employment projections drawn from Global Insight's 30-year Trend forecast; this is the same forecast used by the Minnesota State Economist as a baseline for long-term, national economic

expectations. The national forecast is significant insofar as the Twin Cities metro and Minnesota are part of nation, and the region's economic growth is tethered to national economic conditions. For more information, see:

Minnesota Management & Budget (2012, and updated bi-annually), *Economic & Minnesota Outlook*, online at www.mmb.state.mn.us/feb-2013-forecast

Second, Council staff update regional time-series tables with known numbers and facts on the ground:

- 2011-2012 regional population by race and age are updated with estimates by US Census Bureau;
- 2011-2012 regional industry employment are updated with counts from Minnesota Department of Employment and Economic Development statistics.

A number of future expectations are adjusted to better reflect regional trends. There are variables in the model that are recognized as difficult to project. Generally, Council staff assumes a stable status quo or median values within the range of possibilities:

- REMI's fertility rates schedules (fertility rates by race and by age of mother) are replaced with region-specific projections prepared by Council staff. In the Twin Cities metro, Council staff project the region's total fertility rate for whites increases to 1.78 per woman; the rate for blacks declines to 2.89; rates for Hispanic, Asian, and other race groups remain stable at 2.38.
- REMI's survival rates schedules are adjusted to better match the Minnesota State Demographer's. The State Demographer projects, conservatively, that life expectancies advance by 2 years over the 30-year projections horizon.
- College-going population by race is projected to increase in tandem with growth in the resident population of 17-year-olds by race.
- Average property tax rates for the Twin Cities metro are updated to reflect tax increases during 2011-2013, and are projected to level off thereafter.
- Consumer prices for energy are adjusted to maintain a constant ratio of regional prices relative to national average prices. Utility rates are held at 95 percent of the national average; fuel prices are held at 100 percent of the national average; there is not clear reason to project that Twin Cities metro relative prices would decline below these relative levels.

The forecast models described above provide details on future demographics and industry composition at a macro-level, without geographic detail. Additional modeling, at a local scale, is necessary to project the geographic distribution of households and industries over time.

Methodology of Cube Land.

In 2009, Council staff conducted an internal needs assessment and a state-of-the-practice review of land use models. Council staff recommended adoption of a market simulation model capable of producing zonal projections of households, population and employment, as well as accounting future land use. In 2010, the Council licensed and implemented Citilabs Cube Land as a platform for local real estate market modeling and scenarios analysis. Cube Land was chosen in part for its potential to integrate with the Council's travel demand model, allowing land use patterns and transportation network conditions to iteratively adjust over time.

The logic of Cube Land is the market sorting and equilibration of real estate demand and supply (real estate types and locations), assuming best-use and value-maximizing decisions of households, site selectors and developers. Cube Land includes three submodels:

- The *demand submodel* simulates an auction in which different market segments are willing to pay (or bid) differential amounts for combinations of real estate and place characteristics.

- The *rent submodel* uses estimated bids, along with other local characteristics, to estimate rents for different real estate types at specific locations.
- The *supply submodel* projects forward real estate development by comparing rents with supply costs, and locating new development based on estimated profit margins (rent minus supply costs) and land supply availability.

In summary, households and worksites choose real estate types, situated in specific locations, so as to maximize value. Developers respond by supplying real estate responsive to the demand.

The demand model mathematically represents the preference structures of different household market segments and industry sectors using variables, and parameters for variables, identified and estimated through discrete choice analysis of existing behavior (which is known through survey data). Variables include neighborhood characteristics and accessibility to destinations. These quantified preferences allow the model to estimate probabilities of all potential real estate choices for each defined household type and worksite type. The choice is comprised of real estate types and locations. The locations correspond to the post-2000 Transportation Analysis Zone (TAZ) system used in the Council's travel demand model.

Many of the variables that determine the choice probabilities can change over time: Summarized land use and remaining available land supply, industry mix, and socioeconomic mix of zones are projected and updated within the model. Accessibility measures are projected and updated through iterative looping with a linked travel demand model.

Concurrently, the rent model uses estimated bids, as well as other zonal characteristics, to calculate and update rents within the model. If real estate in a certain location is highly desirable to one or more market segments, rents can change, altering estimated distributions (or probabilities) of household and worksite location choices, and prompting choice substitution. Ultimately, the model seeks an equilibrium solution where all forecasted future households and employment are sorted into real estate choices, proportionate to updated choice probabilities.

The discussion above concerns different market sectors valuing locations, and sorting themselves to accomplish best-value results. Importantly, Cube Land allows supply response to growing and changing market demand. Regional totals of target-year households and employment can differ from start-year totals. To accommodate growth in households and employment – which has been forecasted using the region-level forecast models – the Cube Land supply submodel projects the addition of new housing and employment-bearing built space. In the Twin Cities implementation of Cube Land, the major determinants of such development are land supply and estimated rents for each zonal location. As rents are dynamically estimated within the model, the geographic distribution of new development is likewise dynamic – with new growth precipitated by lower development costs and/or higher rents for valued location characteristics.

Data and Variables Used in the Council's Cube Land Modeling

The Twin Cities implementation of Cube Land segments worksites and employment into 8 industry sectors; these groups have varying preferences and use varying amounts of 5 types of employment-bearing real estate. Households are segmented by socioeconomic characteristics into 5 major household types (and 80 subtypes), which then select housing from 8 housing types. This segmentation enables moderate representation of how real estate and location preferences vary among different household and industry types.

The Cube Land system allows flexibility in defining the set of variables that comprise preferences and valuations of real estate. The variables identified as most significant, and included in the Council's modeling, are compiled for 1,201 Transportation Analysis Zones. These zonal characteristics also inform the calibration of the model to year 2010 conditions. Zonal characteristics include:

- Real Estate Characteristics:
 - Start-year land use mix and undeveloped land supply
 - Existing housing stock and employment-bearing built space
 - Average land consumption per real estate unit
 - Average building costs
- Surrounding Land Uses:
 - Proximity to lakes and rivers
 - Zonal demographics
 - Zonal employment
 - Housing density
- Regional Systems and Services:
 - Proximity to parks
 - Wastewater service availability
 - High frequency bus stops
 - LRT stations
- Transportation Accessibility, obtained through interaction with the Council's travel demand model:
 - Number of jobs within 20-minute travel time (by automobile and by transit)
 - Number of households within 20-minute travel time (by automobile and by transit)

The Cube Land model also uses local planned land use and regional policies when forecasting future real estate supply, including:

- Planned Land Use acreage (from local comprehensive plans)
- Allowable real estate types
- Existing housing densities
- Maximum allowable housing densities (from local comprehensive plans)
- Maximum allowable housing units (from local comprehensive plans)

In summary, the Cube Land model is richly informed about base year conditions and the envelope of future possibilities.

Model maintenance and forecast updates.

Metropolitan Council receives annual updates of the REMI PI software and time-series data inputs. The model received in July 2013 includes time-series data for years 1990-2011, as well as national demographic adjustments to reflect US Census Bureau's immigration assumptions. For more information, see:

US Census Bureau (2012), *2012 National Population Projections*, online at www.census.gov/population/projections/data/national/2012.html

Council staff will prepare final regional and local forecasts in early 2014, for approval by Metropolitan Council and inclusion in the *Thrive MSP 2040* plan. These final forecasts will reflect updated data and assumptions, and updated representation of regional policies.

In the preliminary forecast modeling, geographic representation of regional systems and policies has been limited to a base-case scenario, including: the 2030 Metropolitan Urban Services Area, defining the coverage of wastewater service; the 2040 regional transportation network, incorporating the planned, long-term program of transitways and highway improvements to 2040; and local comprehensive plans prepared by communities during 2005-2011, with planned land use to 2030.

Revisions of these systems and policies are possible and can be represented in updated local forecasts for the *Thrive MSP 2040* plan, or in subsequent updates coordinated with regional system plans. The preliminary modeling does *not* presently account for – but could be modified to represent – new policy factors. Hypothetically, these could include real estate development responding to subsidies for affordable housing development, added development costs in subregional areas with water supply limitations, or maximum capacity restrictions in such areas.



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Preliminary Local Forecasts to 2040

Metropolitan Council
September 11, 2013



About the Council's forecasts

- Forecasts of population, households and employment in 10-year increments
- Forecasting what development will happen where based on market demand
- *Minnesota Statutes 473.146 and 473.859*
- Develop shared expectations of a common future to inform regional and local planning

Forecasting: Key Dates

2012	2013	2014	2015	2016	2017	2018
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Regional Forecasts

★ April 2012



Preliminary Local Forecasts

★ September 2013

Final Regional and Local Forecasts

★ Adopted with *Thrive MSP 2040*

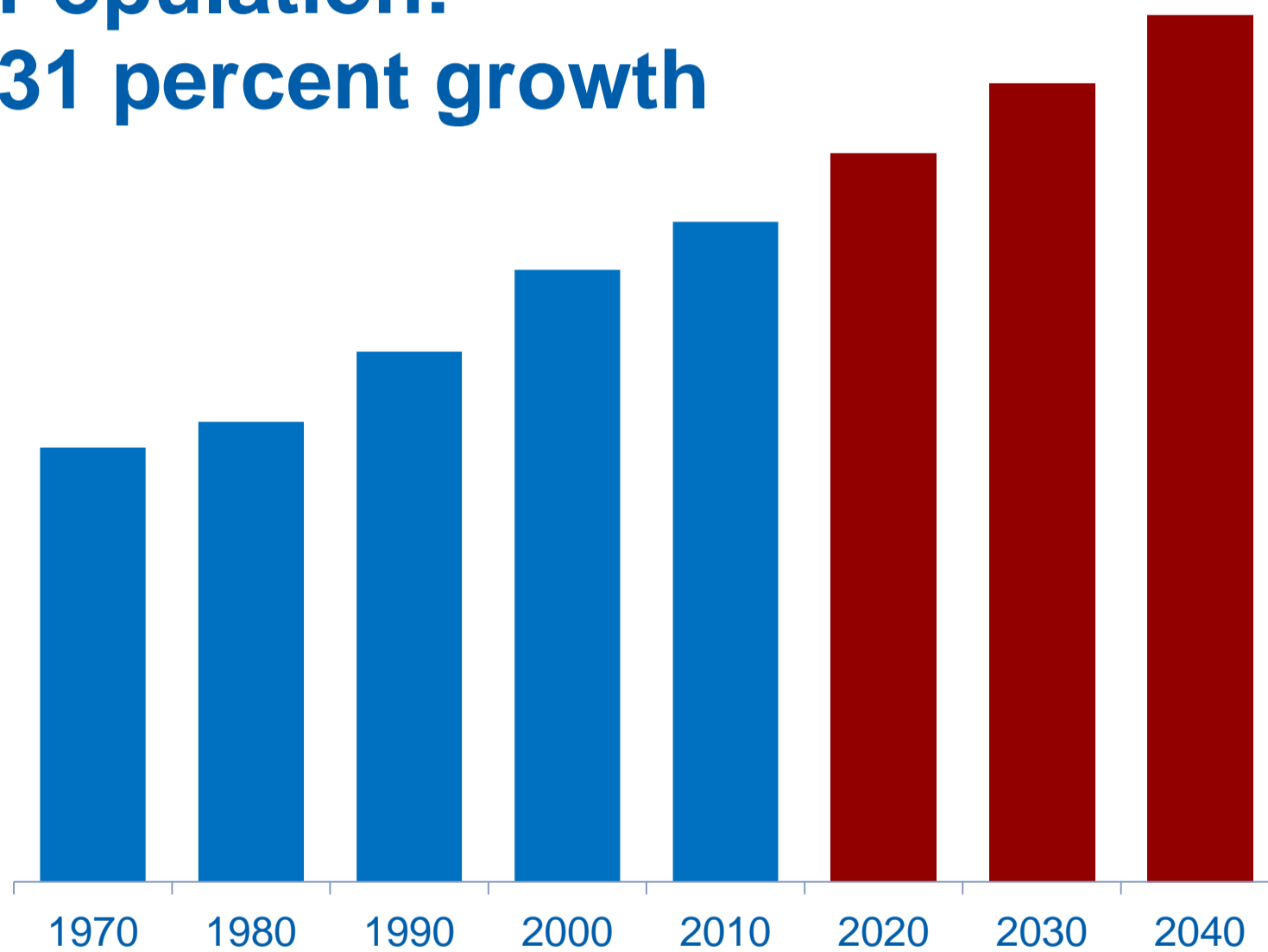
Systems Statements Forecasts

★ Adopted with Systems Statements

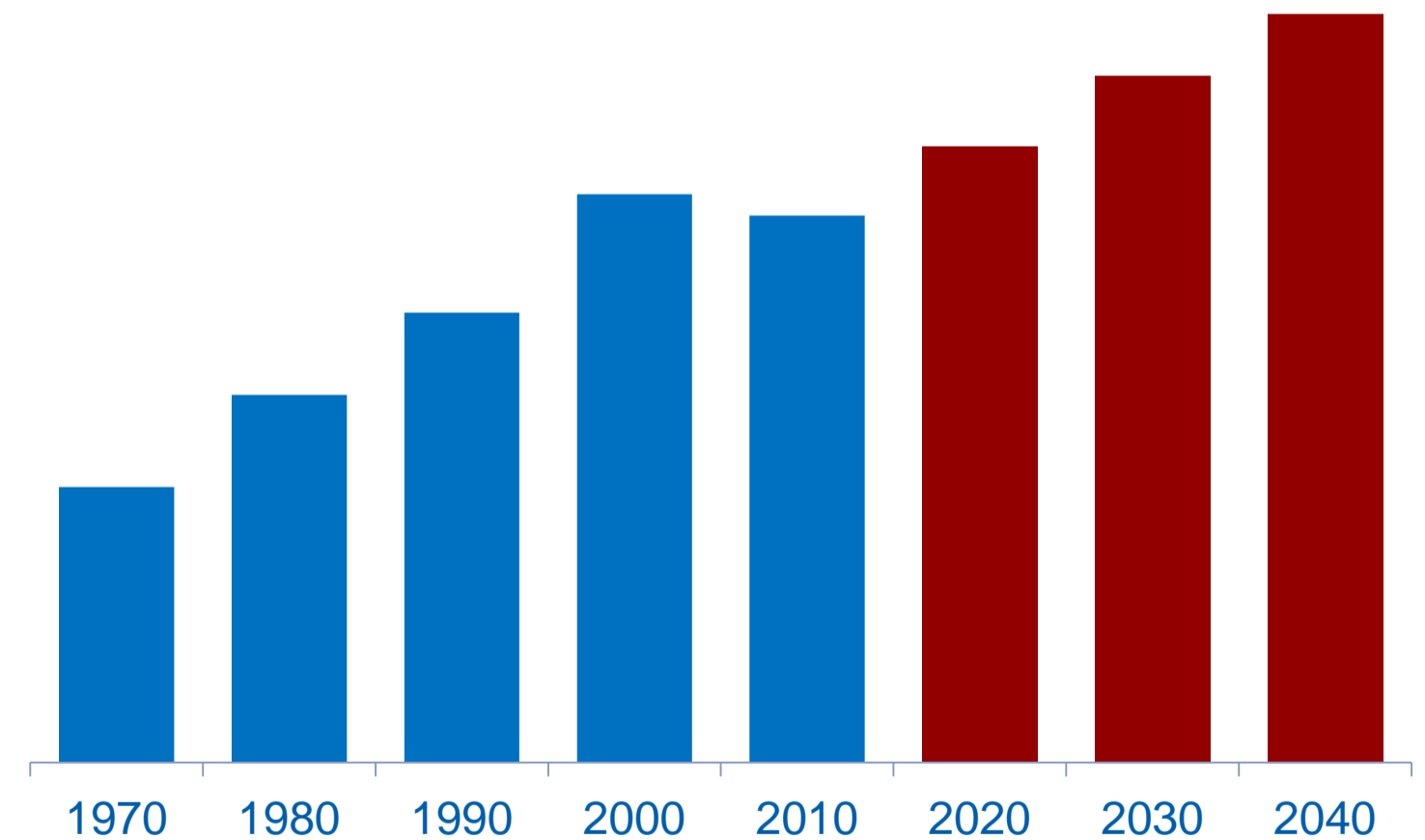
Local Comprehensive Planning

Regional forecast: Continued growth and prosperity

**Population:
31 percent growth**



**Employment:
37 percent growth**



What's behind the forecasts?

Who is the future market?

Demographics of future households
Real estate needs of businesses



What drives their real estate decisions?
Infrastructure
Accessibility
Amenities



Where is growth allowed?

Land capacity
Land use policies
Allowable density

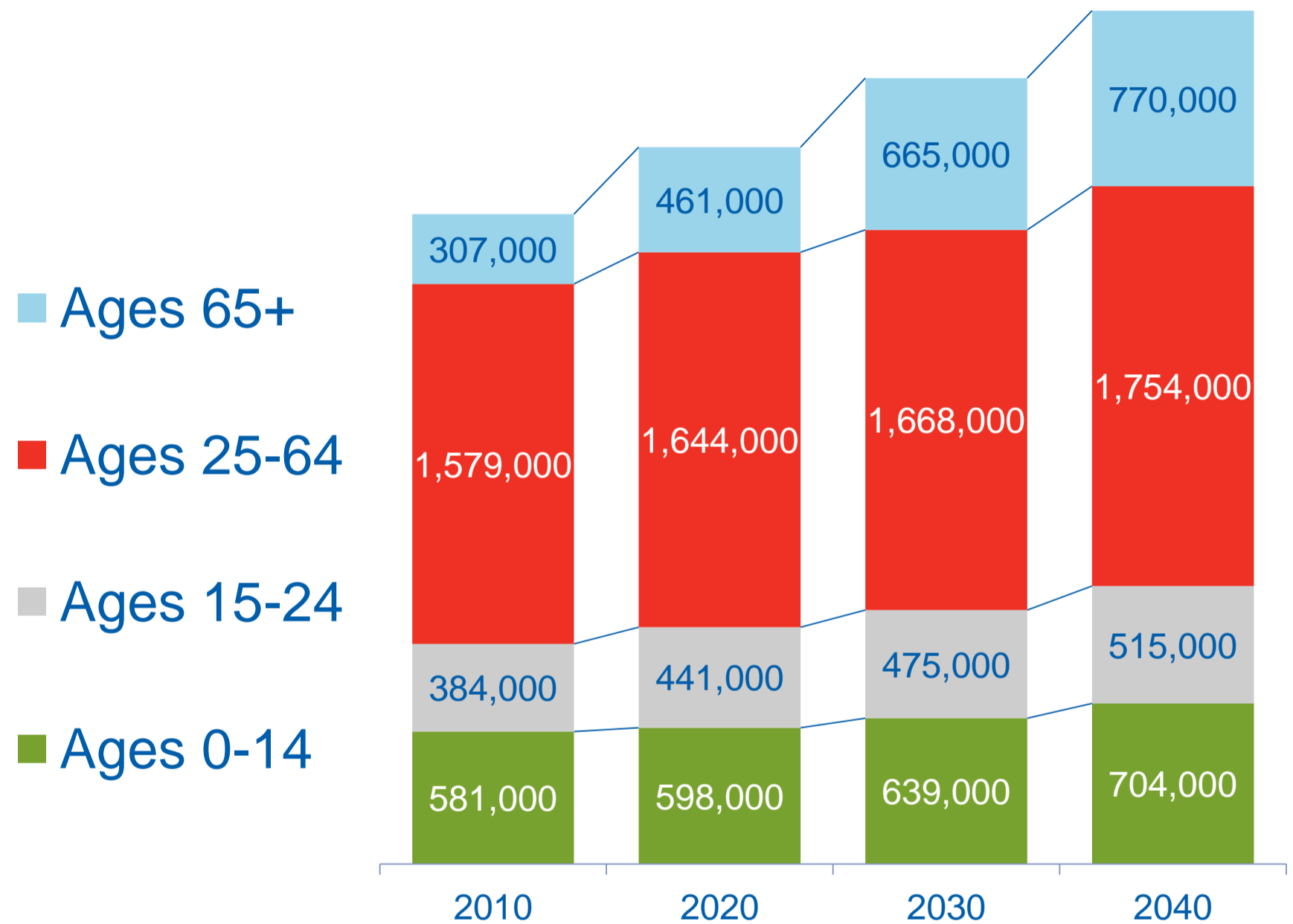
What is driving changes in growth?

**Different mix
of consumers**

**Consumers'
changing
preferences
and behavior**

Different mix of consumers

- More seniors
- More smaller households
- Entry of the Millennial generation into the real estate market

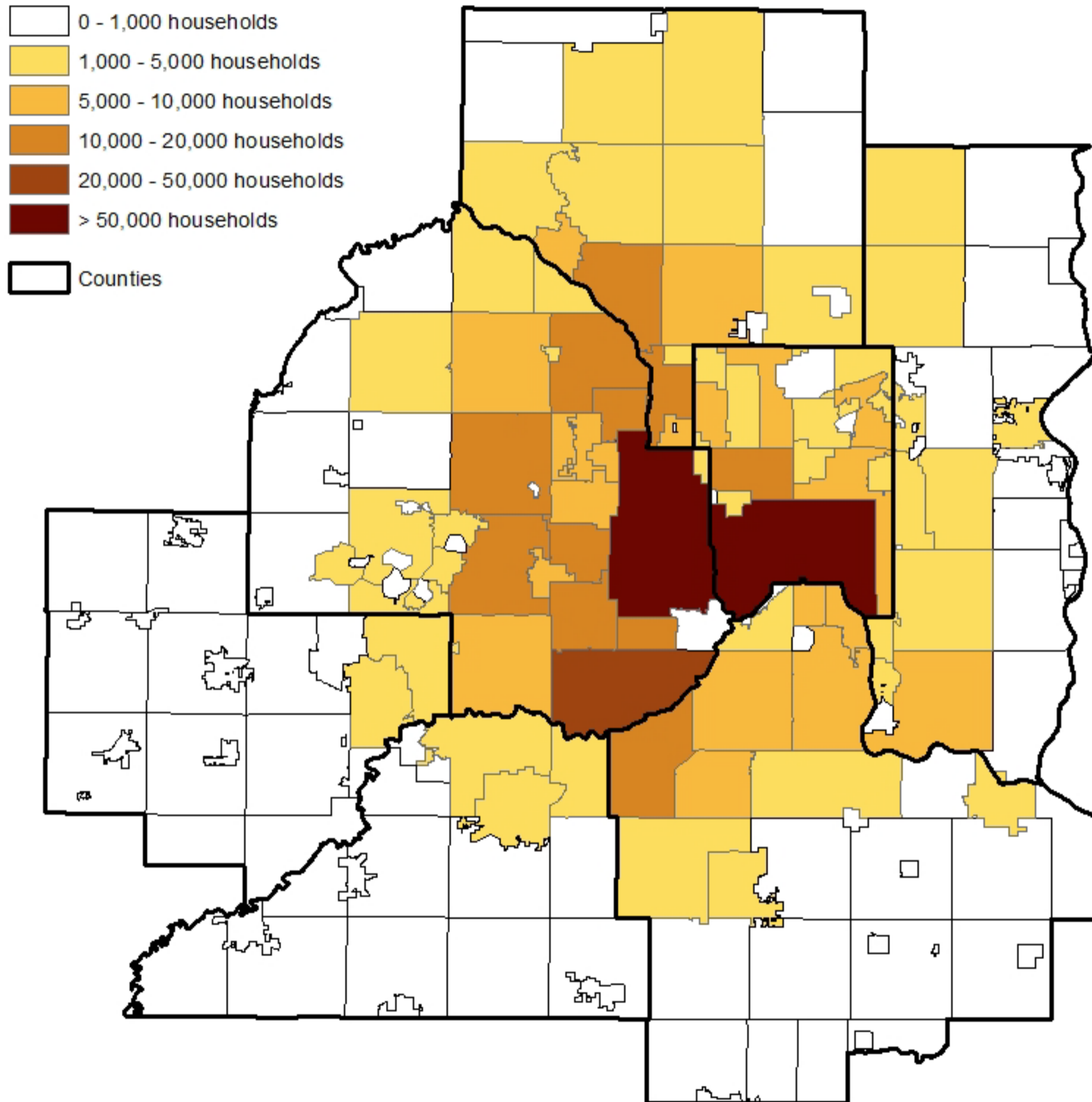


Consumers wanting different housing

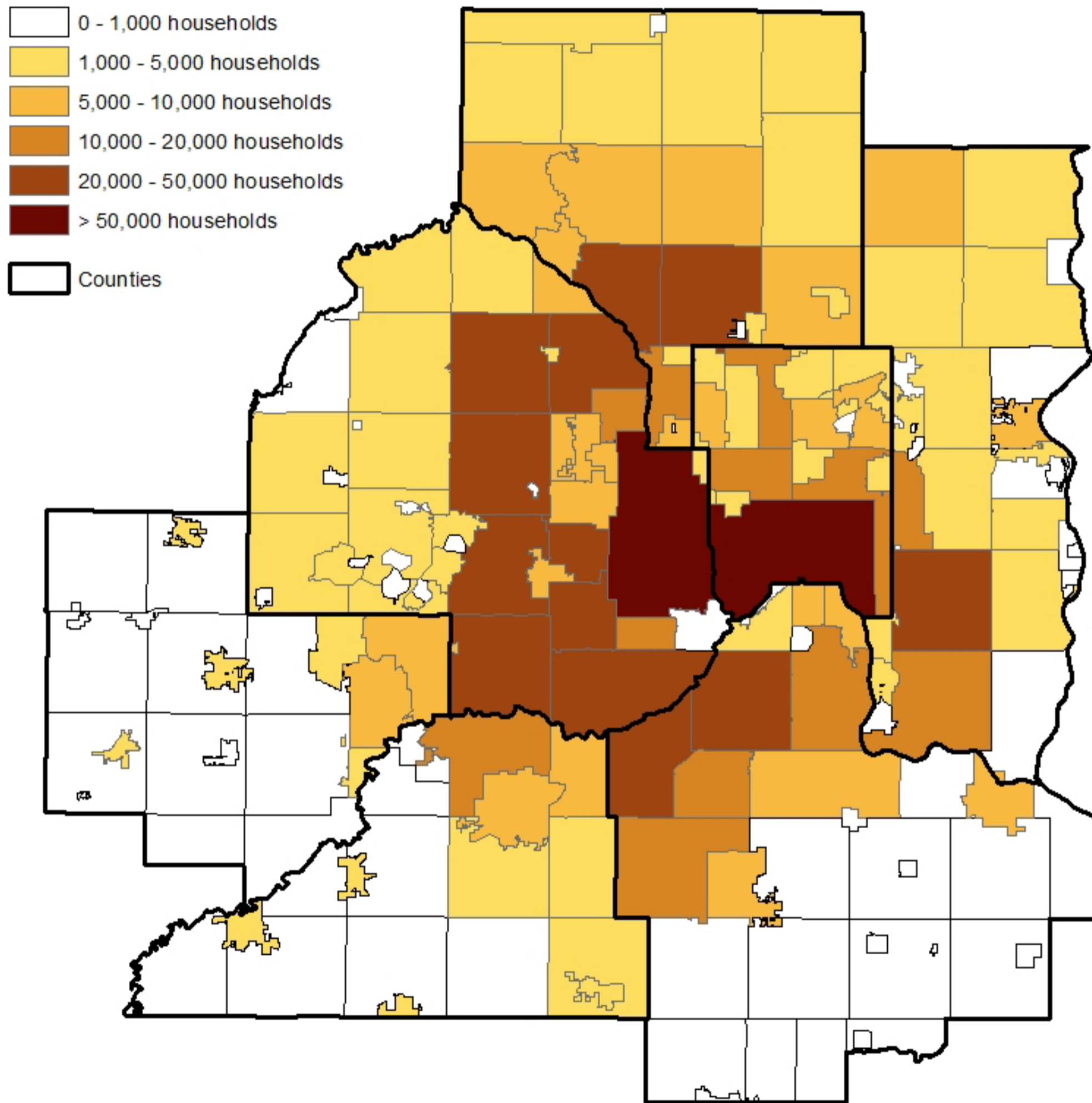
- From housing as an investment to housing as a place to live
- Interest in central locations, amenities, accessibility
- Millennial preferences for connected neighborhoods well-served by transit



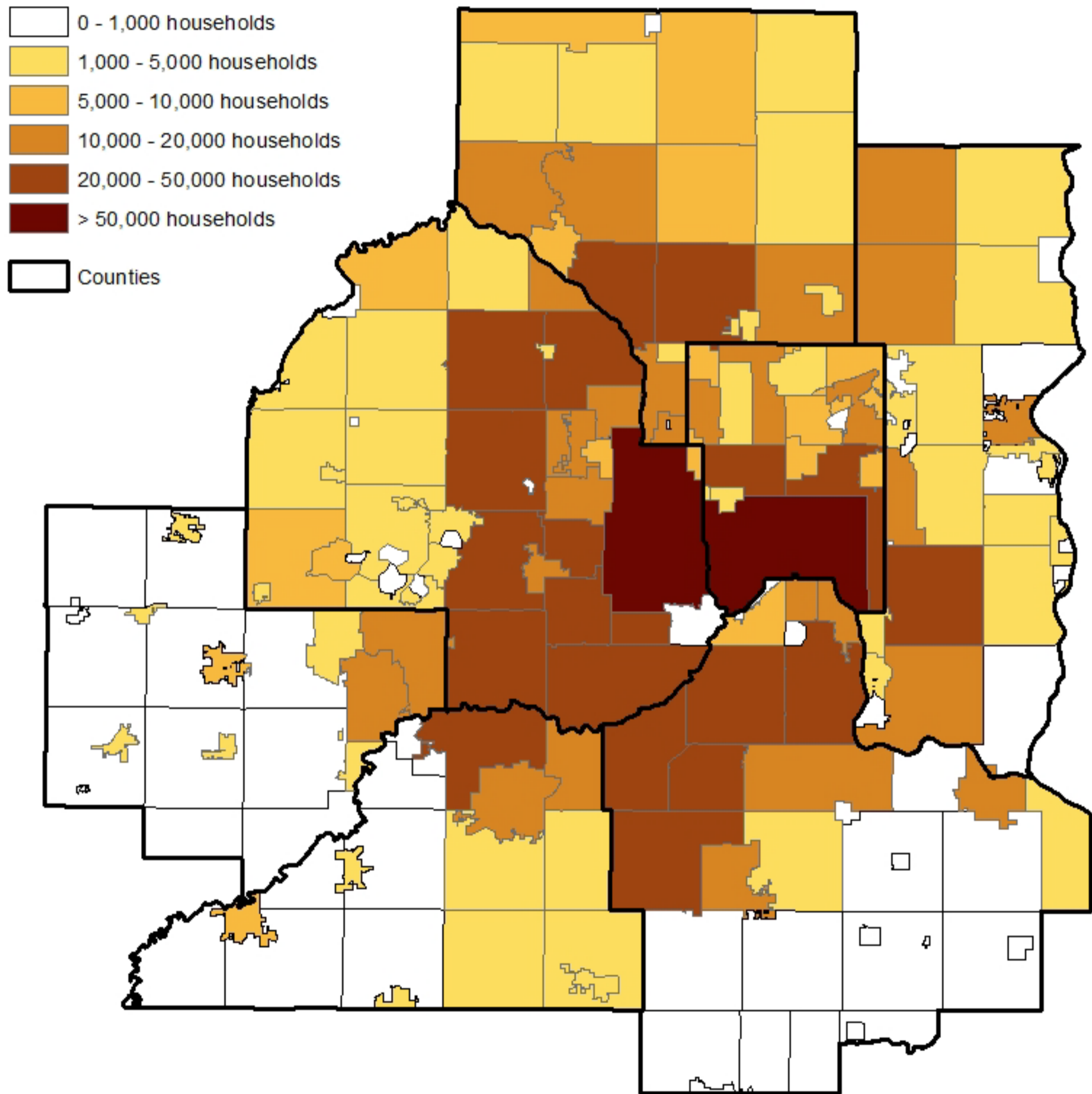
Total Households, 1980



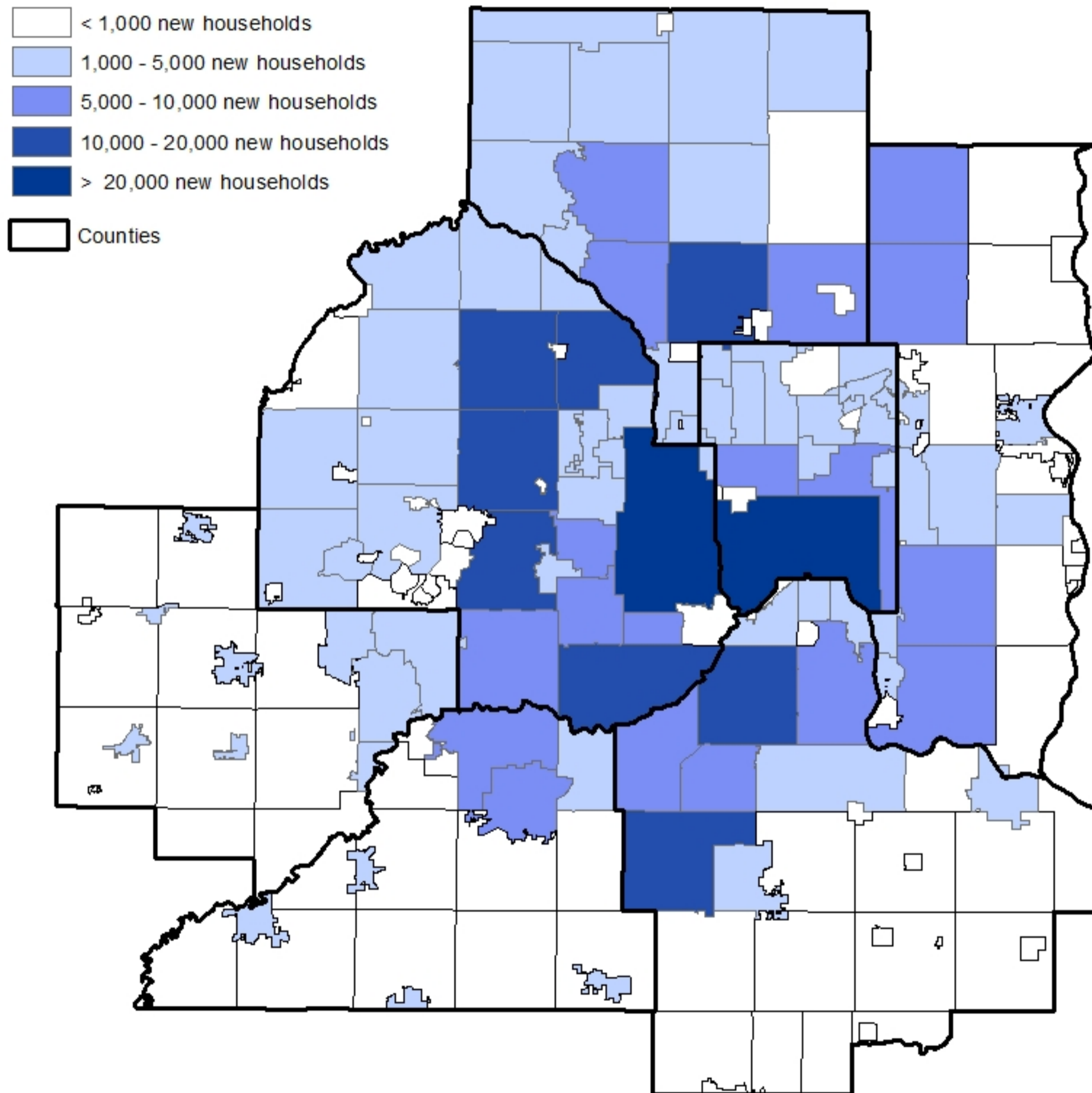
Total Households, 2010



Total Households, 2040



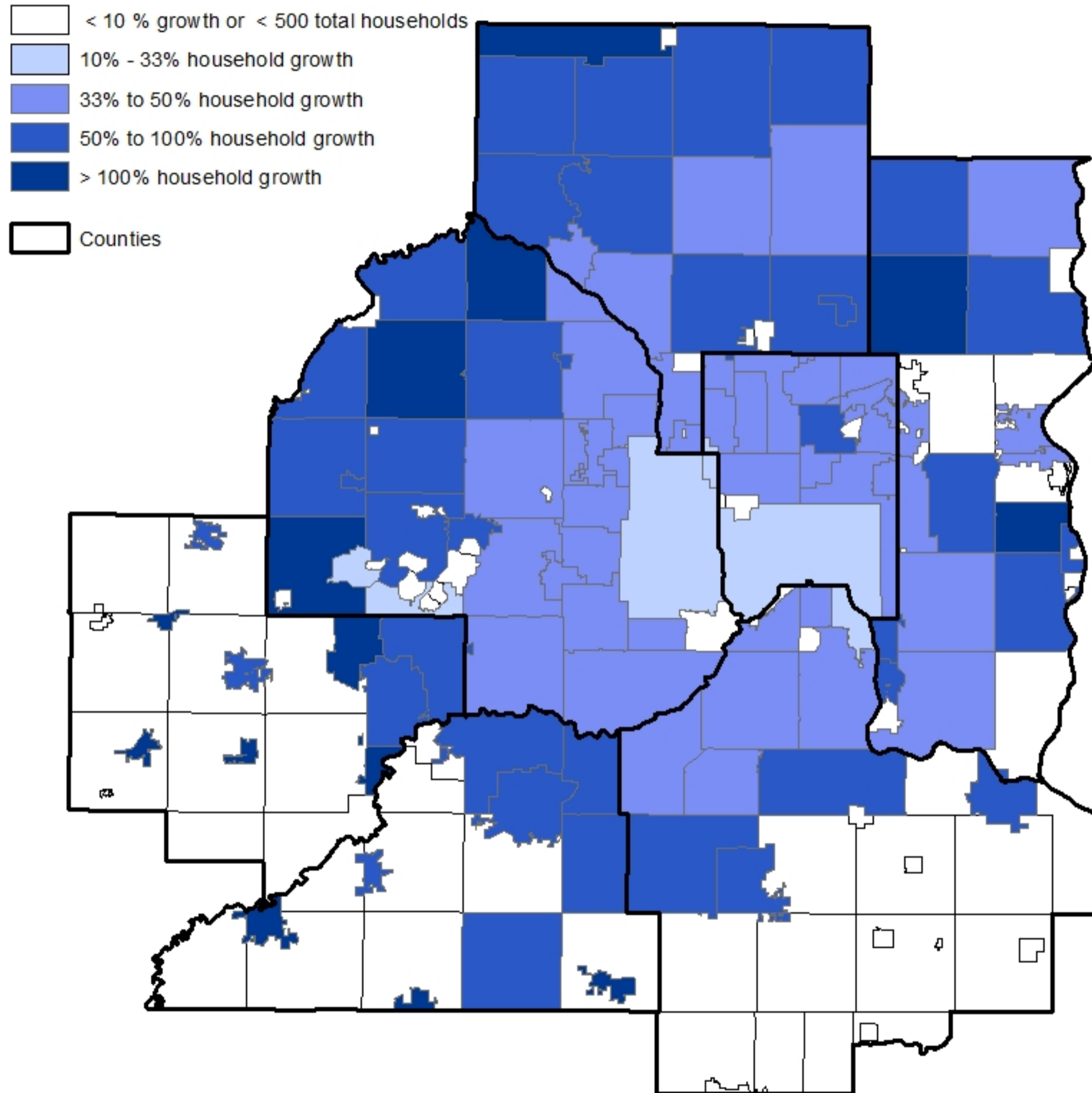
Household Growth, 2010-2040



Largest forecasted gains:

1. Minneapolis
2. St. Paul
3. Maple Grove
4. Bloomington
5. Plymouth
6. Blaine
7. Lakeville
8. Eagan
9. Brooklyn Park
10. Minnetonka

Percent Growth, 2010-2040



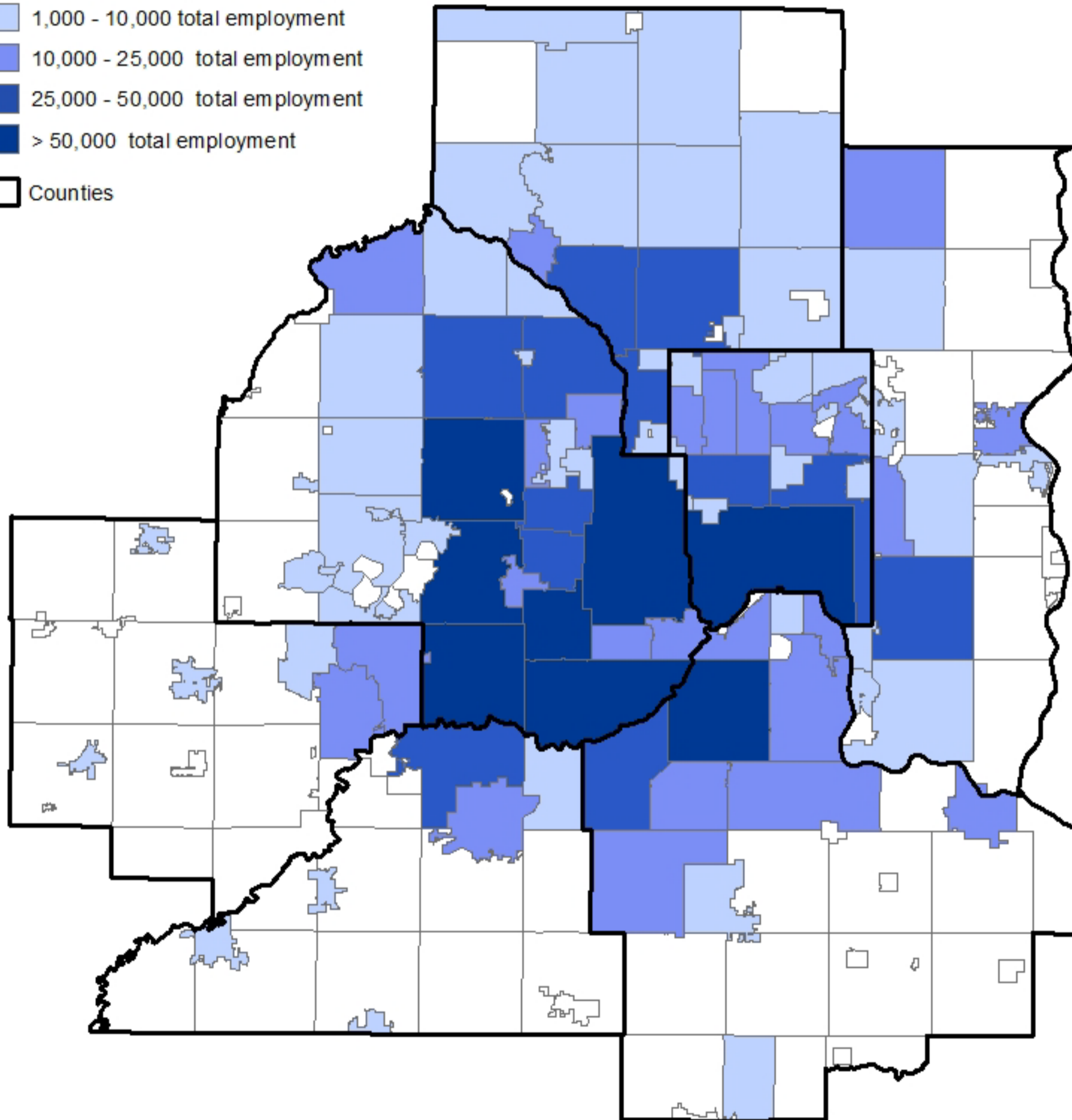
Highest growth rate among cities gaining 500+ households:

1. Mayer
2. New Germany
3. Cologne
4. Elko New Market
5. Norwood Young America
6. Carver
7. Minnetrista
8. West Lakeland Twp
9. Belle Plaine
10. Corcoran

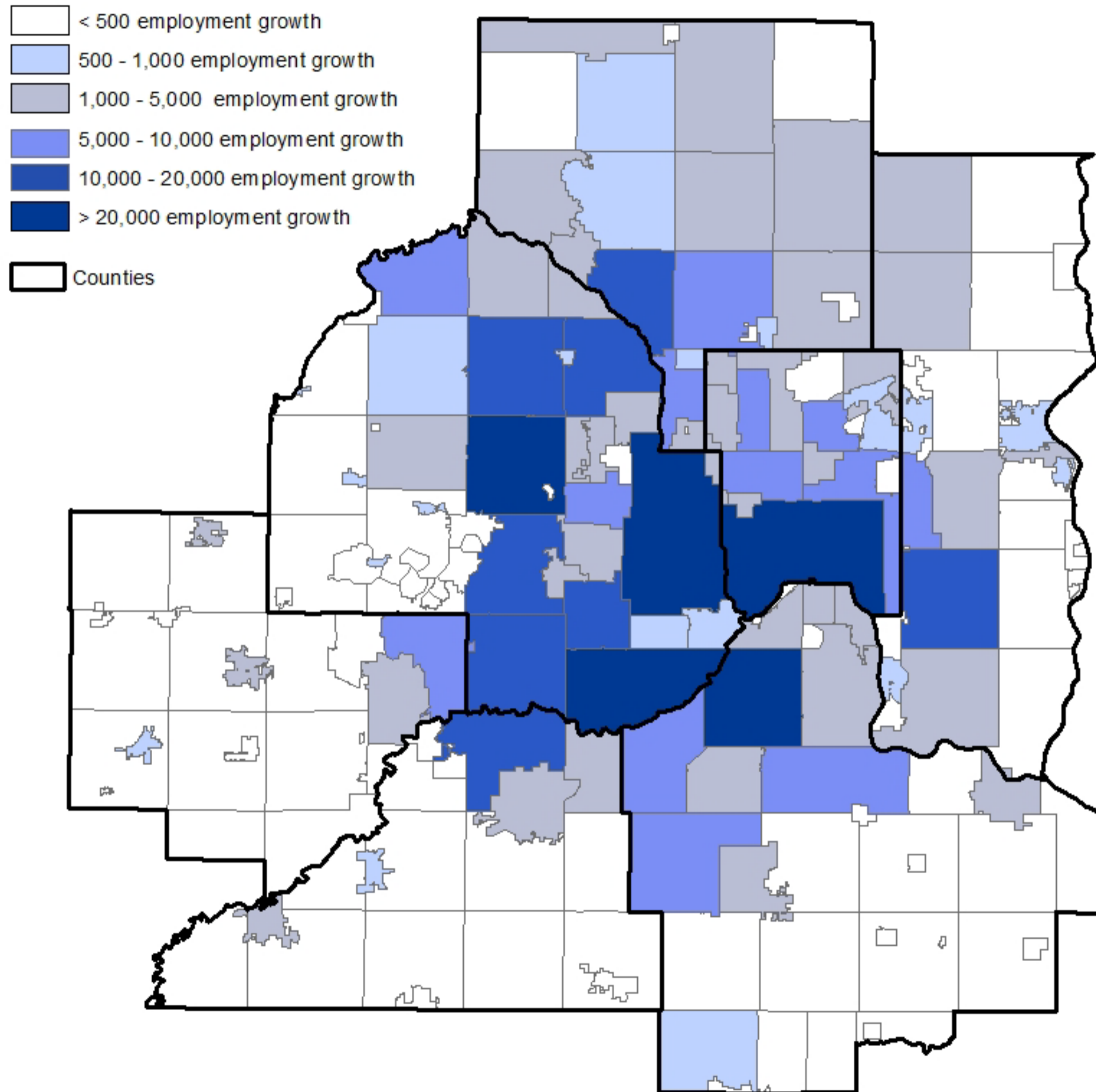
County Household Growth

County	2010	2040	Growth	Percent
Anoka	121,227	184,020	62,800	52%
Carver	32,891	57,790	24,900	76%
Dakota	152,060	222,920	70,900	47%
Hennepin	475,913	664,560	188,600	40%
Ramsey	202,691	276,880	74,200	37%
Scott	45,108	74,310	29,200	65%
Washington	87,859	133,590	45,700	52%

Total Employment, 2040



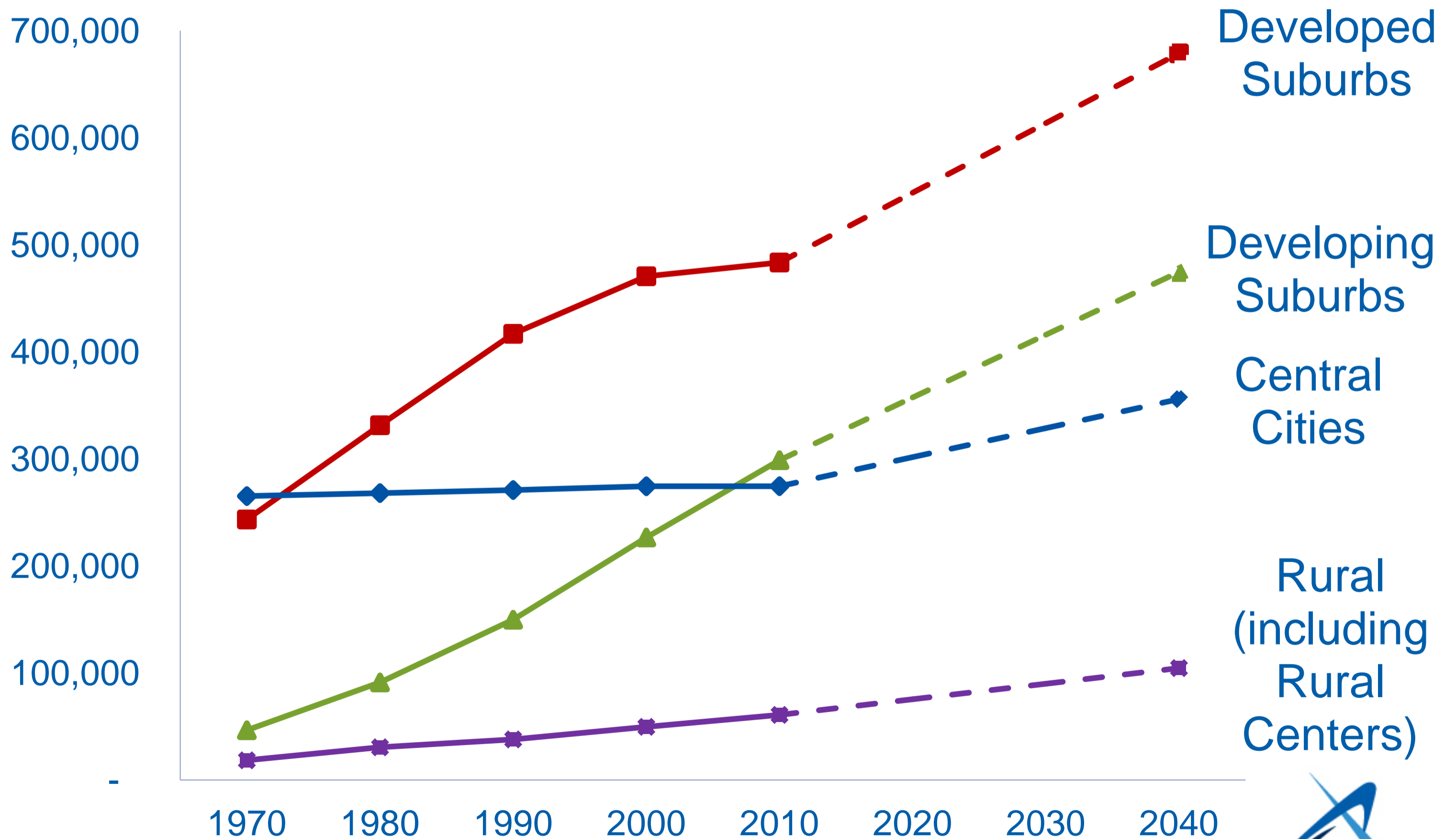
Employment Growth, 2010-2040



Largest forecasted gains:

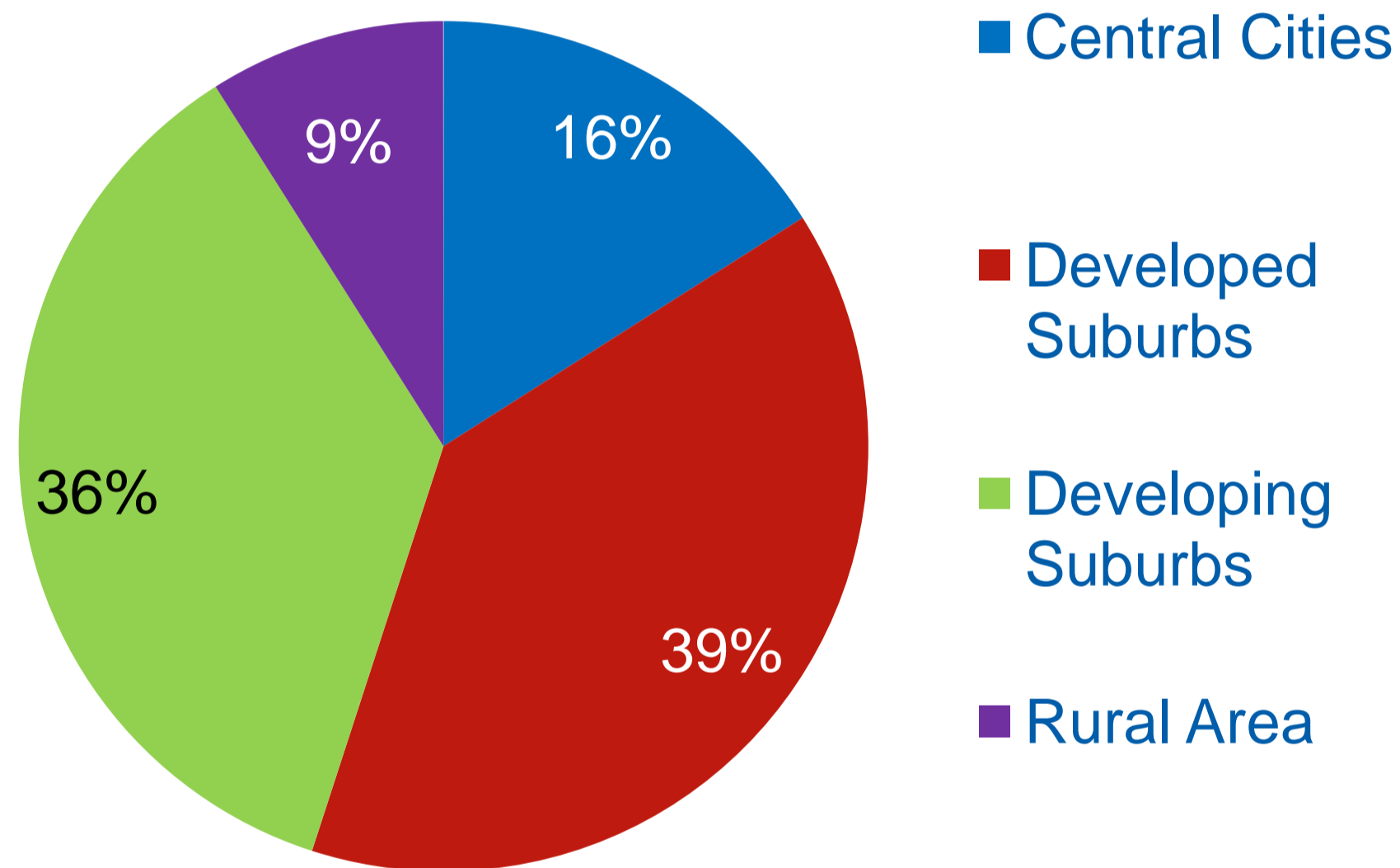
1. Minneapolis
2. St. Paul
3. Plymouth
4. Bloomington
5. Eagan
6. Minnetonka
7. Eden Prairie
8. Edina
9. Brooklyn Park
10. Coon Rapids

Regional households growth trending inward



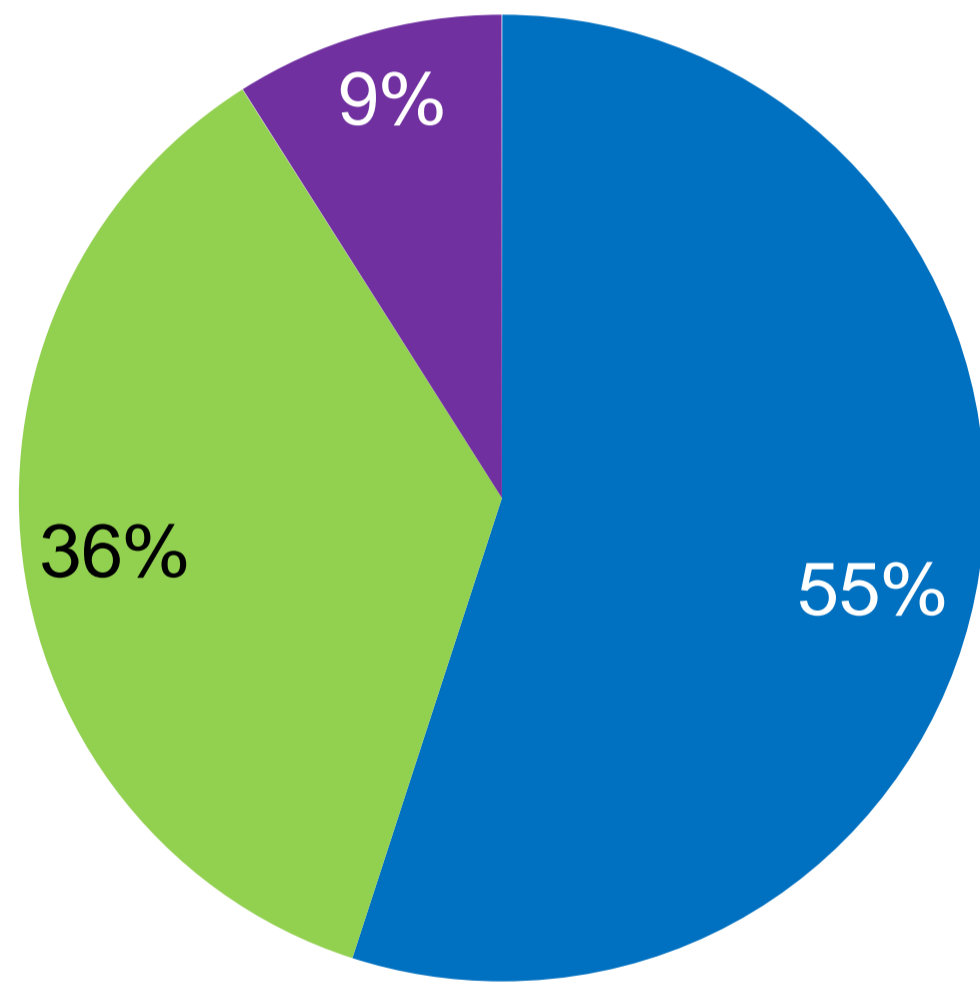
Distribution of growth to 2040

Household Growth, 2010-2040

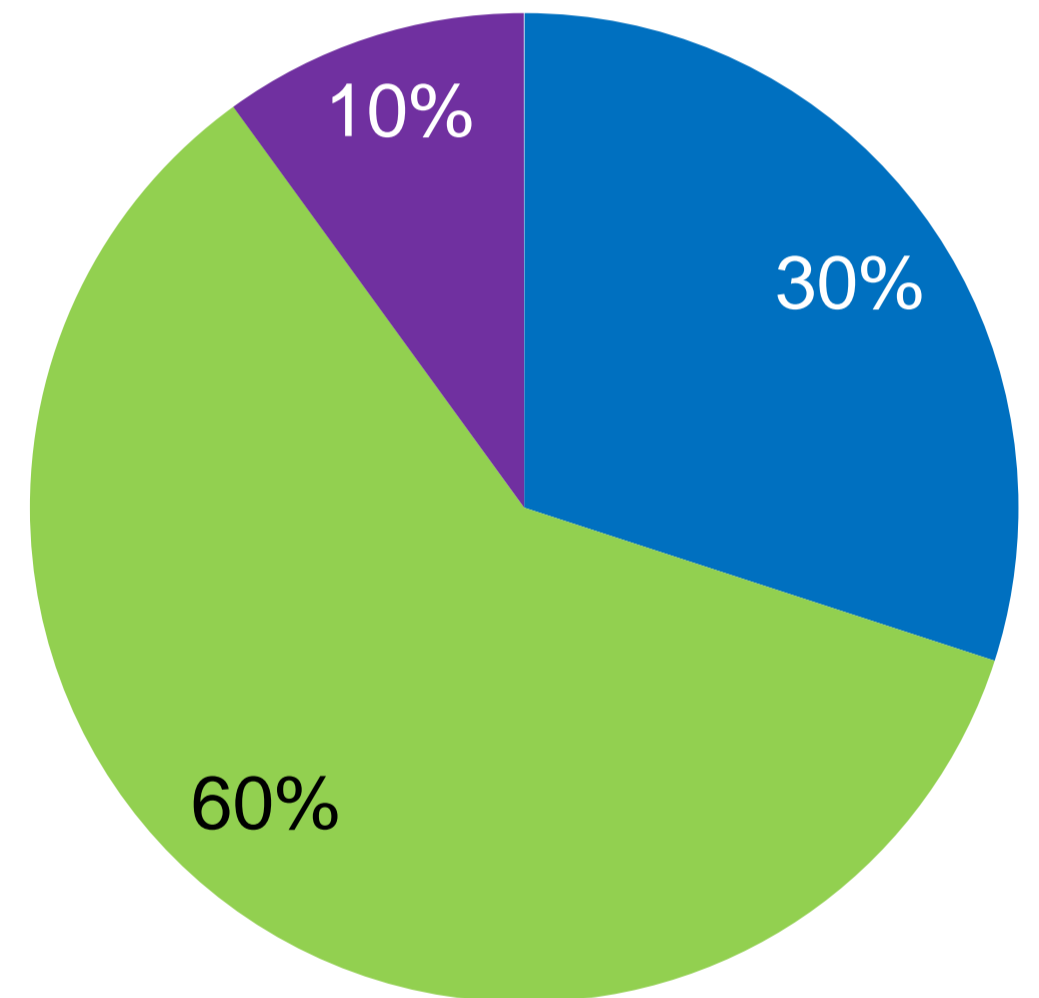


Distribution of growth to 2040

Household Growth, 2010-2040



Framework Forecasts: Households Growth, 2000-2030



- Developed Area (Central Cities + Suburbs)
- Developing Suburbs
- Rural Area

Next Steps

- Workshops with local government: October and November:
 - Opportunity for local government comment
 - Validation of local data and assumptions: What information are we missing?
- Revisions to preliminary forecasts in early 2014
- Adoption of 2040 regional and local forecasts with *Thrive MSP 2040* in the spring

RELEASE OF PRELIMINARY 2040 REGIONAL FORECASTS

Committee of the Whole

April 18, 2012



Overview of today's presentation:

- Overview of the Council's role in forecasting
- Results: Employment, Population, and Households Forecasts to 2040
- Methods behind the Council's forecasts
- Implications for the Council's work and the *Thrive MSP 2040* plan

About the Council's forecasts

- Forecasts of population, households and employment in ten-year increments produced at least once per decade
- *Minnesota Statutes* 473.146 and 473.859
- Develop shared expectations of a common future and inform regional and local planning

About the Council's forecasts

- Today: Preliminary regional forecasts to 2040
- October: Preliminary, baseline forecasts by geographic planning area
- April 2013: Preliminary local forecasts
- February 2014: Adoption of the *Thrive MSP 2040* plan and final local forecasts

PRELIMINARY FORECASTS TO 2040

Preliminary regional forecast to 2040

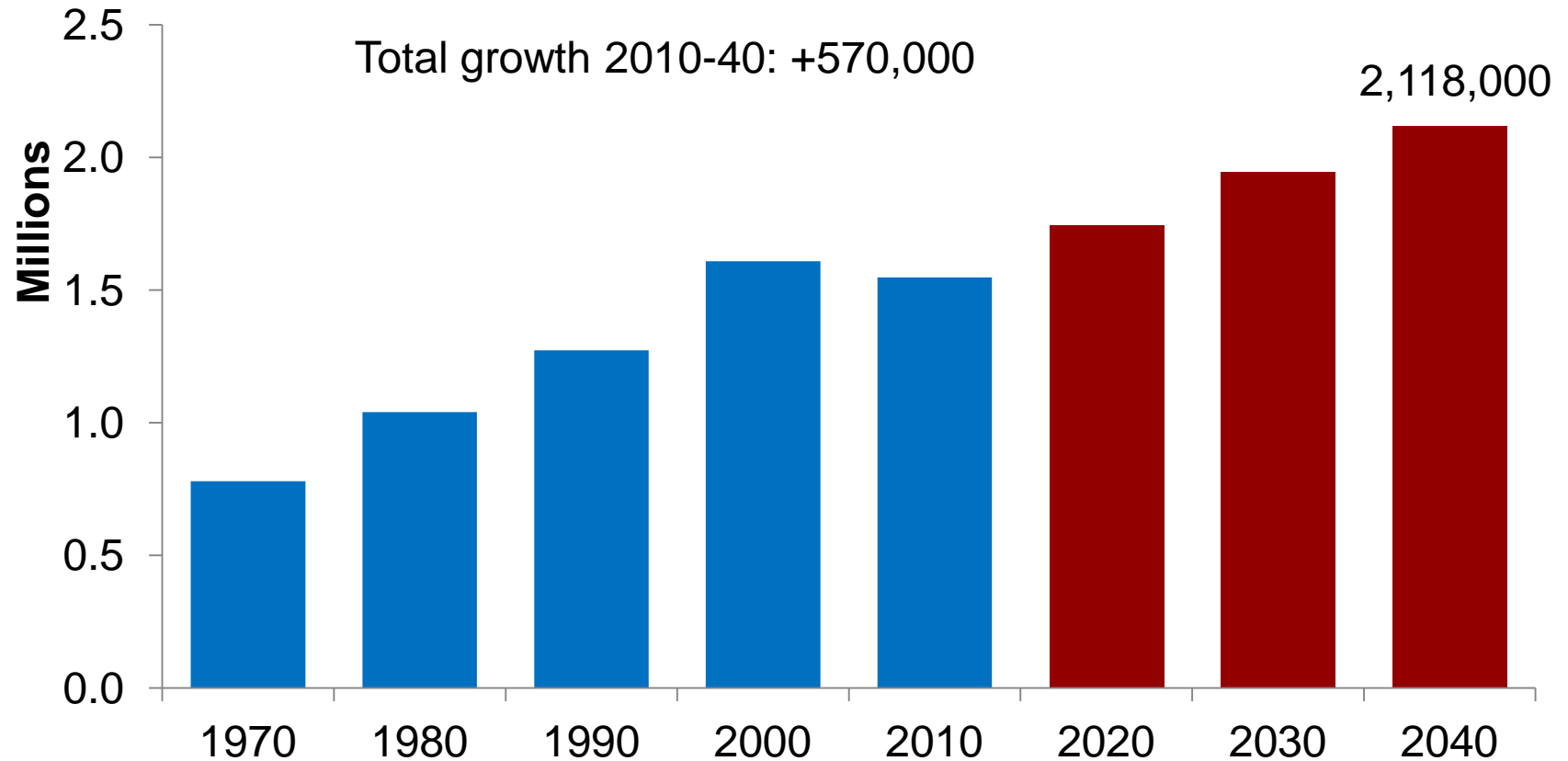
	2010	2020	2030	2040
Population	2,850,000	3,144,000	3,447,000	3,743,000
Households	1,118,000	1,293,000	1,464,000	1,576,000
Employment	1,548,000	1,743,000	1,943,000	2,118,000

Source: 2010 data on population and households from U.S. Census; 2010 data on employment from Minnesota Department of Employment and Economic Development. 2020-2040 forecasts from the Metropolitan Council.

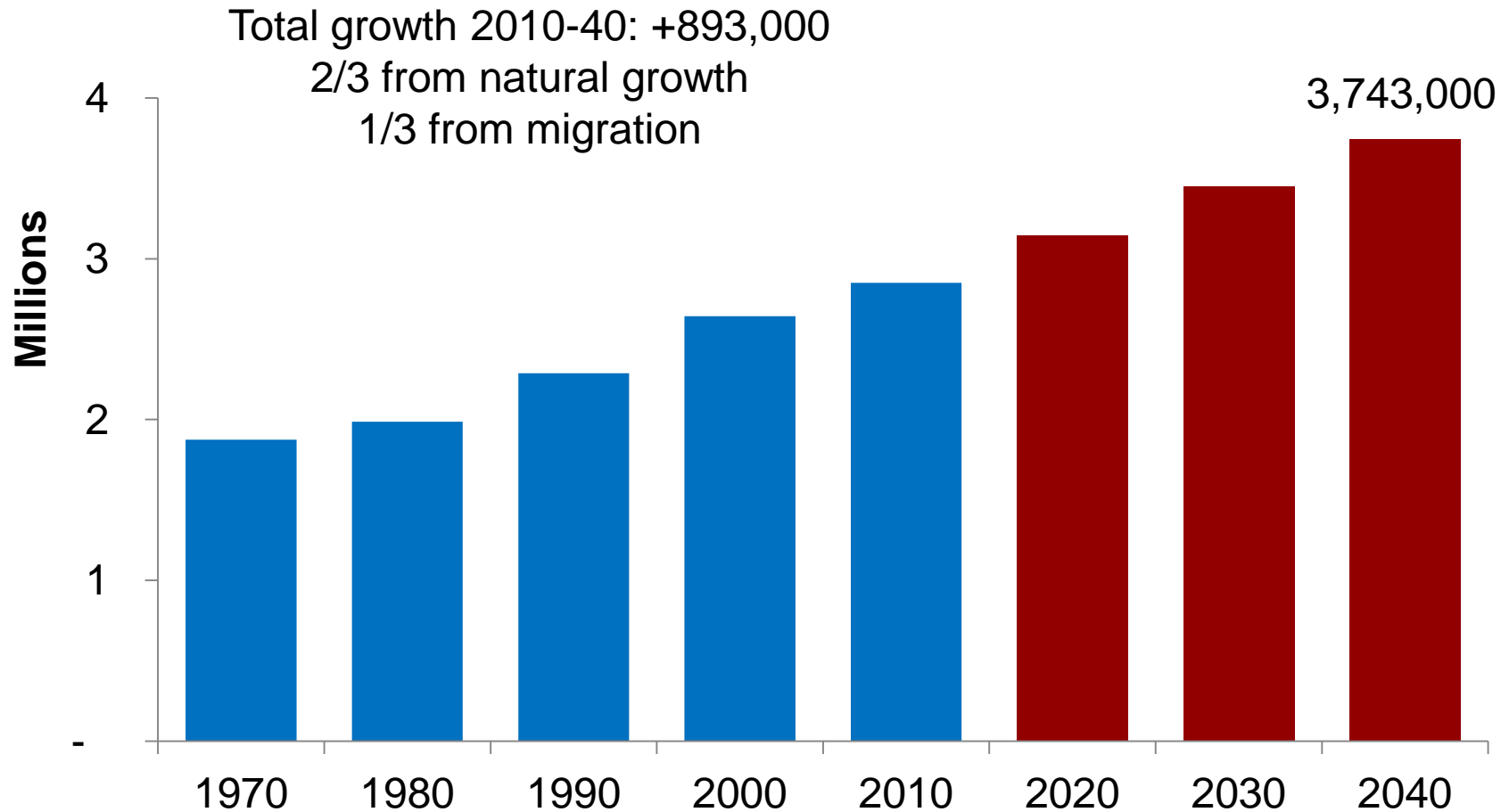
Economic competitiveness determines forecast outcomes

- MSP's Gross Metro Product projected to grow to 1.5% of national GDP
 - In comparison, MSP has 1.0% of nation's population
- Wage and salary employment forecast to grow by 570,000, or 37%
 - National employment growth projected at 31%

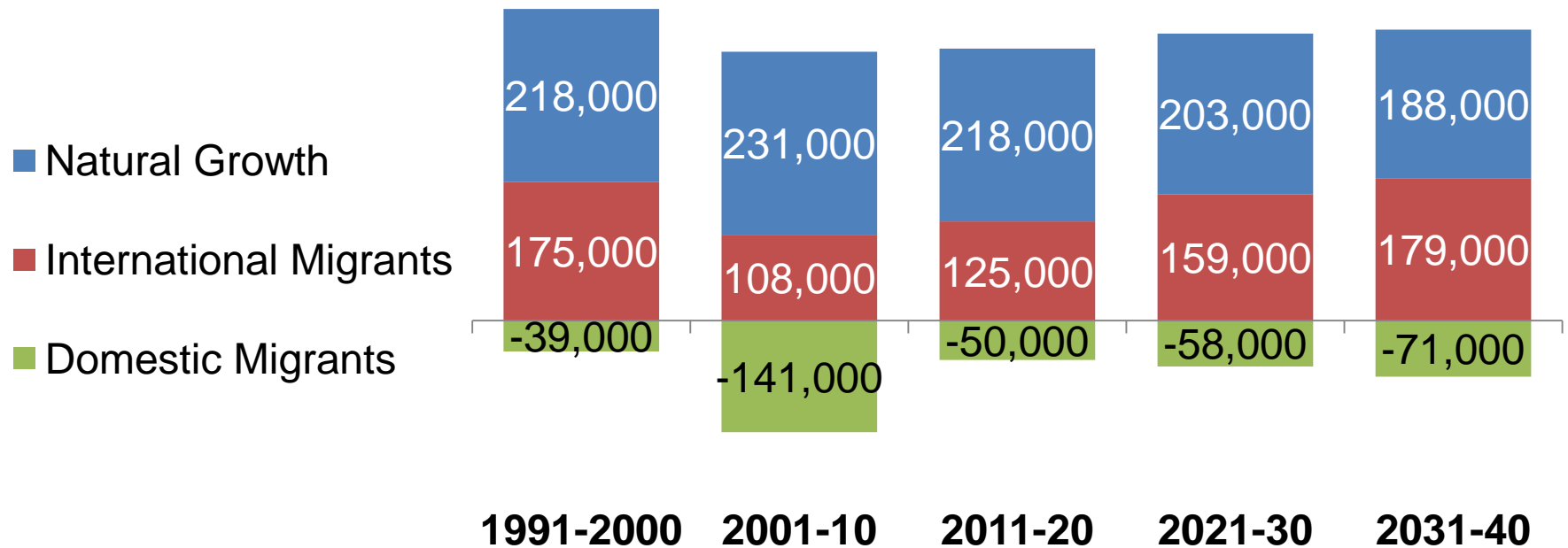
Employment forecasted to grow 37%



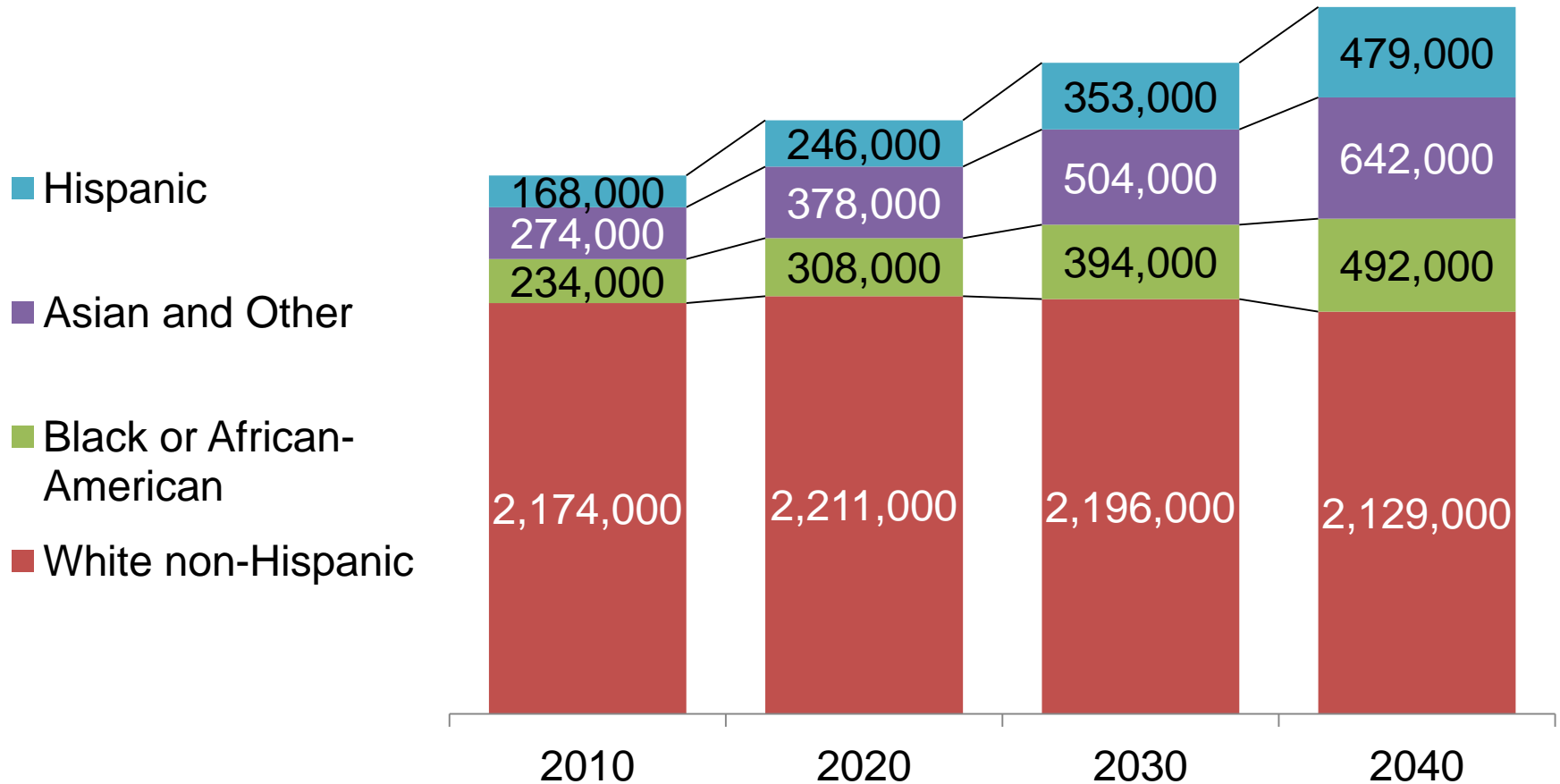
Population forecasted to grow 31%



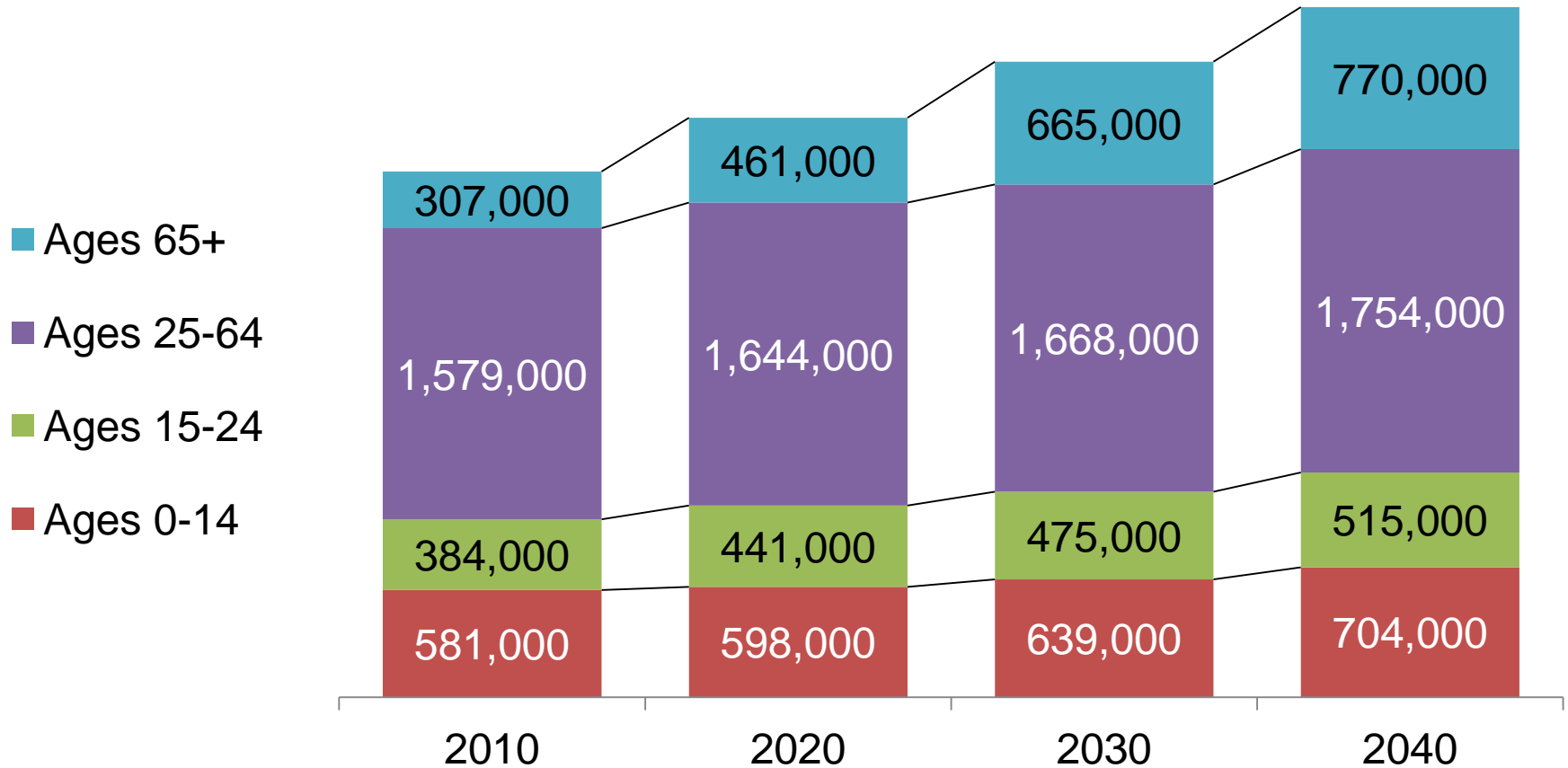
Components of Population Growth



Population by Race and Ethnicity

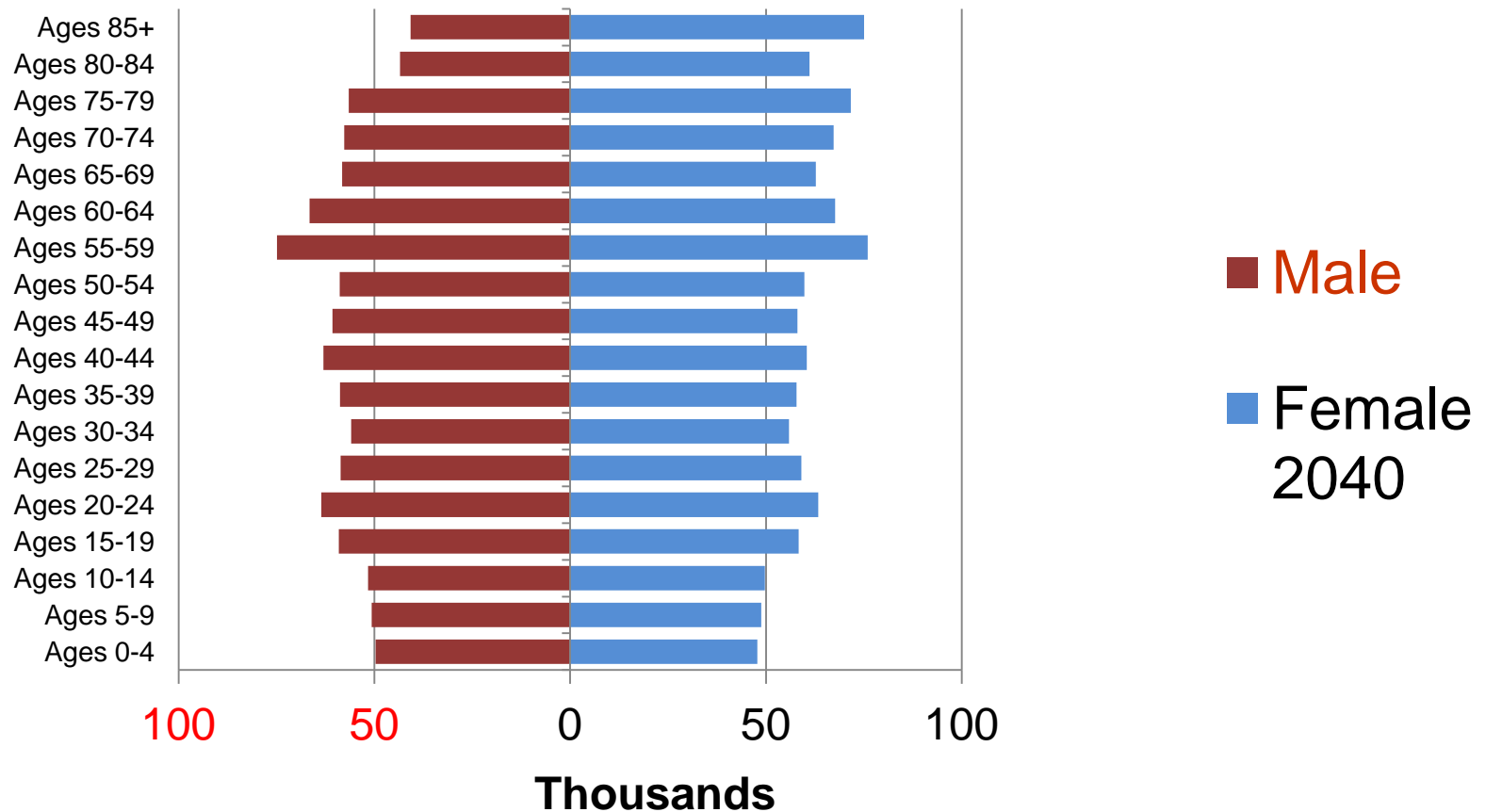


Population by Age

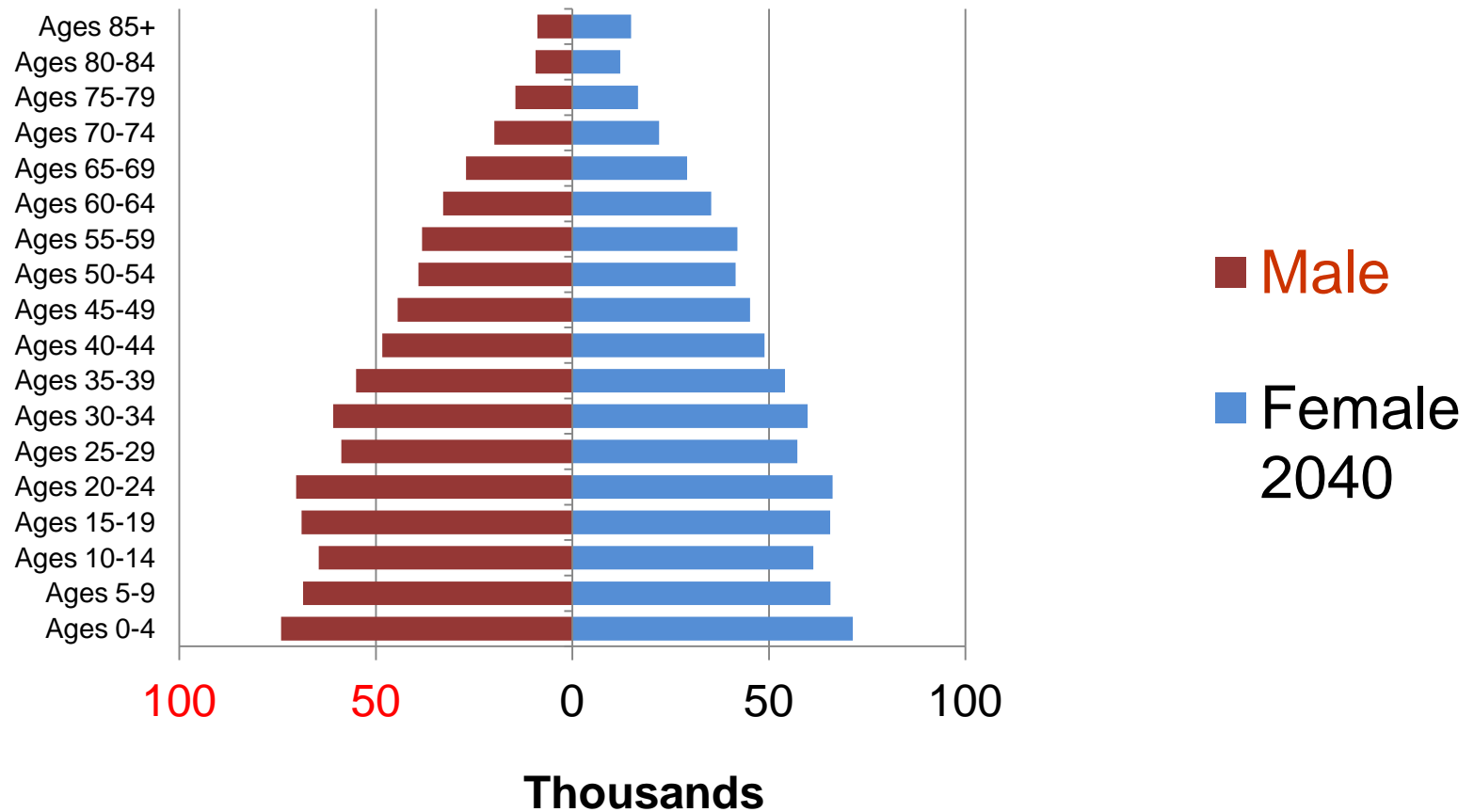


Age distribution

White non-Hispanic population

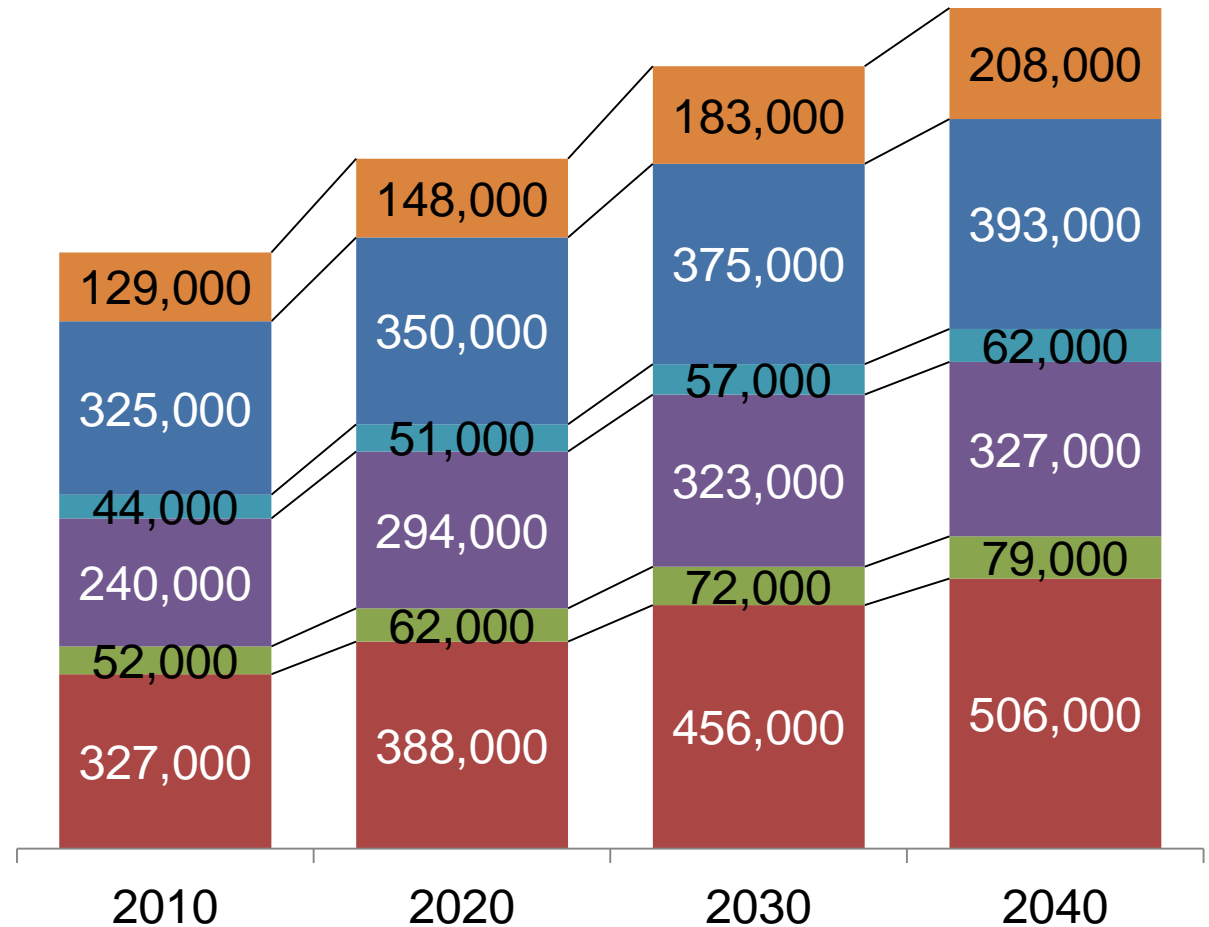


Age distribution People of color



Households by Household Type

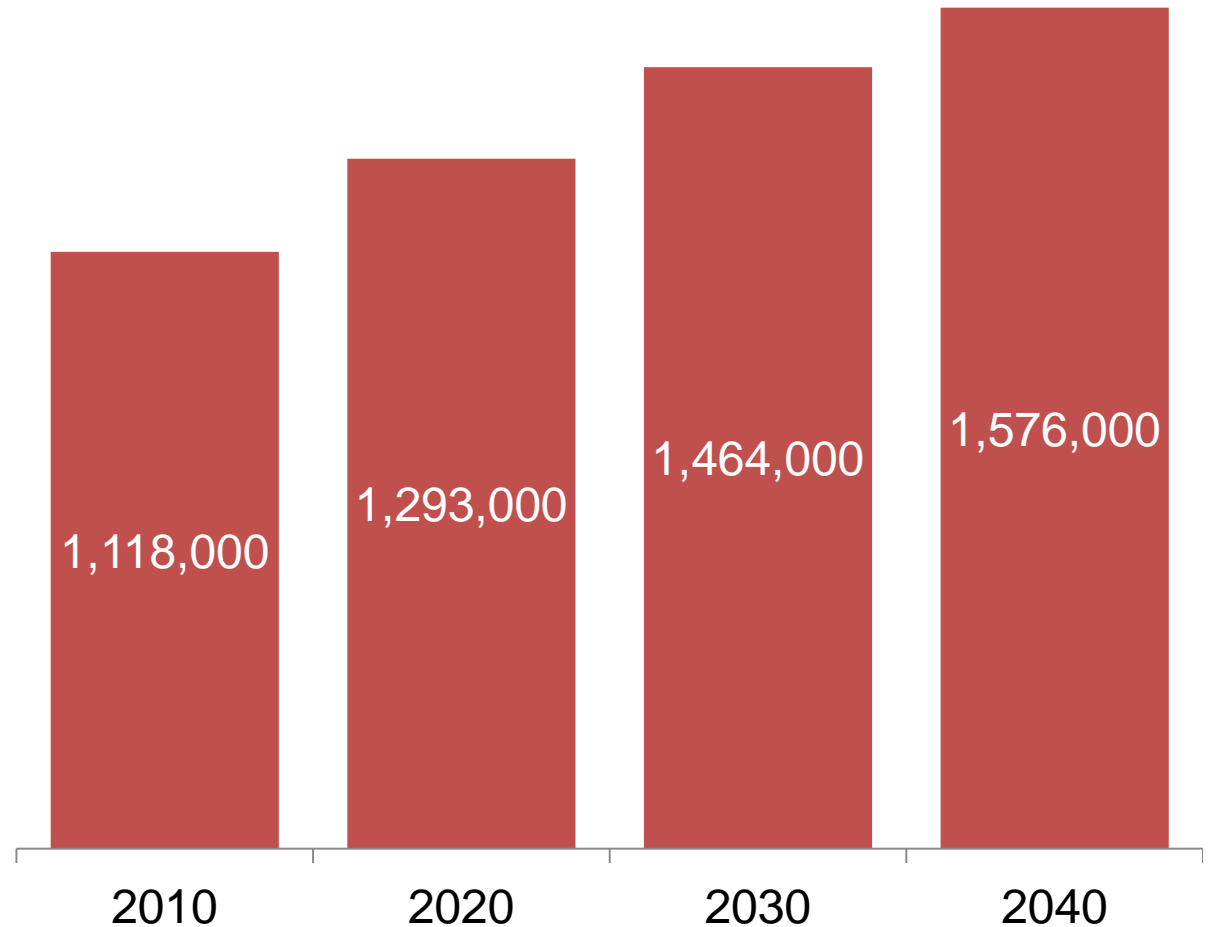
- Single parent, with children
- Couple, with children
- Cohabiting couple, no children
- Married couple, no children
- One person and other
- One person only



Households count will grow 41%

Forecast model assumes household behavior, by group, will follow observed past patterns.

Council staff are continuing work on the demographic modeling of households.



FORECASTING METHODS



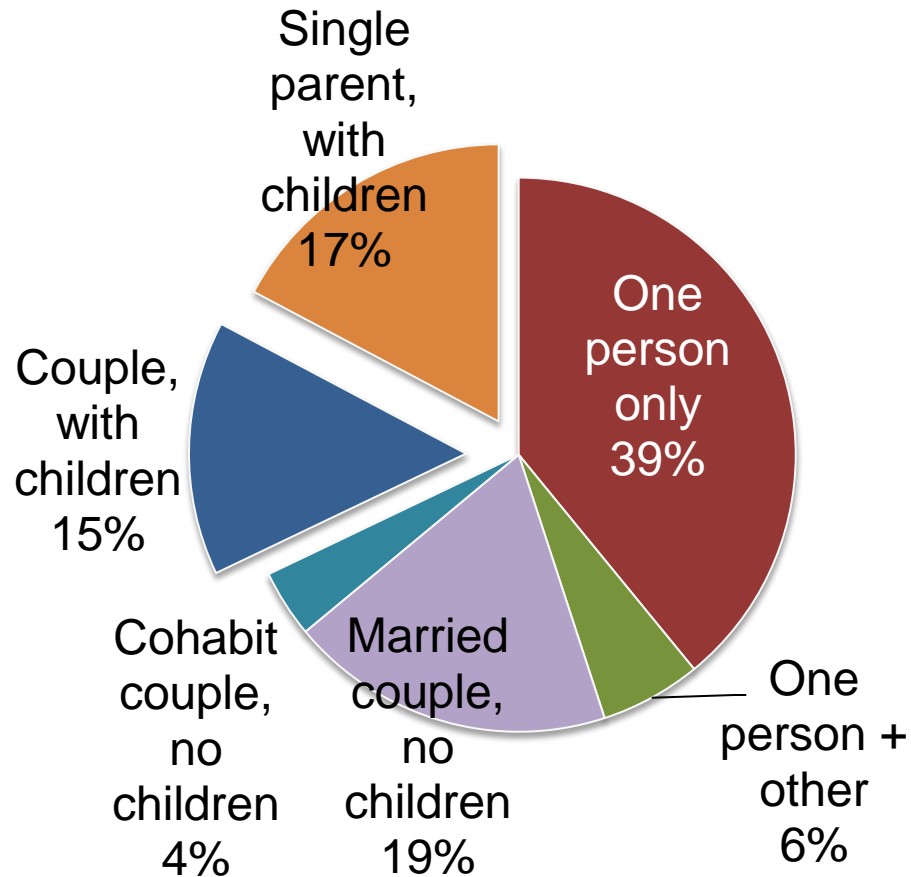
Forecasting methods

- REMI PI+, a regional economic model, forecasts employment and population, to reflect economic migration
- ProFamy, a demographic model, converts population forecasts into household types
- National GDP projections from the long-term baseline forecast used by Minnesota's State Economist

IMPLICATIONS FOR REGIONAL POLICY



Households growth mostly households without children



- Household growth, and types of households, will drive demand for future housing products

Implications of the Council's forecasts on *Thrive MSP 2040* planning: Housing stock?

- 458,000 additional households by 2040
 - About 16,000 new housing units needed per year in the region
- Only one-third of the new households will have children; two-thirds will not. Immigrant families are larger than white families.
 - How will the Council's policies ensure an adequate mix of new housing stock?

Implications of the Council's forecasts on *Thrive MSP 2040* planning: Housing affordability?

- At least half of the new households will have only one income:
 - How will the region's policies ensure an adequate mix of housing affordability?
 - How might transit and transportation policies ease the cost burden on the region's households?

Implications of the Council's forecasts on *Thrive MSP 2040* planning: An aging population?

- Growth of the senior population from 307,000 in 2010 to 770,000 in 2040
- How will the Council's policies help seniors have:
 - Appropriate places to live
 - Adequate transportation
 - Access to recreation and community

QUESTIONS?



The Metropolitan Council forecasts population, households and employment for the seven-county Minneapolis-St. Paul region with a 30-year time horizon.

The Council will allocate this regional forecast to local communities through additional modeling. The Council's local land use model will represent the expected spatial distribution of population, households and employment during 2010 to 2040, given real estate and location choice dynamics, and regional policies and local land use controls. The ultimate results of this project—a final regional forecast, together with local forecasts—will be incorporated into the next metropolitan development guide scheduled for Council adoption in early 2014.

Consistent with Minnesota Statutes 473.146 and 473.859, the regional and local forecasts are intended as a statement of future expectations and will reflect regional planning and policies.

For more information about the methodology behind these regional forecasts, see p. 5.

For more information, contact:
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 651-602-1322

Publication No. 74-12-016

Metropolitan Council Forecasts to 2040

Metropolitan Council's preliminary forecast anticipates increasing demographic diversity and continued growth for the seven-county Minneapolis-St Paul region by 2040. The region's population is projected to grow by 893,000. By 2040, 43 percent of residents will be persons of color.

	2010	2020	2030	2040
Population	2,850,000	3,144,000	3,447,000	3,743,000
Households	1,118,000	1,293,000	1,464,000	1,576,000
Employment	1,548,000	1,743,000	1,943,000	2,118,000

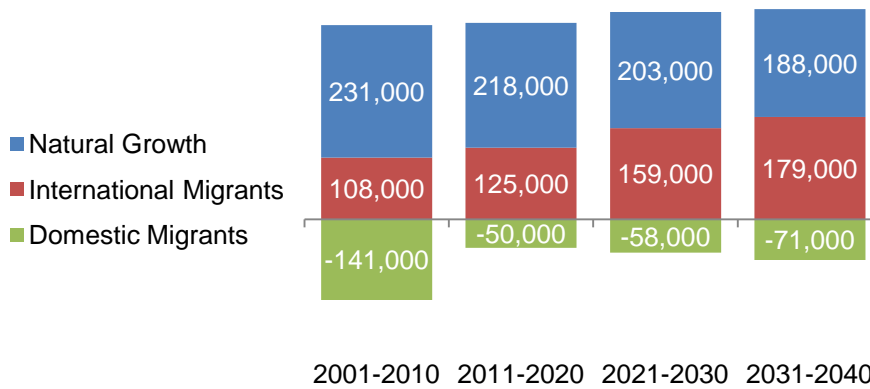
The seven-county Minneapolis-St. Paul region is projected to gain 893,000 people over the next three decades, reaching 3,743,000 residents in 2040, up from 2,850,000 in 2010. Projected growth rates, 9 to 10 percent per decade, are well below the historic growth rates of 15 percent per decade in the 1980s and the 1990s.

Natural population growth, or births outpacing deaths, will add 609,000 residents. Natural population growth will account for over two-thirds, or 68 percent, of the total population growth from 2010 to 2040. Birth rates are higher among families of color than white families, contributing to the increasing racial diversity of the region.

One-third of the population increase in the Minneapolis-St. Paul region will result from migration. The Minneapolis-St Paul area is likely to gain 463,000 new residents through international immigration while losing 179,000 residents to domestic out-migration.

The Minneapolis-St. Paul region will continue to be an immigration gateway throughout the 30-year period, and immigration will substantially advance the region's diversity. Of the expected international immigrants, 83 percent will be people of color, from all continents; the remaining 17 percent will be white, non-Hispanic.

Components of Population Growth, 2000-2040



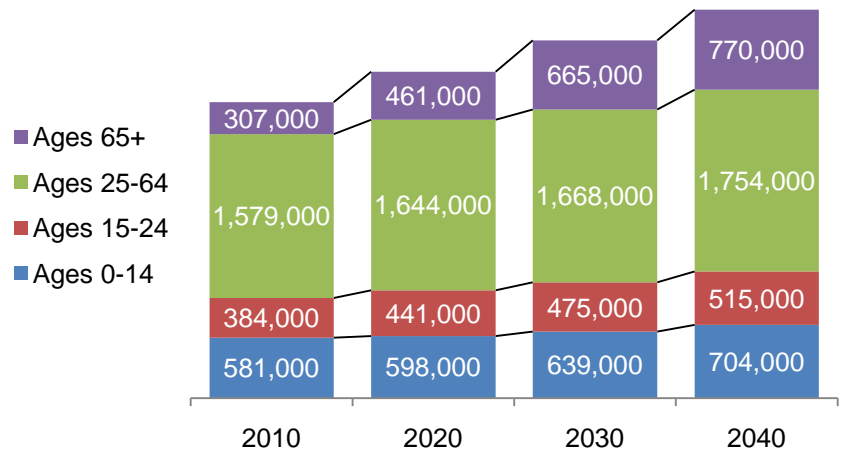
Net domestic migration—between the Twin Cities region and the rest of the nation—will be negative, totaling a loss of 179,000 residents during 2010-40. This is not a new trend; US Census data shows out-migrants leaving the region have outnumbered new domestic arrivals during the past decade. Geographic position and perceived attractiveness of the Minneapolis-St. Paul area are challenges to domestic migration. While the region’s employment and business opportunities draw international

immigrants, the Twin Cities are less attractive to movers who have other priorities. This trend is projected to continue into the future unless there is a major change that dramatically alters domestic perceptions of attractiveness and amenity value.

Migration and natural population growth together will replenish the Minneapolis-St Paul region’s school enrollments and workforce. The Council forecasts 254,000 additional residents under the age of 25 in the Minneapolis-St Paul region, up from 965,000 in 2010 to 1,219,000 in 2040, for a 26 percent increase. These dynamics will balance out the rapid expansion of the region’s senior citizen (65 and over) population.

The senior population in the Twin Cities area will double between 2010 and 2030 and will continue growing throughout the projections period, from 307,000 seniors in 2010 to 770,000 seniors in 2040. Between the aging of Baby Boomers and longer life expectancies, senior citizens will become a substantial cohort of the population in the Minneapolis-St. Paul area. In 2010, senior citizens were 11 percent of the region’s population; in 2040, seniors will be 21 percent of the population.

Population by Age, 2010-2040

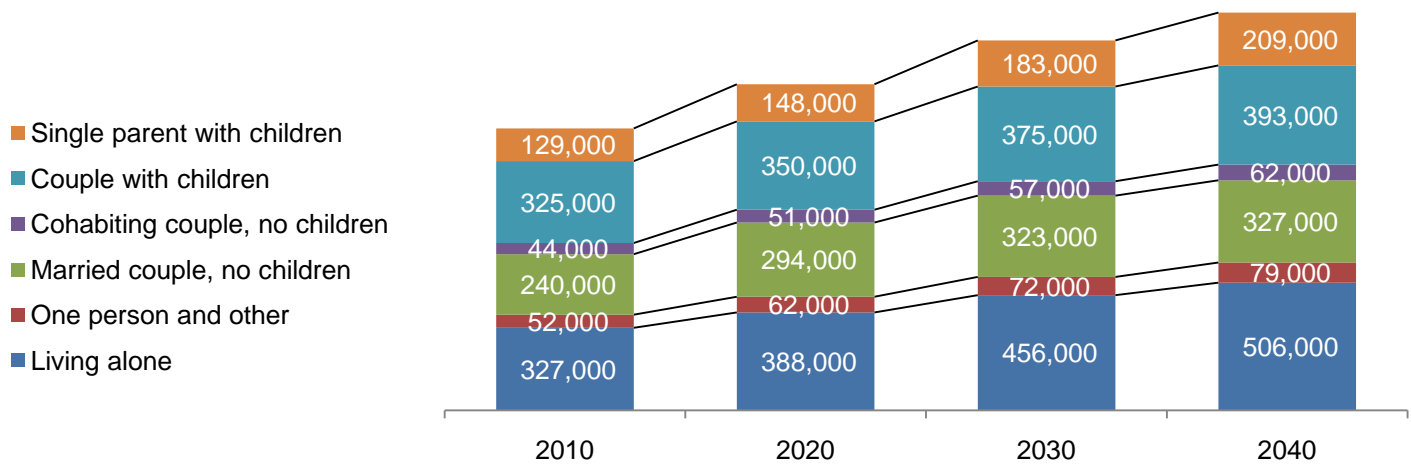


As the age profile of the population shifts, the mix of households in the Minneapolis-St. Paul area is also changing. The Council forecasts 1,576,000 households in 2040, an increase of 41 percent from 2010. Senior citizens are the most significant contributors to household growth as seniors tend to live alone or with a spouse. Most of the forecasted gain in households (58 percent) is reflected in net growth of one-person households (up 179,000 over 30 years) and of married couples without children (up 87,000).

These gains reflect the end stages of the household life-cycle, as couples with children become households without children.

Growth in Generation Y and Millennials will still generate growth in households with children (up 148,000 or 33 percent over 30 years). However, most of the net household growth in the Twin Cities area will result from growth in one-parent households (up 80,000 or 62 percent over 30 years).

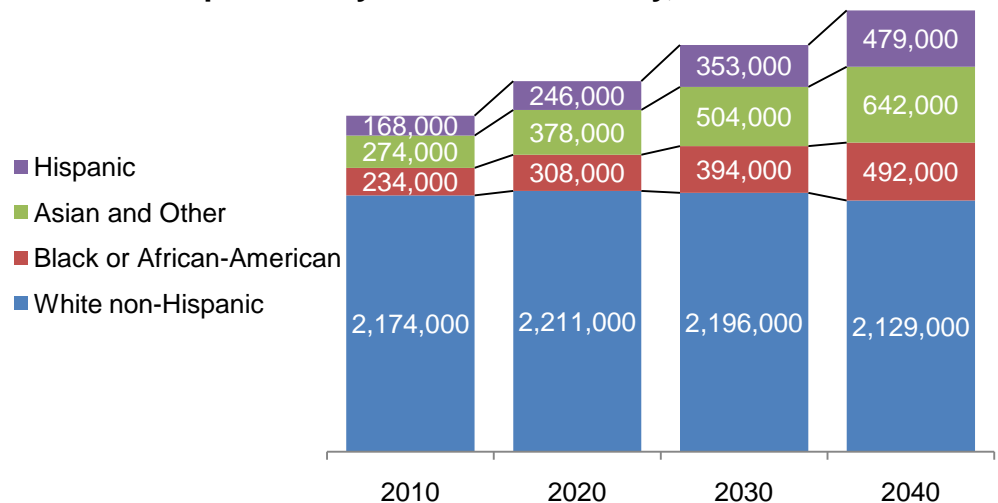
Household Type, 2010-2040



Between the churn of migration and higher birth rates among Hispanic, Black or African-American, and Asian populations, the Minneapolis-St. Paul region will become more racially and ethnically diverse. In 2010, people of color comprised 24 percent of the regional population. By 2040, the Council projects that 43 percent of residents will be people of color. In 2040, the Minneapolis-St Paul workforce will reflect the diversity seen today in the region's elementary schools. The population of color will more than double, up from 676,000 in 2010 to 1,613,000 in 2040, while the White non-Hispanic population will decrease by 2 percent. The region's

Hispanic population is expected to nearly triple (from 168,000 in 2010 to 479,000 in 2040), and both the Black or African-American population and the population of Asians and other people of color will more than double (from 234,000 in 2010 to 492,000 in 2040 and from 274,000 in 2010 to 642,000 in 2040).

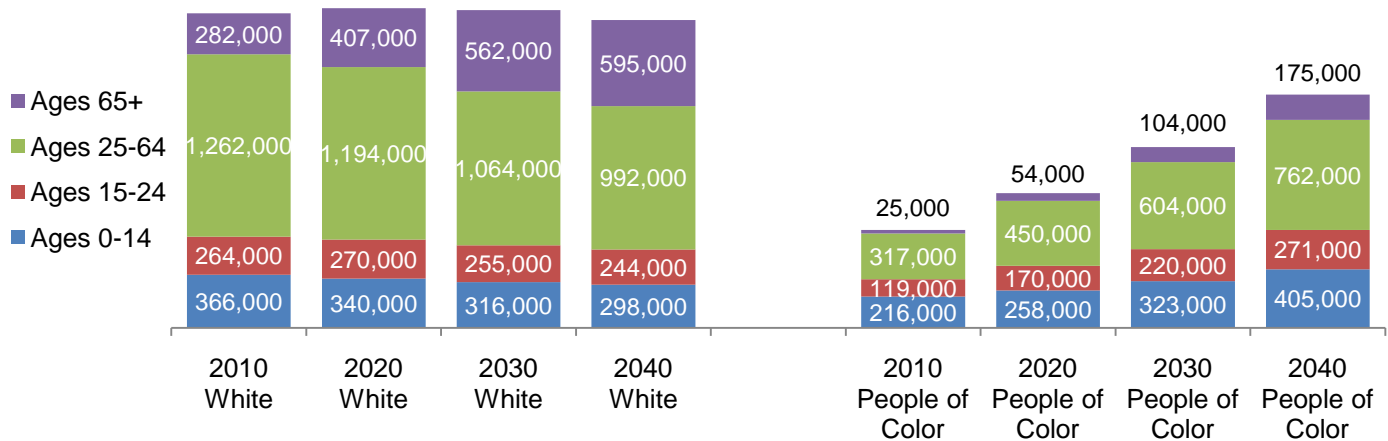
Population by Race and Ethnicity, 2010-2040



The Council's population forecasts reveal contrasting trends in the age distribution

of people of color and white residents. These trends will affect the composition of the region’s working-age residents, with significant implications for the future workforce of the region. The number of white residents, ages 25-64, will shrink by 21 percent (from 1,262,000 in 2010 to 992,000 in 2040), while the population of color in the same age cohort will more than double, climbing from 317,000 in 2010 to 762,000 in 2040. The share of people of color will increase from 20 percent of working-age residents in 2010 to 43 percent in 2040.

Population by Race / Ethnicity and Age

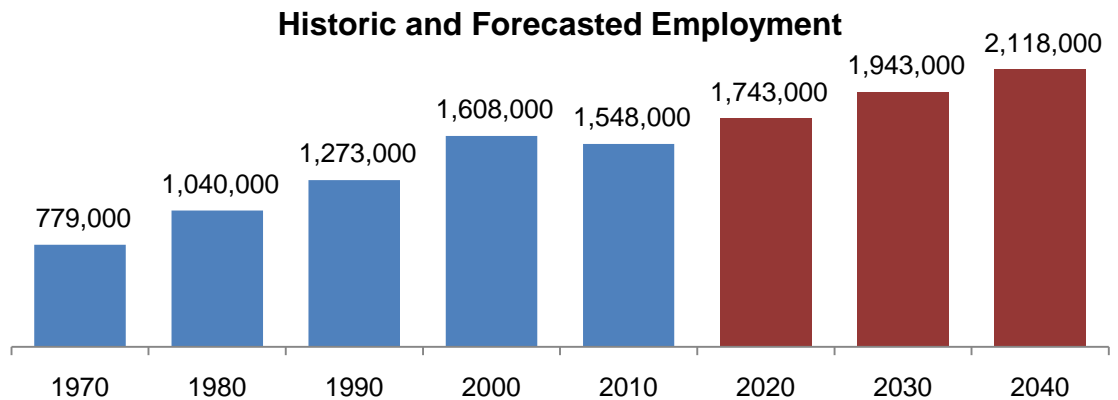


The Council’s population forecasts anticipate an increasingly diverse student body in the region. The population of color under age 25 will double in size, up from 335,000 in 2010 to 676,000 in 2040. In contrast, the number of white residents under age 25 would decrease from 630,000 in 2010 to 543,000 in 2040, pulling down the share of white school-age children and young adults in this age of group from 65 percent in 2010 to 45 percent in 2040.

Migration dynamics are the major factor in this demographic transition. People moving from the Minneapolis-St Paul area to other parts of the nation (domestic out-migration) are mostly white and older (retirees). In contrast, the region’s gain of international immigrants is predominantly people of color, mostly people in their 20s, often immigrating with children.

The Council forecasts an employment gain of 570,000 jobs, up from 1,548,000 in 2010 to 2,118,000 in 2040. The Council anticipates employment growth will range from 13 percent in the current decade to 9 percent in the 2030s. This growth compares to a net employment loss over the 2000s and previous gains of 34 percent in the 1970s, 22 percent in the 1980s, and 26 percent in the 1990s.

The region's Gross Metro Product, the sum of value added by all industry sectors, will rise to \$400 billion in 2040—equivalent to 1.5 percent of the US Gross Domestic Product. For context, the Minneapolis-St Paul region has less than 1.0 percent of the nation's population.



Employment opportunities in the Minneapolis-St Paul region attract not only new migrants, but also commuting workers living in Greater Minnesota or Wisconsin. In 2010, the Council estimates that 7.7 percent of earnings at Minneapolis-St. Paul workplaces are earned by commuters into the region. (This is offset by 1.5 percent of the region's household earnings coming from work outside the Twin Cities region.) This balance of workers commuting in, and earnings returning with those workers to their place of residence, is projected to remain unchanged over the projections period as the Minneapolis-St Paul region remains the predominant economic center for a large part of Minnesota and western Wisconsin.

About the Council's Forecasts

To prepare its long-range forecast, the Metropolitan Council has adopted REMI PI+, a regional macroeconomic model, and ProFamy, a demographic model. Both models have been customized to include additional regional data and represent Minneapolis-St Paul regional conditions.

The REMI PI+ model represents regional economic dynamics and projects time-series of economic and demographic outcomes. The REMI PI+ projections are informed by data on the region's industry mix, costs and productivity, and analysis of regional competitiveness and relative position within the national economy. Employment, migration and population outcomes directly flow from projected economic performance.

The Metropolitan Council is using ProFamy, an extended cohort-component simulation model, to group populations into household types. These projections are informed by age-by-race-specific demographic schedules of birth rates, household formation and dissolution rates, fertility, and mortality rates. The end-product is a time-series of projections of household counts by household type.



Regional Benchmarks Measuring Our Progress

Between 2000 and 2030, the seven-county metropolitan area is projected to grow by nearly one million people. The 2030 *Regional Development Framework*, adopted in 2004, provides a plan for how the Metropolitan Council—in partnership with local communities and others—can guide our region’s growth and shape our future.

The 2030 Regional Development Framework organized the Council’s strategies around four policies:

- 1. Accommodating growth in a flexible, connected and efficient manner.**
- 2. Slowing the growth in traffic congestion and improving mobility.**
- 3. Encouraging expanded choices in housing locations and types.**
- 4. Working to conserve, protect and enhance the region’s vital natural resources.**

Many of the goals and objectives established in the *Regional Development Framework* are ambitious. Our success will hinge on the efforts of not only the Metropolitan Council but also local communities and our other regional partners. They will also require the commitment of additional resources—particularly in the areas of highways and transit—in the coming years.

To measure the progress of our region toward achieving the Framework goals, the Council established a series of benchmarks and directed staff to provide annual updates. This report is the seventh such update.

UPDATED: September 12, 2011

1. Accommodating Growth

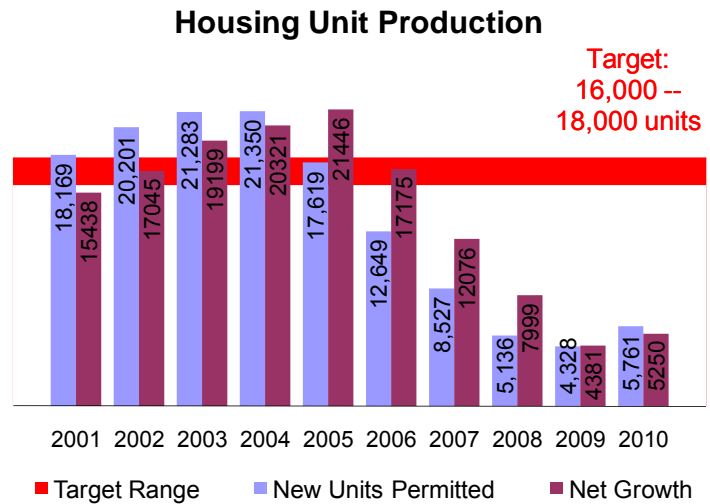
- Housing Construction**

2000 Baseline: 1,047,240 housing units
 2030 Target: 1,537,000 housing units

2010 Actual: 1,186,986 housing units

To house the forecasted population and household growth, the region will need to add nearly 490,000 housing units between 2000 and 2030. The original benchmark anticipated that 18,000 units per year would be necessary in the 2000-10 decade while slowing growth rates by the 2020-2030 decade would make 16,000 units per year sufficient.

In the first half of this decade, housing stock gains surpassed the annual benchmark, reaching a peak with 2004's units permitted and 2005's net growth. Though the slowdown in permitting began in 2005, average net housing production from 2001 to 2006 was nearly 18,500 units per year. Over the last four years, however, average net housing production fell by more than half to 7,448 units per year with 2010 at 5,250 units, just 24 percent of 2005's production. New housing units permitted rose slightly to 5,761 units in 2010, the third lowest in the 40 years the Council has monitored building permits in the region.



On average, 13,502 housing units were added annually over the period, below the long-range goal of 16,000 to 18,000 units. Had housing growth remained at the torrid pace seen earlier in the first half of the decade, the region would have added an additional 33,000 units over the last four years.

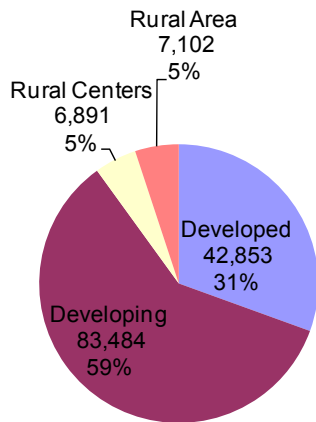
Note: Net growth estimates reflect: estimated completions of the previous year's permitted units; conversions of non-residential structures into housing; units moved in or out of a community; units annexed in and out of a community; housing demolitions; and housing units converted into non-residential structures.

Source: Metropolitan Council Research

• **Location of New Housing**

2030 Targets:

- Developed Area: 133,000 units net growth, 2000-30 (27 percent or 4,400 units per year)
- Developing Area: 285,000 units net growth, 2000-30 (59 percent or 9,500 units per year)
- Rural Centers: 27,000 units of net growth, 2000-30 (6 percent or 900 units per year)
- Remaining Rural Area: no more than 40,000 units net growth, 2000-30 (8 percent or less than 1,300 units per year)

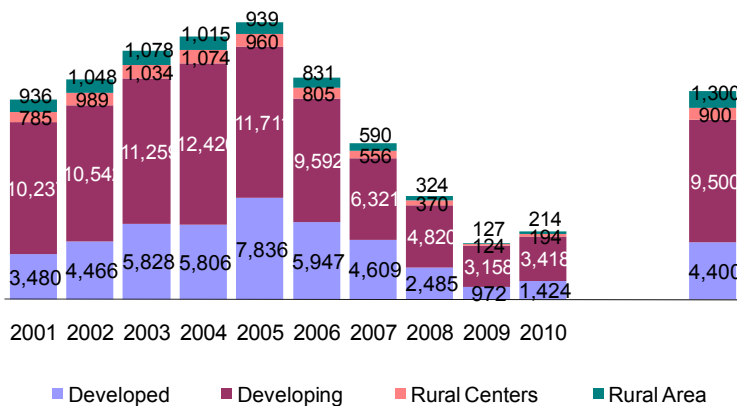


The geographic distribution of housing development from 2000 to 2010 is in line with benchmark expectations: the central cities and developed suburbs accounted for 31 percent of the region's net housing growth; the developing suburbs, 59 percent; the rural centers, 5 percent; and the remaining rural areas, 5 percent. Relative to the growth targets, slightly more of the growth has occurred in the developed area and slightly less in rural areas which represents a more efficient use of regional infrastructure.

2010 Actuals:

- *Developed Area: 42,853 units net growth, 2000-10 (31 percent)*
- *Developing Area: 83,484 units net growth, 2000-10 (59 percent)*
- *Rural Centers: 6,891 units of net growth, 2000-10 (5 percent)*
- *Remaining Rural Area: 7,102 units net growth, 2000-10 (5 percent)*

Housing Unit Net Growth by Location



The amount of development occurring in the developing areas as a percentage of the region's total growth has increased over the last several years. In 2001, 67 percent of the growth was in the developing areas. This decreased to 54 percent in 2007, but increased to 65 percent in 2010, which is above the 59 percent desired in the growth targets.

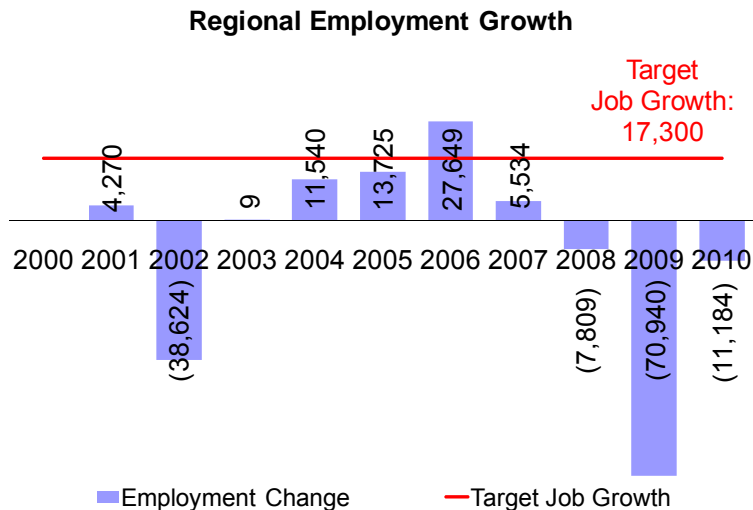
Source: Metropolitan Council Research

- Regional Employment Growth**

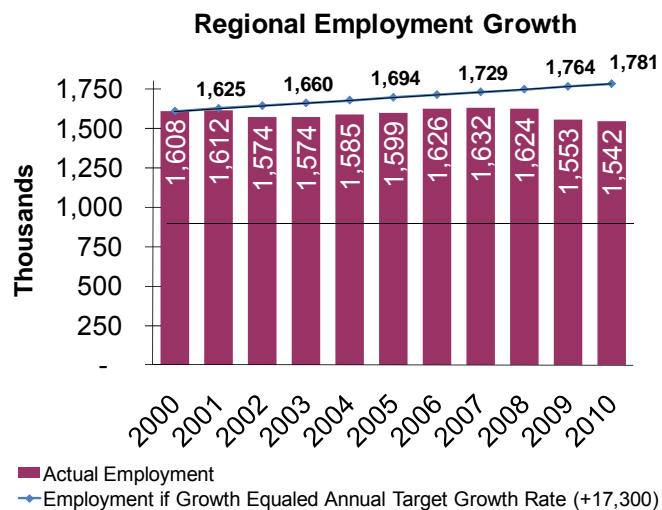
2000 Baseline: 1,607,916 jobs
 2030 Target: 2,126,000 jobs or, on average, 17,300 jobs added per year

2010 Actual: 1,542,000 jobs or, on average, -6,600 jobs lost per year

Two recessions over the last decade dragged regional employment trends below the benchmark growth rate. The 2030 employment forecasts ventured an increase of 518,000 jobs between 2000 and 2030. To meet this forecasted growth, regional employment must grow an annual average of 17,300 jobs from 2000 to 2030. So far, from 2000 to 2010, regional employment has shrunk by an average of 6,600 jobs per year. Most of these job losses followed the Great Recession (2007-08); however, the 2001 recession and its subsequent jobless recovery also dampened annual job growth rates. Even before the Great Recession, regional employment grew at an annual rate of 3,400 jobs from 2000-2007 (20% of the annual benchmark rate).



Relative to the largest metropolitan areas, Twin Cities' job growth over the last decade fell within the bottom half. The Minneapolis-St. Paul Metropolitan Statistical Area (MSA) ranked 18th among the 25 largest U.S. metropolitan areas on job growth from 2000 to 2010. Minneapolis-St. Paul MSA job growth during this period was more typical when compared with the largest metropolitan areas in the Midwest and Northeast—the Twin Cities ranked 5th among the largest Midwestern and Northeastern metropolitan areas.



Sources: Quarterly Census of Employment and Wages, Minnesota Department of Employment and Economic Development; Current Employment Statistics, Bureau of Labor Statistics, U.S. Department of Labor.

- Employment Distribution – 2030 Net Growth**

2000-30 Target:

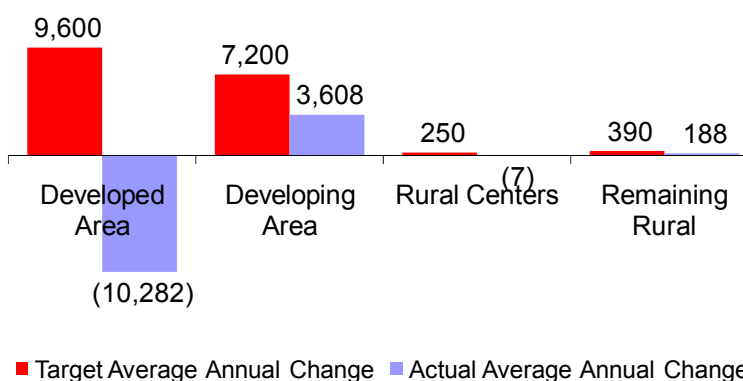
Developed Area:	286,561 jobs (55 percent or 9,600 jobs per year)
Developing Area:	215,712 jobs (41 percent or 7,200 jobs per year)
Rural Growth Centers:	7,443 jobs (1 percent or 250 jobs per year)
Remaining Rural Area:	11,579 jobs (2 percent or 390 jobs per year)

2000-10 Actual:

Developed Area:	-102,815 jobs (-10,282 jobs per year)
Developing Area:	36,078 jobs (3,608 jobs per year)
Rural Growth Centers:	-69 jobs (-7 jobs per year)
Remaining Rural Area:	1,876 jobs (188 jobs per year)

The Great Recession deflated employment growth in communities across various development stages, from the central cities to suburbs and rural areas. Both of the last decade's recessions hit the region's developed core hardest. The developed areas—i.e., Minneapolis, St. Paul, and surrounding fully developed suburbs—suffered considerable job losses during the 2001 recession, and never regained 2000-level employment before the Great Recession hit in 2007.

With an annual average loss of over 10,300 total jobs, the developed area lags far behind its benchmark growth rate of 9,600 jobs per year. While the developing area as a whole experienced continuous job growth from 2000 to 2008, its employment began to fall in 2006. The developed communities are currently at 50 percent of their annual benchmark job growth rate of 7,200 jobs per year. Rural area employment levels advanced more moderately from 2000 to 2008, and suffered more modest job losses between 2008 and 2010. The annual average growth in rural areas is more in line with the growth forecasted for these areas.

Regional Distribution of Employment Growth, 2000-2010


Note: While the Metropolitan Council adjusted the designations of eight communities from Developing to Developed with the 2008 Comprehensive Plan Updates, this analysis used the prior categorization to maintain continuity.

Source: Metropolitan Council Research analysis of Quarterly Census of Employment and Wages, Minnesota Department of Employment and Economic Development.

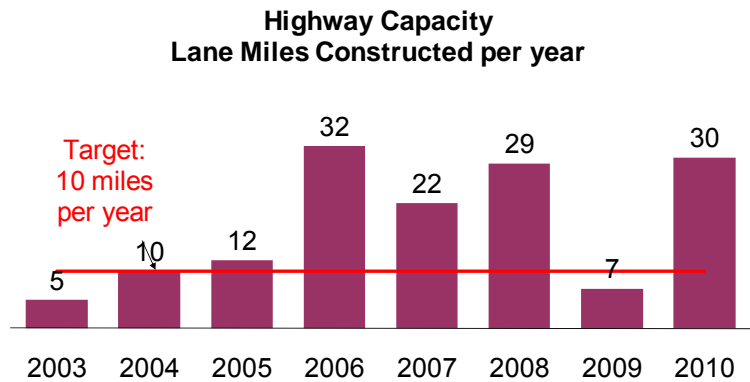
2. Improving Transportation

- Highway Capacity**

2000 Baseline: 1,485 lane-miles of freeway
 2030 Trend Line: 300 additional lane-miles of freeway
 2030 Target: 1,786 lane miles of freeway

Almost 30 additional lane-miles were added to the system in 2010. I-35W added 17.08 lane miles; Highway 62 added 7.95 lane miles; and I-494 added 4.69 lane miles.

Lane-miles added has averaged 18.4 annually over the measurement period—84 percent above the long-term target of 10 miles per year.



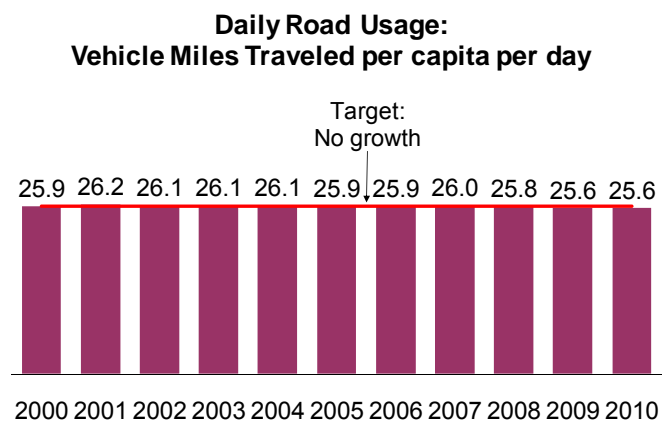
Source: Minnesota Department of Transportation

- Daily Roadway Usage**

2000 Baseline: 25.9 vehicle miles per capita
 2030 Target: 25.9 vehicle miles per capita

2010 Actual: 25.6 vehicle miles per capita

Vehicle miles traveled (VMT) tracks the total amount of travel on the region's roadways. Since the first travel behavior survey in 1949, both the average number of trips taken daily by each individual and the average length of trips have grown. As a result, the amount of travel on the region's roadways has grown substantially faster than population. However, with higher gasoline prices, increased environmental awareness and high unemployment continuing through 2010, these trends seem to be stabilizing. Daily travel per capita in 2010 was the same (25.6 miles) on average as 2009, the lowest level since the Council started monitoring this indicator.



Source: Minnesota Department of Transportation

- **Roadway Congestion**

2000 Baseline: 48 hours per peak-hour traveler spent in congestion per year

2030 Target: 64 hours

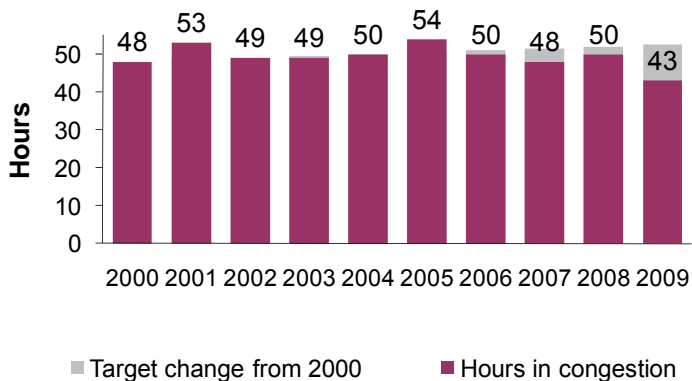
Annual Indicator: No more than 1 percent growth per year

2009 Actual: 43 hours

The goal is to keep the increase in delay below 1 percent a year. The estimated time a peak-hour traveler spent in congestion was at least equal or higher than the 2000 baseline until 2009. Throughout this time series, the number of hours per peak-hour traveler spent in congestion has been near the baseline of 48 hours, with only two years above 50 hours, suggesting relative stability in this measure.

Overall regional performance continues to be well below the target of increasing no more than 1 percent growth per year. 2009's low figure reflects that year's high unemployment rate. Looking ahead, the continued economic slump is likely to keep congestion low through 2011. 2010 data will be available later in 2011.

Roadway Congestion



Note: The Texas Transportation Institute updated their historical time series with their 2009 data release. Their previous time series had a 2000 value of 41 hours, serving as a baseline for a 2030 target of 55 hours. This Benchmarks update incorporates the new methodology and increases the 2030 target to 64 hours, maintaining a constant increase from the previous methodology.

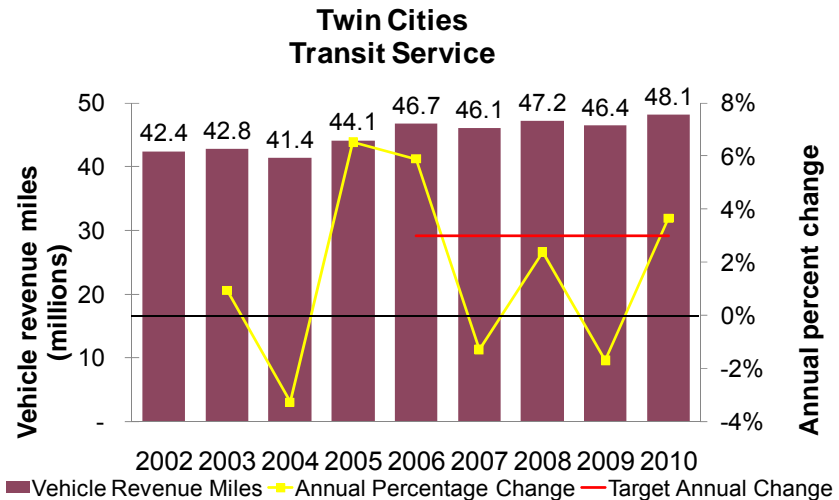
Source: Texas Transportation Institute, 2010 Urban Mobility Study

- **Transit Service**

2002 Baseline: 42.4 million vehicle revenue miles per year
 2030 Trend Line: 42 million vehicle revenue miles (assuming no growth)
 2030 Target: 89 million vehicle revenue miles

2010 Actual: 48.1 million vehicle revenue miles

Since the 2002 baseline, service has expanded by 13.4 percent with 2010 the highest service year over the measurement period at 48.1 million vehicle revenue miles. The growth from 2009 to 2010 resulted primarily from the addition of Northstar commuter rail service, restructuring of the Council's general public dial-a-ride program, and an increase in demand for Metro Mobility services.



The target since 2006 is 3 percent annual growth. Stable 3 percent annual growth from 2006 through 2010 would represent 52.5 million vehicle revenue miles, about 4 million miles above the 2010 actual.

Note: This is a system-wide measure, including Metro Transit, Metro Mobility, contracted services, suburban transit providers, intercampus service at the University of Minnesota, and the vanpool program.

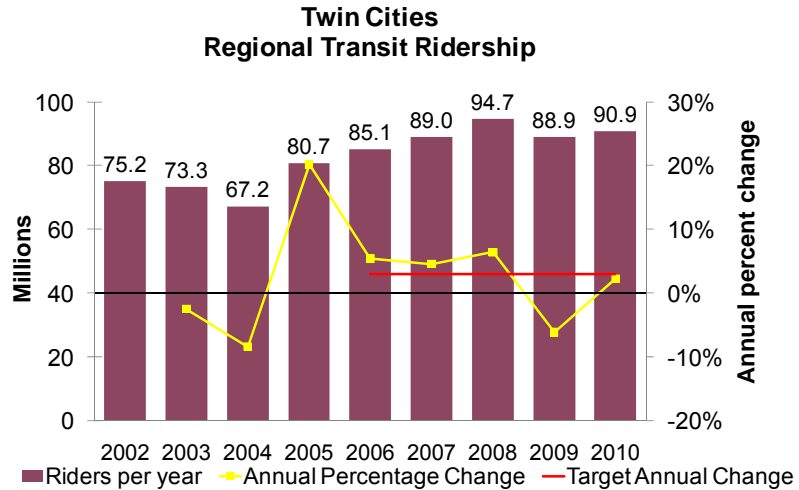
Source: Metro Transit and Metropolitan Transportation Services, Metropolitan Council.

- Transit Ridership**

2003 Baseline: 73.3 million riders per year
 2030 Trend Line: 73.3 million riders (assuming no growth)
 2030 Target: 147 million riders

2010 Actual: 90.9 million riders

Regional transit ridership has grown over 21 percent since 2002 with the 2004 addition of University of Minnesota service to the regional public transit system (about 3.5 million riders) and overall expansion. Annual growth had been above the target of building ridership 3 percent annually since 2006 until 2009 when high unemployment led to a 6 percent drop in ridership. Upwardly trending gasoline prices, an improved economy, and ridership to Twins games at the newly-opened Target Field in 2010 helped transit ridership grow 2 percent over 2009.



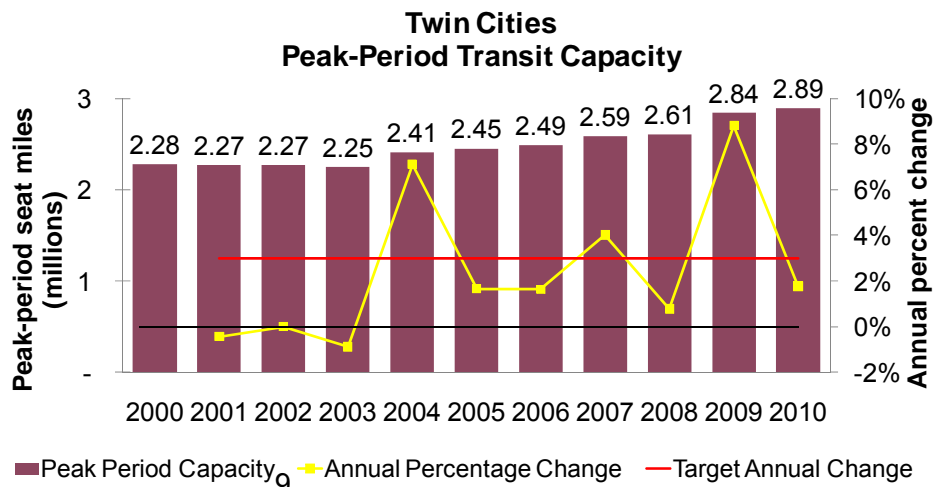
Source: Metro Transit and Metropolitan Transportation Services, Metropolitan Council.

- Peak Period Transit Capacity**

2000 Baseline: 2.28 million peak-period seat miles
 2030 Trend Line: 2.28 million peak-period seat miles (assuming no growth)
 2030 Target: 4.56 million peak-period seat miles

2010 Actual: 2.89 million peak-period seat miles

The goal is to increase peak-period transit capacity by 3 percent annually, beginning in 2006, and ultimately double peak-period transit capacity by 2030. Peak seat miles increased from 2.84 million in December 2009 to 2.89 million in December 2010. This



increase was the result of incremental growth in core local and express service to meet growing ridership, introduction of service to new park and rides in Eagan and Maple Grove, expansion of park and ride service in Shakopee and new service in the Rush Line corridor between Forest Lake and downtown Saint Paul. Metro Transit began use of three-car trains on the Hiawatha Line, increasing peak seat miles but decreasing overall service hours.

Source: Metro Transit and Metropolitan Transportation Services, Metropolitan Council.

- **Minneapolis-St. Paul International Airport Runway Congestion**

2002 Baseline: 7.1 minutes average annual aircraft delay

2030 Trend Line: 9.8 minutes

2030 Target: 7.1 minutes

2010 Actual: 5.1 minutes

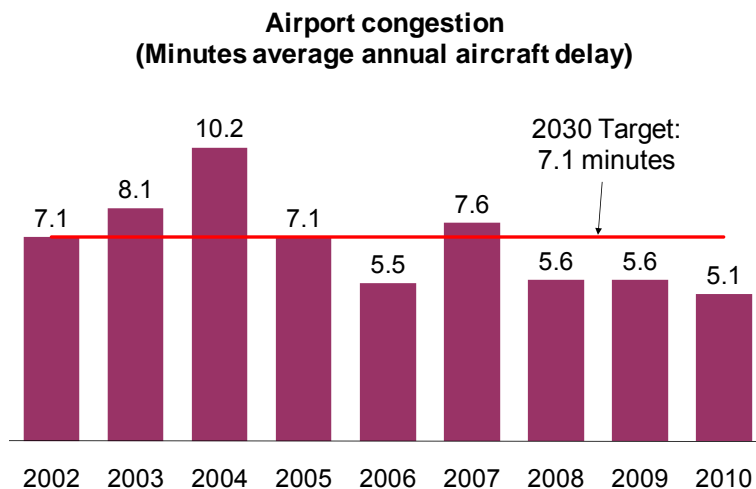
The 2010 average annual delay per aircraft operation was 5.1 minutes, down 0.5 minutes from 2009. In 2010, the Minneapolis-St. Paul International Airport (MSP) served 32 million passengers, 15th highest among airports in North America.

Aircraft activity at the airport edged up by 0.02 percent from 2009 to 437,075 landings and takeoffs in 2010 to be the 12th busiest airfield in the United States. This is the first year that

operations have increased since 2004. After years of a depressed global economy and high fuel costs, operations increased in 2010 as a result of expanded air freight, general aviation and military operations. Operations are forecast to be flat with a gradual increase in the next five years. Delta completed its merger with Northwest Airlines on January 31, 2010 and reduced the integrated flight schedule through 2010.

Delay levels at the Minneapolis-St. Paul International Airport this year are likely to remain close to 2010 levels, but aviation forecasts indicate about a 40 percent increase in aircraft operations by 2030. New runway capacity was not included in the recently approved MSP 2030 development plan, but future delay is to be addressed through application of the Federal Aviation Administration's NextGen aircraft and airspace management program.

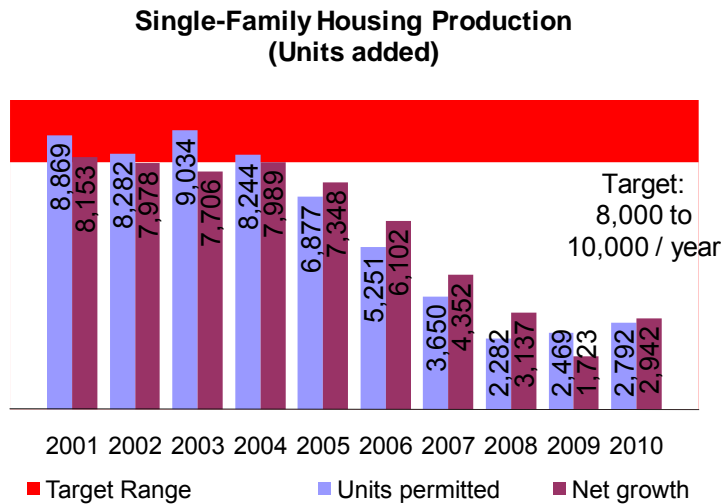
Source: Federal Aviation Administration and Metropolitan Airports Commission.



3. Housing Choices

- Single Family Housing Units**

2030 Growth Target: 242,500 units added
 2000-10 Actual: 57,430 units added



The target for single-family detached housing production acknowledges that roughly half of the overall housing unit target of 16,000 to 18,000 units per year is likely to be single-family detached housing. For context, 58 percent of the existing housing stock is single-family detached, so the goal recognizes that demand for attached housing is increasing relative to historic norms.

2010 marked a new high in the share of net growth in single-family housing, with 56 percent of the total growth. Since 2001, 41 percent of

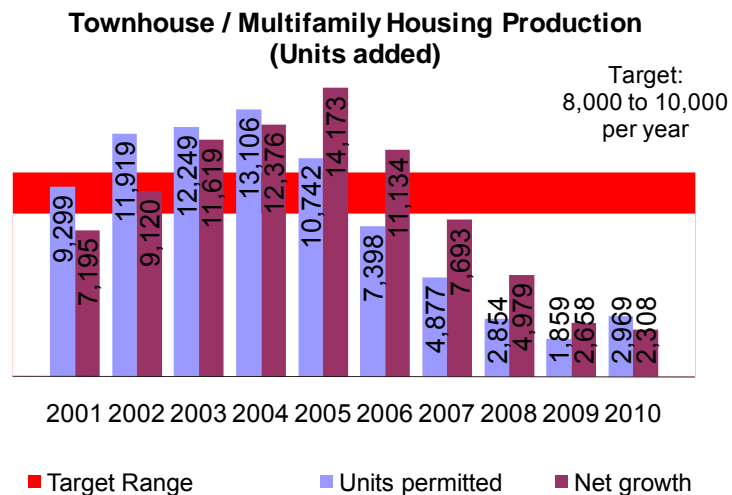
the net growth in housing has been single-family detached, varying from a high of 56 percent in 2010 to a low of 34 percent in 2005—a peak of attached housing construction.

Source: Metropolitan Council Research.

- Townhouse/Multifamily units**

2030 Growth Target: 242,500 units added
 2000-10 Actual: 83,255 units added

The target of 8,000-10,000 new townhouse/multifamily housing permits per year, on average, reflects the objective of providing the region's residents with a range of life-cycle and affordable housing options. An evolving demographic mix and emerging generational preferences have led to significant construction of attached units, peaking at over 14,000 added in 2005 and representing two-thirds of net growth in housing units. While



townhouse and attached housing growth remains at 59 percent of overall housing growth since 2001, it was only 44 percent in 2010, indicating a continued reversal of this decade's trend of significant attached housing construction.

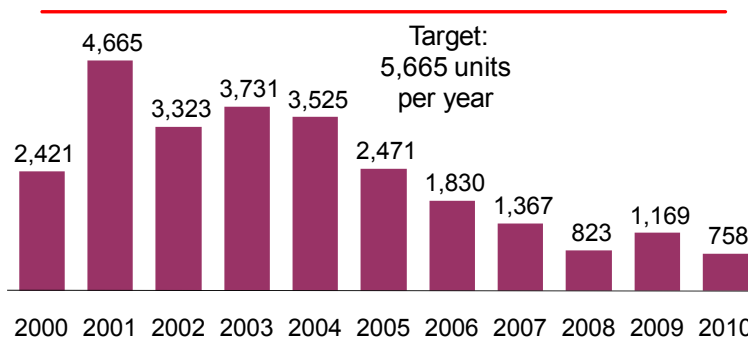
Source: Metropolitan Council Research,

- Affordable Housing – 2010 Needs**

Affordable Owner Target: 84,981 units added 1996-2010
 Affordable Renter Target: 15,840 units added 1996-2010

Affordable Owner Actual: 40,168 units added 1996-2010
Affordable Renter Actual: 11,873 units added 1996-2010

**Affordable Owner-Occupied Housing
Units Added Per Year**



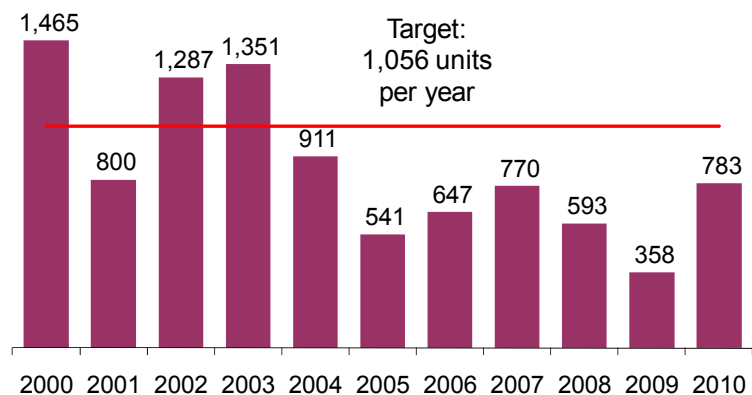
The production of affordable owner-occupied housing has fallen far short of the goals set for the fifteen-year period of 1996 to 2010. Looking just at the units built in the last decade, an era of overall intense housing production, average annual production of affordable owner-occupied housing, 2,371 units, has been less than half (42 percent) of the target of 5,665 units per year.

Housing costs are considered affordable if they consume no more than 30 percent of household

income. For the 1996 to 2010 period, the Council defined annual affordability thresholds based on the housing budget of households earning 80 percent of the area median family income for owner-occupied housing and 50 percent of median for rental housing.

From 1996-2010, the region fell short of its goal of nearly 85,000 owner-occupied affordable units by almost 45,000 units, adding only 40,168 units.

**Affordable Rental Housing
Units Added Per Year**



Similarly, the production of affordable rental housing has fallen short of the goals set for the fifteen-year period of 1996 to 2010 though far less than for owner-occupied housing. Looking just at the units built in the last decade, an era of overall intense housing production, average annual

production of affordable rental housing, 864 units, has been almost 82 percent of the target of 1,056 units per year.

From 1996-2010, the region fell short of its targeted goal of nearly 16,000 affordable rental units by almost 4,000 units, adding only 11,873 units.

Housing costs are considered affordable if they consume no more than 30 percent of household income. For the 1996 to 2010 period, the Council defined annual affordability thresholds based on the housing budget of households earning 80 percent of the area median family income for owner-occupied housing and 50 percent of median for rental housing.

Source: Metropolitan Council Research

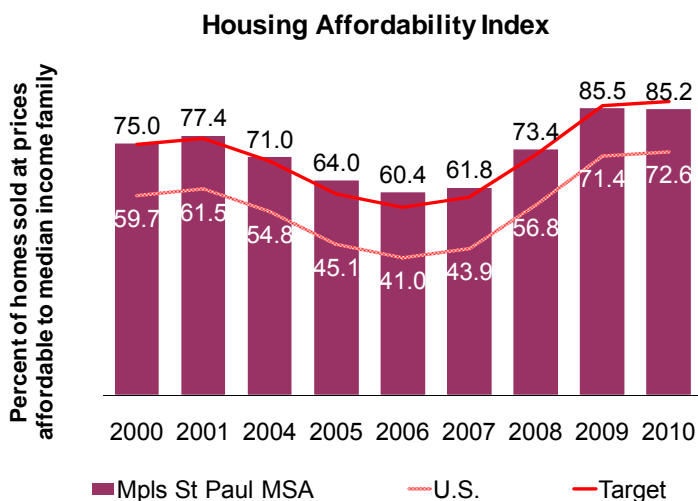
- Housing Affordability: Homes sold at prices affordable to median income family**

2000 Baseline:	75.0 percent affordable in metro area (vs. 59.7 percent national average)
2030 Target:	75.0 percent affordable in metro area
2010 Actual:	85.2 percent affordable in metro area
Annual indicator:	Region's housing affordability should remain 15 points ahead of the national average
2010 Actual:	Region's housing affordability 12.6 points ahead of the national average of 72.6

Changes in regional housing affordability generally have followed national trends, but the differences are getting closer according to the National Association of Home Builders / Wells Fargo Housing Opportunity Index. The Index dropped in the middle of this decade as housing prices outpaced income growth. As the housing boom ended and home prices began to fall, the index increased to show a near historic high level of affordability in 2010 for the Minneapolis-St. Paul MSA and a historic high for the U.S. (note that the NAHB did not calculate the index from the 2nd quarter of 2002 through the 3rd quarter of 2003).

The percentage of affordable homes sold in the 13-county Minneapolis-St. Paul area continues to be higher than the national average, but the gap has shrunk steadily from 2006 (19.5 percent difference) to 2010 (12.6 percent difference). The 2010 levels have remained above the overall target that 75 percent of the homes be affordable to the median income, but the region failed to meet the goal of maintaining a 15-point spread between the metro and the U.S. index in both 2009 and 2010.

Source: National Association of Home Builders.



4. Environment

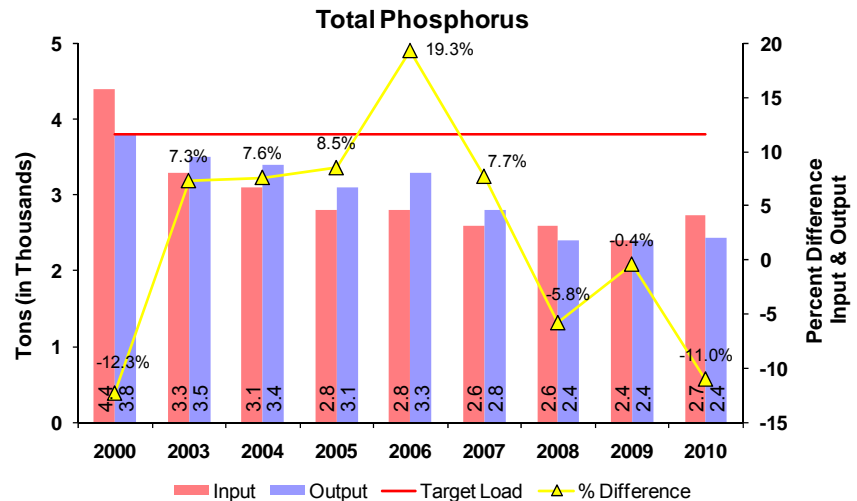
- Water Quality**

Goal: The quality of the water leaving the metro area is as good as the water’s quality entering the metro area and in compliance with federal and state regulations.

Baseline and Targets	Total Phosphorus	Total Nitrogen	Total Suspended Solids
2000 Baseline Input (in tons per year)	4,380	80,800	1,320,000
2000 Baseline Output (in tons per year)	3,840	80,900	956,000
2000 Baseline Difference (in tons per year)	-540 (-12 percent)	100 (0 percent)	-364,000 (-28 percent)
2030 Target	Output is no more than in 2000 and output-input difference is held to 0.		

Due to the Twin Cities’ location at the northern end of the Mississippi River, Metropolitan Council wastewater treatment plants must meet stringent Environmental Protection Agency (EPA) operating standards. The Council’s treatment plants continue to have a near-perfect compliance record, while maintaining rates that are lower than the average for similar-sized sanitary districts.

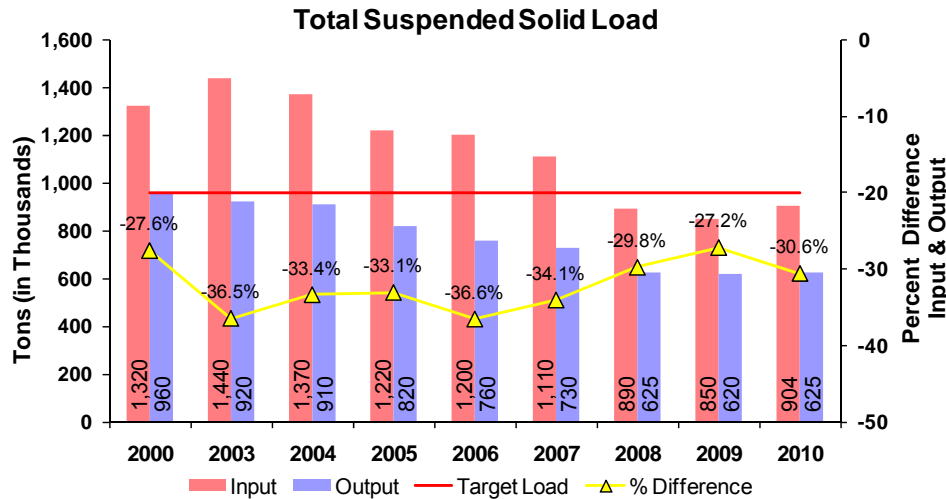
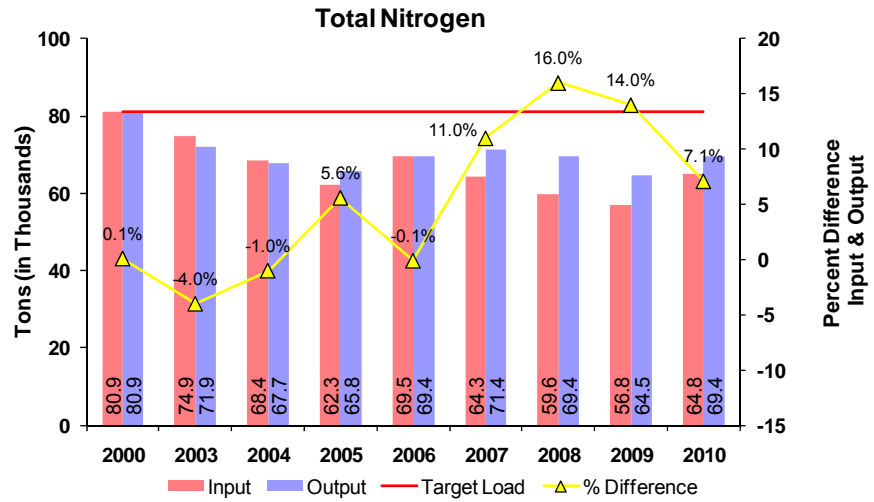
Wastewater treatment plants in the region and regulations on industrial wastewater are succeeding at removing pollution from the wastewater stream. However, water quality is also affected by nonpoint pollution sources (both urban and agricultural) and year-to-year climate variations.



The indicators for phosphorus, nitrogen, and suspended solids are determined by taking the sum of the loads from the Minnesota River at Jordan, the Rum River in Anoka, the Mississippi River in Anoka, and the St. Croix River in Stillwater, and comparing them to the load at the Mississippi River near Red Wing. Optimally, the difference between the output and input mass would be zero or less. However, there is a statistical uncertainty of about ±10 percent on both the input and output mass, and pollutant loading varies from year to year. Use of a 10-year median as an indicator helps to minimize, though not eliminate, variability from annual climate differences and other natural sources.

The output levels of the studied pollutants, with the exception of nitrogen, remained stable in 2010 and improved compared to 2000. Some variability from year to year is expected due to weather conditions and sampling error. Despite variability, the general trend for phosphorus and suspended solids over 2000-10 has been downward (improving).

The output level of nitrogen remains higher than the input level, although both are significantly lower compared to 2000.



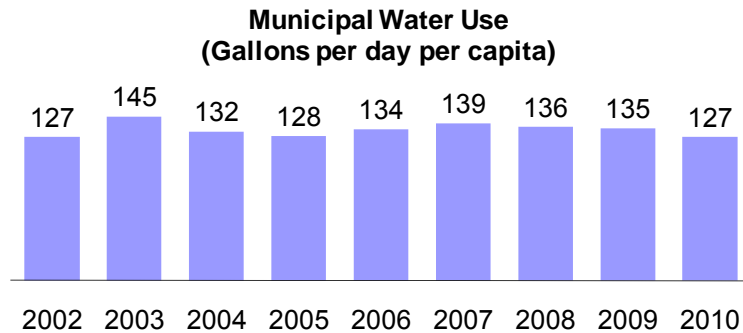
Source: Metropolitan Council Environmental Services.

- Water Supply**

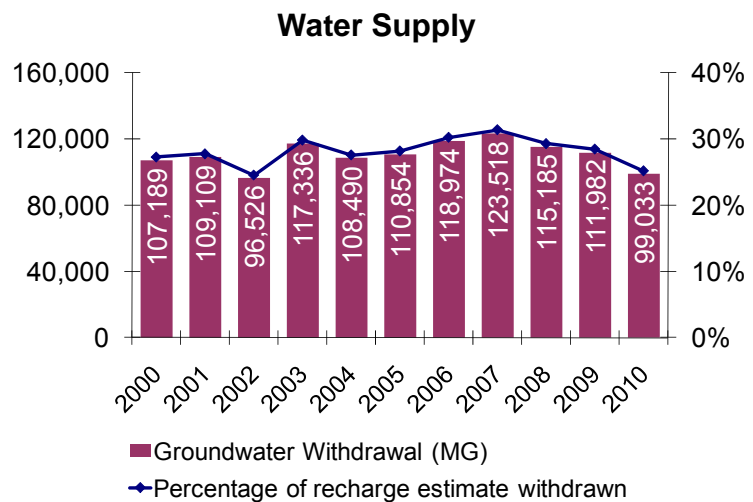
Goal: To ensure the metropolitan area's water resources are adequate to supply future water demands without adverse impacts.

Baseline Input: The Master Water Supply Plan projects future water use based on past water use and identifies water supply sources available to each community.

Rainfall in 2010 was above normal for the first time in four years. However, low precipitation during the summer months still resulted in relatively high demand for outdoor watering and an overall municipal water use of 127 gallons per day per capita.



Another measure of water availability is a comparison of groundwater recharge to groundwater withdrawals. In 2010, approximately 99,033 million gallons of groundwater were withdrawn from aquifers in the region. This is approximately 25 percent of the estimated annual groundwater recharge. This measure does not consider the local impact of withdrawals or needs for groundwater discharge to surface water features, nor does it consider that much of the water being withdrawn recharged decades earlier, but it does give a general sense of how much of the annual input is being used.



Source: Metropolitan Council analysis of data from Minnesota Department of Natural Resources, Metropolitan Council.

- Air Quality – Pollutants**

Goal:	Maintain federal ambient air quality standards for carbon monoxide, ground-level ozone and fine particulates.
2002 Baseline:	Zero violations
2030 Target:	Zero violations
2003-2009:	Zero violations
2010:	Two violations

The pollutant of greatest concern at the time of the adoption of the Framework was carbon monoxide (CO). Although maintenance of attainment status in the region is still a priority, today's greatest threat to attainment of National Ambient Air Quality Standards (NAAQS) is fine particulate matter (PM2.5). The federal standard for fine particulate matter is that the 98th percentile of the 24-hour PM2.5 concentrations in a year, averaged over three years, needs to be less than 35 µg/m3. This standard was violated at two monitors in the region in the 2008-2010 reporting period.

Source: Minnesota Pollution Control Agency.

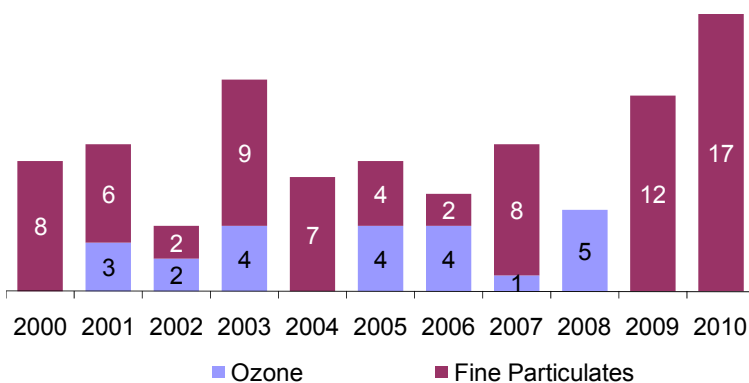
- Air Quality Index**

Number of days that air quality was above 100 (unhealthy for sensitive groups)

In planning for improvements to the transportation system, Metropolitan Council conforms to 1990 Clean Air Act Amendments for attaining federal air quality standards. Prior to 1999, the region was classified as not in attainment for carbon monoxide.

An area can be in compliance with federal air quality standards and yet have some days when its air quality is rated "unhealthy" by the EPA's uniform index. Repeated alert days for a pollutant may be an indicator of a rising risk. Hot summers provide conditions for higher ozone levels and more alert days.

**Air Quality Index
(Days air categorized as unhealthy for sensitive groups)**



In 2010, there were seventeen air quality alerts for fine particulate matter. No alerts were issued for ozone.

The region has had fine particulate levels near the federal standard for some time. The Minnesota Pollution Control Agency attributes the violation in 2008-10 and the unusually high number of air quality alters related to fine particulates in 2009 and 2010 to meteorological conditions caused by a strong El Niño from November 2009 through March 2010.

Source: Minnesota Pollution Control Agency.



Regional Development Framework & Sustainable Development Plan

July 20, 2011

Project Outcome:

Web-based, visual document

<http://www.metrocouncil.org/planning/planning.htm>



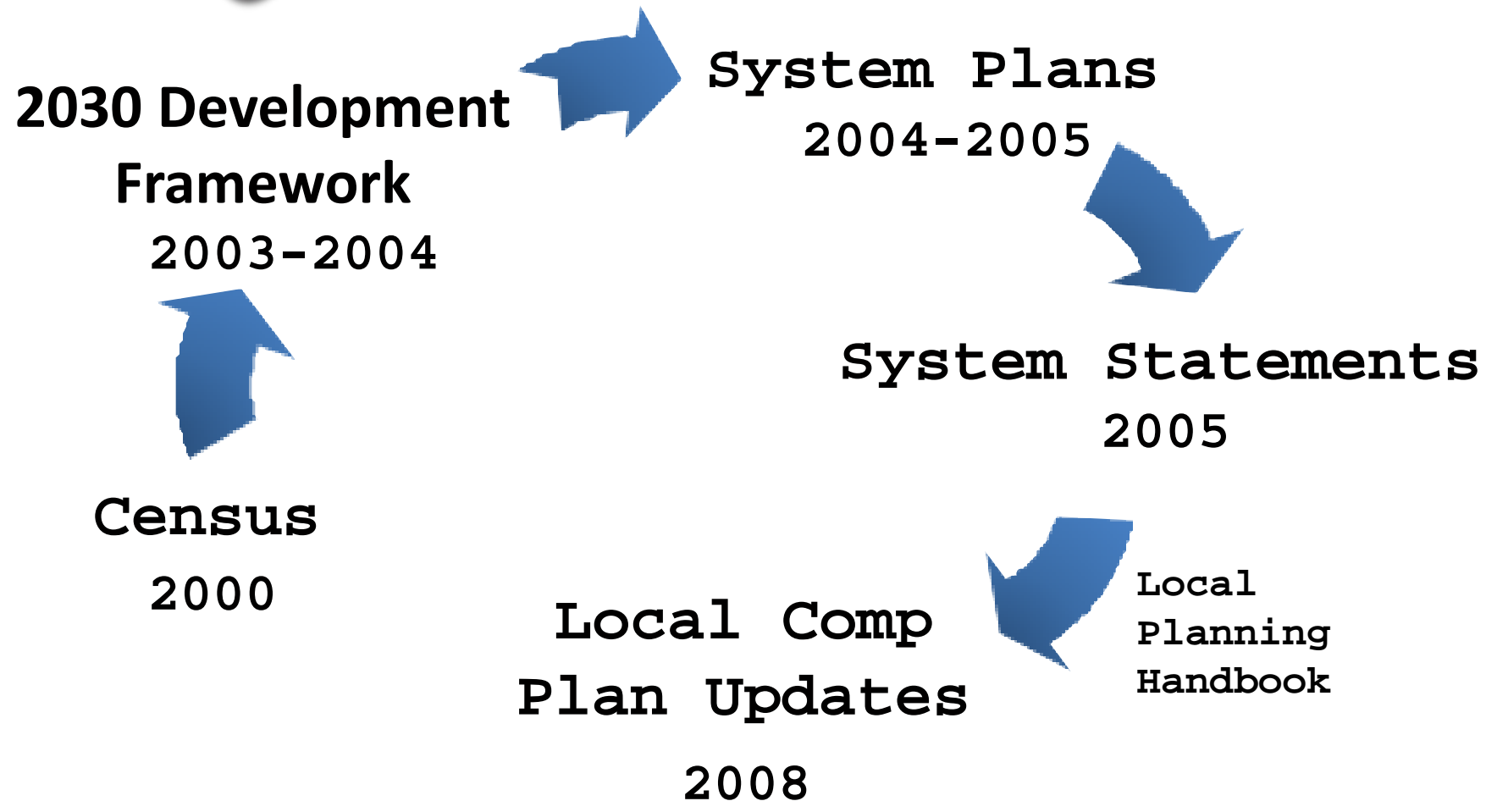
Policy Plan





Completed

Regional planning cycle





The Next

Regional planning cycle

**2040 Development
Framework**
2011-2013

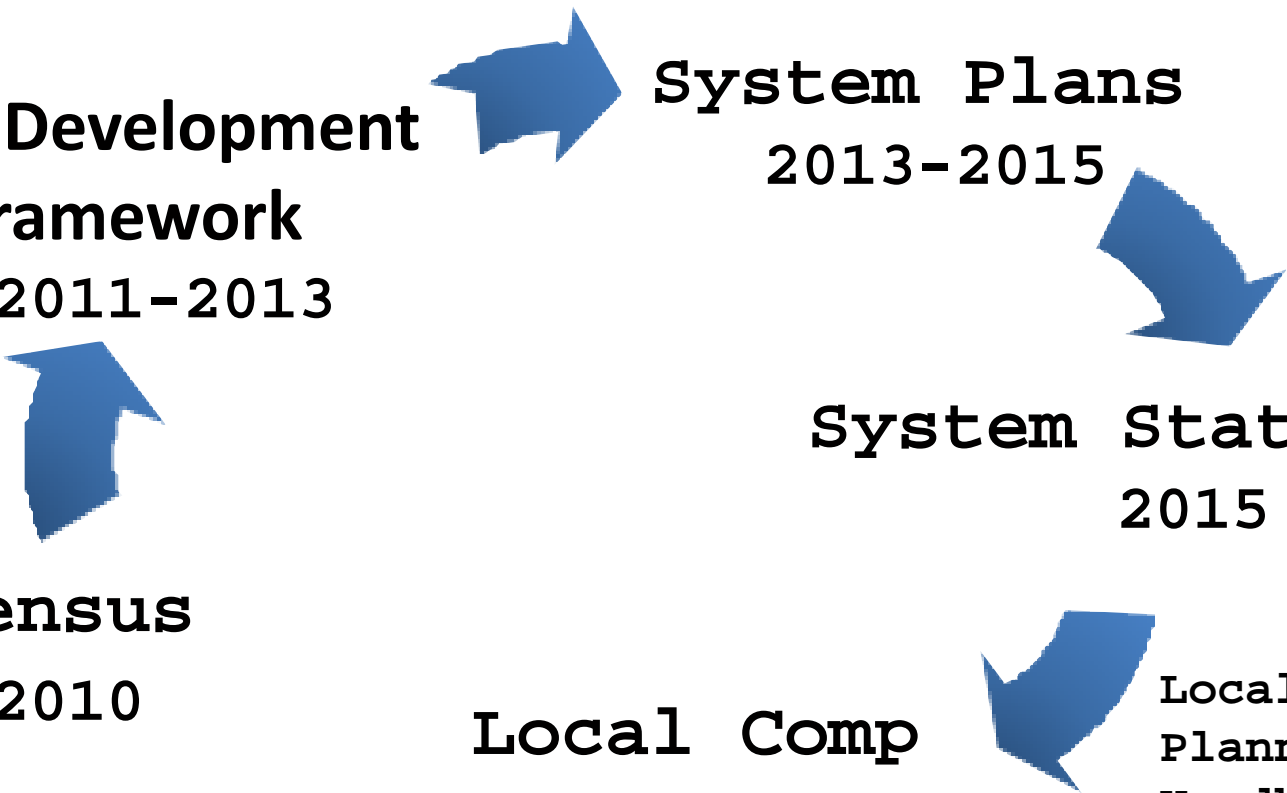
System Plans
2013-2015

System Statements
2015

Census
2010

**Local Comp
Plan Updates**
2018

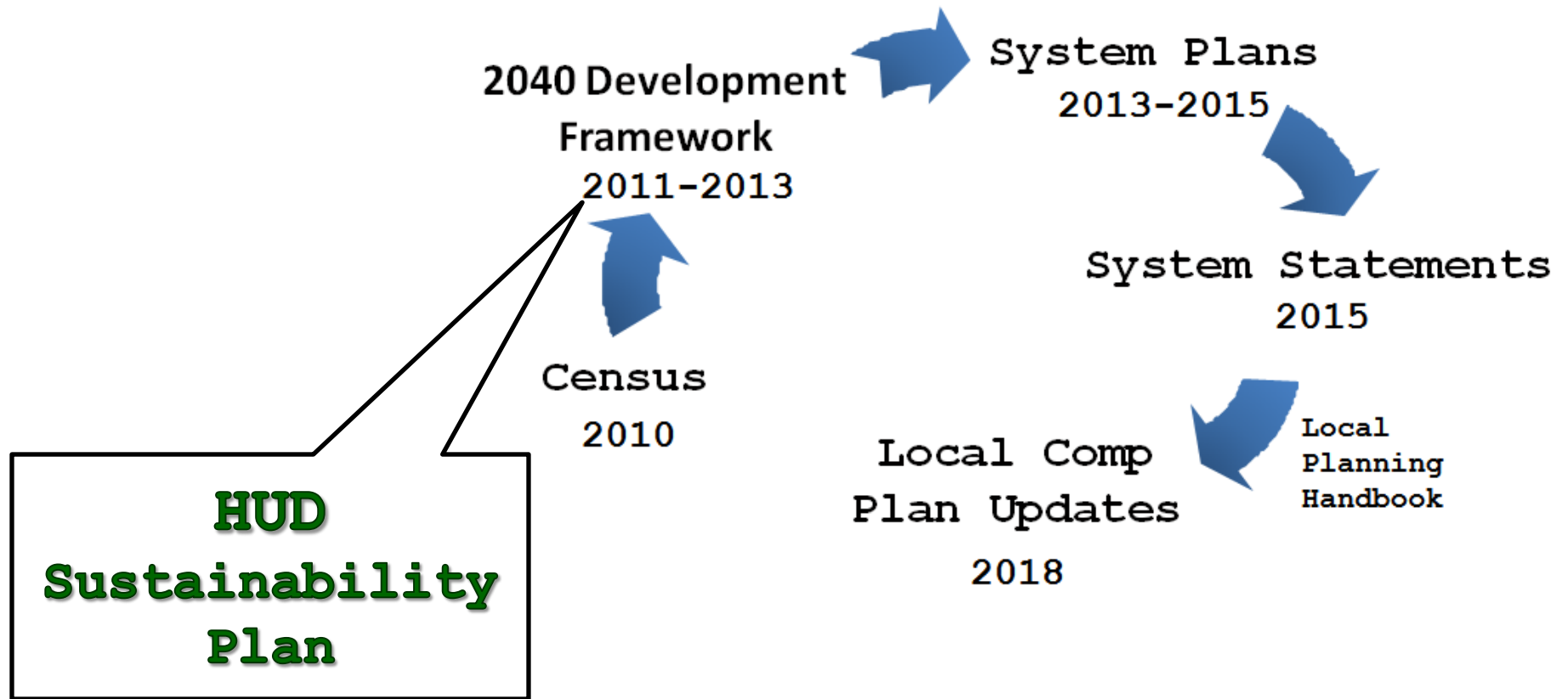
**Local
Planning
Handbook**





The Next

Regional planning cycle





Today's Topics

- ☐ **A Quick Look Back –**
History provides context but not a map
- ☐ **Current Pressing Issues –**
Some familiar faces but new wrinkles
- ☐ **Approaching a Changed Environment –**
New planning horizon (2040) and HUD Sustainable Communities Grant; sorting out what goes into the *Development Framework* and what goes into the Sustainable Development Plan for HUD



**What's changed since the
last Regional Development
Framework?**



Metropolitan Council

Committee
of the
whole

What happened?



What happened?

	Population	Households
2010 Census	2,849,567	1,117,749
2010 Framework Forecast	3,005,000	1,198,000
Difference	(155,433) -5%	(80,251) -7%



What happened?

	Jobs
2010 DEED	1,543,263
2010 Framework Forecast	1,816,000
Difference	(272,102) -18%



What's changed since the last plan?

1990-2000

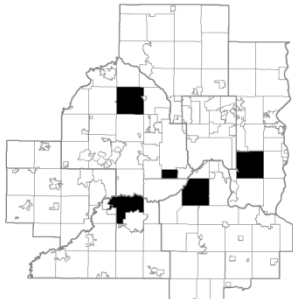
+ 333,000 Jobs

2000-2010

- 64,000 Jobs



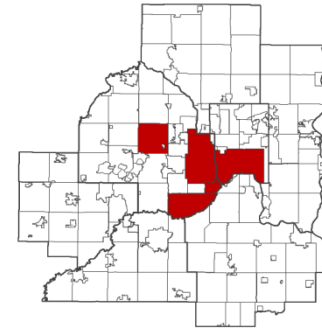
What's changed since the last plan?



Community Job Change 2000-2010

Largest job growth:

Maple Grove:	11,489;	63%
Eagan:	6,566;	15%
Shakopee	4,844;	35%
Richfield:	3,798;	32%
Woodbury:	3,344;	21%



Largest job loss:

Minneapolis:	-27,456;	- 9%
Bloomington:	-18,442;	-18%
St. Paul:	-12,627;	- 7%
Fort Snelling:	-11,962;	-34%
Plymouth:	-7,273;	-14%

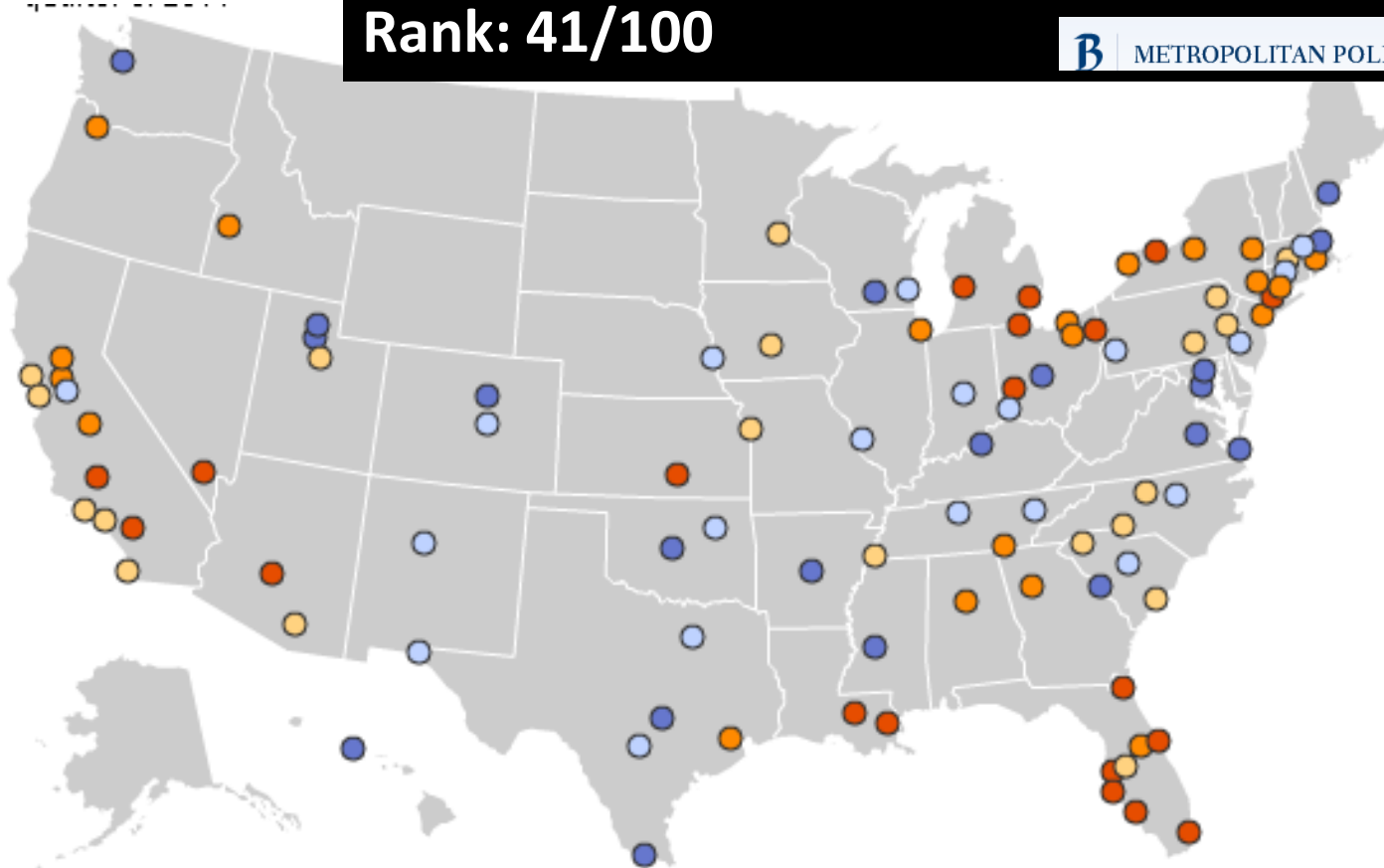
Rank: Gross Metro Product

Change from peak GMP to 1st Q 2011

Minneapolis-St. Paul-Bloomington, MN-WI

Change in GMP: 1.4%

Rank: 41/100



What's changed since the last plan?

1990-2000

+ 353,000 people
+ 146,000 HH
+ 237,000 persons
of color

2000-2010

+ 207,000 people
+ 96,000 HH
+ 227,000 persons
of color



What's changed since the last plan?

1990-2000

- + 353,000 people
- + 146,000 HH
- + 237,000 persons
of color

2000-2010

- + 207,000 people
- + 96,000 HH
- + 227,000 persons
of color



What else has changed?

1990-2000

+ 2,400 married families with children
+ 67,100 single-person HH

2000-2010

-19,900 married families with children
+ 38,500 single-person HH



What else has changed?

2000

Age

- + 26.4% under 18
- + 64.0% working age, 18-64
- + 9.6% 65 plus

2010

Age

- + 24.6% under 18
- + 64.6% working age, 18-64
- + 10.8% 65 plus

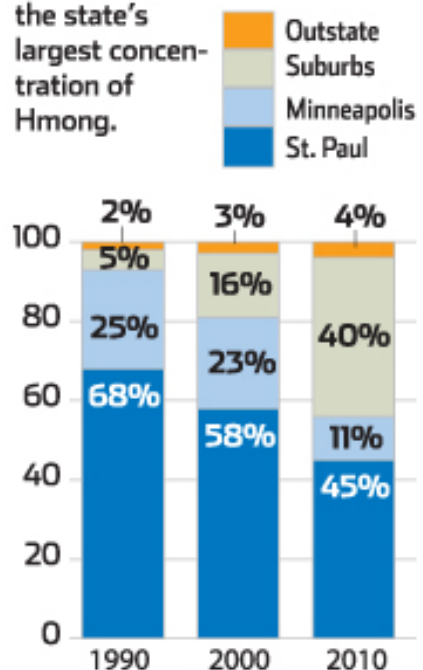




What else has changed?

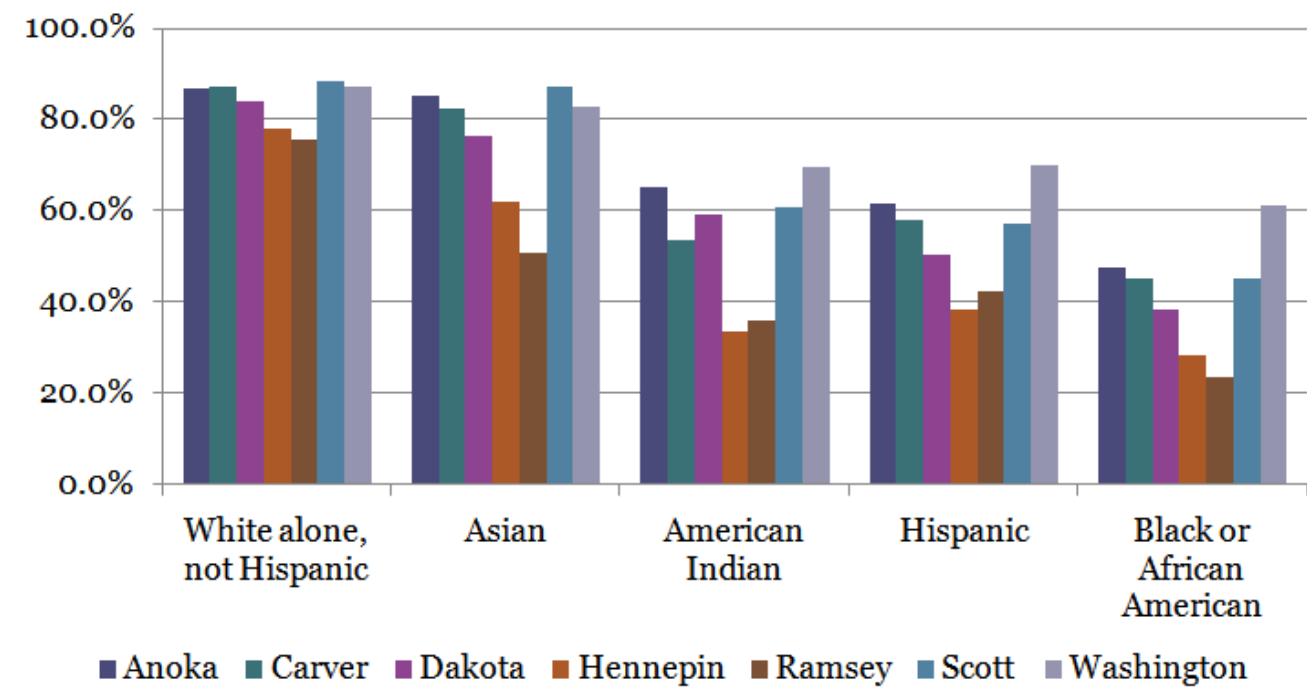
Suburban Hmong

Minnesota's Hmong population has spread beyond St. Paul in the past two decades, but the city still has the state's largest concentration of Hmong.



Source: U.S. Census Bureau
PIONEER PRESS

Homeownership by race/ethnicity





Pressing Issues & Regional Approach

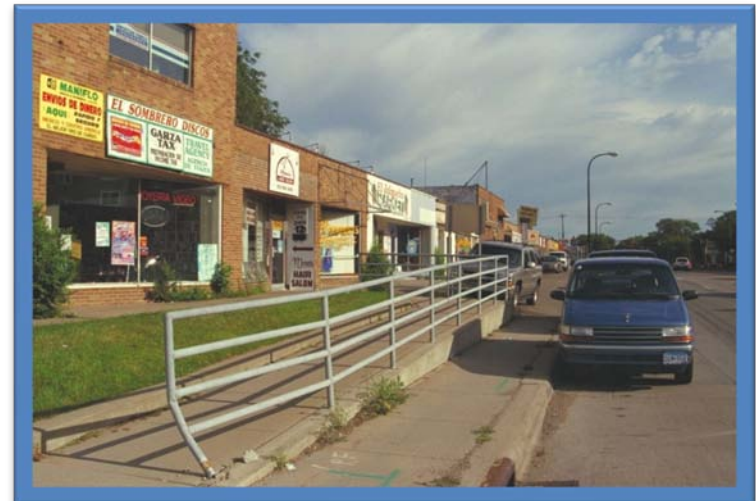
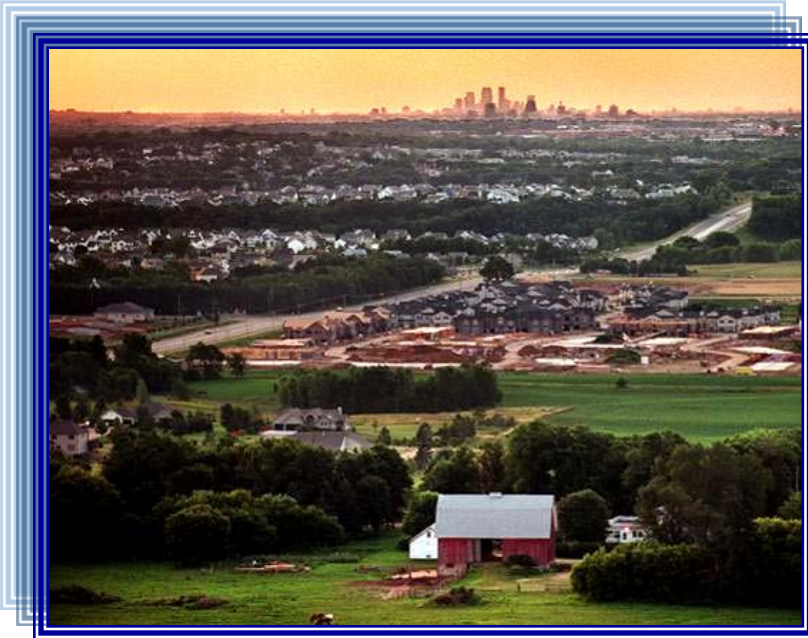
2004

Pressing Issues:

- + Fast growth at the edge; land supply
- + Highway congestion
- + Loss of farmland, natural areas and open space
- + Redevelopment



Pressing Issues & Regional Approach





Pressing Issues & Regional Approach

2004

Regional Approach:

- + Planning framework: centers, focus on growth patterns
- + Major system investment: Sewers; flexibility in local staging
- + Market-based housing production
- + Multi-modal transportation
 - + Natural Resource inventories

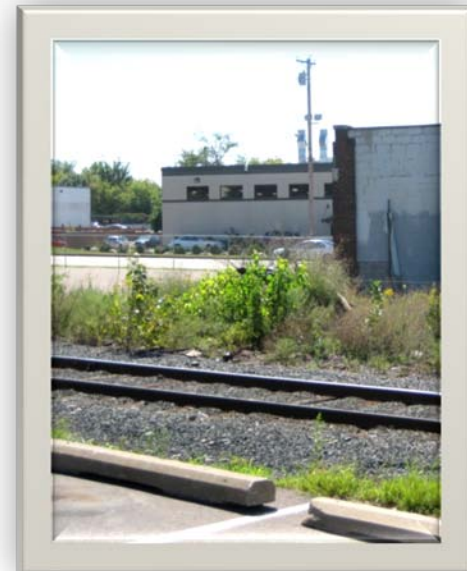
Pressing Issues

2011

Pressing Issues:

- + Economy and loss of jobs
- + Housing foreclosures, affordability
- + Transit funding, infrastructure
- + Water
- + Economic opportunity
- + Changing demographics

Pressing Issues





**What's the roadmap for
going forward?**

The Metropolitan Council shall:

"prepare and adopt...a comprehensive development guide for the metropolitan area...for the **orderly and economical development**, public and private, of the metropolitan area."

"The comprehensive development guide shall recognize and encompass **physical, social, or economic** needs of the metropolitan area."

Minnesota Statutes, section 473.145





Regional Vision guides plans



Vision and
Goals

Regional
Development
Framework

Sustainable
Development
Plan

Sustainable Development Plan

Essential Elements

- Vision and Goals
- Sustainability
- Evaluation and Implementation
- Outreach
- Roles and Responsibilities
 - federal
 - state
 - regional
 - local
 - non-profits/
philanthropic
 - community groups
 - business community

Sustainable Development Plan

Sustainable Development: Concepts and Approach

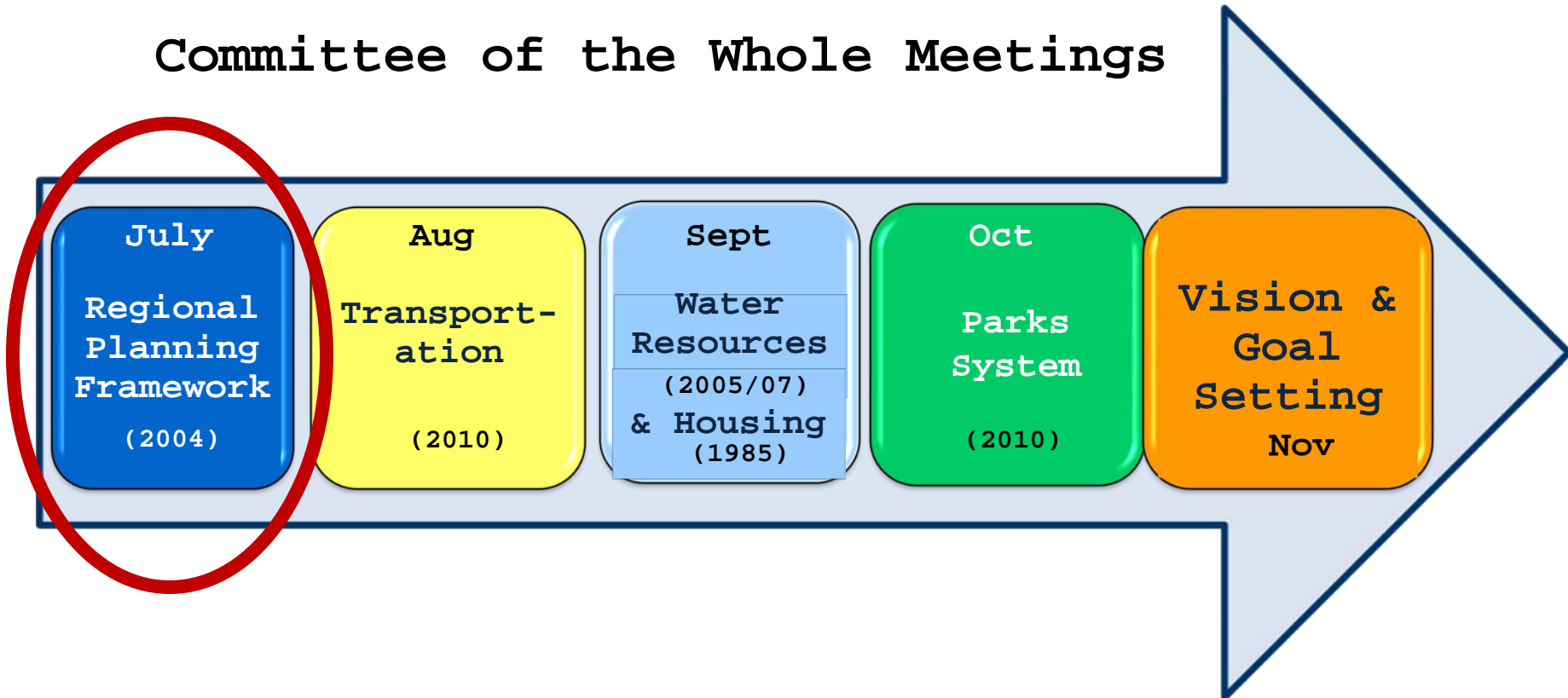
- Corridor-based
- Range of housing types, affordability
- Integrated multi-modal transportation
- "Sustainable Environment"
 - access to greenspace
 - access to jobs
 - access to services
 - assurance of clean water and air



2011 Outcome:

Review existing plans & develop new Vision and Goals

Committee of the Whole Meetings



Forecasts



Metropolitan Area Growth 2000 - 2030

	population	households	employment
2000	2,642,000	1,021,000	1,565,000
2030	3,608,000	1,492,000	2,126,000
Growth	966,000	471,000	561,000



Regional Development Framework

Four Goals

- Working collaboratively with regional partners to **accommodate growth** within the metropolitan area.
- Maximizing the effectiveness and value of **regional services, infrastructure investments and incentives.**
- Enhancing **transportation choices** and improving the ability of Minnesotans to travel safely and efficiently throughout the region.
- Preserving **vital natural areas and resources** for future generations



Regional Development Framework

Four Policies

-  Work with local communities to accommodate growth in a flexible, connected and efficient manner.
-  Plan and invest in multi-modal transportation choices, based on the full range of costs and benefits, to slow the growth of congestion and serve the region's economic needs.

Regional Development Framework

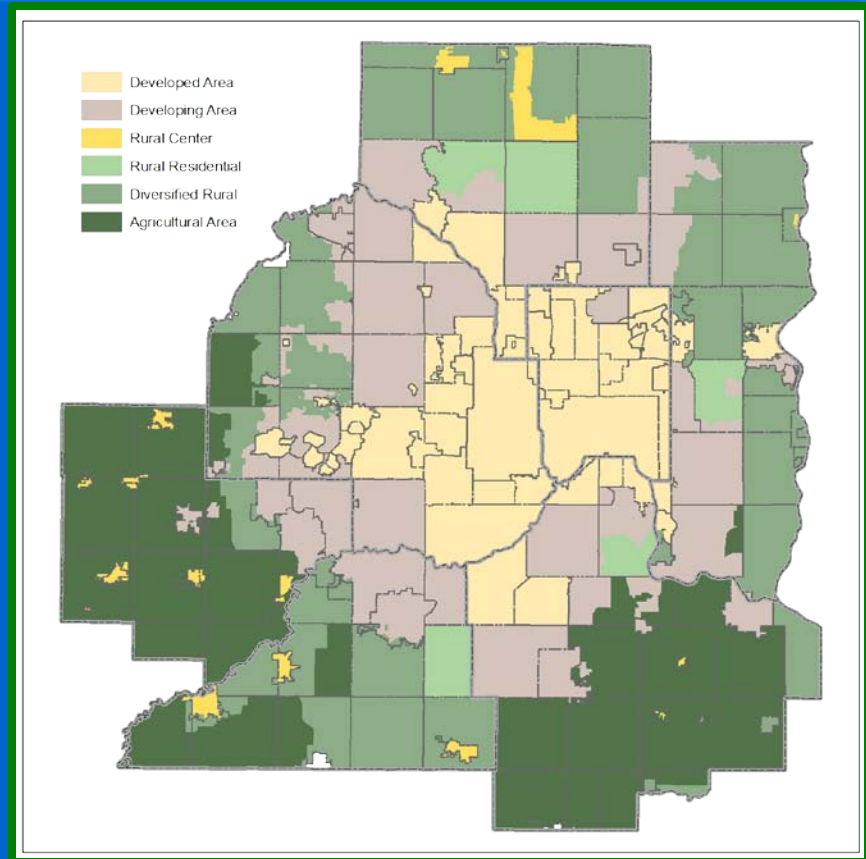
Four Policies (cont.)

-  Encourage expanded choices in housing location and types, and improved access to jobs and opportunities.
-  Work with local and regional partners to reclaim, conserve, protect and enhance the region's vital natural resources.

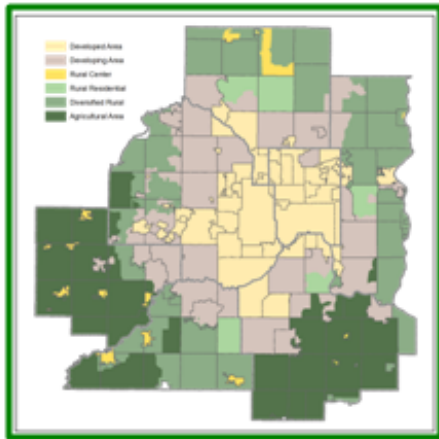
Regional Development Framework

Strategies

Geographic Planning Areas



Strategies



**Metropolitan
Council Role**

**Community
Role**

Each community determines how to implement the strategies with considerable local flexibility.

Regional Development Framework

Implementation



Local Comprehensive Plans

Metropolitan Land Planning Act



Technical Assistance



Metropolitan Significance

Regional Development Framework

Implementation (cont.)



Regional Investments (10 year)

Regional Wastewater system: \$1.15 Billion

Transit: \$1.4 Billion

Regional Highways: \$4.21 Billion

Parks and Open Space: \$135 Million

Airports: \$1.1 Billion



Regional Grants (annual)

TBRA: \$5 Million

LCDA: \$8.2 Million

LHIA: \$1.5 Million

Regional Development Framework

Benchmarks



Accommodating Growth

- 16,000-18,000 new housing units per year
- 92% urban, suburban, town
- 8% rural
- 27.4% Developed Area
- 58.8% Developing Area

Regional Development Framework

Benchmarks



Transportation

- 10 new highway lane miles annually
- 1% growth in highway congestion
- 3% growth in transit service and ridership



Housing Choices/Opportunities

- 50% single-family / 50% attached
- 4,000 new affordable ownership units
- 800 new affordable rental units

Regional Development Framework

Benchmarks



Environment

- Water quality leaving the metro area is as good as the water quality entering the metro area.
- Water resources are adequate to supply future water demands without adverse impacts.
- Maintain federal ambient air quality standards for carbon monoxide, ground-level ozone and fine particulates.



What's next?



August 3: Transportation



September 21: Water Resources and Housing



October 19: Parks and Implementation



November 16: Vision & Goal Setting



Proposed Outcomes, Principles and Policies

As of October 2013

Proposed Outcomes

Thrive MSP 2040 asserts five desired outcomes to define policy priorities:

Stewardship *and* Prosperity *and* Equity *and* Livability *and* Sustainability

These five outcomes, identified during the Metropolitan Council's two years of *Thrive* outreach and engagement, emerged as common themes defining a shared regional vision. Plans, policies and projects that balance all five of these outcomes tend to create positive change, while efforts that advance only one or two outcomes at the expense of the others may be disappointments over the long term. Policymakers make tough decisions at the intersections among these five outcomes, weighing the benefits and costs of their options against these five outcomes. Focusing on outcomes allows for flexibility in implementation, both for the Council's systems and policy plans and for local comprehensive plans, yet prioritizes a shared strategic vision.

Stewardship advances the Council's longstanding mission of orderly and economical development, responsibly managing the region's natural and financial resources and making strategic investments in our region's future.

Prosperity results from investments in infrastructure, amenities and quality of life that create regional economic competitiveness, thereby attracting and retaining successful businesses, a talented workforce, and consequently wealth.

Equity connects all residents to opportunity and creates viable options for people of all races, ethnicities and incomes so that all communities share the opportunities and challenges of growth and change.

Livability focuses on the experience of our people and how places and infrastructure create and enhance the high quality of life that makes our region a great place to live.

Sustainability protects our regional vitality for generations to come by taking a long-term perspective to preserve our assets, resources, and strengths.

Proposed Principles

Thrive defines three principles to guide how the Council implements its policies both internally and externally to advance the five outcomes:

Integration *and* Collaboration *and* Accountability

These three principles reflect the Council's understanding of its role integrating policy areas, supporting local governments and regional partners, and promoting and implementing this regional vision. These principles govern how the Council implements Thrive systems and policy plans and how the Council advances these outcomes, both individually and collectively.

Integration leverages multiple policy tools to address complex regional challenges and opportunities.

Collaboration recognizes that shared efforts and effective partnerships among local and regional partners move our region forward most effectively toward our shared outcomes.

Accountability requires a commitment to monitoring and evaluating the effectiveness of our policies and a willingness to adjust course as necessary.

*For more information about Thrive MSP 2040, visit thriveMSP.org
To share your reactions and comments to these outcomes, principles and proposed policies,
e-mail the Council at thriveMSP@metc.state.mn.us*

To advance the five outcomes, working within the three principles, the Council has identified a series of policy directions in Thrive. Detailed policies implementing the *Thrive* policy direction will emerge and be formally adopted in the *Thrive* systems and policy plans: the Housing Policy Plan (summer 2014), the Transportation Policy Plan (late 2014), the Water Resources Policy Plan (summer 2014), and the Regional Parks Policy Plan (early 2015).

Stewardship:

- Prioritize protection of and minimize impacts to natural resources;
- Focus on maintaining existing infrastructure – wastewater infrastructure, highways and bridges – rather than expanding to serve new areas;
- Strategically invest in new infrastructure capacity that supports land use patterns;
- Expand alignment of wastewater, transit and other infrastructure investments with local land use.

Prosperity:

- Foster the conditions for shared economic vitality by balancing major investments across the region;
- Deliver cost-effective wastewater treatment and efficient transportation that reduces costs of doing business here;
- Provide amenities and great places that attract and retain businesses and workers;
- Reduce the cost differential between redevelopment and greenfield development sites;
- Inventory industrial land across the region to preserve the best sites for jobs;
- Partner to develop a shared economic competitiveness strategy.

Equity:

- Invest in the creation and preservation of racially-integrated, mixed-income neighborhoods across the region;
- Use transportation investments to improve access to opportunity;
- Preserve a mix of housing affordability along the region's transitways and create new affordable housing close to jobs and education;
- Convene leaders to develop shared investment strategies in racially-concentrated areas of poverty.

Livability:

- Provide transportation choices that reduce the financial and time cost of transportation;
- Preserve natural resources and support outdoor recreational opportunities through the regional park and trail system;
- Communicate the regional bicycle network to promote bicycling for transportation and recreation;
- Align resources to support transit-oriented development that creates great places.

Sustainability:

- Promote the wise use of water through expanding water conservation and reuse, increasing aquifer recharge; and rebalancing surface water and groundwater use;
- Continue sustainability practices in the Council's wastewater and transit operations;
- Offer leadership, information and technical assistance to local governments to support climate change mitigation, adaptation and resilience.

Integration:

- Align and leverage all of the Council's divisions, roles and authorities to address regional issues;
- Coordinate Council activities with partners and stakeholders across and throughout the region.

Collaboration:

- Convene conversations to address key regional issues;
- Provide expanded information and technical assistance to support local planning and decisionmaking.

Accountability:

- Monitor performance against key regional indicators;
- Adjust and revise policies as necessary.



Responding to Preliminary Local Forecasts

The 2040 Preliminary Local Forecasts are a work in progress. After discussing the preliminary forecasts with local governments, the Council will review additional data and revise forecasts to reflect shared expectations of future growth and development. This handout summarizes how Council staff will respond to local government comments and what kinds of information cities might provide.

If your preliminary forecasts seem low:

- **Tell us!** Let Council staff know the forecasts appear too low and by roughly how much.

How you can help us revise your forecasts:

- Validate the input data the Council is using in forecasts preparation (see back of sheet for links)
- Tell us about:
 - Development projects expected to break ground before 2020 – what type of development, where, how many units or how much commercial/industrial space
 - Additional detail about recent (post-2010) developments beyond what you've told us in the Council's Building Permits Survey
 - What mix of residential and non-residential you expect in planned mixed-use areas
- Tell us any other reasons behind why you think your preliminary forecasts are too low

How Council staff are responding:

- Taking a more in-depth look at data newer than what we originally used, including:
 - Recent building permits
 - Plat monitoring data
- Verifying that our forecasts use the latest information about planned land use, including any recent comprehensive plan amendments.
- Reviewing our assumptions about allowable housing types and densities

If your preliminary forecasts seem high:

- **Tell us!** Let Council staff know the forecasts appear too high and by roughly how much.

How you can help us revise your forecasts:

- Validate the input data the Council is using in forecasts preparation (see back of sheet for links)
- Tell us about:
 - Maximum number of housing units you think possible (or likely) in your community
 - Where your local plan allows different housing types and at what densities (help us refine the planned land use data we have)
 - Land that is permanently undevelopable
 - What mix of residential and non-residential you expect in planned mixed-use areas
 - Where you want to see redevelopment and what type of redevelopment – how many units or how much commercial/industrial space you envision
- Tell us any other reasons behind why you think your preliminary forecasts are too high

How Council staff are responding:

- Verifying that our forecasts use the latest information about planned land use
- Reviewing our assumptions about allowable housing types and densities
- Reviewing our assumptions about potential of undeveloped land and redevelopment areas

Remember: The preliminary forecasts will be revised by Spring 2014.

Your Sector Representative will be your first point of contact.

(See back of sheet for data links)



Responding to Preliminary Local Forecasts

Links for Data:

Each link takes you to the MetroGIS Data Finder Website, where you can get information about the data, and download a database (.dbf) file and GIS shapefiles. To download the data, click: “Get data”

2040 Preliminary Local Forecast Land Use and Real Estate Variables

This page last updated: 03/05/2012
Metadata created using [Minnesota Geographic Metadata Guidelines](#)

Go to Section:
1. [Overview](#)
2. [Data Quality](#)
3. Data Organization
4. [Coordinate System](#)
5. [Attributes](#)
6. [Distribution](#) **Get Data**
7. [Metadata Reference](#)

Section 1	Overview
Originator	Metropolitan Council
Title	2040 Preliminary Local Forecast Land Use and Real Estate Variables

- For **land use and real estate characteristics**, go to: datafinder.org/metadata/2040PreliminaryForecastLandUseAndRealEstate.html and click “Get data”
- For **TAZ level characteristics**, go to: datafinder.org/metadata/2040PreliminaryForecastTAZCharacteristics.html and click “Get data”
- For **TAZ level forecasts** used to get city total forecasts, go to: datafinder.org/metadata/2040PreliminaryTAZLevelForecasts.html and click “Get data”

(Note: These are not official TAZ level forecasts. The preliminary, local forecasts presented to the Council last September are preliminary, and will change based upon local input, data refinements, and modeling improvements between now and the adoption of Thrive MSP 2040 in April 2014. Once local forecasts are approved, official TAZ forecasts will result from dialogue with cities on city-level forecasts and subsequent work with cities to allocate the jurisdiction totals to the TAZ level as part of the Comprehensive Plan Updates. TAZ level forecasts are presented for diagnostic purposes only, to help communities evaluate and provide comments on their preliminary local forecasts.)
- For an Excel spreadsheet that shows **how city-level forecasts total were obtained from TAZs**, go to datafinder.org/metadata/2040PreliminaryTAZCityXwalk.html and click “Get data”

Project Summary

167th Avenue Node at Saint Francis Boulevard (TH 47)

Statement of Purpose

This purpose of this document is to provide a summary of City review, actions, and policies related to the 167th Avenue Node at Saint Francis Boulevard. There are two components to this summary report:

1. Public Involvement and Collaborative Process
2. Statement of Goals

History

The following is a brief history of the City of Ramsey's participation in the 167th Avenue Node.

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with past and current City Councils, Planning Commissions, and Economic Development Authority (EDA) boards for several years ("167/47 Node"). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions, and escalating crime.

The City has received a significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure. Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale. In early 2013, the City responded to two (2) requests for a zoning amendment to expand the list of permitted and conditional uses in the 167/47 Node. These proposed uses included an indoor shooting range and warehousing/distribution user.

As a result of items discussed above, the EDA, Planning Commission, and City Council expressed interest in addressing the 167/47 Node. At the July EDA meeting a policy to guide the City's position on the 167/47 was drafted (known as the Statement of Goals). ***A copy of said policy is attached to this memo as Exhibit C.***

The purpose of the policy is to guide City participation in the redevelopment of the 167/47 Node; and, specifically identify a common goal, vision, working parameters and a process to garner public input. The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals are received.

A portion of the proposed policy covers future land uses and a public input process. Therefore, the EDA requested the Planning Commission review the proposed policy and champion the public input process.

Project Webpage

www.cityoframsey.com/167

Project Contact – Land Use and Zoning

Tim Gladhill

Development Services Manager

763-576-4308

tgladhill@cityoframsey.com

Project Contact – Economic Development Tools

Patrick Brama

Assistant to the City Administrator

763-433-9903

pbrama@cityoframsey.com



Public Involvement

On September 26, 2013, the City of Ramsey hosted a collaborative process with its residents to discuss opportunities and barriers. The intent of this process was to involve residents and stakeholders early in the policy and standards development process. ***A copy of the invite to the collaborative process is attached to this memo as Exhibit A.***

The comments received as part of the collaborative process are attached to this memo as Exhibit B.

Next Steps

Planning Commission review of public comments and recommendation on Statement of Goals.

EDA review of public comments and Planning Commission recommendation. Staff presents financial data related to trunk sewer system.

Recommendation brought forward to City Council to adopt Statement of Policy. Adjustments to Comprehensive Plan and Zoning Code will be included in 2040 Comprehensive Plan Update, or as requested.

DRAFT

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
763-427-1410
www.cityoframsey.com

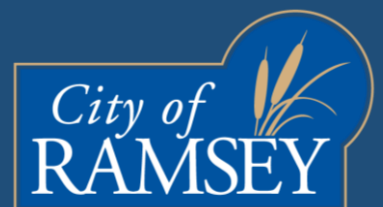
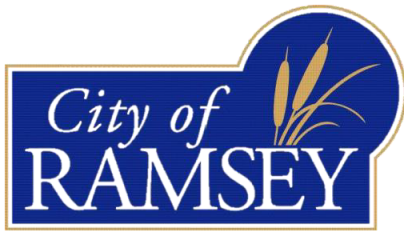


Exhibit A – September 26, 2013 Collaborative Process Invite



7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.cityoframsey.com

Ramsey wants to invite you to participate in a public discussion to review appropriate land uses for the node at 167th Avenue and Saint Francis Boulevard (Highway 47)

The City of Ramsey is reaching out to you as a Property Owner near the 167th Node. Historically, this has been a neighborhood-retail anchored area surrounded by residential properties and adjacent to the Rum River Hills Golf Course. The scope of the review is the current retail corner. The corner is currently experiencing high vacancy rates and deteriorating building conditions. Many of these owners have asked the City to amend the zoning to allow for additional permitted uses. Before the City considers any Comprehensive Plan and Zoning Amendment, we want to hear from you about what land uses or redevelopment would be compatible with the surrounding area.

The City invites you to participate in being part of the process and reviewing alternatives (ranging from new/amended uses and standards to no changes at all).

*Thursday, September 26, 2013 at 6:00 p.m.
Ramsey Municipal Center, Alexander Ramsey Room
7550 Sunwood Drive NW, Ramsey, MN 55303*

The City desires to hear your thoughts on:

- What land uses would you find as acceptable being a neighboring property owner?
- Would you support additional residential development near this intersection?
- Would you support warehousing or other business type uses at this intersection?
- What general questions or concerns regarding the node do you have?

This initial public process hosted by the City on September 26th will begin with a short background presentation at 6:00 p.m. followed by an open public forum and process.

The Planning Commission, in conjunction with the Economic Development Authority, will likely be reviewing potential amendments to the City's 2030 Comprehensive Plan over the next several months. In order for that review to be effective, your feedback and assistance in developing a potential, new Future Land Use Map for the area is critical. We want you to be part of the process, not simply reacting to future proposals.

Please consider joining us on September 26, 2013 to be part of the discussion and solution. You may also submit comments to tgadhill@cityoframsey.com or by calling 763-576-4308. For more background information, visit our webpage at www.cityoframsey.com/167.

Sincerely,

CITY OF RAMSEY



Tim Gladhill
Development Services Manager



Project Summary – 167th Avenue Node at Saint Francis Boulevard

167TH COMMERCIAL NODE MEETING
September 26, 2013

GROCERY STORE

- Nearest one is 7-8 miles away, would be nice to have one closer
 - Have to be a one-stop shop
- We don't want manufacturing
- Restaurant would work – no restaurants near
- The road and traffic may not help a grocery store
- All the businesses need to be working together in order to have success
- People need a reason to stop, not just one business
- Dollar Store (?)
- Multiple businesses need to be uniform and work together
- Someone says no residential, another says townhomes on water tower property
- Don't want it to be re-zoned
 - Small business is OK (perhaps residential)
- Mid to upscale restaurant would be a good fit – decided by all the group
 - People need a place to stop
 - Need something that will make people go out of their way
- A gun range – needs a draw, sustainable businesses, working together
- The regulars may keep a business going
- A business must see a profit

SMALL BUSINESS

- Problems
 - Population is needed for retail
 - No Apartments
- Other close retail
- City didn't help keep retail there
- Warehouse
- Bar/Lounge – No
- Septic System Upgrade

NEED - Retail/Residential

- Single/Townhomes – no rental
- Light at intersection
- Hardware store
- Restaurant/bagel coffee shop
- Gas station
- City support area
 - Advertising/promote
- Coop store (grocery)

- Senior housing
- New location/corner
- Fast food
- Athletic area

RUM RIVER HILLS GOLF COURSE

- Problem
 - Need tunnel under Highway 47
 - Septic/water sewer
 - Traffic Signal
 - Can we get a path along Highway 47?
- Pros
 - More roof tops
 - Retirement Community
 - More people to accommodate commercial on 167th Avenue
 - Banquet facility
 - Add cross country ski trails
 - Ability to cross Highway 47

MEETING COMMENT SHEET	
Project: 167 th Avenue/TH 47 Node	Meeting Date: September 26, 2013
Commenter:	Place/Room: Alexander Ramsey Room
Do You Want a Follow Up? Y/N?	Phone Number:
Email:	Address:

General Comments:	City should have learned a lesson being involved with buying property at the COR and not buy any land. If the golf course can do their expansion without our taxes going up I am in favor.
How do you feel about additional residential development in the area?	Need population for retail to survive.
What are your thoughts on continuing the current amount of commercial retail in the area?	
What are your thoughts on warehousing uses with outside storage?	NS.



Small Business	Need
<p><u>Problems</u></p> <ul style="list-style-type: none"> 1) Population is needed for retail No Apts other close retail city didnt help keep retail here warehouse Bar/Lounge No Septic System 2) Upgrade 	<p><u>Retail / Residential</u></p> <ul style="list-style-type: none"> * 1) single / Town Home * No Rental 2) Light at Intersection 3) How low store 4) Restaurant / Bagel shop * 5) Gas Station * K 6) City Support Area Advertising/Promote 7) Coop store (Grocery) * Senior Housing * New location / comm. 8) Fast Food 9) Athletic Area



Exhibit C – Statement of Goals

Drafted by Patrick Brama, Adopted XX/XX/2013

City of Ramsey

STATEMENT OF GOALS: 167TH AVENUE AND TRUNK HIGHWAY 47 RETAIL NODE DRAFT

BACKGROUND

The retail node located at 167th Avenue and Trunk Highway 47 has been a topic of discussion with City Councils and EDA boards for several years (“167/47 Node”). The 167/47 Node has struggled to become economically viable for some time, is experiencing high vacancy rates, an increase of blighted building conditions and escalating crime.

The City has received significant number of inquiries from property and business owners located in the 167/47 Node from 2012 to 2013 requesting assistance to help correct a market failure.

Additionally, the City of Ramsey owns an inventory of real property located adjacent to the 167/47 Node totaling 16.52 acres. Said property was identified as surplus City owned land in 2012 and is available for sale.

The EDA, Planning Commission and City Council have expressed interest in addressing the 167/47 Node.

PURPOSE

To guide City participation in the redevelopment of the 167/47 Node; and, specifically identify a common goal, vision, working parameters and a process to garner public input.

The desired outcome of this document is to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals are received. The Ramsey Economic Development Authority (EDA) shall represent the City of Ramsey in relation to the 167/47 Node by utilizing this document.

Note: The City Council makes all final policy decisions; which may deviate from this document. This document is not a legally binding agreement.

GOAL

To improve and/or **remove properties-of-concern** and encourage **sustainable market-driven redevelopment** of the 167/47 Node that will benefit the entire City of Ramsey.

Please reference Appendix A: Primary Area of Concern.

VISION

A mixture of residential and retail uses. Residential users may include single family residential, townhomes, apartments or senior living units as directed by the market. Retail will include a market driven neighborhood commercial node. Redevelopment of the 167/47 Node should include a connection to Elmcrest Park and/or nearby trails.

PARAMETERS

Listed below are a number of parameters intended to develop a clear, consistent, transparent and fair process the City, prospective developers, property owners and Staff can rely on as proposals and inquiries are received.

A. City Land Acquisition: The City does not support purchasing property to redevelop the 167/47 retail node.

B. Marketing: The Ramsey EDA is interested in the idea of **facilitating** a professional marketing package for the 167/47 retail node to entice redevelopment/investment; which would include:

I. Information matrix: asking prices, County valuations, tax information, utility information, ownership buy-in, maps, current zoning information, future land use information, etc.

II. An inventory of what City and State financial assistance options exist for a potential redevelopment project.

III. **Professional material developed in partnership with the City and proactively marketed by a third party broker. Broker will be chosen by ownership group. The City will not be responsible for broker fees.**

IV. List of desirable uses (i.e. retail and wide range of residential); and, other allowable uses (i.e. compatible to surrounding residential)

C. Zoning:

I. The City would support a Comprehensive Plan and Zoning Amendment to allow retail or residential (of the appropriate density that balances compatibility of the surrounding area and market viability) land uses at 167/47 Node.

II. The City does not support a Comprehensive Plan and Zoning Amendment for the 167/47 Node to allow warehouse and/or light manufacturing land uses.

III. The Planning Commission will review requests for additional Permitted or Conditional Uses.

D. City Financial Tools:

I. The City has a number of financial assistance programs potentially available for qualified redevelopment projects; including

- i. Redevelopment Tax Increment Financing District (TIF)
- ii. Tax Abatement

- iii. Ramsey EDA Fund and Revolving Loan Fund (RLF)*
- iv. Anoka County HRA Account
 - v. State Redevelopment Grant and Loan Program
- vi. Land Write Down
- vii. Sewer Trunk Fund*

The City will consider all financial assistance programs listed above for projects that directly address existing blighted properties; see Appendix A: Primary Area of Concern.

The City will consider financial assistance programs vi-vii listed above for projects that do not directly address existing blighted properties; see Appendix A: Primary Area of Concern.

Utilization of financial assistance requires completion and approval of a Business Subsidy Application by the Ramsey EDA and City Council.

**Sewer Trunk Fund.* The 167/47 Node is not currently connected to City sanitary sewer service. Through the City's Comprehensive Sewer and Water Plan, it has been determined a trunk sanitary sewer line *could* be constructed to serve the 167/47 Node in the future (estimated \$1.5M expenditure 2013). However, the 167/47 Node sewer trunk line is identified as a special trunk line; which means, it was not included in the pro forma to determine sewer trunk fees.

It is estimated, at full build out, the special 167/47 Node sewer trunk line would recapture XXXXX dollars in sewer trunk fees (based on the pro forma). Therefore, the City would be subsidizing XXXXX dollars, after collection of sewer trunk fees, for the proposed trunk line.

The City does have sufficient dedicated funding available to construct said sewer trunk line (City Sewer Fund balance estimated \$3.4M 2013). In order to replenish the City Sewer Fund, the City would only support an extension of the sewer trunk line if a XXXXXXXXX demand was created by new development. [need council direction—may not be political support]

PUBLIC INPUT:

It is important to compile public input regarding the 167/47 Node before final adoption of this document by the City Council. Two levels of public input are important to this process: (I) Property Owners; and (II) Surrounding Property Owners.

- A. Primary Property Owners: The City does support facilitating an ownership meeting group to brainstorm options, share information and to investigate opportunities for redevelopment and additional uses that are compatible with the surrounding residential area. This effort will be led by the Economic Development Authority (EDA).

The City desires a consistent, collaborative approach with a single voice amongst all Owners if the City is to assist in the process. Several separate messages per individual Owners is not a desired nor effective approach.

B. Surrounding Property Owners: The Planning Commission will be responsible for drafting a public input process structure; and, facilitation of this process.

NOTES [needs to be amended]: The EDA has suggested the use of a project webpage, notification in the Ramsey Resident and one of the following two options: (1) survey (online or direct mail) or (2) a public open house.

The purpose of public input is general feedback; not proposal specific. For example: what are your general thoughts regarding the 167/47 Node, what do you think are appropriate land uses, what do you think are in appropriate land uses?

APPENDIX A

RED [Sort Dash]: Primary Area of Concern
YELLOW [Long Dash]: Secondary Area of Concern



Project Summary

15153 Nowthen Boulevard: Former Municipal Center [October 29, 2013]

General Background

This update is related to the development of City owned land located at 15153 Nowthen Boulevard; known as the Former Municipal Center Site (“Subject Property”). NOTE: this site is also the location of Fire Station #2. The Subject Property is 21.24 acres in size and is zoned Public/Quasi-Public.

This Subject Property was vacated in 2006, when the City moved its municipal center campus to The COR. Since 2006, the City has explored various options for selling the Subject Property in conjunction with the construction of a new fire station on an adjacent City owned site. In 2012, the City was approached by Connexus Energy regarding the development of the Subject Property for a data center(s).

The City is considering two general development scenarios for the Subject Property: data center and single family residential. The City completed a feasibility study on said development scenarios in February 2013 (which included site concept maps); and, a public open house in April 2013.

Process Background

Because the Subject Property is currently located within the Public/Quasi Public Zoning District, the next step in the process to develop this site is to consider the appropriate future land use and zoning--specifically: *consider submitting an application for a Comprehensive Plan Amendment.*

In June and July 2013, the City Council directed Staff to re-engage surrounding property owners before submitting an application to amend the City's Comprehensive Plan--specifically, regarding a potential data center development. Below is a summary of the proposed study group.

Study Group Purpose and Format

PURPOSE: to better understand under what circumstances a data center development would be considered an acceptable use for the Subject Property. The key outcome of this process is a proposal for Council consideration; which will include (1) further documentation/information addressing specific concerns (2) mitigation proposals addressing specific concerns (3) updated site concept maps and cost-benefit analysis.

NOTE: The purpose of a study group is identify and consider compromises/ solutions; it is possible the study group may conclude certain concerns cannot be mitigated.

STAKEHOLDERS: 13 surrounding/at-large property owners will be primary study group participants. One (1) Councilmember, one (1) EDA member and two (2)

Project Summary – Former Municipal Center (10/29/13)

Project Webpage

www.cityoframsey.com/formerrmc

Project Contact

Patrick Brama
Assistant to the City Administrator
763-433-9903
pbrama@ci.ramsey.mn.us



Planning Commission Members will also be involved with the process.

TIMELINE: 4-6 sessions, two hours per session from November to January. Results will be reviewed by the EDA, Planning Commission and City Council. Subsequently, the City Council will consider submitting an application for a Comprehensive Plan Amendment.

PROCESS: Council directed Staff to pursue a 'hybrid style' public process in July of 2013. For specific information please review the attached description.

Participants for the proposed study group were solicited by direct mailing (250 surrounding parcels) and with an article in the Ramsey Resident (September/October edition). Copies of both correspondence are attached to this case.

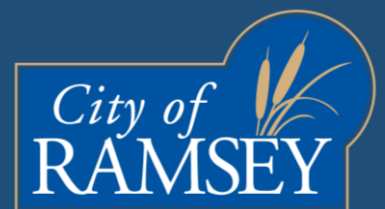
Study Group Members

1. Aaron Brendel, 5911 157th Lane NW
2. Kent Cunningham, 15211 Helium Street NW
3. Brandon Doyle, 15109 Helium Street NW
4. Mike Hoeschen, 7005 156th Ave NW
5. Al Kempf, 15220 St. Francis Blvd NW
6. Kristen Kimsey, 5722 152nd Way NW
7. Jennifer Kulseth, 15225 Helium St NW
8. Donna McLain, 15133 Nowthen Blvd NW
9. Jon Olds, 5660 146th Circle NW
10. Gail Penner, 15232 Helium St NW
11. Nancy Norman Sommer, 14451 Potassium St NW
12. Steve Swenson, 5734 152nd Way NW
13. Eric Zaetsch, 6521 154th Lane NW
14. LIAISON: Matthew Maul (Planning Commission)
15. LIAISON: Randy Bauer (Planning Commission)
16. LIAISON: Philip Brundt (Economic Development Authority [EDA] Member)
17. LIAISON: Chris Riley (City Councilmember)

The first meeting (Scoping Meeting) is scheduled for Monday, November 4, 2013.

Additional detailed background information is available on this project at: www.cityoframsey.com/formerrmc.

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
763-427-1410
www.cityoframsey.com



Process Approved by the Council in July of 2013

Alternative 3: Hybrid Process

A hybrid, collaborative process could be considered that included elements of desired structure of a traditional process with the collaborative environment of Open Space Technology. A suggested approach would allow participants to set the agenda and convene sessions. In other words, the agenda would not be set by the City or a facilitator ahead of time. An initial Scoping Meeting would be held to review the current status of the project and the purpose of the study group. Rather than hosting several, parallel sessions as with the case with Open Space Technology, the group would convene as a single group throughout the process. The group would come to a consensus as to the agenda and topics as part of the initial Scoping Meeting, but could amend depending on conversation throughout. *This process would entail that the agenda be prepared by participants at the onset of the process and agreed to a structured outline for the process as part of the scoping meeting and individual sessions coordinated by participants with a greater degree of assistance from City Staff.*

Benefits: This process balances an open, transparent, and collaborative process with a well defined structure that is developed by participants rather than the City or a facilitator. Following the initial Scoping Meeting, Staff can report back with a better estimate of time and costs based on an agenda prepared by the Study Group. With a slightly more structure approach to the Open Space Technology concept, Staff estimates that this process would be slightly shorter than said approach.

Drawbacks: This process will require that the initial Scoping Meeting be completed before a more concrete estimation of costs and timelines when compared to a traditional, structured Study Group. It is estimated that this process will be a slightly longer timeframe that the traditional, structured process, consisting of possibly one (1) to two (2) additional meetings.

Future Development Discussion: Data Center User

STUDY GROUP: Hybrid Collaborative Process

Purpose:

QUESTION: Under what circumstances would a data center development be an acceptable use for the former municipal center site that balances the City's goal to expand its tax base while respecting the residential character of the surrounding area? [per each concern]

OUTCOME: consensus proposal for council consideration; which will include:

- Documentation/information addressing each specific concern
- Individual mitigation proposal addressing each specific concern
- Updated site concept maps

SPECS:

- 10 members: 1 councilmember, 1 EDA member, 1 PC member, 5 adjacent property owners, 2 at large property owners.
- Consider a data center development only (not residential)
- The purpose of the study group is *IDENTIFY* and *CONSIDER* compromises/ solutions; it is possible the focus group may conclude certain concerns cannot be mitigated.
- Structure below may be amended/adjusted as needed. For example, if the group wants to add an item; or if the group wants to spend more/less time on a certain topic.

Structure:

Participants will set the entire agenda as part of the initial scoping meeting. Participants would facilitate individual sessions with assistance from City Staff.

1. Meeting Outline:
 - a. Orientation 10 minutes
 - b. Review Purpose of Group 10 minutes
 - c. Rules of Engagement 10 minutes
 - d. Present Concerns Previously Addressed 30 minutes
 - e. Call for sessions (entire agenda set) 30 minutes

2 hours

2. Meeting Outline Set by Participants (as part of Meeting #1)
 - a. Topic 1
 - b. Topic 2

1.5 hours

3. Meeting Outline Set by Participants (as part of Meeting #1)
 - a. Topic 3
 - b. Topic 4

1.5 hours

4. Meeting Outline Set by Participants (as part of Meeting #1)
 - a. Topic 5
 - b. Topic 6

1.5 hours

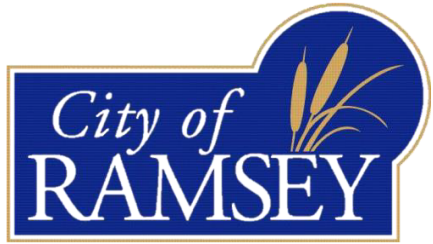
5. Meeting Outline:

Review/amend draft proposal
and submit recommendation to the Council

2 hours

PROJECT WEBSITE

<http://www.cityofframsey.com/formerrmc>



7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.cityoframsey.com

September, 23 2013

Resident:

You are being contacted regarding the property known as the *Former Municipal Center Complex* described below.

Old Municipal Center Complex: (the “Subject Property”): 15153 Nowthen Boulevard, two parcels, PID 23-32-25-41-0019 and 23-32-25-41-0018, 21.28 acres, City of Ramsey ownership.

The City is in the process of considering the future development of the Subject Property. The City is considering two general development scenarios for the 20.5 acre site: (1) data center development and (2) residential development.

The purpose of this correspondence is to provide an update regarding the City’s recent solicitation for participation in a public process and dialogue. See below for specific details:

In July of 2013, the City Council directed Staff to formulate a collaborative process consisting of a group of various stakeholders; including: surrounding property owners and at large Ramsey residents. The purpose of the process is to better understand under what circumstances would a data center development be an acceptable use for the Subject Property. The key outcome of this process is a proposal for Council consideration; which will include (1) further documentation/ information addressing specific concerns (2) mitigation proposals addressing specific concerns (3) updated site concept maps.

The deadline for residents to submit interest in participating was September 20, 2013. The City received interest from 13 residents to partake in the proposed process; which includes your inquiry. The City Council will be finalizing the format, group make-up and schedule for the proposed public process on October 8, 2013 (regular City Council meeting—7:00pm). After October 8, you will be contacted to: (A) indicate if you were selected, (B) confirm your availability and (C) provide final details.

If you would like assistance, or have questions, I am available to help.

Best regards,

Patrick J. Brama

Assistant to the City Administrator, City of Ramsey

OFFICE: (763) 433-9903 EMAIL: pbrama@ci.ramsey.mn.us

ADDRESS: 7550 Sunwood Drive NW, Ramsey, MN 55303

Development Study Group: Volunteers Needed Old Municipal Center Site: 15153 Nowthen Boulevard

The city of Ramsey wants to identify the best future development of its "Old Municipal Center Site." The city is considering two concepts for the 20.5 acre former municipal center campus which would include either a data center development, or residential development. Until recently, the site was home to the city's Police, Fire, Public Works and administrative operations. All but the Fire Department moved to the new municipal center along Highway 10 in 2006. When the site develops, it is proposed the Fire Department be moved to another site the city owns just to the northeast.

Due to its past use as a busy municipal campus, the Old Municipal Center Site is currently zoned Public/Quasi Public. In order for the Subject Property to be sold and used for another use it will need to be rezoned. In June of 2013, the Council requested additional information and input regarding a data center development before moving forward with any plans.

In July of 2013, the City Council directed Staff to formulate a study group consisting of various stakehold-

ers; including: surrounding property owners and at-large Ramsey residents. The purpose of the Study Group is to better understand under what circumstances would a data center development be an acceptable use for the Subject Property.

It is estimated, a study group will need to meet 4-6 times for 1-2 hours; and will begin in November/December. If you, or someone you know, may be interested in serving on this study group, please contact Patrick Brama by September 20, 2013 at 763-433-9903 or pbrama@ci.ramsey.mn.us. For more information on this project, please visit: www.cityoframsey.com/formerrmc.

The Ramsey City Council recently adopted a new strategic action plan. One major outcome of the plan was a commitment from the Council to a citizen-focused government in which residents are engaged in discussions and problem solving. In relation to the Old Municipal Center Site development, the Ramsey City Council desires to have a transparent and inclusive discussion about future development options.

CURFEW LAW



AGE	WEEKDAYS	FRIDAY & SATURDAY
Under 12	Home by 9:00pm	Home by 10:00pm
12-14	Home by 10:00pm	Home by 11:00pm
15-17	Home by 11:00pm	Home by midnight

Ramsey Police Department (763) 427-6812



Anoka Jr. Tornado Program

Do you have a child between the ages of 5-9 who has always wanted to play hockey?

When:

- Season runs October 2013 – March 2014
- Events: Grandparents Day/Jamboree/Mite Night

Cost:

- New 1st year Jr. Tornado skaters registration fee is waived
- USA hockey registration is \$50 (Free if skater is 6 years old or younger)

For more information and to sign-up for the Anoka Hockey Jr. Tornado program, please visit our website at: www.anokahockey.net

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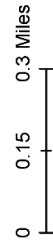
Commercial & Residential

Free Estimates!

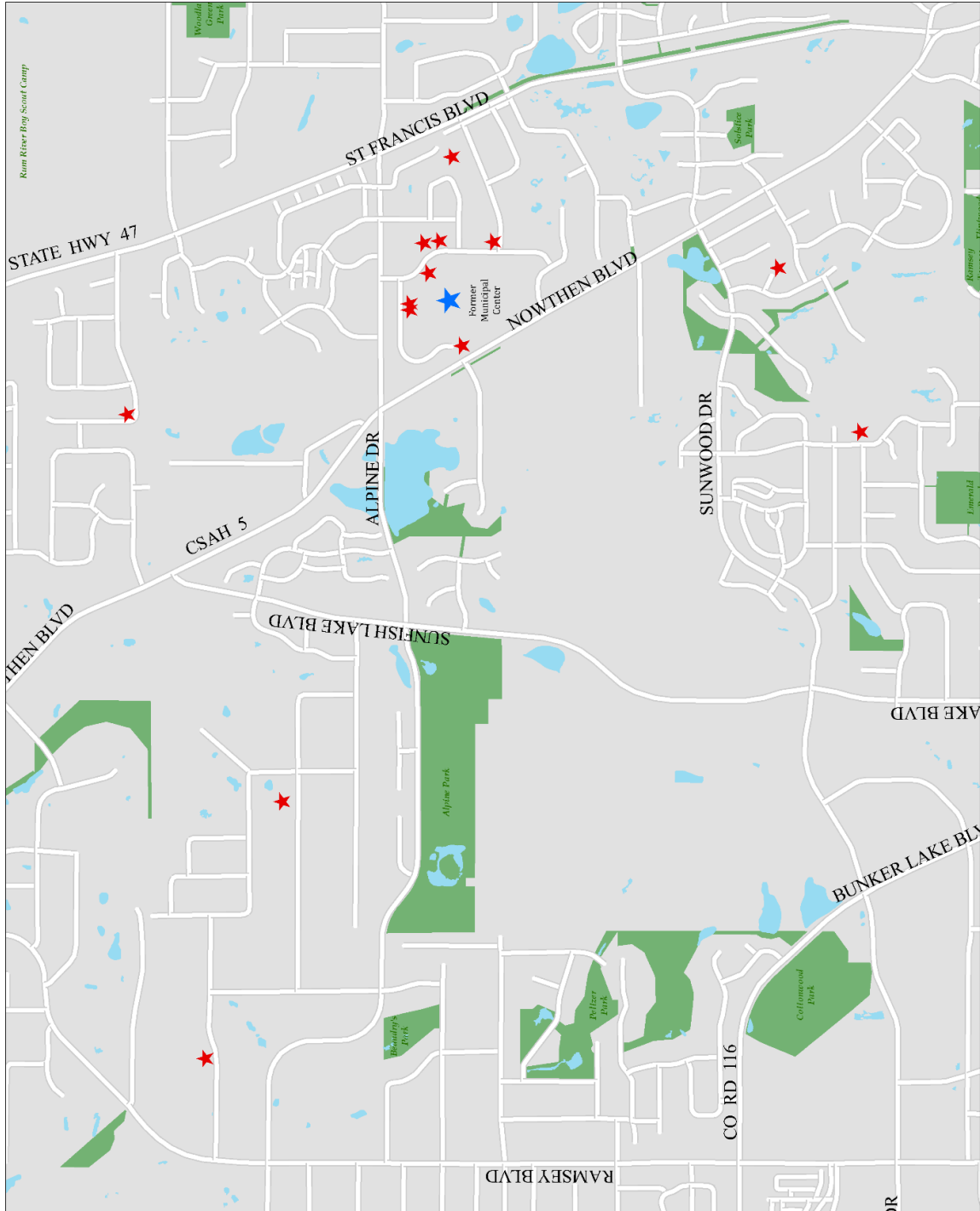


Former Municipal Center Study Group

- ★ Participants
- Streets
- Water Features
- Parks



This map is based on data from the City of Ramsey GIS Department. The City of Ramsey does not warrant the accuracy of the information shown on this map. The City of Ramsey is not responsible for any errors or omissions on this map. The City of Ramsey is not responsible for any damages or liabilities arising from the use of this map. The City of Ramsey is not responsible for any damages or liabilities arising from the use of this map.



Project Summary

Armstrong West (Future Business Park and Retail Area) [October 29, 2013]

Background

The current review of a potential, future business is currently focused on land use components as a way for the City to facilitate future economic development. The activities are currently limited to potential Comprehensive Plan and Zoning Amendments.

In 2012, the Ramsey Economic Development Authority (EDA) and City Council identified a shortage existed in property available for development by businesses in Ramsey (outside of The COR). As a result, the Ramsey EDA and Council identified securing a future "Business Park" location as a strategic priority in early 2013.

Beginning in May 2013, the EDA began reviewing potential future Business Park locations. In August 2013, the Ramsey EDA crafted a recommendation to be considered first by the Planning Commission and subsequently the City Council. Before said case is brought before the City Council, the EDA would like to conduct and review a feasibility study. Additionally, the Planning Commission would like to conduct a public open house to gather input regarding potential future land use changes.

As part of the initial phase of looking towards a future business park, the EDA reviewed six (6) sites for consideration, narrowing these down to two (2) as part of Phase I efforts. These sites are referred to as 1) Pearson Properties of Ramsey and 2) Hageman Holdings.

Both of these areas are located in the area west of Armstrong Boulevard. The City can look at the other four (4) sites in the future. **Attached to this memo as Exhibit A is a map indicated the Study Area. Also attached to this memo is a summary sheet of the two (2) sites under review as Exhibit B, both of which require Comprehensive Plan and Zoning Amendments.**

Pearson Properties

Pearson Properties is interested in amending the Comprehensive Plan and Zoning Map as well as an interested seller.

Hageman Holdings

Although not actively marking their site, Hageman Holdings does desire to amend the Comprehensive Plan and Zoning Map for business park activities. The site is currently located within the B-2 Highway Business District, which is focused on retail activities.

Future Retail/Redevelopment Area

Additionally, the City has received a number of inquiries related to the Hi-Ten existing business park directly adjacent to Armstrong Boulevard and the two sites noted above. Although this is an existing business park, the current

Project Summary – Armstrong West (Future Business Park) (10/29/13)

Project Webpage

Coming Soon!

Project Contact – Land Use and Zoning

Tim Gladhill

Development Services Manager

763-576-4308

tgladhill@ci.ramsey.mn.us

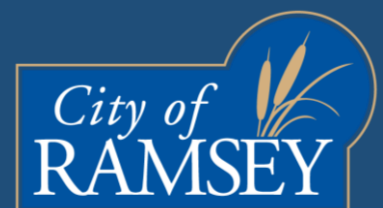
Project Contact

Patrick Brama

Assistant to the City Administrator

763-433-9903

pbrama@ci.ramsey.mn.us



Comprehensive Plan and Zoning Map indicate this area as a retail area under The COR Zoning. The City has responded to a number of inquiries regarding design requirements and build-to (setback) requirements.

It is the intent of the City to look at this area holistically to review a number of components related to the area west of Armstrong Boulevard.

Proposed Timeline:

- 09/24/13 CCWS Update
- 10/31/13 Engineering Estimations Complete
- 11/07/13 Planning Commission Review
- 11/14/13 EDA Review
- 12/2013 TBD date, Collaborative Public Process
- 01/02/14 Planning Commission Review of Collaborative Public Process; and final Recommendation
- 01/09/14 EDA Review of Collaborative Public Process; and final Recommendation
- 01/14/14 City Council receive EDA and Planning Commission Recommendations (update)
- 01/28/14 City Council take action

DRAFT

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
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www.cityoframsey.com

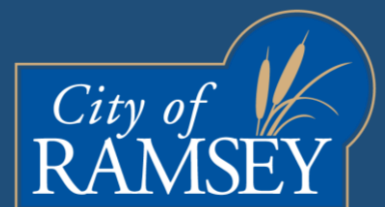
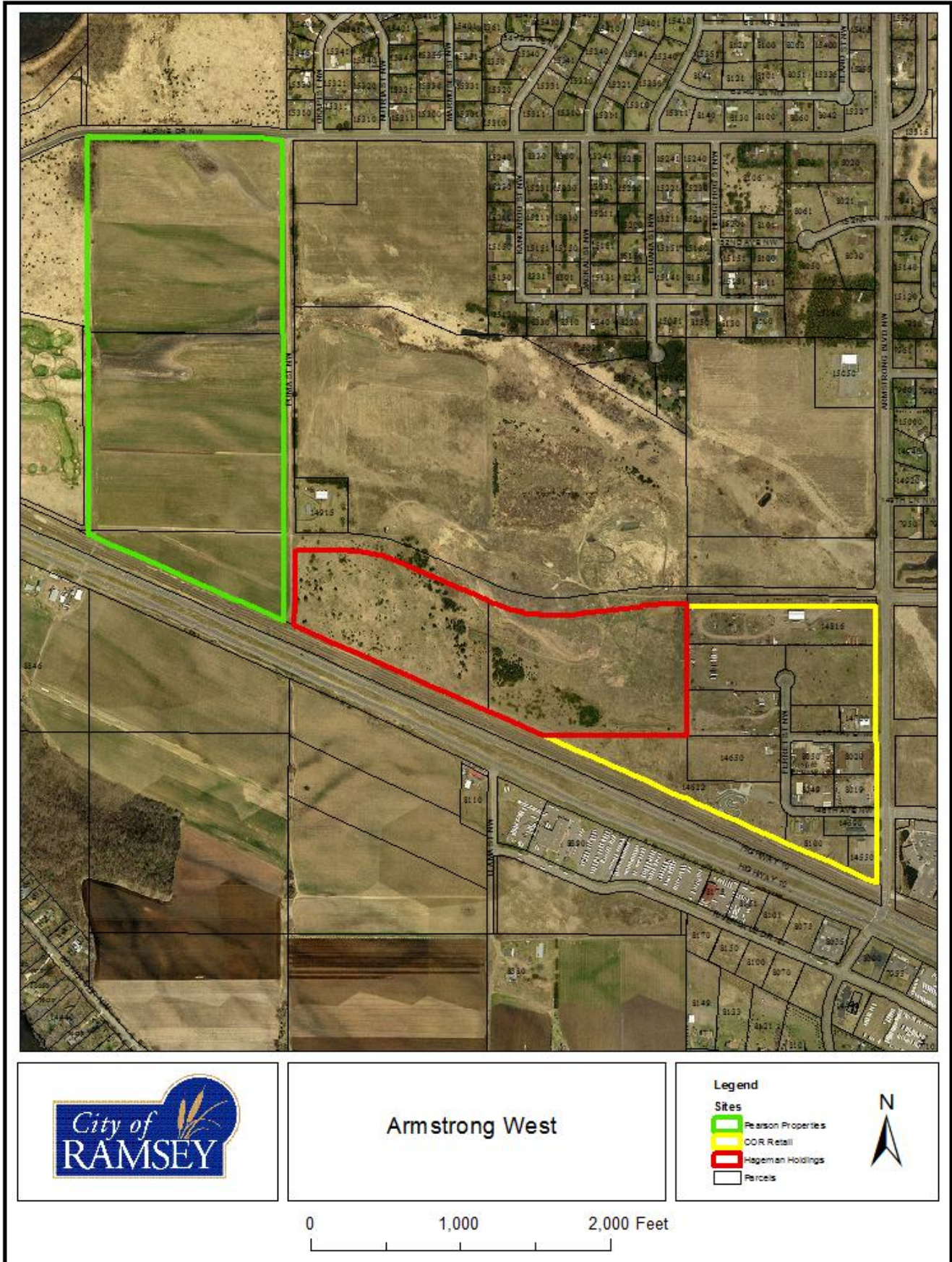


Exhibit A – Site Location Map



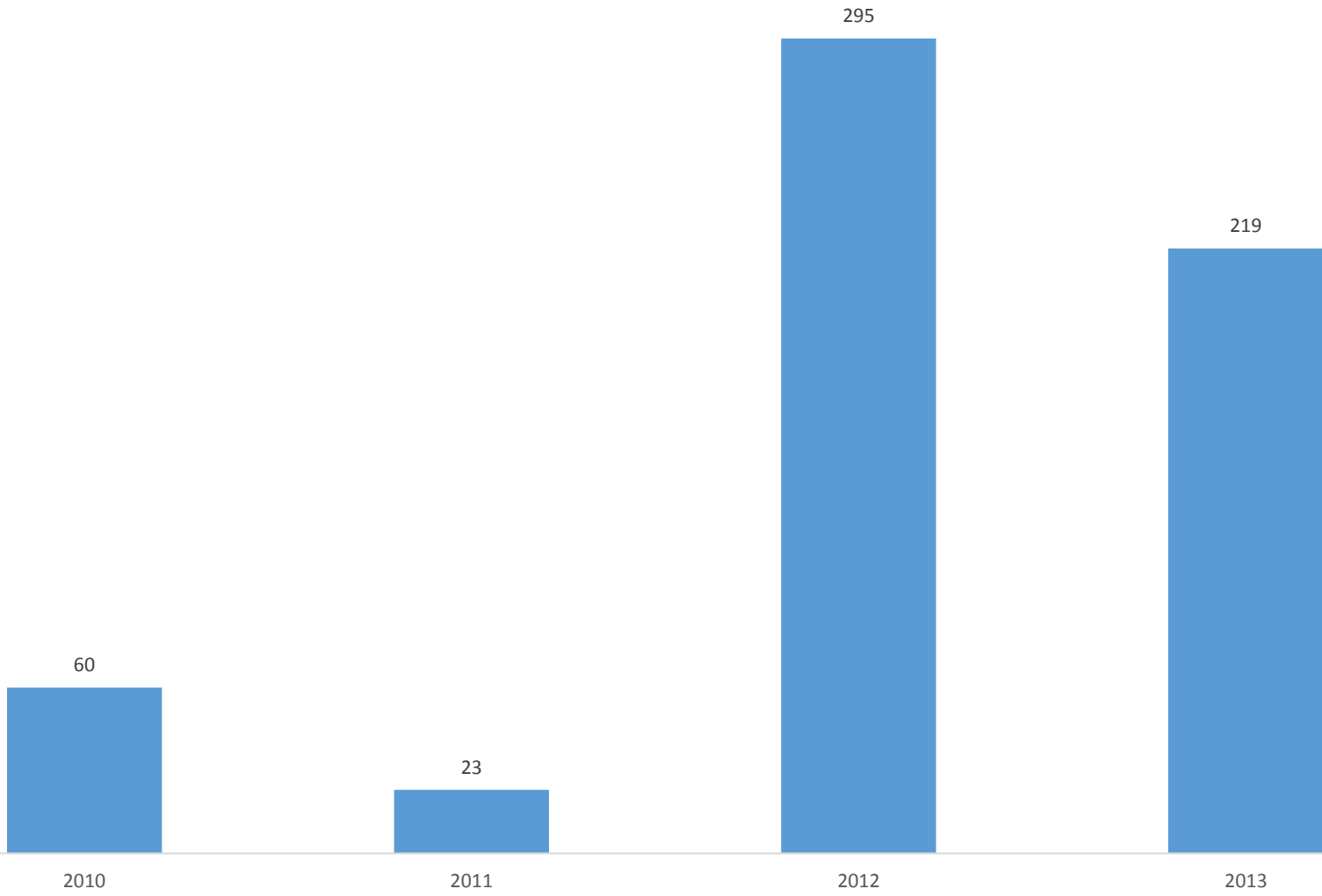
Future Business Parks

Primary: Al Pearson Farm North, Secondary: Hageman Holdings

Property Owner	Location	Willing Seller	Zoning	Size/Land Price	Distance from Utilities/Road	Benefits	Drawbacks/Potential Issues
<p>1. Al Pearson North</p>	<p>This property is a greenfield site located on the north side of U.S. Highway 10 at the intersection of Bunker Lake Boulevard and Puma Street; between the Links at Northfork golf course and the Legacy Christian Academy.</p>	<p>Yes. Mr. Pearson is a willing seller that is interested in a partnership with the City. Mr. Pearson is willing to hold the land while the City markets and works with prospects.</p>	<p>Mix of residential and retail. Mr. Pearson has indicated he would be willing to rezone his property to allow for a business park.</p>	<p>90 acres of land. \$65,000 per acre or \$1.49 per square foot.</p>	<p>Bunker Lake Boulevard is located to the edge of this site. Puma (a temporary street) is located adjacent to this site. Utilities are located 1,000 feet from this site.</p>	<ul style="list-style-type: none"> • Willing seller • Willing partner • Willing to change zoning • Utilities close by • Road close by • Large piece of land • Location <ul style="list-style-type: none"> ○ Access ○ Close to Hwy 10 ○ Far enough from Hwy 10 	<ul style="list-style-type: none"> • Uncertainty of Hageman Holdings (Bunker, Users) • Green Acres designation • Zoning change required. • Potential concerns from the Links and the neighborhood to the NE.
<p>2. Hageman Holdings</p> <p><u>Background</u> Hageman Holdings owns 171.65 acres of land west of Armstrong Boulevard. The City did approve a Plat and site plan for a new campus for Legacy Christian Academy.</p> <p>Hageman Holdings has informed the City that it is no longer actively pursuing a campus for Legacy Christian Academy at this time, but still desires to develop a similar concept with a different user.</p> <p>Hageman Holdings is not willing to sell any of their property located on the north side of Bunker Lake Boulevard now, or in the near future (i.e. 2-4 years); as they still would like to see their site developed into a school campus.</p>	<p>The proposed business park portion (45 acres) of the larger Hageman Holdings property (171 acres) is located on the north side of Highway 10 west of Armstrong Boulevard; south of Bunker Lake Boulevard only.</p> <p>This site is located just south of the proposed Legacy Christian Academy.</p>	<p>No (as of September 2013). Hageman Holdings is not interested in selling/developing or rezoning their land for a future business park now or in the next 2-4 years. At this point, they would like to maintain their original vision—a private school campus.</p>	<p>Retail.</p>	<p>45.1 acres of land. Price TBD. Estimation \$87,000-\$108,900 or \$2.00-2.50 per square foot</p>	<p>Utilities and roadway located adjacent to sight. However, per the development agreement for the Legacy Christian Academy project, any improvements to any site will trigger a mandatory expansion of Bunker Lake Boulevard the west of Armstrong Boulevard to Puma Street. This item needs to be discussed further. This would be a substantial cost (multi-million).</p>	<ul style="list-style-type: none"> • Utilities adjacent and nearly ready to go • Road adjacent • Location <ul style="list-style-type: none"> ○ Access ○ Close to Hwy 10 	<ul style="list-style-type: none"> • Selective seller • Willing seller 2-4 years (maybe) • Development agreement/requirements for Bunker Laker Boulevard--high cost. • For some businesses, too close to Hwy 10 • Relatively high cost per square foot • Zoning change required. Potential concerns from surrounding property owners. • Not a large piece of land (fair)

Households

■ Households



Preliminary Response

Metropolitan Council Preliminary 2040 Forecasts

Statement of Purpose

The purpose of this document is to provide a preliminary response to the Metropolitan Council Preliminary 2040 Forecasts.

Background

Every ten (10) years, following the completion of a U.S. Census, the Metropolitan Council updates regional plans and growth forecasts. The Regional Development Framework, also known as Thrive MSP 2040, is the comprehensive land use guide for the 7-county metropolitan area. This is the framework in which the City must develop its Comprehensive Plan from. The Comprehensive Plan is a 20-year planning document that guides future land use and development.

Assumptions

The Preliminary Forecasts for Ramsey are as follows:

Forecast Type	Year (2040)
Households	12,500
Population	28,400
Employment	7,000

General Assumptions:

- The Metropolitan Council will honor existing total capacity forecasts (Households = 15,900; Population = 42,500; Employment = 12,500)
- These are forecasted growth for planning purposes; not benchmarks in which communities must meet
- If actual growth rate appears to be exceeding forecasted amounts, the City has the ability to request a Comprehensive Plan Amendment
- If the City desires to amend the Future Land Use Map in a way that increases the total capacity of the forecasts, the City has the ability to request a Comprehensive Plan Amendment.

Two major topics will need to be addressed as it relates to future growth forecasts:

1. Transportation Capacity and Congestion
2. Water Supply Capacity

Each of these topics will be discussed in more detail below.

Preliminary Response

Based on previous policy statements and review, the City of Ramsey generally appreciates the more conservative approach to growth forecasts. This is a considerable reduction in the timing in which Ramsey is forecasted to grow.

Project Webpage

www.cityoframsey.com/comprehensiveplan

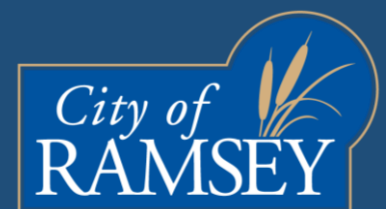
Project Contact

Tim Gladhill

Development Services Manager

763-576-4308

tgladhill@cityoframsey.com



That being acknowledged, the City believes that the Preliminary Forecasts need slight modification. Based on recent market trends, the City believes that the actual growth rate for the near future may be higher than the preliminary forecasts, but not to the level with the City's 2030 Comprehensive Plan, at least not through the year 2040.

Attached to this Preliminary Response is historical Building Permit data for the years 2011-2013. In addition, attached to this Preliminary Response is background on several Small Area Planning initiatives that the City is currently reviewing to include in the 2040 Comprehensive Plan. Please note that the City acknowledges that amendments to the Future Land Use Map for these three (3) areas will likely result in amendments in other geographic areas in order to balance household, population, and employment forecasts. These exercises are intended to better understand the locations of future household, population, and employment growth. These three (3) Small Area Plans are the first step in a multi-step process related to our overall Future Land Use Map.

The City would also like to address Population Forecasts. Most notably, the Preliminary Response appear to need a higher degree of focus on Population Forecasts and Household Size (persons per household). The same holds true for our analysis related to Employment Forecasts. As noted in the previous paragraph, background information on three (3) Small Area Plans are attached.

Major Growth Factors

In addition to a number of factors, Ramsey has identified two (2) major growth factors as it relates to this stage of review; 1) Transportation Capacity and; 2) Water Supply Capacity.

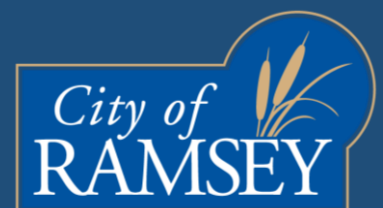
Regardless of future growth forecasts, Ramsey finds that it is important to address the regional transportation issues in Ramsey, most notably Highway 10. This system is already operating at Level of Service F. Any comment in support of reduced forecasts is not a reflection that any focus on Highway 10 and Highway 47 improvements should be lost.

For some time, Ramsey has been studying an alternative water supply (surface water from the Mississippi River) to address depleting ground water supply. This is not only a benefit to the City, but to the region. Ramsey does not believe this issue should be solved at the local level. Ramsey appreciates the Metropolitan Council's support in addressing this issue on a regional level.

Next Steps

Ramsey will be considering a public process to reach out to its residents in advance of the Official Comment Period. We appreciate this opportunity to comment early in the process and be part of the development of the forecasts.

These comments are simply preliminary. The City of Ramsey needs more time to review the assumptions and methodology to better understand the impacts to Ramsey.



Meeting Date: 11/07/2013

By: Tim Gladhill, Community Development

Information

Title:

Adopt Resolution of Comprehensive Plan Compliance for Tax Increment Finance District No. 2 Modification

Purpose/Background:

On December 31, 2013, Tax Increment Financing (TIF) District #2 will become decertified. As part of the decertification process, the final budget of the TIF Plan needs to be amended to reflect actual tax increment received. TIF District #2 was created on June 30, 1986 and was most recently modified on December 13, 2011. The District was created to capture new increment created by future development within the District. The use of said funds is outlined in the attached TIF Plan.

When a TIF District is created or modified, the Planning Commission shall review the plan or modification to determine if they are in compliance with the City's Comprehensive Plan. As noted above, the modification is exclusive to a modification to the TIF District #2 Budget. There are no planned land use changes to the TIF District.

A more detailed background of Tax Increment Financing can be found in the attached memo from the League of Minnesota Cities.

Notification:

No notification is required.

Observations/Alternatives:

Alternative #1 – Adopt resolution as presented. The proposed TIF Modification appears to be in line with the City's Comprehensive Plan as it relates to land use. This modification will allow the TIF District to decertify as originally planned, and funds collected within the district will now follow the standard property tax distribution to Anoka County, Anoka-Hennepin School District and the City of Ramsey.

Alternative #2 – Do not adopt the resolution. Staff does not recommend this alternative. Under applicable Minnesota Statutes, this District cannot be extended beyond December 31, 2013. The District has exhausted the statutory lifespan for this type of TIF District. In order to adhere to statutory reporting requirements, the TIF Plan needs to be modified in order to properly decertify.

Alternative #3 – Adopt the resolution with amendments. Staff does not see a need to amend the proposed resolution as presented.

Funding Source:

Preparation of the resolution is being handled as part of normal Staff duties.

Recommendation:

Staff recommends that the Planning Commission adopt Resolution #13-11-186 finding that a modification to the Development Program for Development District No. 1 and a modification to the Tax Increment Financing District No. 2 conform to the general plans for the development and redevelopment of the City.

Action:

Motion to adopt Resolution #13-11-186 finding that a modification to the Development Program for Development District No. 1 and a modification to the Tax Increment Financing District No. 2 conform to the general plans for the development and redevelopment of the City.

Attachments

TIF Plan Modification

League of Minnesota Cities - TIF Background

Proposed Resolution #13-11-186

Form Review

Inbox

Diana Lund

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 11/05/2013

Reviewed By

Diana Lund

Tim Gladhill

Date

11/05/2013 09:10 AM

11/05/2013 10:15 AM

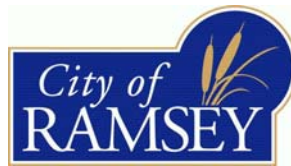
Started On: 11/05/2013 08:55 AM



Draft for Planning Commission

**Modification to The Tax Increment Financing Plan for
Tax Increment Financing District No. 2
(County No. G9 And G2)**

**a Redevelopment District Located within
Development District No. 1**



City of Ramsey
Anoka County
State of Minnesota

TIF District No. 2 Adopted: June 30, 1986
Modification No. 12 Adopted: December 13, 2011
Public Hearing on Modification No. 13: November 26, 2013



Modification prepared by: EHLERS & ASSOCIATES, INC.
3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105
651-697-8500 fax: 651-697-8555 www.ehlers-inc.com

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(for reference purposes only)

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SECTION I - MUNICIPAL ACTION TAKEN

Based upon the statutory authority described in the Development Program attached hereto, the public purpose findings by the City Council and for the purpose of fulfilling the City's development objectives as set forth in the Development Program, the City Council has created, established and designated Municipal Development District No. 1 pursuant to and in accordance with the requirements of Minnesota Statutes, Section 469.126.

The following municipal action was taken with regard to the Tax Increment Financing Districts located within Municipal Development District No. 1:

Tax Increment Financing District No. 2:

June 30, 1986: The Tax Increment Financing Increment Financing Plan for Tax Increment Financing District No. 2 was adopted by the City Council.

March 29, 1988: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to expand the boundaries of the TIF District and increase the budget.

July 31, 1990: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to increase the budget.

March 8, 1994: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to increase the budget.

December 13, 1994: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to increase the budget.

November 24, 1998: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to restate the budget.

December 14, 1999: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to restate the budget.

December 12, 2000: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to increase the budget.

March 24, 2001: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to increase the budget.

June 24, 2003: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to restate the budget.

December 9, 2008: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to restate the budget.

December 8, 2009: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified by the City Council to amend the budgets and land identified for acquisition.

December 13, 2011: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified to bring the budget into conformance with the most recent OSA requirements.

November 12, 2013: The Tax Increment Financing Plan for Tax Increment Financing District No. 2 was modified to amend the budget.

*SECTION II
TAX INCREMENT FINANCING PLAN FOR
TAX INCREMENT FINANCING DISTRICT NO. 2*

A. Statutory Authority

(AS MODIFIED DECEMBER 13, 1994)

The City created TIF District No. 2 on June 30, 1986, and modified the TIF plan , therefore, on March 24, 1988, July 31, 1990 and March 8, 1994. By this amendment, the City intends to modify the TIF plan for the TIF District in order to authorize additional tax increment expenditures within the TIF and Development Districts, pursuant to authority granted in the TIF Act, and specifically 469.175, Subd. 4, thereof.

(AS MODIFIED NOVEMBER 24, 1998)

The City hereby modifies the TIF Plan for TIF District No. 2 pursuant to the Act and Section 469.175, Subds. 3 and 4 of the TIF Act. (See also Section I.A.)

B. Statement of Objectives

(AS MODIFIED MARCH 29, 1988)

In addition to the objectives outlined in Section I, subdivision D hereof in Development District No. 1, the City seeks to achieve the following objectives through the Plan for TIF District No. 2:

1. Provide employment opportunities within the City;
2. Improve the tax base of the City and the general economy of the City and State;
3. Encourage development in an area of the City which has not been utilized to its full potential;
4. Improve street, water and sanitary sewer facilities within a portion of the City guided for industrial use;
5. Provide for soil correction and site improvements on property which is not otherwise likely to be developed; and
6. Implement relevant portions of the Comprehensive plan.

(AS MODIFIED NOVEMBER 24, 1998)

The objectives outlined in subdivision D of the Development Program are incorporated herein by reference.

(AS MODIFIED DECEMBER 13, 2011)

The purpose of this modification is to increase the budget to reflect actual increment collected to date and expected through the term of the district, restate the use of funds and to bring it into conformance with OSA requirements. The City expects to achieve the objectives of providing assistance including but not limited to the acquisition of a right-of-way easements and construction of a rail stop, acquisition of land for a

municipal parking ramp, acquisition, relocation, rehabilitation, demolition, construction, utilities, roadways, streets, sidewalks, public improvement costs, site improvement/preparation costs, and other qualifying improvements in order to continue development and redevelopment of blighted, foreclosed and underdeveloped property in the City and Development District No. 1. This document shall become a supplement to the amended TIF plans referenced in Section I.

C. Statement of Public Purpose

In amending the Development Program and adopting the Plan for TIF District No. 2, the City Council intends to make the following findings:

1. Anticipated development would not reasonably be expected to occur solely through private investment within the reasonable foreseeable future and, therefore, the use of TIF is deemed necessary;
2. The TIF plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for development of the District by private enterprise; and
3. The TIF Plan conforms to general plans for development of the City as a whole.

D. Development District Program

The City created Development District No. 1 on August 27, 1985 and hereby intends to expand the boundaries of the District and to modify the Development District Program.

(AS MODIFIED MARCH 29, 1988)

The City created Development District No. 1 on August 27, 1985, and modified the Program on June 30, 1986, and August 12, 1986. By this modification, the City hereby again intends to expand the boundaries of the District and to supplement the Development District Program.

(AS MODIFIED JULY 31, 1990)

The City created TIF District No. 2 on June 30, 1986 and modified the TIF Plan therefor on March 24, 1988. By this amendment, the City intends to modify the TIF Plan for the TIF District in order to authorize additional tax increment expenditures within the TIF and Development Districts, pursuant to authority granted in the TIF Act, and specifically Section 469.175, subd. 4 thereof.

(AS MODIFIED MARCH 8, 1994)

The City created Development District No. 1 on August 27, 1985, and modified the Program on June 30, 1986, August 12, 1986, June 9, 1987, August 11, 1987, March 29, 1988, April 26, 1988, July 26, 1988, November 14, 1989, April 24, 1990 and July 31, 1990. The City is not modifying the boundaries of the Development District at this time, but the program is being modified to update the development activities planned or authorized within the District.

(AS MODIFIED DECEMBER 13, 1994)

The City created Development District No. 1 on August 27, 1985, and modified the Program on June 30, 1986, August 12, 1986, June 9, 1987, August 11, 1987, March 29, 1988, April 26, 1988, July 26, 1988,

November 14, 1989, April 24, 1990, July 31, 1990 and March 8, 1994. Concurrent with this action, the City is expanding the boundaries of the Development District and updating the development activities planned or authorized within the District.

(AS MODIFIED NOVEMBER 24, 1998)

The City is modifying the Development Program for Development District No. 1 simultaneously with this TIF Plan modification. Actions taken with regard to TIF District No. 2 will be fully consistent with the modified Program.

E. Description of TIF District

A legal description of the properties within TIF District No. 2 is included in Exhibit C, attached hereto. A map of the approximate boundaries of TIF District No. 2 is included as Exhibit D.

(AS MODIFIED MARCH 29, 1988)

A legal description of the properties within TIF District No. 2 was attached to the Plan adopted on June 30, 1986, and is incorporated herein by reference. A description of the parcel added to TIF District no. 2 by this amendment is included as Exhibit C hereto. A map of the approximate boundaries of enlarged TIF District No. 2 is included as Exhibit D.

F. Development District Contracts

(AS MODIFIED MARCH 29, 1988)

The City has entered into a development contract for site improvement costing approximately \$80,000 in the Oxbow Addition in TIF District No. 1. The city has or will enter into a development contract with the owner of the River's Bend Plaza property regarding soil correction and site improvement work to be performed on the property by the City. The estimated cost of the site improvements is \$_____. In addition, the City has negotiated an assessment agreement with Flintwood Ventrue Company regarding the Flintwood Hills III Addition single family residential development. This work will involve approximately \$290,000 worth of streets, sanitary sewers, water lines and storm sewers. The City will also perform certain site improvement work at a cost of about \$1670,000 on the property. Other contracts regarding property within the Development District will be entered into in accordance with Section 273.75, Subd. 5 of the TIF Act and no more than 25 percent, by acreage, of the land within either TIF District will be acquired by the City with bond proceeds without having concluded an agreement for development or redevelopment of the property.

(AS MODIFIED JULY 31, 1990)

Previous development contracts related to TIF District No. 2 are as described in prior TIF Plans. No contracts have yet been executed for additional development activity authorized by this TIF Plan modification. Agreements regarding property within the Development District will be entered into in accordance with Section 469.176, Subd. 5 of the TIF Act. No more than 25 percent, by acreage, of the land within the Development District will be acquired by the City with bond proceeds without having concluded an agreement for development or redevelopment of the property.

G. Classification of TIF District

(AS MODIFIED JULY 31, 1990)

In evaluating the characteristics of TIF District No. 2 in accordance with the TIF Act, the City found that the district was a redevelopment district, pursuant to Section 469.174, subd. 10(a)(2) of the TIF Act. A list of the parcels used to meet the test for a redevelopment district was attached to the TIF Plan adopted on June 30, 1986. The City likewise found that the parcel added to TIF District No. 2 pursuant to the modification adopted March 29, 1988 met the test specified in Section 469.174, subd. 10(a)(2) of the TIF Act. The City reaffirms these findings.

H. Modification of TIF Plan

The Plan for TIF District No. 2 may be modified by the City, provided that any reduction or enlargement of the geographic area of the TIF District, increase in amount of bonded indebtedness to be incurred, including a determination to capitalize interest on the debt if that determination was not a part of the original plan, or to increase or decrease the amount of interest on the debt to be capitalized, increase in the portion of the captured assessed value to be retained by the City, increase in total estimated tax increment expenditures or designation of additional property to be acquired by the City, shall be approved upon the notice and after such discussion, public hearing and findings as required for approval of the original Plan.

I. Use of Tax Increment

Pursuant to *Minnesota Statutes, Section 273.75, Subd. 4* of the TIF Act, all revenues derived from TIF District No. 2 shall be used in accordance with the TIF Plan. The revenues shall be used to finance, or otherwise pay, the capital and administrative costs of development activities within the Development District as identified in the Development Program and TIF Plan.

(AS MODIFIED JULY 31, 1990)

Pursuant to *Minnesota Statutes, Section 469.176, Subd. 4* of the TIF Act, all revenues derived from TIF District No. 2 shall be used in accordance with the TIF Plan. The revenues shall be used to finance, or otherwise pay, the capital and administrative costs of development activities within the Development District as identified in the Development Program and TIF Plan.

J. Excess Tax Increment

(AS MODIFIED JULY 31, 1990)

Pursuant to *Minnesota Statutes, Section 469.176, Subd. 2* of the TIF Act, in any year in which the increment exceeds the amount necessary to pay the costs authorized by the TIF Plan, the City shall use the excess amount to do any of the following, in the order determined by the City:

1. Prepay the outstanding bonds;
2. Discharge the pledge of tax increment therefore;
3. Pay into an escrow account dedicated to the payment of bonds; or
4. Return the excess amount to the Anoka County Auditor who shall distribute the excess amount to the City, Anoka County and Anoka-Hennepin Independent School District No. 11 in direct proportion to their respective mill rates.

In addition, the City may choose to modify the TIF Plan in order to provide for other public improvements within the Development District.

K. Limitation of Increment

1. No increment shall be paid to the City from TIF District No. 2 after three years from the date of certification of the original assessed value of the taxable real property in the District by the county auditor unless within the three-year period (a) bonds have been issued pursuant to §469.178 of the TIF Act; or (b) the City has acquired property within TIF District No. 2; or (c) the City has constructed, or caused to be constructed, public improvements within TIF District No. 2.
2. If, after four years from the date of certification of the original assessed value of TIF District No.2, no demolition, rehabilitation, or renovation of property or other site preparation, including improvement of a street or right-of-way adjacent to a parcel, but not installation of underground utility service, including sewer or water systems, have been commenced on a parcel located within TIF District No. 2 by the City, or by the owner of the parcel in accordance with the TIF Plan, no additional increment may be taken from that parcel, and the original assessed value of that parcel shall be excluded from the original assessed value of the TIF District. If these activities subsequently commence, the City shall so certify to the county auditor, and the assessed value of the property as most recently certified by the commissioner of revenue may be added to the TIF District
3. No tax increment shall in any event be paid to the City from TIF District No. 2 after twenty-five years from the date of receipt by the City of the first increment.

L. Limitation on Administrative Expenses

(AS MODIFIED JULY 31, 1990)

Pursuant to Minnesota Statutes, Section 469.176. Subd. 3 of the TIF Act, administrative expenses are limited to 10 percent of the total tax increment expenditures. Each time the City increases the budget of TIF District No. 2, the amount of tax increment money allocated to administrative costs may be increased as long as the total of administrative expenditures does not exceed 10 percent of the total budget of the TIF District

M. Limitation on Boundary Changes

(AS MODIFIED JULY 31, 1990)

The geographic area of TIF District No. 2 may be reduced, but it cannot be enlarged after October 16, 1991, which is five years following the date of certification of the original tax capacity by the Anoka County Auditor.

(AS MODIFIED NOVEMBER 24, 1998)

The geographic area of TIF District No. 2 may be reduced, but it cannot be enlarged after October 16, 1991, which is five years following the date of certification of the original tax capacity by the Anoka County Auditor. The five-year period has now elapsed, so TIF District No. 2 may not be enlarged.

N. Relocation

Although no relocation is anticipated, the City accepts, as binding, its obligations under state law for relocation and will administer relocation services for families, individuals and businesses displaced by public action.

O. Parcels to be Acquired Within the TIF District

It is not anticipated at the present time that the City will acquire property within TIF district No. 2.

(AS MODIFIED MARCH 8, 1994)

It is not anticipated at the present time that the City will acquire property within the District, except to the extent such property is required for construction of public streets and utilities.

(AS MODIFIED NOVEMBER 24, 1998)

In addition to any prior land acquisition specified in the TIF Plan, the City may acquire any property or interest therein located within TIF District No. 2 or in the Development District as a whole, that the City determines to be necessary in order to accomplish the goals and objectives for the Development District.

(AS MODIFIED DECEMBER 14, 1999)

In addition to any land acquisition previously specified, the City intends to use proceeds from TIF District No. 1 to purchase the following parcels (approximately 149 acres):

34-32-25-21-0012	27-32-25-34-0002
34-32-25-12-0006	27-32-25-34-0001
27-32-25-34-0007	27-32-25-34-0012

(AS MODIFIED JUNE 24, 2003)

In addition to any land acquisition previously specified and to amend previously specified acquisitions included in the Amendment to the Tax Increment Financing Plan dated December 14, 1999, the City intends to use proceeds from TIF District No. 2 to purchase the following parcels:

34-32-25-21-0012	27-32-25-43-0002	34-32-25-12-0006	27-32-25-43-0011
27-32-25-34-0007	27-32-25-43-0012	35-32-25-21-0012	35-32-25-21-0023
27-32-45-43-0013	27-32-25-43-0014	27-32-25-43-0006	27-32-25-43-0005
27-32-25-43-0008	27-32-25-43-0009	27-32-25-43-0010	27-32-25-44-0014
27-32-25-44-0002	27-32-25-44-0003	27-32-25-44-0006	34-32-25-11-0022
34-32-25-11-0021	34-32-25-11-0015	34-32-25-11-0016	34-32-25-11-0008
34-32-25-11-0009	34-32-25-11-0010	34-32-25-11-0011	35-32-25-12-0004
35-32-25-22-0017	35-32-25-22-0005	35-32-25-21-0006	35-32-25-21-0007
35-32-25-21-0008	35-32-25-21-0027	35-32-25-21-0028	35-32-25-21-0029
35-32-25-21-0030			

(AS MODIFIED DECEMBER 8, 2009)

In addition to any land acquisition previously specified and to amend previously specified acquisitions included in the Amendment to the Tax Increment Financing Plan dated December 9, 2008,

the City intends to use proceeds from TIF District No. 2 to purchase the following parcels:

34-32-25-21-0012	27-32-25-43-0002	34-32-25-12-0006	27-32-25-43-0011
27-32-25-34-0007	27-32-25-43-0012	35-32-25-21-0012	35-32-25-21-0023
27-32-25-43-0013	27-32-25-43-0014	27-32-25-43-0006	27-32-25-43-0005
27-32-25-43-0008	27-32-25-43-0009	27-32-25-43-0010	27-32-25-44-0014
27-32-25-44-0002	27-32-25-44-0003	27-32-25-44-0006	34-32-25-11-0022
34-32-25-11-0021	34-32-25-11-0015	34-32-25-11-0016	34-32-25-11-0008
34-32-25-11-0009	34-32-25-11-0010	34-32-25-11-0011	35-32-25-12-0004
35-32-25-22-0017	35-32-25-22-0005	35-32-25-21-0006	35-32-25-21-0007
35-32-25-21-0008	35-32-25-21-0027	35-32-25-21-0028	35-32-25-21-0029
35-32-25-21-0030	35-32-25-22-0009	27-32-25-44-0012	35-32-25-22-0014
35-32-25-22-0010	27-32-25-34-0009	27-32-25-34-0005	30-32-25-22-0003
20-32-25-31-0001	20-32-25-34-0003	20-32-25-43-0001	20-32-25-33-0001
20-32-25-32-0001	25-32-25-43-0043	27-32-25-33-0006	30-32-25-11-0025
29-32-25-21-0001	29-32-25-12-0001	30-32-25-23-0003	30-32-25-14-0001
29-32-25-33-0001	29-32-25-32-0001	29-32-25-22-0004	

(AS MODIFIED DECEMBER 13, 2011)

In addition to any land acquisition previously specified and to amend previously specified acquisitions included in the Amendment to the Tax Increment Financing Plan dated June 24, 2003, the City intends to use proceeds from TIF District No. 2 to purchase the following parcel for the construction of a parking ramp:

28-32-25-31-0012

The City also intends to acquire a right-of-way easements from BNSF railroad for the construction of a rail stop as part of the Northstar Rail Corridor. Although this land and easements are not located within TIF District No. 2, it is located within Development District No. 1.

P. TIF Account

The tax increment received, with respect to the TIF Districts within Development District No.1, shall be segregated by the City in a special account on its official books and records or held by a trustee for the benefit of holders of bonds issued to finance development activities.

Q. Estimate of Project Costs

(AS MODIFIED DECEMBER 13, 2011)

The total estimated tax increment revenues for the District are expected to be approximately \$22,100,000, as shown in the table below:

<u>SOURCES OF FUNDS</u>	<u>TOTAL</u>
Tax Increment	\$21,300,000
<u>Interest</u>	<u>\$800,000</u>
Total	\$22,100,000

In addition to previously budgeted costs, the City expects to provide assistance including but not limited to the acquisition of a right-of-way easements and construction of a rail stop, acquisition of land for a municipal parking ramp, acquisition, relocation, rehabilitation, demolition, construction, utilities, roadways, streets, sidewalks, public improvement costs, site improvement/preparation costs, and other qualifying improvements in order to continue development and redevelopment of blighted, foreclosed and underdeveloped property in the City and Development District No. 1. The revised cumulative uses of tax increment funds is summarized in the following table:

<u>USES OF FUNDS</u>	<u>TOTAL</u>
Land/Building Acquisition	\$9,595,000
Site Improvements	\$1,500,000
Utilities	\$3,370,000
Other Qualifying Improvements	\$5,027,519
<u>Administration</u>	<u>\$980,000</u>
PROJECT COST TOTAL	\$20,472,519
<u>Interest</u>	<u>\$1,627,481</u>
PROJECT AND INTEREST COSTS TOTAL	\$22,100,000

Estimated capital and administrative costs listed above are subject to change among categories by modification of the TIF Plan without hearings and notices as required for approval of the initial TIF Plan, so long as the total capital and administrative costs combined do not exceed the total listed above. Further, the City may spend tax increments from the District for activities (described in the table above) located outside the boundaries of the District but within the boundaries of Development District No. 1, subject to all other terms and conditions of this TIF Plan.

(AS MODIFIED NOVEMBER 12, 2013)

The total estimated tax increment revenues for the District are expected to be approximately \$25,200,000, as shown in the table below:

<u>SOURCES OF FUNDS</u>	<u>TOTAL</u>
Tax Increment	\$23,200,000
Interest	\$1,000,000
<u>Land Sale Proceeds/Lease Revenue</u>	<u>\$1,000,000</u>
Total	\$25,200,000

In addition to previously budgeted costs, the City expects to provide assistance including but not limited to the acquisition of a right-of-way easements and construction of a rail stop, acquisition of land for a municipal parking ramp, acquisition, relocation, rehabilitation, demolition, construction, utilities, roadways, streets, sidewalks, public improvement costs, site improvement/preparation costs, and other qualifying improvements in order to continue development and redevelopment of blighted, foreclosed and underdeveloped property in the City and Development District No. 1. The revised cumulative uses of tax increment funds is summarized in the following table:

<u>USES OF FUNDS</u>	<u>TOTAL</u>
Land/Building Acquisition	\$9,520,000
Site Improvements	\$2,000,000
Utilities	\$3,000,000
Other Qualifying Improvements	\$8,000,000
<u>Administration</u>	<u>\$980,000</u>
PROJECT COST TOTAL	\$23,500,000
<u>Interest</u>	<u>\$1,700,000</u>
PROJECT AND INTEREST COSTS TOTAL	\$25,200,000

Estimated capital and administrative costs listed above are subject to change among categories by modification of the TIF Plan without hearings and notices as required for approval of the initial TIF Plan, so long as the total capital and administrative costs combined do not exceed the total listed above. Further, the City may spend tax increments from the District for activities (described in the table above) located outside the boundaries of the District but within the boundaries of Development District No. 1, subject to all other terms and conditions of this TIF Plan.

R. Estimate of Bonded Indebtedness

(AS MODIFIED DECEMBER 13, 2011)

The City may issue bonds (as defined in the TIF Act) secured in whole or in part with tax increments from the District in a maximum principal amount of \$20,472,519. Such bonds may be in the form of pay-as-you go notes, revenue bonds or notes, general obligation bonds, or interfund loans. This estimate of total bonded indebtedness is a cumulative statement of authority under this TIF Plan as of the date of this Modification.

S. Original Tax Capacity

(AS AMENDED NOVEMBER 24, 1998)

The Original tax capacity of all property within TIF District No. 2 is the valuation as of January 2, 1985.

The County Auditor will increase or decrease the original tax capacity of the TIF District as a result of:

1. Change in the tax exempt status of property within the TIF District;
2. Reduction or enlargement of the geographic boundaries of the TIF District;
3. Reduction of valuation by means of a court-ordered abatement, stipulation agreement, voluntary abatement made by the assessor or auditor or by order of the Minnesota Commissioner of Revenue; or
4. Change in the classification of property within the TIF District to a classification that has a different assessment ratio.

Each year the county auditor will measure the increase or decrease in the tax capacity of the TIF District. Any year in which the total tax capacity of the TIF District exceeds the adjusted original tax capacity, an increment will be payable to the City. Any year in which the tax capacity is below the adjusted original tax capacity, no tax capacity will be captured and no increment will be payable to the City.

T. Estimate of Captured Assessed Value

(AS AMENDED JUNE 24, 2003)

The City expects to collect approximately \$1,200,000 annually (including interest earnings) beginning in the collection year 2003. This projection is based on existing and current development in progress within the TIF District.

(AS MODIFIED DECEMBER 13, 2011)

Pursuant to *M.S., Section 469.174 Subd. 4 and M.S., Section 469.177, Subd. 1, 2, and 4*, the estimated Captured Net Tax Capacity (CTC) of the District, within Development District No. 1, upon completion of the project, will annually approximate tax increment revenues as shown in the table below. The City requests 100 percent of the available increase in tax capacity for repayment of its obligations and current expenditures.

Project Estimated Tax Capacity upon Completion (PTC)	\$1,838,346	
Original Estimated Net Tax Capacity (ONTC)	\$193,901	
Estimated Captured Tax Capacity (CTC)	\$1,644,445	
Original Local Tax Rate	1.10413	Pay 2011
Estimated Annual Tax Increment(CTC x Local Tax Rate)	\$1,815,681	
Percent Retained by the EDA	100%	

U. Duration of the TIF District

(AS AMENDED NOVEMBER 24, 1998)

The City reaffirms its intent, pursuant to Section 469.176, Subd. 1b(a) of the TIF Act, to collect tax increments until 25 years after the date of receipt of the first increment from TIF District No. 2. The first increment was received in July 1987; the City thus expects to receive tax increment through 2012.

V. Estimate of Impact on Other Taxing Jurisdiction

(AS AMENDED NOVEMBER 24, 1998)

The city believes that this TIF Plan modification will have no practical impact on other taxing jurisdictions. The modification does not change the boundaries of TIF District no. 2 or increase the expected captured tax capacity in the TIF District. Rather, the modification simply re-directs the use of tax increment currently being collected from the TIF District in order to promote development and redevelopment goals.

The City expects that proposed expenditures will stimulate development in various areas of the Development District, outside any TIF District. Such development will benefit all taxing jurisdictions by increasing the tax base, which increase will not be captured in a TIF District. Some additional development may be expected within existing TIF District, but any tax capacity increase is impossible to estimate at this time.

W. Annual Financial Report

Pursuant to Minnesota Statutes, Section 469.175, Subd. 6 of the TIF Act, the City must file an annual financial report regarding TIF District No. 1. The report shall be filed by July 1 of each year with the school board, the county board and the state auditor. The report to be filed by the City shall include the following information:

1. The original tax capacity of TIF District No.1;
2. The captured assessed value of TIF District No.1, including the amount of any captured assessed value shared with other taxing districts;
3. The outstanding principal amount of bonds issued or other loans incurred to finance project costs in TIF District No.1;

4. For the reporting period and for the duration of TIF District No.1, the amount budgeted under the TIF Plan and the actual amount expended for the following categories:
 - a) acquisition of land and buildings through .condemnation or purchase;
 - b) site improvement or preparation costs;
 - c) installation of public utilities or other public improvements; and
 - d) administrative costs, including the allocated cost of the City.
5. For properties sold to developers, the total cost of the property to the City and the price paid by the developer; and
6. The amount of tax exempt obligations, other than those reported under clause (3), which were issued on behalf of private entities for facilities located in TIF District No. 1.

In addition, the City will file the annual report with the Minnesota Commissioner of Revenue regarding all TIF Districts in the City, as required in 469.175, Subd. 5 of the TIF Act.

X. Notification of Prior Planned Improvements

(AS AMENDED JULY 31, 1990)

Pursuant to Section 469.177, Subdivision 4 of the TIF act, the city reviewed its records with regard to the property within TIF District No. 2 and found that no building permits were issued during the 18 months immediately preceding approval of the TIF Plan (or modification thereof) by the City.

Y. Assessment Agreements

Pursuant to Minnesota Statutes, Section 469.177, Subd. 8 of the TIF Act, the City may, execute an agreement in recordable form, with any person, which establishes a minimum market value of the land and completed improvements for the duration of TIF District No. 2. The assessment agreement shall be presented to the Anoka County Assessor who shall review the plans and specifications for the improvements to be constructed, review the market value previously assigned to the land upon which the improvements are to be constructed and, providing the minimum market value contained in the assessment agreement appears in the judgment of the assessor to be a reasonable estimate, the assessor may certify the minimum market value agreement

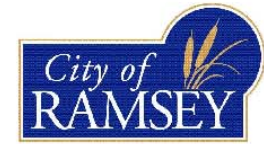
The assessment agreement shall be filed on record in the office of the Anoka County Recorder or the Registrar of Titles of Anoka County. Recording or filing of an assessment agreement complying with the terms of Minnesota Statutes, Section 469 .177, Subd. 8 of the TIF Act shall constitute notice of the agreement to any subsequent purchaser or encumbrancer of the land or any part thereof, wheter voluntary or involuntary, and shall be binding upon them.

Z. Cash Flow Assumptions and Analysis




(AS MODIFIED DECEMBER 13, 2011)

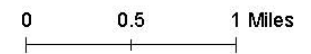
The cashflow for the TIF District No. 2 is based upon increment received to date and expected through 2012 and actual and estimated interest earnings.

EXHIBIT A
BOUNDARY MAP OF DEVELOPMENT DISTRICT NO. 1 AND
TAX INCREMENT FINANCING DISTRICT NO. 2



TIF District No. 2

-  Development District #1
-  TIF District 2
-  Parcels



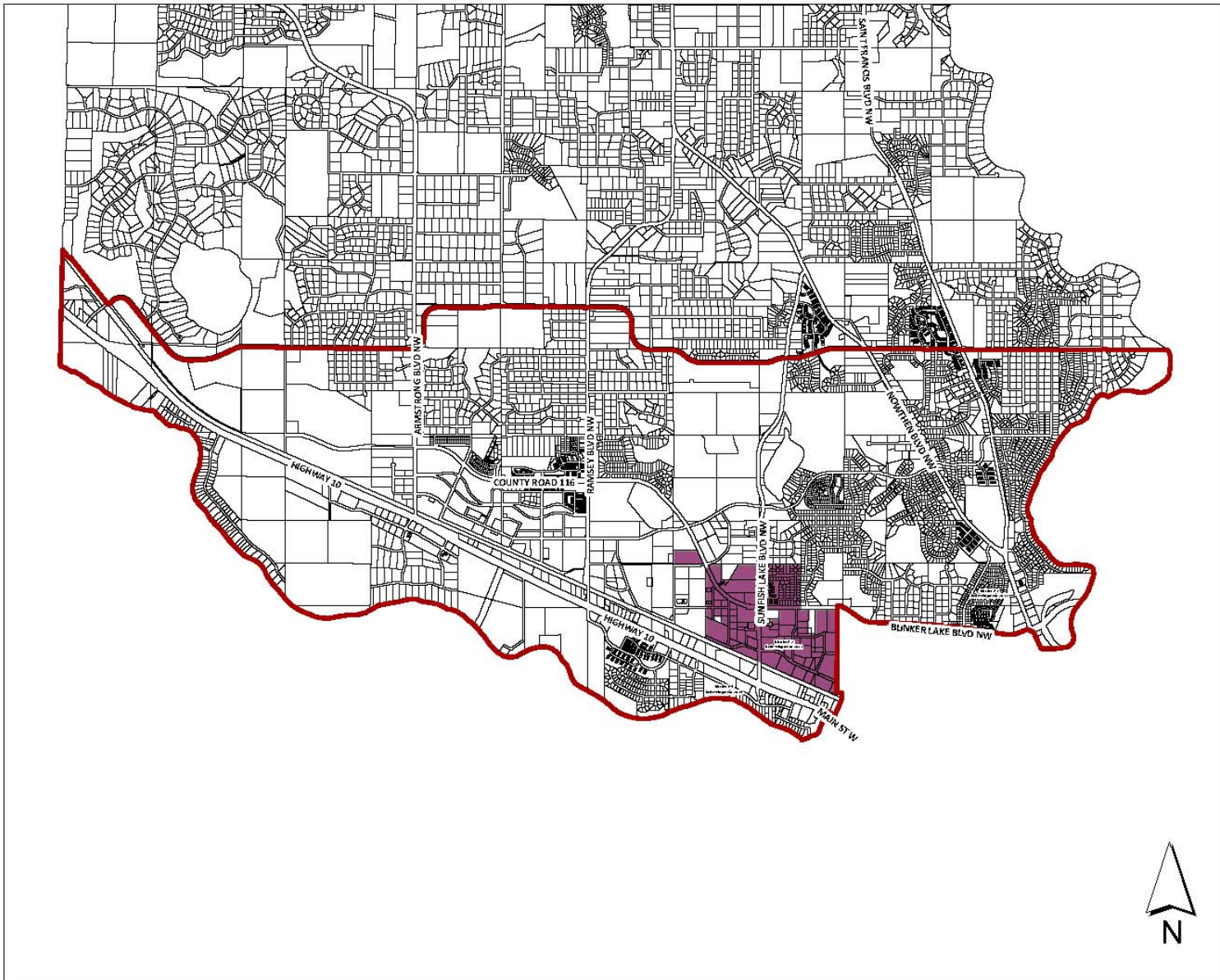
Map Prepared by the City of Ramsey
 Data Source: Anoka County, City of Ramsey
 February 23, 2009
 Lambert Conformal Conic Projection
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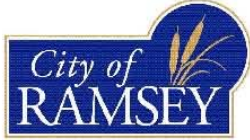
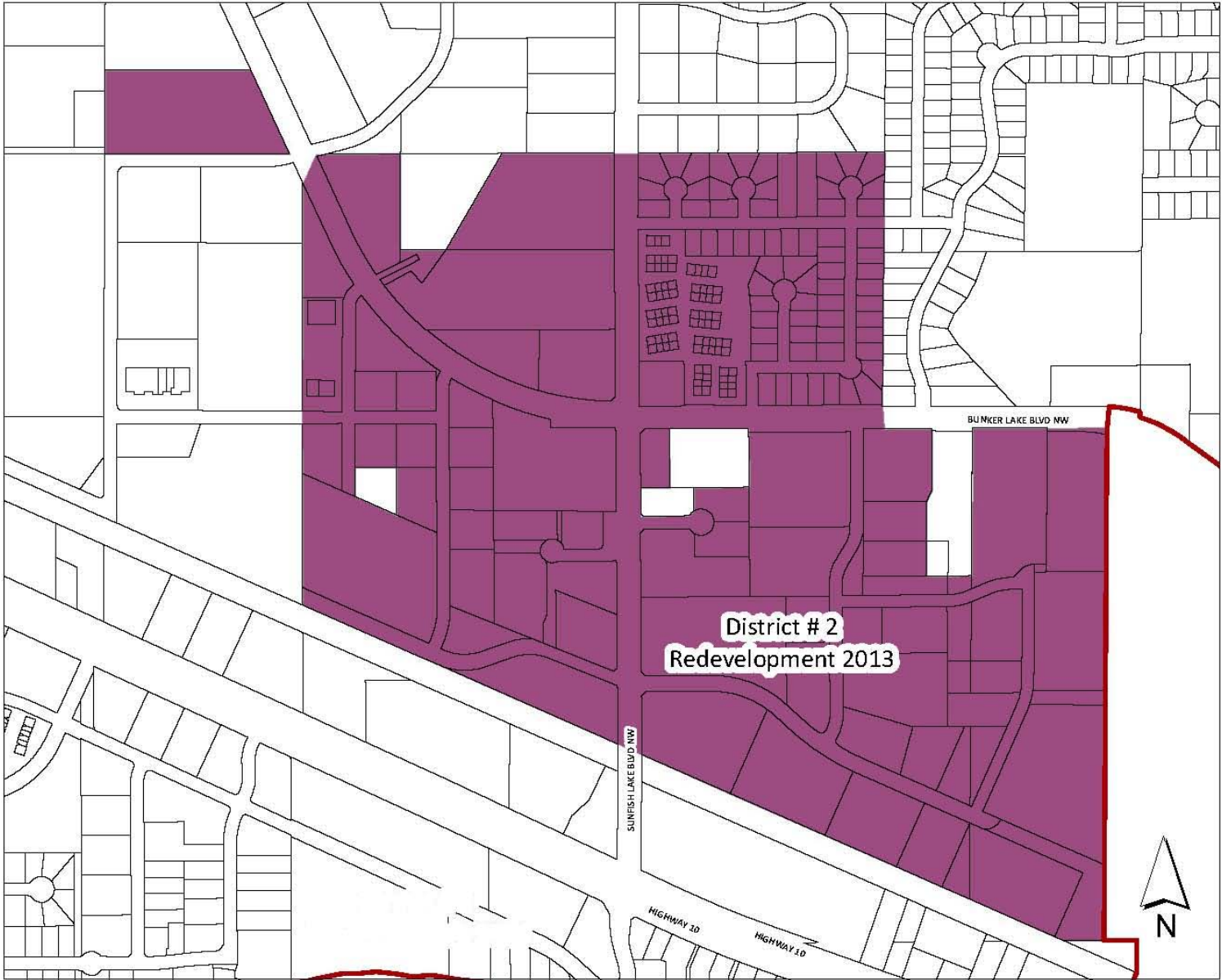


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The City does not warrant that the GIS data can be used for chain measurements of distance or direction, or for any other purpose of legal consequence. If errors or omissions do occur, the City assumes no liability.

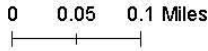
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TIF District 2

- Development District #1
- TIF District 2
- Parcels



Map Prepared by the City of Ramsey
 Data Source: Anoka County, City of Ramsey
 February 23, 2009
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C. Industrial revenue bonds

Minn. Stat. §§ 469.152 to 469.1651.

The municipal industrial development laws help cities attract new commercial and industrial development, and keep existing businesses in the city. The law authorizes the council to issue revenue bonds, and use the proceeds to acquire and construct industrial sites and facilities. The city then leases these facilities to private industry and uses the rental fee proceeds to retire the bonds.

A city may issue industrial revenue bonds, also known as municipal revenue bonds, without public referendum. It cannot pledge the full faith and credit of a community as security for these bonds. Thus, the city may not tax property owners to pay principal and interest on the bonds.

For more information, contact DEED 651.259.7114, 800.657.3858. Main Office: 1st National Bank Building 332 Minnesota Street, Suite E200 Saint Paul, MN 55101-1351.

If a city decides to investigate the use of industrial bond financing, it should contact the Department of Employment and Economic Development. The department provides the city with information, advice, and technical assistance. This assistance is important, due to the adoption of federal and state laws allocating issuance authority among the states and their political subdivisions. The commissioner of Securities must approve the project.

D. Commercial rehabilitation

Minn. Stat. § 469.184.

Cities have authority to carry out programs for the rehabilitation of small- and medium-sized commercial buildings. The city must adopt a program ordinance that provides for the adoption of program regulations, including a definition of small- and medium-sized commercial buildings. Loans under the program may be for amounts up to \$200,000. The city may finance the program through the sale of revenue bonds.

E. Tax increment financing (TIF)



Minn. Stat. §§ 469.174 to 469.1794.

Tax increment financing authority is available to most cities. Cities with housing and redevelopment authorities, economic development authorities, port authorities, redevelopment agencies, those cities administering development districts or development projects, or cities exercising port authority powers under a general or special law may use tax increment financing. Amendments to the law, however, may make the use of this development tool more complicated.

Tax increment financing is a funding technique that takes advantage of the increases in tax capacity and property taxes from development or redevelopment to pay upfront public development or redevelopment costs. The difference in the tax capacity and the tax revenues the property generates after new construction has occurred, compared with the tax capacity and tax revenues it generated before the construction, is the captured value. The taxes paid on the captured value are called “increments.” Unlike property taxes, increments are not used to pay for the general costs of cities, counties, and schools. Instead, increments go to the development authority and are used to repay public indebtedness or current costs the city incurred in acquiring the property, removing existing structures or installing public services.

Thus, the property owner in a TIF district continues to pay the full amount of property taxes. TIF involves only the increased property taxes generated within the district. It does not change the amount of property taxes currently derived from the redevelopment area, nor does it directly affect the amount or rate of general ad valorem taxes the city levies. The result of a TIF project is an increased tax base that will benefit all local taxing jurisdictions. Additionally, TIF districts usually spur economic development and redevelopment through creating job, removing blight, and providing more affordable housing.

[Minn. Stat. § 469.177, subd. 1](#)

Amendments to TIF law in 2012, address changes caused by the market value exclusion program. If the market value of a homestead property within a TIF district reduces of the homestead market value in the district, the original tax capacity of the TIF district will be reduced by the same amount. Thus, the tax increment collected by the city will remain the same. If your city has a TIF district with townhouses or condominiums, you may want to verify that valuations are properly adjusted by the county auditor.

[State v. Wicklund](#), 589 N.W.2d 793 (Minn. 1999).

TIF is used to encourage four general types of private development: redevelopment, renovation and renewal, growth in low- to moderate-income housing, and economic development. Public financing using TIF funding for a privately owned facility does not make public space in the facility a public forum for free speech purposes.

A TIF district may involve compact development. Two major conditions must be satisfied:

[Minn. Stat. § 469.174](#), [Minn. Stat. § 469.175 subd. 2a](#), [Minn. Stat. § 469.176, subd. 1b](#), [Minn. Stat. § 469.176, subd. 1i](#), [Minn. Stat. § 469.176, subd. 4c](#), [Minn. Stat § 273.13, subd. 24](#).

- Parcels consisting of 70 percent of the area of the district are occupied by buildings or similar structures that are classified as class 3a property under state law. and
- The planned redevelopment or development of the district, when completed, will increase the total square footage of buildings, classified as class 3a under state law, occupying the district by three times or more relative to the square footage of similar buildings occupying the district when the resolution is approved.

[Minn. Stat. § 469.176, subd. 7](#).

In some specific situations, a TIF authority may request inclusion in a tax increment financing district and the county auditor may certify the original tax capacity of a parcel or a part of the following property types:

- Agricultural.
- Private outdoor recreational, open space and park land.
- Rural preserve property.
- Metropolitan agricultural preserves.

The authority to establish or approve a compact development district expired on June 30, 2012.

Minn. Stat. § 469.176, subd. 4c.

TIF economic development districts must:

- Request certification of the district no later than June 30, 2012.
- Must begin construction before Jan. 1, 2012, for development of housing.

Minn. Stat. § 469.1761, subd. 2 or 3.

These districts may not be used to assist housing that is developed to qualify for owner-occupied or rental housing, or similar requirements of other law, if construction of the project begins later than July 1, 2011.

Minn. Stat. § 469.176, subd. 4m.

Cities have temporary authority to spend TIF funds to stimulate construction using economic development districts for any type of project if three conditions are met:

- The municipality funds projects that will create new jobs in the state, including construction jobs, and the project otherwise would not have begun before July 1, 2012, without assistance.
- Construction of the project begins no later than July 1, 2012.
- The request for certification is made by June 30, 2012.

Minn. Stat. § 469.176, subd. 4m (d).

For a development consisting of housing, the authority to spend tax increments expires Dec. 31, 2011, and construction must commence before July 1, 2011, except the authority to spend tax increments on market rate housing developments expires July 31, 2012, and construction must commence before Jan. 1, 2012. This temporary authority to spend the tax increment expires Dec. 31, 2012.

Minn. Stat. § 469.175, subd. 5.

The city using TIF must report annually to the county board, the county auditor, the school board, and the state auditor as to the status of the TIF district or districts and publish the report. The state auditor has established a uniform system of accounting and financial reporting for TIF districts. The city must annually submit to the state auditor a financial report in compliance with these standards.

Minn. Stat. § 469.1771, subds. 1, 2b.

The state auditor may audit TIF districts. If the state auditor notifies a TIF authority of an alleged violation, a copy of the notice is also forwarded to the county attorney. If no corrective action is brought within one year, the county attorney must notify the state auditor, who then notifies the attorney general. If the attorney general finds a substantial violation, the attorney general will petition the state tax court to suspend the authority's power to use TIF for a period of up to five years.

Minn. Stat. § 469.177, subd. 8. *Lake Superior Paper Indus. v. State*, 624 N.W.2d 254 (Minn. 2001). *Brookfield Trade Center, Inc. v. County of Ramsey*, 609 N.W.2d 868 (Minn. 1998).

The TIF agreement with the developer is a complex document. Assistance from a financial advisor and the city attorney is necessary in order to anticipate the many potential problems. An agreement can establish a minimum market value for tax increment assessment purposes, as well as provide that the developer pay a certain level of taxes regardless of any classification rate changes or levy decreases. The agreement should be entered into before the assembly and acquisition of the land on which the completed improvements are to be located.

See Minn. Stat. §§ 469.177, subds. 1b, 11, Minn. Stat. § 469.1771, subd. 1. Minn. Stat. § 469.1793. Minn. Stat. § 469.1814.

The 2001 tax reform legislation, which reduced class rates and provided for the state takeover of the general education levy, resulted in several changes to various statutes to accommodate the changes. These changes considerably reduce the continued viability of TIF in the future.

Minn. Stat. § 469.174.

The law imposes a 180-day statute of limitations on actions to challenge the creation or modification of a TIF district. The law is complex including a “but-for” finding before a city approves a TIF plan and the creation of a TIF district. Cities must follow statutory requirements including but not limited to administrative expenses, plan modifications, reporting requirements, use of increment in pre-1979 districts, excess increments, pooling, decertification, and use of funds outside the district.

Minn. Stat. § 469.175.

Before a district can be created, the law requires a detailed estimate of the impact of a proposed district on city-provided services, such as police and fire protection, public infrastructure, and borrowing costs attributable to the district, in addition to other complex estimations must be prepared.

Walser Auto Sales, Inc. v. City of Richfield, 635 N.W.2d 391 (Minn. Ct. App. 2001); *aff'd*, 644 N.W.2d 425 (Minn. 2002)

Cities should use extreme care in establishing a TIF district and should follow all procedural requirements; otherwise, a court may find the district was not properly established. In one case, a TIF district was not properly established where minimal effort was made to ensure the thorough inspection of the properties, inaccurate methodology was used to establish the condition of the buildings, and the buildings found structurally substandard were not reasonably distributed throughout the district.

Chenoweth v. City of New Brighton, 655 N.W.2d 821 (Minn. Ct. App. 2003).

In another case, a cause of action for inverse condemnation does not arise where a city’s involvement with an adjacent property owner’s development consists of establishing a TIF district, entering into a contract with a private developer specifying the size and value of structures to be built, and providing for substantial city assistance to facilitate development.

Given the complexity of the laws governing the use of TIF, cities or HRAs should not undertake this method of financing community development projects without the advice of an attorney and professional consultants.

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

RESOLUTION NO. 13-11-186

**RESOLUTION OF THE CITY OF RAMSEY PLANNING COMMISSION
FINDING THAT A MODIFICATION TO THE DEVELOPMENT PROGRAM
FOR DEVELOPMENT DISTRICT NO. 1 AND A MODIFICATON TO THE TAX
INCREMENT FINANCING PLAN FOR TAX INCREMENT FINANCING
DISTRICT NO. 2 CONFORM TO THE GENERAL PLANS FOR THE
DEVELOPMENT AND REDEVELOPMENT OF THE CITY.**

WHEREAS, the City Council for the City of Ramsey, Minnesota, (the "City") has proposed to adopt a Modification to the Development Program for Development District No. 1 (the "Development Program Modification") and a Modification to the Tax Increment Financing Plan for Tax Increment Financing District No. 2 (the "TIF Plan Modification) therefor (the Development Program Modification and the TIF Plan Modification are referred to collectively herein as the "Modifications") and has submitted the Modifications to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

WHEREAS, the Commission has reviewed the Modifications to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Modifications conform with the general plans for the development and redevelopment of the City as a whole.

Dated: November 7, 2013

Chair

ATTEST:

Secretary

Regular Planning Commission

5. 7.

Meeting Date: 11/07/2013

By: Tim Gladhill, Community Development

Information

Title:

FOR UPDATE ONLY: Staff Update

- Receive Development Update
- Acknowledge Public Process Schedule for Armstrong West (Future Business Park)

Purpose/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.

Recommendation:

Action:

For update only. No action requested.

Attachments

Development Update dated October 17, 2013

Development Summary dated October 24, 2013

Armstrong West - Future Business Park Summary

Form Review

Inbox

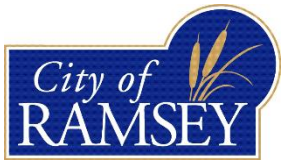
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 11/01/2013

Reviewed By

Tim Gladhill

Date

11/01/2013 11:13 AM
Started On: 11/01/2013 11:11 AM



City of Ramsey Development Update

October 17, 2013

Report Background

The following report is updated as necessary.

Molin Concrete Expansion and New Operations **[Updated]**

The City has received an application for Site Plan Review from Molin Concrete at 6820 143rd Ave NW. The site was purchased in 2008 by Molin Concrete Products Company, and has been leased for storage purposes since that time. Molin has now made the business decision to begin production on the site. The proposed expansion will add approximately 10,000 square feet to the existing 60,000 square foot facility. The Site Plan will be forwarded to the October 3, 2013 Planning Commission and the October 22, 2013 City Council for review.

The Planning Commission reviewed the request on Thursday, October 3, 2013 and recommended approval of the site plan. The City Council is tentatively scheduled to review the site plan on Tuesday, October 22.

The City received an Application for Building Permit that is now under technical review. The Building Permit will be eligible for issuance upon City Council approval of the site plan and completion of Plan Review. [Updated October 17, 2013]

Brookfield 4th Addition **[No Update]**

The City has received an application for Major Plat – Preliminary Plat Review for Brookfield 4th Addition. The Brookfield Addition is an existing subdivision adjacent to Nowthen Boulevard (CSAH 5). The proposed plat encompasses a majority of the remaining lots from the original Preliminary Plat. The proposed plat includes 77 new lots, which may be phased over a series of Final Plats, according to the Developer (Capstone Homes). The proposed Preliminary Plat is set to be reviewed by the Planning Commission on October 3, 2013 and the City Council on October 23, 2013.

The Planning Commission reviewed the request on Thursday, October 3, 2013 and recommended approval of the Preliminary Plat. The City Council is tentatively scheduled to review the Preliminary Plat on Tuesday, October 22. The Final Plat would be reviewed after that date and is anticipated for final approval by the end of the year. [Updated October 10, 2013]

Sweetbay Ridge **[Updated]**

The inventory of vacant lots currently platted (ready for Building Permit) have been substantially completed within the current phase of Sweetbay Ridge. The original Preliminary Plat indicated two (2) future phases. City Staff has been approached by a prospective buyer to plat an additional 85 lots (approximately). The potential developer is considering submitting an application this fall in order to commence construction in the spring of 2014.

Staff has been in contact with the prospective buyer, who anticipates a decision on the purchase and land use application in the near future [Updated October 17, 2013]

Noble Roman's Pizza at Northstar Marketplace **[No Update]**

Staff has received an Application for Building Permit for a tenant build-out at Northstar Marketplace (Coborn's Anchored retail center). Noble Roman's is a 'take and bake' pizza restaurant. Noble Roman's is proposed to be located next to Anytime Fitness and the newly opened 'dollar store'.

Residence at The COR *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Residence at The COR is a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center. For more information, visit www.corapts.com or call 763-208-5931.

Temporary Certificates of Occupancy have been issued for all units. However, there are a number of close out items remaining for exterior improvements. [Updated September 26, 2013]



The above photo of Residence at the COR was taken August, 2013 along Sunwood Drive looking west.

Seasons of Ramsey **[Updated: New Photos Only]**

Primary Reviewer: Tim Gladhill (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 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, 320-255-9910, or info@essenceproperties.com.

Building Permits have been issued for 46 of the 50 planned units. Construction on 147th Lane has commenced (initial grading and staking). Staff continues to complete a number of building inspections on the project.



Photo taken on October 16, 2013 on the north side of Bunker Lake Boulevard looking west.



Photo taken on October 16, 2013 from 147th Lane looking southwest.

The Developer was issued a Certificate of Occupancy for one (1), four (4) unit building on Friday, August 30, 2013. Some of those units are now occupied.

Staff anticipates a request for an addition eight (8) to ten (10) Certificates of Occupancy by the end of October. Staff has been informed that there is currently a waiting list for Phase I units (approximately 1/3 of the development). [Updated October 3, 2013]

McDonalds (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (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 Marketplace. 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 Plat (COR TWO) has been recorded.



Staff met with representatives from McDonald's USA on Wednesday, August 22, 2013. Progress continues for both parties on completion of respective obligations. The Stage I Improvements (access and utilities) is substantially complete, subject to verification of correct installation. [Updated August 22, 2013]

Northgate Performing Arts Center [Updated: New Photos Only]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (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.

Construction has officially commenced on the facility. Staff will continue to update on the progress of construction at key milestones.



Photo taken October 16, 2013 at Sunwood Drive looking north west.



Photo taken October 16, 2013 at Sunwood Drive and Peridot Street looking north east.

North Commons (COR THREE) [No Update]

Primary Reviewer: Tim Gladhill (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. Utilities have been installed for the four (4) 'park lots'.

Final details are being completed on the revised Final Plat. Consideration of approval of the Final Plat by the HRA and City Council is anticipated within 30 days. [Updated October 3, 2013]

Stoney River [Updated]

Primary Reviewer: Tim Gladhill (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.

Site work and footing foundation construction has commenced. [Updated October 17, 2013]



Artist rendering of front façade.



Photo taken October 16, 2013 from Water Tower #1 looking north.



Photo taken October 16, 2013 from Water Tower #1 looking north.

Housing Assistance Policy [Updated]

Primary Contact: Tim Gladhill (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 provided an update to the City Council on June 11, 2013, and received positive feedback on direction to continue along the current path for completion.

To date, the sub-committee has completed an initial review of demographic data, established an Interim Policy Statement, and established a framework of the proposed policy (product type priorities, minimum thresholds, and scoring/ranking matrix). The ad-hoc sub-committee met on Tuesday, June 25, 2013 and finished a draft of the Minimum Thresholds. The Minimum Thresholds are based on the Housing Chapter Goals and Implementation Strategies of the 2030 Comprehensive Plan. The final step is to complete a draft of the Scoring/Ranking Matrix. This is anticipated to be completed over two (2) to three (3) sub-committee meetings. At that point, a full draft would be reviewed by Planning Commission, EDA, and City Council.

Staff is actively completing a draft of the final piece of the draft policy and has is currently reviewing the content of the draft. That draft is anticipated to be complete within two (2) weeks. The draft will then be reviewed by the sub-

committee, forwarded to the Planning Commission in September, and then to City Council review at the end of September.

Staff has completed a draft of the scoring matrix and has had reviewed by area experts as to format and content. Staff will be forwarding a full draft for review in the near future.

Staff is placing the final edits to the preliminary draft document for consideration by the Planning Commission on November 7, 2013 and the City Council on November 26, 2013. [Updated October 17, 2013]

Cullinan Rigging [Updated: New Photos Only]

Cullinan Rigging was granted approval of a Variance and Site Plan Approval for an expansion of their existing facility at 6815 McKinley St NW. The Building Permit has been issued and construction is underway. [Updated August 29, 2013]



Photo taken on October 16, 2013 at McKinley Street and Ebony Street looking northwest.

Diamond Graphics Expansion [Updated]



Diamond Graphics was granted site plan approval for their existing facility at 14350 Azurite Street.

The City has issued the Building Permit and site preparation work has commenced. Please note: construction impacts the existing parking area for the existing facility. There will be periods of on-street parking required during the construction period. [Updated October 16, 2013]

Ramsey Office Plaza Interior Tenant Build-out *[No Update]*

The City has issued Building Permits to Ramsey Office Plaza located at 7553 Sunwood Drive for multiple tenant build-outs. The tenant build-outs include relocation of PSD, LLC offices, expansion of the 10th Judicial District Administrative Offices, and expansion of Trott Brook Financial Offices. [Updated August 29, 2013]

5300 Alpine Drive NW (Former Allina Clinic) Tenant Build-out *[No Update]*

The City has issued Building Permits for 5300 Alpine Drive for two (2) new tenants: 1) Weikel Law Firm and 2) Metro Hydro Graphics. [Updated August 29, 2013]

167th Avenue Retail Node **[Updated]**

Primary Contact: Tim Gladhill (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 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution).

Staff held 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.

The EDA discussed the topic at their July 11, 2013 Meeting and a Special Meeting on July 18, 2013 to finalize a recommendation on formulating current policies and recommendations as well as potential next steps.

A Collaborative Public Process was held on Thursday, September 26, 2013 for area residents and stakeholders. The outcome and summary of that process will be presented to the Planning Commission and Economic Development Authority in November to formalize a draft Policy Statement.

Staff will be providing an update as part of the Joint City Council Meeting with the Planning Commission and Economic Development Authority (EDA) on October 29, 2013. [Updated October 17, 2013]

Former Municipal Center Future Land Uses **[Updated]**

Primary Contact: Patrick Brama (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 was held on Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House explored options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments were available.

Staff presented preliminary findings to the City Council on Tuesday, April 23, 2013. Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project.

Staff presented a case to discuss possible next steps at the June 11, 2013 City Council Meeting. The City Council directed Staff to re-engage the surrounding public through a collaborative process utilizing a study to continue to review options for the site.

The City Council approved the development of a Study Group to begin a collaborative input process to be held at a later date, in order to continue discussions with surrounding property owners as to desired future land uses for the site. Staff will be seeking interested individuals to participate in the process in the near future. Interested names in participating in the process will be brought forward to the City Council at a later date. Staff has sent a mailing seeking individuals interested in participating in the public process later this year.

Staff will be forwarding a recommendation to proceed with the Study Group at the October 8, 2013 City Council Meeting. A preliminary date was set for October 24, 2013; however, Staff will be looking to change that day to allow for sufficient preparation time.

Staff will be providing an update as part of the Joint City Council Meeting with the Planning Commission and Economic Development Authority (EDA) on October 29, 2013. [Updated October 17, 2013]

Building Permit Update

The City has issued 1,720 permits year to date. Included in that total are 80 new single-family homes, and 66 new townhome units, 72 units of assisted living/memory care (for a total of 214 new households), and numerous commercial/industrial expansions and tenant build outs (see above).

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.



Tim Gladhill, Development Services Manager

Development Summary - City of Ramsey, Minnesota

October 22, 2013

Residence at The COR

The Residence at The COR, a 230-unit apartment building located at 7700 Sunwood Drive, has been substantially completed. All units are eligible for occupancy at this time. There are minor site improvements that need to be completed.

Seasons of Ramsey

The Seasons of Ramsey, a 50-unit rental townhome development located just North of Bunker Lake Boulevard, approximately ½ mile from the Ramsey Municipal Center is well underway. Permit for all 50 units have been issued. All 50 units are anticipated to be completed by the end of 2013, or soon thereafter.

Northgate Performing Arts Center

Northgate Church is in the process of completing a 15,000 square foot, 500-seat auditorium at 7295 Sunwood Drive NW. The project is expected to be completed by the end of 2013.

Stoney River

Originally approved in August, 2011, the First Phoenix Group broke ground on their new 72-unit Assisted Living/Memory Care Facility on September 25, 2013. The new facility is located 14401 Nowthen Boulevard at the intersection of Nowthen Boulevard and Saint Francis Boulevard, next to Lord of Life Church.

Brookfield 4th Addition

The City is currently reviewing a 77-lot single-family subdivision within the existing Brookfield Development. Brookfield is located along Nowthen Boulevard north of 167th Avenue. These lots were previously reviewed with the original Plat and are anticipated to be phased in over 2-3 years. The builder is anticipated to be Capstone Custom Homes, a Ramsey business.

Molin Concrete

The City is currently reviewing a proposal for a 10,000 square foot expansion to their existing facility located at 6820 143rd Avenue. This site was previously occupied by Oldcast Precast.

Cullinan Rigging

Cullinan Rigging, a business that relocated by building a new facility in Ramsey in 2007, is completing an 11,000 square foot expansion. Cullinan Rigging is located at 6815 McKinley Street.

Diamond Graphics

Diamond Graphics, another business that relocated to Ramsey and built a new facility in 2007, is in the process of completing a 28,000 square foot expansion. Diamond Graphics is located at 14350 Azurite Street.

Development Highlights through October 21, 2013

Total Permits Issued = 1,755

Total Inspections = 5,041

New Single Family Homes = 81

New Townhome Units = 66

New Value to Community = \$52 Million

Welcome Rick Jarson, our new Building Official!

Welcome Brad Knott, Building Inspection Intern!

Project Studies

15153 Nowthen Boulevard: Former Municipal Center/Current Fire Station #2. The City is exploring this site as a data center or single-family development (or both).

Armstrong West. The City is considering amending its Comprehensive Plan to create a new business park west of Armstrong Boulevard, north of Highway 10.

Mississippi River Corridor Critical Area. The Minnesota Legislature has directed the DNR to update land use standards along the Mississippi River. Ramsey continues to review and analyze draft standards.

Future Growth Forecasts. The Metropolitan Council has issued Household, Population, and Employment Forecasts through 2040. The City continues to review these policies and standards in preparation for our 2040 Comprehensive Plan Update.



Vision Ease

Vision Ease is in the process of completing a major investment to their existing facility by creating a 'clean room' for their optical lens manufacturing. Vision Ease is located at 7000 Sunwood Drive.

Former Grocery Store on 167th Avenue

The site of the former Supervalu grocery store recently was purchased by Java Enterprises, LLC. The new owner is currently removing a number of damaged components to the building, returning it to 'shell' condition. The new owner is actively looking for a new end-user. The site is located at 6001 167th Avenue.

McDonald's

The City's HRA continues to finalize obligations of the Real Estate Contract with McDonald's USA, LLC. Staff continues to work through closing information, with the intent for McDonald's to begin construction in spring 2014.

Noble Roman's Pizza

The City of Ramsey welcomes Noble Roman's Take and Bake Pizza, located at Northstar Marketplace (7900 Sunwood Drive).

Detailed Reports

The City prepares a detailed Weekly Update on development projects. To view the detailed version of this summary report, view the Weekly Update available at www.cityoframsey.com/agendas-minutes.

Contact Information

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Community Development
Department
7550 Sunwood Dr NW
Ramsey, MN 55303

Phone: 763-433-9820

Email: planning@cityoframsey.com

Website:
www.cityoframsey.com

Building Permit Information

Hotline: 763-433-9850

Website:
www.cityoframsey.com/permits



Project Summary

Armstrong West (Future Business Park and Retail Area) [October 29, 2013]

Background

The current review of a potential, future business is currently focused on land use components as a way for the City to facilitate future economic development. The activities are currently limited to potential Comprehensive Plan and Zoning Amendments.

In 2012, the Ramsey Economic Development Authority (EDA) and City Council identified a shortage existed in property available for development by businesses in Ramsey (outside of The COR). As a result, the Ramsey EDA and Council identified securing a future "Business Park" location as a strategic priority in early 2013.

Beginning in May 2013, the EDA began reviewing potential future Business Park locations. In August 2013, the Ramsey EDA crafted a recommendation to be considered first by the Planning Commission and subsequently the City Council. Before said case is brought before the City Council, the EDA would like to conduct and review a feasibility study. Additionally, the Planning Commission would like to conduct a public open house to gather input regarding potential future land use changes.

As part of the initial phase of looking towards a future business park, the EDA reviewed six (6) sites for consideration, narrowing these down to two (2) as part of Phase I efforts. These sites are referred to as 1) Pearson Properties of Ramsey and 2) Hageman Holdings.

Both of these areas are located in the area west of Armstrong Boulevard. The City can look at the other four (4) sites in the future. **Attached to this memo as Exhibit A is a map indicated the Study Area. Also attached to this memo is a summary sheet of the two (2) sites under review as Exhibit B, both of which require Comprehensive Plan and Zoning Amendments.**

Pearson Properties

Pearson Properties is interested in amending the Comprehensive Plan and Zoning Map as well as an interested seller.

Hageman Holdings

Although not actively marking their site, Hageman Holdings does desire to amend the Comprehensive Plan and Zoning Map for business park activities. The site is currently located within the B-2 Highway Business District, which is focused on retail activities.

Future Retail/Redevelopment Area

Additionally, the City has received a number of inquiries related to the Hi-Ten existing business park directly adjacent to Armstrong Boulevard and the two sites noted above. Although this is an existing business park, the current

Project Summary – Armstrong West (Future Business Park) (10/29/13)

Project Webpage

Coming Soon!

Project Contact – Land Use and Zoning

Tim Gladhill

Development Services Manager

763-576-4308

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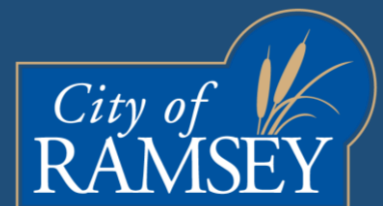
Project Contact

Patrick Brama

Assistant to the City Administrator

763-433-9903

pbrama@ci.ramsey.mn.us



Comprehensive Plan and Zoning Map indicate this area as a retail area under The COR Zoning. The City has responded to a number of inquiries regarding design requirements and build-to (setback) requirements.

It is the intent of the City to look at this area holistically to review a number of components related to the area west of Armstrong Boulevard.

Proposed Timeline:

- 09/24/13 CCWS Update
- 10/31/13 Engineering Estimations Complete
- 11/07/13 Planning Commission Review
- 11/14/13 EDA Review
- 12/2013 TBD date, Collaborative Public Process
- 01/02/14 Planning Commission Review of Collaborative Public Process; and final Recommendation
- 01/09/14 EDA Review of Collaborative Public Process; and final Recommendation
- 01/14/14 City Council receive EDA and Planning Commission Recommendations (update)
- 01/28/14 City Council take action

DRAFT

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7550 Sunwood Drive NW
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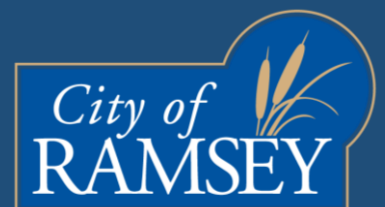
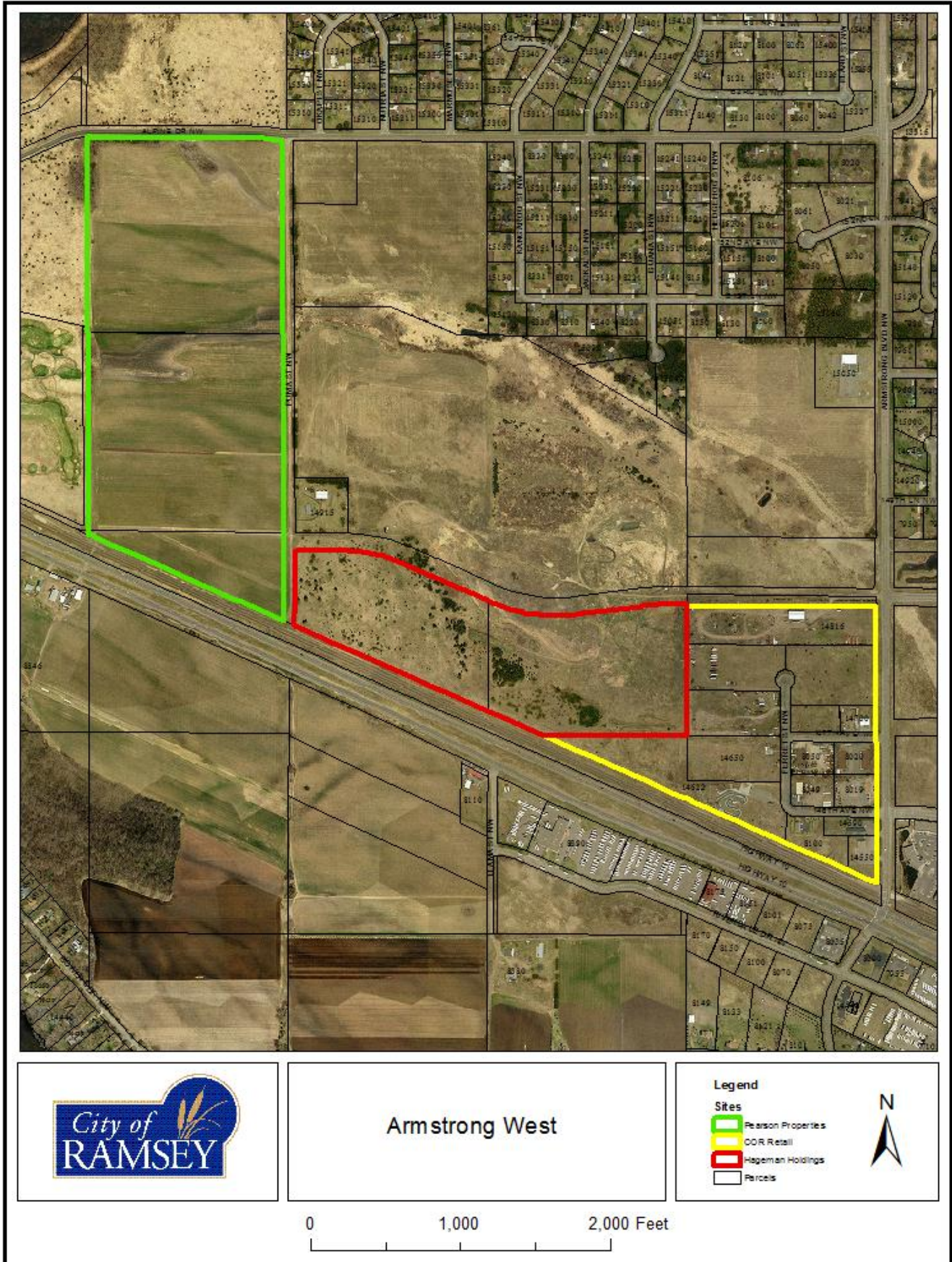


Exhibit A – Site Location Map



Future Business Parks

Primary: Al Pearson Farm North, Secondary: Hageman Holdings

Property Owner	Location	Willing Seller	Zoning	Size/Land Price	Distance from Utilities/Road	Benefits	Drawbacks/Potential Issues
<p>1. Al Pearson North</p>	<p>This property is a greenfield site located on the north side of U.S. Highway 10 at the intersection of Bunker Lake Boulevard and Puma Street; between the Links at Northfork golf course and the Legacy Christian Academy.</p>	<p>Yes. Mr. Pearson is a willing seller that is interested in a partnership with the City. Mr. Pearson is willing to hold the land while the City markets and works with prospects.</p>	<p>Mix of residential and retail. Mr. Pearson has indicated he would be willing to rezone his property to allow for a business park.</p>	<p>90 acres of land. \$65,000 per acre or \$1.49 per square foot.</p>	<p>Bunker Lake Boulevard is located to the edge of this site. Puma (a temporary street) is located adjacent to this site. Utilities are located 1,000 feet from this site.</p>	<ul style="list-style-type: none"> • Willing seller • Willing partner • Willing to change zoning • Utilities close by • Road close by • Large piece of land • Location <ul style="list-style-type: none"> ○ Access ○ Close to Hwy 10 ○ Far enough from Hwy 10 	<ul style="list-style-type: none"> • Uncertainty of Hageman Holdings (Bunker, Users) • Green Acres designation • Zoning change required. • Potential concerns from the Links and the neighborhood to the NE.
<p>2. Hageman Holdings</p> <p><u>Background</u> Hageman Holdings owns 171.65 acres of land west of Armstrong Boulevard. The City did approve a Plat and site plan for a new campus for Legacy Christian Academy.</p> <p>Hageman Holdings has informed the City that it is no longer actively pursuing a campus for Legacy Christian Academy at this time, but still desires to develop a similar concept with a different user.</p> <p>Hageman Holdings is not willing to sell any of their property located on the north side of Bunker Lake Boulevard now, or in the near future (i.e. 2-4 years); as they still would like to see their site developed into a school campus.</p>	<p>The proposed business park portion (45 acres) of the larger Hageman Holdings property (171 acres) is located on the north side of Highway 10 west of Armstrong Boulevard; south of Bunker Lake Boulevard only.</p> <p>This site is located just south of the proposed Legacy Christian Academy.</p>	<p>No (as of September 2013). Hageman Holdings is not interested in selling/developing or rezoning their land for a future business park now or in the next 2-4 years. At this point, they would like to maintain their original vision—a private school campus.</p>	<p>Retail.</p>	<p>45.1 acres of land. Price TBD. Estimation \$87,000-\$108,900 or \$2.00-2.50 per square foot</p>	<p>Utilities and roadway located adjacent to sight. However, per the development agreement for the Legacy Christian Academy project, any improvements to any site will trigger a mandatory expansion of Bunker Lake Boulevard the west of Armstrong Boulevard to Puma Street. This item needs to be discussed further. This would be a substantial cost (multi-million).</p>	<ul style="list-style-type: none"> • Utilities adjacent and nearly ready to go • Road adjacent • Location <ul style="list-style-type: none"> ○ Access ○ Close to Hwy 10 	<ul style="list-style-type: none"> • Selective seller • Willing seller 2-4 years (maybe) • Development agreement/requirements for Bunker Laker Boulevard--high cost. • For some businesses, too close to Hwy 10 • Relatively high cost per square foot • Zoning change required. Potential concerns from surrounding property owners. • Not a large piece of land (fair)

Regular Planning Commission

5. 8.

Meeting Date: 11/07/2013

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Purpose/Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

Zoning Bulletins

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 11/01/2013

Reviewed By

Tim Gladhill

Date

11/01/2013 09:47 AM

Started On: 10/29/2013 02:24 PM

Zoning Bulletin

in this issue:

Preemption—Zoning ordinance prohibits commercial banquet facilities but allows noncommercial banquet facilities	2
Scope of Review—Landowner applies to town seeking to “unmerge” lots per state statute	5
Standing—Zoning commission approves PUD that would demolish, replace existing library	7
Signs/Validity of Zoning Regulation—Business convicted of violating zoning code by placing commercial signs on public property	10
Zoning News from Around the Nation	11

Preemption—Zoning ordinance prohibits commercial banquet facilities but allows noncommercial banquet facilities

Use permit applicant says distinction is invalid

Citation: *Keener v. Rapho Tp. Zoning Hearing Bd., Lancaster County, 2013 WL 3929834 (Pa. Commw. Ct. 2013)*

CALIFORNIA (02/10/11)—This case addressed the issue of whether a zoning ordinance's distinction between commercial and noncommercial

Contributors

Corey E. Burnham-Howard

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ISSN 0514-7905

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banquet facilities bore a real or substantial relation to the health, safety, and welfare of the community, or was invalid.

The Background/Facts: James C. Keener ("Keener") owned a 130-acre active farm (the "Property") in the Agricultural Zoning District in Rapho Township (the "Township"), Lancaster County, Pennsylvania (the "County"). In March 2010, Keener sought approval of a mixed use of Property, including for: banquets; weddings; farm tours; walking and riding tours; hayrides; and use of the pond and paddle boats. Keener contended that the proposed use must be permitted under § 201.2.6 of the Township Zoning Ordinance (the "Zoning Ordinance"). Section 201.2.6 allowed "Parks and Playgrounds" by right in the Agricultural Zoning District. By definition, "Parks and Playgrounds" included a wide range of recreational activities, including "banquet and social halls" as long as they were "not operated on a commercial basis."

The Township's Zoning Hearing Board ("ZHB") found that Keener's proposed use was not a "Park or Playground" under the Zoning Ordinance because the proposed facility would not be available for use by the general public but would be operated on a commercial basis and only be available to those who paid for the use of the facilities.

Keener appealed. The Court of Common Pleas affirmed the ZHB's conclusion.

Keener again appealed. On appeal, Keener contended that by restricting the uses to those that "are not operated on a commercial basis" the Zoning Ordinance illegally restricted ownership of land used as "Parks and Playgrounds." Keener said this was because the Zoning Ordinance prohibited a "for-profit" owner from operating the same permitted use as a "non-profit" owner, without any discernible relationship to public health, safety, morals, or general welfare.

DECISION: Judgment of Court of Common Pleas reversed, and matter remanded.

The Commonwealth Court of Pennsylvania disagreed with Keener's interpretation of the Ordinance, but nonetheless concluded that it was not reasonable to find that Keener's proposed use did not meet the definition of "Parks and Playgrounds" under the Ordinance.

The court explained that in "promulgating zoning ordinances, ordinance drafters are to provide for uniform uses in respective zoning districts pursuant to Section 605 of MPC, 53 P.S. § 10605, which provides, in pertinent part, as follows: 'Where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each district, except that additional classifications may be made within any district. . . .'"

Again, here, Keener had argued that the Zoning Ordinance's prohibition on banquets "operated on a commercial basis" illegally restricted ownership of land used as "Parks and Playgrounds" because the Ordinance prohibited a "for-profit" owner from operating the same permitted use as a "non-profit" owner, without any discernible relationship to public health, safety, morals, or general welfare. Rejecting Keener's interpretation, the court found that the term "commercial" in the Zoning Ordinance was unaffected by the use of property by a for-profit or not-for-profit entity. Rather, the court found the

term “commercial” as used in the Ordinance meant an activity which is carried on as a business. Applying that meaning, the court concluded that the Zoning Ordinance did not illegally restrict land “ownership” because anyone was free to operate a banquet facility on a noncommercial basis. Contrary to Keener’s position, said the court, “commercial activity encompasses a much broader range of uses than only those conducted by profit-seeking entities.” Nonprofit entities could engage in business or commercial activity and that such activity alone does not indicate that the organization has a for-profit purpose. Therefore, held the court, the Zoning Ordinance did not, as Keener contended, unlawfully regulate land “ownership” by discriminating between for-profit and nonprofit entities.

However, the court also found that although the zoning restriction did not improperly regulate land ownership, it nevertheless purported to distinguish between two classes of the same use: a “commercial” banquet facility use and a “non-commercial” banquet facility use in the same zone. Such a restrictive zoning ordinance had to bear a rational relationship to public health, safety, morals, or general welfare of a community, said the court. Here, the court found “no evidence of record to indicate any logical basis for the commercial/non-commercial distinction” in the “Zoning Ordinance.” “A banquet facility operated by an owner who charges a fee is the same in all respects as a banquet facility operated by an owner who charges no fee. There is no perceivable difference in the operations or the impacts on the community,” found the court.

The Township had also argued that notwithstanding the commercial/noncommercial distinction, Keener’s proposed use did not meet the definition of “Parks and Playgrounds” because it would be available only to those who entered into a contract with Keener and paid a fee and not open to the “general public.” The Township reasoned that the Zoning Ordinance created a valid use distinction between those facilities open to the “general public” and those open only to those who pay for the privilege of using it. The court found that a banquet facility that charges no fee is still not, in reality, open and accessible to the indefinite public. When in use, the “public” facility would, in actuality, be unavailable to other “uninvited” members of the “general public.” Furthermore, regardless of whether a banquet facility is available to the “general public” or available only to those who enter into a contract with Keener and pay a fee, the underlying nature of the use is the same. Accordingly, the court concluded that it was not reasonable to find that Keener’s proposed use did not meet the definition of “Parks and Playgrounds” under § 112 because it was not open to the “general public.”

In sum, the court declined to recognize a commercial/noncommercial distinction as a relevant difference between banquet facilities permitted in the Township’s Agricultural Zoning District. Since the drafters of the Zoning Ordinance specifically permitted banquet facilities as a use in that Zone, the court concluded that the Zoning Ordinance must not be interpreted to exclude banquet facilities that are operated as a business, yet allow only those that are open to the “general public” free of charge, especially because there was no support in the record that such a distinction was reasonable and necessary to protect the health, safety, and welfare of the community.

The court remanded the matter to the ZHB to reevaluate Keener’s applica-

tion to operate his banquet facility use in the Agricultural Zone without regard to whether he intended to conduct it as a business and charge a fee for the use.

See also: *Ludwig v. Zoning Hearing Bd. of Earl Tp.*, 658 A.2d 836 (Pa. Commw. Ct. 1995).

See also: *Rapaport v. Zoning Hearing Bd. of City of Allentown*, 687 A.2d 29 (Pa. Commw. Ct. 1996).

Scope of Review—Landowner applies to town seeking to “unmerge” lots per state statute

Landowner contends statute’s placement of burden of proof on municipality altered the typical judicial differential standard of review in zoning cases

Citation: *Roberts v. Town of Windham*, 2013 WL 3724899 (N.H. 2013)

NEW HAMPSHIRE (07/16/13)—This case addressed the issue of whether the enactment of New Hampshire’s RSA 674:39-aa, which restores involuntarily merged lots to their premerger status and puts a burden of proof on municipalities to prove voluntary merger, altered the typical judicial deferential standard of review in zoning cases with respect to the issue of proving voluntary merger of lots.

The Background/Facts: Charles A. Roberts (“Roberts”) owned an approximately one-acre parcel of land in Windham, New Hampshire (the “Town”) (the “Property”). The Property has been identified as a single lot on the Town’s tax map since the 1960s. However, the Property originated from seven separate lots—lots 8 through 14—as recorded with the County Registry of Deeds in 1913. As of 1962, the Property was owned as it exists today, consisting of lots 8 through 14. The Property was conveyed to Roberts in 1995.

Apparently, in the 1960s, the Town administratively merged the seven lots into a single lot. The seven lots were designated as a single lot for tax purposes and given a single street address. Neither Roberts nor any previous owner in the chain of title applied to the Town to merge the lots.

In 2011, the New Hampshire legislature enacted RSA 674:39-aa. That statute provides that lots that were “involuntarily merged prior to September 18, 2010” shall be “restored to their pre-merger status” upon request of the owner, subject to certain conditions. Under the statute, “[i]nvoluntary merger” . . . mean[s] lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.” Under the statute, an owner is not entitled to such restoration if “any owner in the chain of title voluntarily merged his or her lots.” “Voluntary merger” means a merger expressly requested under RSA 674:39-a, or “any overt action or conduct that indicates

an owner regarded said lots as merged such as, but not limited to, abandoning a lot line." The statute provides that the municipality bears the burden to prove voluntary merger.

Following the statute's passage, Roberts applied to the Windham Board of Selectmen ("Selectboard") seeking to "unmerge" the lots from their single lot designation on the Town's zoning and tax maps and to create four lots consisting of: lots 8 and 9; lots 10 and 11; lot 12; and lots 13 and 14. The Selectboard held a meeting to consider the application and determined that the Town had involuntarily merged lots 12-14. The Selectboard, however, concluded that lots 8 through 11 had been voluntarily merged and, thus, denied the Roberts' request to unmerge the four lots.

Roberts appealed the decision regarding lots 8 through 11 to the Town's Zoning Board of Appeals (the "ZBA"). The ZBA affirmed the Selectboard's decision for the reasons found by the Selectboard, as well as an additional reason: that by accepting the Town's taxation of the lots as a single lot, the owners voluntarily merged the lots.

Roberts moved for a rehearing, which the ZBA denied. Roberts appealed the ZBA's decision to the superior court, which affirmed the ZBA's decision.

Roberts again appealed. On appeal, Roberts argued that the superior court applied an incorrect standard of review. Typically, a deferential standard of judicial review applies in zoning cases: "The factual findings of a zoning board are deemed prima facie lawful and reasonable, and a zoning board's decision will not be set aside by the superior court absent errors of law unless it is persuaded by the balance of probabilities, on the evidence before it, that the zoning board decision is unlawful or unreasonable." Roberts contended, however, that the enactment of RSA 674:39-aa altered the deferential standard of review in zoning cases with respect to the issue of proving the voluntary merger of lots.

DECISION: Judgment of superior court affirmed.

The Supreme Court of New Hampshire held that the enactment of RSA 674:39-aa did not alter the deferential standard of review in zoning cases with respect to the issue of proving the voluntary merger of lots.

In so holding, the court found that Robert's argument "conflated two concepts": "a party's burden of proof and an appellate tribunal's standard of review." The court explained that a burden of proof is "[a] party's duty to prove a disputed assertion or charge." On the other hand, a standard of review is "[t]he criterion by which an appellate [tribunal] . . . measures the constitutionality of a statute or the propriety of an order, finding, or judgment entered by a lower [tribunal]." The court said "that a party bears the burden of proof at trial does not dictate the standard of review applied on appeal." Here, the court found that RSA 674:39-aa expressly placed the burden of proof on the municipality to prove voluntary merger; however, the statute made no provision for an alternate standard of review. Interpreting the plain language of the statute, the court concluded that the superior court did not err in applying the usual deferential standard of review to the ZBA's decision.

The court went on to also find that the "totality of the evidence reasonably support[ed] a finding that [Robert's] predecessors voluntarily merged the lots

under RSA 674:39-aa.” Accordingly, the court held that the superior court’s decision affirming the ZBA’s decision was not unlawful or unreasonable.

See also: *Brandt Development Co. of New Hampshire, LLC v. City of Somersworth*, 162 N.H. 553, 34 A.3d 593 (2011).

See also: *Radziewicz v. Town of Hudson*, 159 N.H. 313, 982 A.2d 415 (2009).

See also: *DaimlerChrysler Corp. v. Victoria*, 153 N.H. 664, 917 A.2d 209 (2006).

Standing—Zoning commission approves PUD that would demolish, replace existing library

Association organized to protect the library appeals Commission’s approval

Citation: *D.C. Library Renaissance Project/West End Library Advisory Group v. District of Columbia Zoning Com’n*, 2013 WL 4016278 (D.C. 2013)

DISTRICT OF COLUMBIA (08/08/13)—This case addressed the issue of whether an association had constitutional standing and prudential standing to seek judicial review of a zoning commission’s approval of a PUD application.

The Background/Facts: The District of Columbia government decided to replace the library and fire station in the West End, because the facilities had become obsolete. The Office of the Deputy Mayor for Planning and Economic Development (“DMPED”) developed a plan to fund the construction of a new library and fire station through a land transfer. EastBanc-W.D.C. Partners, LLC (“EastBanc”) submitted the winning bid proposal for the project. EastBanc ultimately applied to the District of Columbia Zoning Commission (the “Commission”) for relief from certain zoning requirements as part of approval of a planned unit development (“PUD”). The proposed development included a new public library, as well as retail and residential uses.

The West End Library Advisory Group (“WELAG”) was a nonprofit association organized to protect the West End Library, which would be demolished and replaced as part of the PUD. WELAG opposed the project and participated as a party in the Commission proceedings. After the Commission approved the PUD application, WELAG unsuccessfully sought rehearing and then petitioned the court for review.

As a threshold matter, EastBanc challenged WELAG’s standing to seek judicial review of the Commission’s order.

DECISION: WELAG has standing, and judgment of Zoning Commission affirmed.

The District of Columbia Court of Appeals concluded that WELAG had both constitutional standing and prudential standing to seek judicial review of the Zoning Commission’s approval of EastBanc’s PUD application.

In so concluding, the court explained that in order to have constitutional standing, WELAG had to show: (1) it suffered an injury in fact, (2) that was fairly traceable to the challenged action, and (3) that was likely to be redressed by a favorable decision. The court noted that an organization or association “has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose, and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.”

Here, the court found that WELAG’s members had adequately alleged injury in fact. WELAG had alleged that implementation of the PUD would cause its members to lose the use and enjoyment of the current library and that the replacement library would be inadequate. Specifically, one WELAG member stated that she has used the West End Library for almost 30 years and expressed concern that the proposed replacement library would lack adequate facilities. “Such an allegation of specific and concrete interference with the use and enjoyment of a recreational or aesthetic resource suffice[d] to support a conclusion of injury in fact,” said the court.

EastBanc had argued that WELAG had failed to adequately allege injury in fact because the alleged harms were speculative and asserted “without explication.” However, the court found it was “neither speculative nor conclusory to suggest that WELAG members’ use and enjoyment of their neighborhood library would be adversely affected if that library were demolished and replaced by a new library that WELAG alleges would lack adequate facilities.”

The court also found that WELAG’s alleged injury was also traceable to the Commission’s order approving the PUD (i.e., the challenged action) because EastBanc’s plan to demolish and replace the library was contingent on that approval.

For the same reason, the court found that the alleged injury was capable of being redressed by a favorable decision of the court.

Finally, as to organizational standing, the court concluded that WELAG’s legal claims and its requested relief—remand to the Commission for further proceedings—did not require its members to participate as parties in this appeal. Thus, the court concluded that WELAG had adequately established constitutional standing.

As to prudential standing requirements, the court noted that WELAG could “not attempt to litigate generalized grievances, and [could] assert only interests that [fell] within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.”

Here, the court found that WELAG’s alleged injuries were not generalized grievances: “Demolition and replacement of the West End Library would ‘not fall indiscriminately upon every citizen,’ but rather would adversely affect only those who use the library.”

Also, the court found that WELAG also had alleged injury to an interest that was “arguably within the zone of interests to be protected or regulated by the statute . . . in question.” The court explained that “to establish standing

under the [District of Columbia Administrative Procedure Act] to challenge an agency order, the petitioner must allege . . . that the interest sought to be protected . . . is arguably within the zone of interests protected under the statute or constitutional guarantee in question . . . and . . . [there must not be a] clear legislative intent to withhold judicial review . . .” Here, WELAG had alleged that the Commission’s approval of the PUD violated three provisions: (1) by failing to properly consider the value of the land contributed by the District of Columbia, the Commission violated 11 DCMR § 2403.8 (2012); (2) by approving a plan that is inconsistent with the Comprehensive Plan, the Commission violated 11 DCMR § 2403.4; and (3) by permitting the PUD without insisting on compliance with IZ requirements, the Commission violated 11 DCMR §§ 2602.1, 2606.1 (2012). The court concluded that these provisions were part of an “integrally related zoning framework” and that the asserted interest of WELAG’s members—the loss of the use and enjoyment of the existing library as a result of the approval of the PUD—fell within the “zone of interests” of that framework.

Accordingly, the court concluded that WELAG had both constitutional and prudential standing to assert its claims.

See also: *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 112 S. Ct. 2130, 119 L. Ed. 2d 351, 34 Env’t. Rep. Cas. (BNA) 1785, 22 Env’t. L. Rep. 20913 (1992).

See also: *Friends of Tilden Park, Inc. v. District of Columbia*, 806 A.2d 1201 (D.C. 2002).

See also: *Community Credit Union Services, Inc. v. Federal Exp. Services Corp.*, 534 A.2d 331 (D.C. 1987).

See also: *D.C. Appleseed Center for Law and Justice, Inc. v. District of Columbia Dept. of Ins., Securities, and Banking*, 54 A.3d 1188 (D.C. 2012).

Case Note:

The court went on to address the merits of WELAG’s claims. The court concluded that: (1) the Commission acted reasonably in concluding that it was not required under an “adverse effects” zoning regulation to consider the value of land rights being transferred to a public contractor in determining whether to approve the PUD; (2) evidence supported the conclusion of the Commission that the PUD would not generate adequate revenue without relief from the inclusionary zoning requirements; and (3) evidence supported the Commission’s determination that approval of the PUD would not be inconsistent with the District’s comprehensive plan as a whole.

Signs/Validity of Zoning Regulation—Business convicted of violating zoning code by placing commercial signs on public property

Business seeks reversal of conviction, arguing entire zoning chapter is unconstitutional since it favors commercial speech over noncommercial speech

Citation: *People v. On Sight Mobile Opticians*, 2013 WL 3581784 (N.Y. App. Term 2013)

NEW YORK (07/08/13)—This case addressed the issue of whether the provisions of a zoning code unconstitutionally favored commercial speech over noncommercial speech.

The Background/Facts: Chapter 57A of the zoning code (the “Code”) of the Town of Brookhaven (the “Town”): barred all commercial advertising on public roads and property; barred virtually all commercial advertising aside from the premises on which the goods or services were provided (i.e., permitted “onsite” and barred “offsite” advertising) (Code § 57A-4[A]); limited the size and configuration of all signs (Code § 57A-4[A][2]); and permitted limited forms of noncommercial signage in most areas of the Town, albeit, with respect to political advertising, for only 30 days in relation to a particular campaign (Code §§ 57A-3, 57A-10[B], [C]). Chapter 57A also exempted from regulation several categories of signs, including utility signs, signs associated with government interests and traffic control, and other signs required by law (Code § 57A-3). Code violations were punishable by fines and up to 15 days of incarceration (Code § 57A-24[A]).

On Sight Mobile Opticians (“On Sight”) was charged with five different counts of placing a sign advertising its opticians’ business on public property at five locations in the Town. On Sight pleaded not guilty and asked the court to dismiss the charges. On Sight contended that Chapter 57A was unconstitutional in that, among other things, its provisions unconstitutionally favored commercial speech over noncommercial speech.

The District Court disagreed and denied On Sight’s motion. On Sight subsequently pleaded guilty for violations of the Code, but appealed the denial of its motion.

DECISION: Judgment of district court reversed.

The Supreme Court, Appellate Term, New York, Ninth and 10th Judicial Districts, held that Chapter 57A was unconstitutional because its provisions favored commercial speech over noncommercial speech.

The court explained that noncommercial speech is to be afforded “a greater degree of protection” than commercial speech. The court further explained

that a governmental body favors commercial speech over noncommercial speech when it, for example, allows greater scope to onsite commercial speech than to onsite noncommercial speech. Here, the court found that while Chapter 57A had few explicit limitations on noncommercial advertising, aside from public lands and roads, and on "political" advertising, Chapter 57A's language of limitation (e.g., "only the following signs" are "permitted" or "allowed") could only be construed as imposing broad restrictions on noncommercial speech that was not "political." Moreover, the court found that Chapter 57A permitted commercial advertising in every zoning district aside from public lands and roads, but barred noncommercial speech in most contexts in which commercial speech was allowed. The court concluded that Chapter 57A's "commercial favoritism" and "relative absence of media of expression for noncommercial speech" was unconstitutional.

Although the specific section of Chapter 57A that On Sight violated—§ 57A-11(B)—was found by the court to, in isolation, be constitutional, the court concluded that the unconstitutional portions of Chapter 57A could not be severed from the constitutional portions. The court noted that there was no severability clause, and concluded that, "[i]n light of the ubiquitous use of the language of limitation quoted above and the relative absence of media of expression for noncommercial speech, it is impossible to sever so much of [C]hapter 57A as permits 'commercial favoritism' while retaining the remainder." In other words, the court found that Chapter 57A's provisions were so closely interwoven that "removing them wholesale would render the regulatory scheme incoherent and would amount to a judicial rewriting of a legislative scheme, which the courts do not favor." Thus, Chapter 57A, in its entirety, was deemed unconstitutional. Accordingly, the court reversed the judgments convicting On Sight of violating § 57A-11(B) of the Code.

See also: *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 516, 101 S. Ct. 2882, 69 L. Ed. 2d 800, 16 Env't. Rep. Cas. (BNA) 1057, 11 Env't. L. Rep. 20600 (1981).

Zoning News from Around the Nation

MARYLAND

Frederick County commissioners have voted to change the county code to match a new state law rerouting the appeals process for development rights and responsibilities agreements. A bill approved in the Maryland General Assembly last session altered the process in Frederick County to bypass the county appeals board and send these cases straight to court. The County commissioners voted to incorporate the legislation in to local law.

Source: *The Frederick News-Post*; www.fredericknewspost.com

MASSACHUSETTS

The City of Worcester administration has "proposed limiting the siting of registered medical marijuana dispensaries to areas of the city zoned for commercial/medical, business-general, manufacturing or institutional-hospital

use.” Reportedly, the proposed zoning ordinance amendment “would allow medical marijuana dispensaries in most higher-density areas of the city, including the downtown and primary commercial/industrial corridors.” Without the zoning restrictions, medical marijuana dispensaries could locate anywhere in the city, except for within 500 feet of a school, day care center, or facility in which children commonly congregate. Municipalities in Massachusetts are not allowed to ban medical marijuana facilities.

Source: *Worcester Telegram & Gazette*; www.telegram.com

NEW JERSEY

The Florence Township Council has adopted a new ordinance that aims “to permit renewable energy facilities in appropriate locations in the township in a way that is consistent with the Florence Township Master Plan and state legislation, to facilitate development of alternative forms of energy production and to minimize potential land use conflicts and potential negative impacts associated with such facilities on surrounding properties, according to the ordinance.”

Source: www.centraljersey.com

WYOMING

Reportedly, “two bills that would push more public notices onto the Internet and reduce the frequency with which some items appear in local newspapers will be sponsored by the Joint Corporations, Elections and Political Subdivisions Interim Committee. They are expected to be filed for the 2014 legislative session, which begins Feb. 10.”

Source: *Wyoming Tribune Eagle*; www.wyomingnews.com

Zoning Bulletin

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Constitutionality of Zoning Law— Under statutory protest provision, five landowners prevent Board of County Commissioners from adopting zoning resolution

Constitutionality of protest provision and

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POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.

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ISSN 0514-7905

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delegation of legislative authority is challenged

Citation: *Williams v. Board of County Com'rs of Missoula County*, 2013 MT 243, 2013 WL 4552927 (Mont. 2013)

MONTANA (08/28/13)—This case addressed the issue of whether a state statute's protest provision, which allowed property owners representing 50% of the agricultural and forest land in a zoning district to block zoning proposals, was an unconstitutional delegation of legislative power that violated due process guarantees in federal and state constitutions.

The Background/Facts: In Montana, the establishment of local zoning districts is governed by statute. A local zoning district can be created in two different ways: (1) by citizen petition to the board of county commissioners under § 76-2-101, MCA, known as "Part 1 zoning"; or (2) directly by the board of county commissioners under § 76-2-201, MCA, referred to as "Part 2 zoning." The procedure for establishing district boundaries and adopting or revising zoning regulations, which includes notice and public hearing requirements, is set forth in § 76-2-205, MCA. Section 76-2-205(6), MCA, contained a protest provision that allowed landowners to prevent the board of county commissioners from adopting a zoning resolution when protests were received from one of the following two groups: (1) 40% of the real property owners within the district; or (2) real property owners representing 50% of property taxed for agricultural purposes or as forest land in the district. When a successful protest was received, it prevented the board of county commissioners from proposing any further zoning resolutions with respect to the subject property for one year.

In April 2010, in a case involving Part 2 zoning pursuant to § 76-2-201, MCA, the Board of County Commissioners of Missoula County (the "Commissioners") passed a resolution of intention to establish a special zoning district north of Lolo, Montana. Shortly thereafter, five landowners (the "Landowners"), who together owned more than 50% of the agricultural and forest land within the district, filed a written protest pursuant to § 76-2-205(6).

Subsequently, L. Reed Williams ("Williams") challenged the constitutionality of the protest provision—§ 76-2-205(6), MCA—by filing a complaint against the Commissioners in district court. Among other things, Williams argued that the protest provision constituted an unconstitutional delegation of legislative power.

The Commissioners agreed with Williams, but admitted that they would apply the protest provision to prevent adoption of the zoning regulations absent an order from the district court directing otherwise.

The district court agreed with Williams and the Commissioners. Find-

ing there were no material issues of fact in dispute and deciding the matter on the law alone, the district court issued summary judgment in favor of Williams and the Commissioners. Among other things, it held that the protest provision constituted an unconstitutional delegation of legislative power because it failed to provide any standards or guidelines for the application of a protest and failed to provide a legislative bypass to allow for review of a protest. Furthermore, the district court determined that the protest provision, § 76-2-205(6), MCA, was severable from the remainder of the statute.

The Landowners, who had intervened in the case, appealed.

DECISION: Judgment of district court affirmed.

The Supreme Court of Montana agreed that the protest provision, § 76-2-205(6), MCA—specifically, the provision allowing agricultural and forest landowners representing 50% of the titled agricultural or forest land within the district to block a board of county commissioners from adopting a zoning resolution and prevent another from being proposed for one year—was an unconstitutional delegation of legislative power because: (1) it provided no standards or guidelines to inform the exercise of the delegated power; and (2) it contained no legislative bypass.

In addressing the delegation of legislative power, the court explained that: “The law-making power may not be granted to an administrative body to be exercised under the guise of administrative discretion. Accordingly, in delegating powers to an administrative body with respect to the administration of statutes, the legislature must ordinarily prescribe a policy, standard, or rule for their guidance and must not vest them with an arbitrary and uncontrolled discretion with regard thereto, and a statute or ordinance which is deficient in this respect is invalid.”

Here, the court found that the protest provision provided no standards or guidelines to inform the exercise of the delegated power. The court said that without any standards or guidelines for the exercise of the delegated power, the protest provision of § 76-2-205(6), MCA allowed “a minority of landowners, or even one landowner, to strike down proposed zoning regulations without any justification or for no reason at all.” The court noted there was no requirement that the protesting landowners consider public health, safety, or the general welfare of the other residents of the district when preventing the board of county commissioners from implementing zoning regulations. As a result, agricultural and forest landowners could “exercise their unfettered power in a proper manner, or in an arbitrary and capricious manner, making zoning decisions dependent wholly on their will and whim,” said the court.

The court also found that the protest provision lacked a legislative bypass—a provision for review by a legislative body with the power to consider exceptional cases, which the court said was “essential to the

proper exercise of police power.” Without a legislative bypass provision, explained the court, “a small number of agricultural or forest landowners, or even a single landowner, would be granted absolute discretion to make the ultimate determination concerning the public’s best interests with no opportunity for review.” Here, not only did the statute lack a provision allowing a legislative body to take action notwithstanding the protest, it actually prohibited the board of county commissioners from even proposing an alternative zoning resolution for a period of one year.

Accordingly, the court concluded that the protest provision at issue represented an unconstitutional delegation of legislative power.

Having found the protest provision utilized by the Landowners was unconstitutional and thereby ineffective, the court upheld the Commissioners’ adoption of the North Lolo Rural Special Zoning District.

See also: *Bacus v. Lake County*, 138 Mont. 69, 354 P.2d 1056 (1960).

See also: *Shannon v. City of Forsyth*, 205 Mont. 111, 666 P.2d 750 (1983).

See also: *Cary v. City of Rapid City*, 1997 SD 18, 559 N.W.2d 891 (S.D. 1997).

Case Note:

The court also affirmed the district court’s conclusion that the protest provision was severable from the rest of the statute—§ 76-2-205, MCA.

Constitutionality of Zoning Ordinances—City ordinances prohibit any and all business and commercial uses

Adult entertainment business owner contends ordinances violate the First Amendment

Citation: *Peterson v. City of Florence, Minn.*, 2013 WL 4259817 (8th Cir. 2013)

The Eighth Circuit has jurisdiction over Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

EIGHTH CIRCUIT (MINNESOTA) (08/16/13)—This case ad-

ressed the issue of whether city ordinances that prohibited any and all business and commercial uses within the city violated the First Amendment to the United States Constitution.

The Background/Facts: The City of Florence (“Florence”) is located within Lyon County, Minnesota. It has a population of 39 and is approximately .2 square miles. Florence contains 16 single-family residences, a small shop used to store Florence’s equipment, an unheated metal building operating as Florence’s office, and a park.

In 2008, Florence adopted Ordinance No.2008-02, which defined three zoning classifications: (1) “R-1 Single-Family Residential District”; (2) “B-1 Business District”; and (3) “C-2 Commercial District.” The ordinance also zoned all areas within Florence as “R-1.”

In 2011, Florence adopted Ordinance No. 2011-09, which states, in relevant part, that Florence “desires to maintain [itself] solely as a residential community” due to its “limited infrastructure, staff, and resources,” which could not support business and commercial uses. Florence also enacted Ordinance No. 2011-02, which repealed the sections of Ordinance No.2008-02 that established the “B-1” and “C-2” zoning classifications.

Accordingly, Florence’s zoning ordinances prohibited any and all business and commercial uses within the city.

In December 2010, Dale Peterson opened The Juice Bar, LLC, an adult entertainment establishment, in Florence. The Juice Bar featured live, nude dancers. After opening, law enforcement cited Peterson for violations of the Ordinance.

Peterson filed suit against Florence. He alleged that Florence’s zoning scheme violated the First and 14th Amendments, namely his constitutional rights relating to the operation of his adult entertainment business.

“Freedom of speech . . . [is] protected by the First Amendment from infringement by Congress, [and is] among the fundamental personal rights and liberties which are protected by the Fourteenth Amendment from invasion by state action. . . . The First Amendment generally prevents government from proscribing speech or even expressive conduct because of disapproval of the ideas expressed.” A content-based regulation restricts speech because of its expressive content, while a content-neutral regulation is “justified without reference to the content of the regulated speech.” “A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others.” A content-based regulation must satisfy strict scrutiny, and is presumptively invalid. A content-neutral regulation is subject to intermediate scrutiny.

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 Florence. It concluded that Florence's zoning scheme was a valid content-neutral, time, place, and manner regulation.

Peterson appealed. On appeal, Peterson contended that the zoning ordinances constituted an invalid total ban on the operation of adult entertainment businesses in Florence. Alternatively, Peterson contended the zoning ordinances were content-based and thus subject to strict scrutiny, or lastly, the zoning ordinances constituted an invalid time, place, and manner regulation which failed intermediate scrutiny.

DECISION: Judgment of district court affirmed.

The United States Court of Appeals, Eighth Circuit, held that Florence's zoning scheme was a valid content-neutral, time, place, and manner regulation.

In so concluding, the court noted that by zoning the city entirely residential, Florence effectively prohibited an entire class of conduct—all commercial and business uses—not just conduct pertaining to adult entertainment. The court found that the zoning ordinances at issue did not target adult entertainment and its expressive content. Thus, contrary to Peterson's contention, the court found that the zoning ordinances did not constitute an invalid total ban on adult entertainment businesses, nor were they content-based. Rather, the court found that the zoning ordinances constituted content-neutral regulations subject to intermediate scrutiny.

The court explained that a content-neutral time, place, or manner regulation will be upheld if it is "narrowly tailored to serve a substantial governmental interest and leaves open ample alternative channels for communicating the speech." The court further explained that an ordinance is narrowly tailored if it " 'promotes a substantial interest that would be achieved less effectively absent the regulation' and the means chosen does not 'burden substantially more speech than is necessary to further' the city's content-neutral interest."

Here, the court found that Florence had articulated substantial interests, including: "to ensure public health, safety and general welfare . . . to improve the quality of the physical environment of the city; to protect and maintain property values, and to preserve and develop the economic base of the city." Further, Ordinance Nos. 2011-09 and 2011-02 stated that Florence's limited infrastructure, staff, and resources restricted its ability to accommodate commercial or business establishments. The court found that given Florence's small size and population, its desired interests would be achieved less effectively absent the regulation. Thus, any incidental burden on speech from the zoning scheme was therefore no greater than necessary to furthering the interest in keeping Florence residential. As such, the court concluded that Florence's zoning scheme was narrowly tailored to serve a substantial government interest.

Additionally, the court concluded that there existed a reasonable alternative avenue in which Peterson could operate an adult entertainment business despite the zoning ordinances: in the surrounding areas of Lyon County. The court explained that the United States Supreme Court “has left open the question whether, at least in the case of small municipalities, opportunities to engage in the restricted speech in neighboring communities may be relevant to determining the existence of adequate alternative channels.” Here, Peterson’s own expert had stated that 204.26 (or 32.22%) of the total acres zoned for commercial use in Lyon County were available for adult entertainment uses. The court found that this availability would provide Peterson with a reasonable alternative for operating an adult entertainment business in the county.

Accordingly, the court held that the zoning ordinances in question did not violate Peterson’s constitutional rights relating to the operation of his adult entertainment business.

See also: *Ward v. Rock Against Racism*, 491 U.S. 781, 109 S. Ct. 2746, 105 L. Ed. 2d 661 (1989).

See also: *Schad v. Borough of Mount Ephraim*, 452 U.S. 61, 101 S. Ct. 2176, 68 L. Ed. 2d 671, 7 Media L. Rep. (BNA) 1426 (1981).

See also: *Alexander v. City of Minneapolis*, 928 F.2d 278, 18 Media L. Rep. (BNA) 2344 (8th Cir. 1991).

Open Meetings—Neighborhood Planning Committee holds meetings in private residences and uses password-protected Web Site message board

Landowners contend planning committee violated open meetings laws, which warranted a voiding of the final neighborhood plan

Citation: *Allen v. Lakeside Neighborhood Planning Committee*, 2013 MT 237, 2013 WL 4434251 (Mont. 2013)

MONTANA (08/20/13)—This case addressed the issues of whether a neighborhood planning committee’s violation of open meetings laws warranted the voiding of the committee’s neighborhood plan and/or the

voiding of the county commissioner's adoption of the planning committee's neighborhood plan.

The Background/Facts: In March 2007, Flathead County adopted the Flathead County Growth Policy (the "Growth Policy"). Under that new Growth Policy, the Flathead County Planning Board (the "Planning Board") determined that the 1995 Lakeside Neighborhood Plan required revisions. To that end, in October 2007, the Lakeside Community Council created the Lakeside Neighborhood Planning Committee (the "LNPC") to assist with the update of the earlier plan.

For the first year of its existence, the LNPC worked on drafting a new plan or revising the old plan. The Committee held numerous meetings, most of which were held in private residences without adequate notice or invitation to the public. LNPC also created a password-protected, private Yahoo Group Web site for the exclusive use of LNPC members. Eventually, the Flathead County Attorney advised LNPC that it was subject to the "open meeting" laws and must hold public meetings in publicly-accessible places with proper notice. All LNPC meetings held after October 13, 2008, were properly noticed and held at the Lakeside Library.

In any case, in June 2009, numerous Lakeside property owners (the "Landowners") filed a lawsuit against LNPC and Flathead County. They alleged that LNPC had violated Montana's open meeting laws by conducting Plan-related meetings in private and on a "secret" Web site (i.e., a password-protected Yahoo Group Web site message board). However, in May 2010 the parties stipulated to holding the cause of action in abeyance until the Commissioners either approved or rejected the recommended Plan.

The Planning Board ultimately approved the revised Lakeside Neighborhood Plan as submitted by LNPC in September 2010 (the "Plan"). The County Commissioners adopted the Plan in December 2010.

Upon adoption of the Plan, the complaint was revived in district court and the action proceeded. The Landowners sought to have the Plan declared void as a result of the alleged open meeting law violations.

Under Montana statutory law—§ 2-3-114, MCA—"the district courts of the state have jurisdiction to set aside an agency decision . . ." Section 2-3-213, MCA, states: "Any decision made in violation of [§] 2-3-203 [i.e., the open meetings law] may be declared void by a district court having jurisdiction."

The district court agreed that LNPC was a "public or governmental body" required to "make all its meetings open to the public" under Article II, Section 9 of the Montana Constitution and § 2-3-203, MCA. And, the court found that LNPC violated the open meetings laws. However, it also concluded that voiding the Plan was not an appropriate

remedy for the offenses since the LNPC was not an “agency” as defined by the statute and therefore “ ‘procedural irregularities’ pertaining to LNPC’s early meetings were ‘not decisions by an agency’ ” that could be voided under §§ 2-3-114 and -213, MCA. Therefore, the district court held that voiding the entire Plan based upon LNPC’s early noncompliance with the open meeting laws was not an available remedy under the statutes.

The Landowners appealed.

DECISION: Judgment of district court affirmed

The Supreme Court of Montana agreed that the LNPC’s violations of the open meetings laws did not warrant voiding the Plan because the Landowners were deprived only of information generated during the early exchanges among the members of the LNPC, including discussion and ongoing analysis of possible plan revisions; they were not deprived of “hard data” that was critical to the decision making. The court emphasized the fact that following the open meetings law violations, the public was able to participate for two years of meetings and discussions before the County Commissioners finally adopted the Plan.

The Landowners had argued that the County Commissioner’s adoption of the Plan could be voided based on LNPC’s noncompliance because the County Commissioners were an “agency” under the statute. The court disagreed with the Landowners. The court noted that the Planning Board was not bound by the LNPC’s proposed Plan, but could have rejected it, just as the County Commissioners were not bound to accept the recommendations of the Planning Board.

Furthermore, while the court found that the statutes—§§ 2-3-102, -114, and -213, MCA—clearly and expressly stated that an agency decision reached in violation of the open meeting laws may be voided, the court agreed with the district court that the LNPC was not an “agency” whose decisions could be voided as a remedy under those statutes. The court explained that under § 2-3-102(1), MCA, an “agency” is defined, with certain inapplicable exceptions, as “any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules, determine contested cases, or enter into contracts” The court determined that the LNPC was not an agency but rather was an “advisory committee.” Consequently, the court concluded that while the open meeting laws applied to the LNPC’s proceedings, the statutes pertaining to the voiding of agency decisions had no application to the LNPC.

Accordingly, the court concluded that vacating the revised neighborhood plan and reinstating the entire lengthy drafting process was not an appropriate remedy.

See also: *Common Cause of Montana v. Statutory Committee to Nominate Candidates for Com’r of Political Practices*, 263 Mont. 324, 868 P.2d 604 (1994).

See also: *Bryan v. Yellowstone County Elementary School Dist. No. 2*, 2002 MT 264, 312 Mont. 257, 60 P.3d 381, 172 Ed. Law Rep. 979 (2002).

Case Note:

The case also addressed the issue of whether an electronic "meeting" of the LNPC occurred on the Yahoo Web site message board in violation of open meetings laws. Section 2-3-202, MCA, requires that "meetings" convened by electronic equipment must comply with open meeting law. Here, the Landowners argued that the LNPC violated the open meetings laws, but the district court ruled that no evidence was presented that a quorum of LNPC members could actually convene on the Yahoo Group "such that a meeting . . . would have been possible." The district court noted that during the time LNPC used the Yahoo Group, it did not have online chat capability. Additionally, the System and Network Administrator for Flathead County's Information Technology Department testified by affidavit that "it is impossible to hold a meeting on the Yahoo Work Group [because it] was not designed for this purpose and could not be used as an alternative to holding an actual meeting." The Supreme Court of Montana affirmed the district court's ruling based upon the lack of evidence that such an electronic meeting occurred in this case. However, "given the constantly evolving technology," the court also declined to state that a "meeting" could never be convened by way of a Yahoo e-mail group. The court cautioned public officers that "conducting official business via e-mail can potentially expose them to claims of violation of open meeting laws."

Zoning News from Around the Nation

CALIFORNIA

Two Los Angeles City Council members have introduced a zoning amendment proposal "that would outlaw fracking and related methods such as 'acidizing.'" The proposal has been referred to the City Council's Planning and Land Use Management Committee for review and public hearings.

Source: *Los Angeles Times*; www.latimes.com

The California State Senate has passed a bill, AB 1229, that would "ensure that local governments can require affordable housing set-asides in new developments, if they choose." Reportedly, the bill is intended

to address “uncertainty and confusion created by a 2009 appellate court ruling that the state’s rent control law, the Costa-Hawkins Act, prohibits such programs for rental housing.” The bill now awaits Governor Brown’s signature or veto.

Source: <http://sdgln.com/news>

MARYLAND

Maryland Attorney General Douglas Gansler has deemed unconstitutional a portion of Senate Bill 370, which deals with setback requirements for wind turbines. Gansler has said that the provision of the bill that requires an adjoining property owner’s consent to a variance for a wind turbine setback requirement is unconstitutional because it would give adjacent neighbors zoning authority. It is Gansler’s view that “such delegation of zoning authority to individual landowners is of doubtful constitutionality.”

Source: *Cumberland Times-News*; <http://times-news.com>

MASSACHUSETTS

The City of Worcester’s Planning Board has advanced to the City Council proposed zoning rules for siting medical marijuana dispensaries in the city. Reportedly, two board members support limiting medical marijuana dispensaries to areas zoned for business-general, manufacturing-general and institutional-hospital uses, two other board members favor expanding it to also include areas zoned for light manufacturing. The City Council can accept, amend, or reject the board’s recommendations. In Massachusetts, “[w]ithout local zoning restrictions, medical marijuana dispensaries could locate anywhere in the city, except for within 500 feet of a school, day care center or facility where children congregate.”

Source: *Worcester Telegram & Gazette*; www.telegram.com

ZONING PRACTICE

OCTOBER 2013

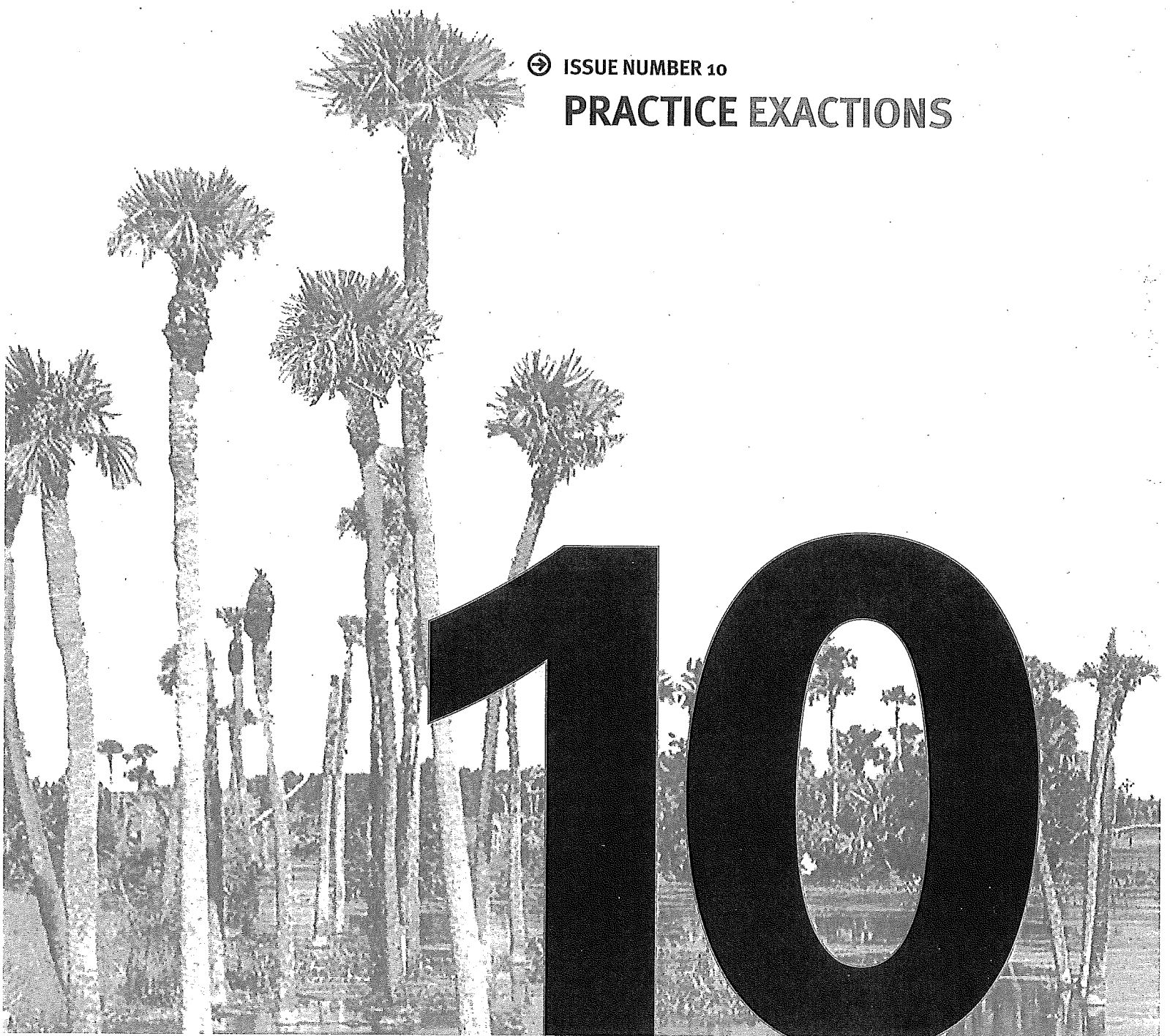


AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 10

PRACTICE EXACTIONS

A large, bold, black graphic of the number '10'. The '1' is a simple vertical bar, and the '0' is a thick, rounded ring. The number is positioned in the lower right quadrant of the cover, partially overlapping the palm tree background. The '0' contains a circular inset image showing a landscape with palm trees and a fence.



What *Koontz v. St. Johns River Water Management District* Means for Planners . . . For Now

By Tyson Smith, AICP

On June 25, 2013, the U.S. Supreme Court issued a ruling in *Koontz v. St. Johns River Water Management District*. Some will view *Koontz* as a significant case that corrects an imbalance of power between government officials and property owners negotiating discretionary exactions in zoning cases.

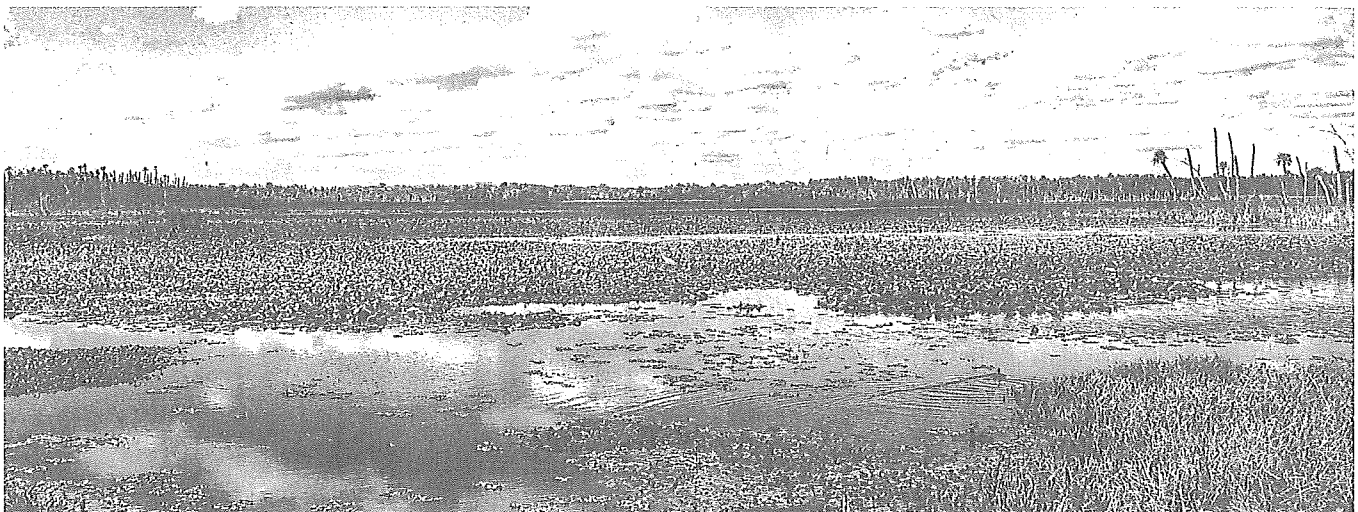
Others will say that it does not—that the distinctions the case purports to draw (between property-based and monetary exactions) are not commonly made in practice and that the protections the case suggests are needed are already in place. One thing is for sure, however: the *Koontz* decision has gotten everyone talking and it may have raised more issues than it settled. In any case, the opinions of both the majority and the dissent—it was a 5–4 decision in favor of the property owners—suggest that a reexamination of current protocol is in order for planners and local officials who find exactions and mitigation part of their daily routine.

The holdings in the case, standing alone, at first appear to clarify a long-standing disagreement among lower courts about whether the Supreme Court decisions in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994) apply to permit denials (not just approvals) and to monetary exactions (not just property exactions). The majority answered yes to both questions. However, given the facts in this case, the issues the Supreme Court sent back to the Florida courts, and the commentary and reasoning of the *Koontz* majority, a closer look at the case gives one the sense that very little may have been clarified.

The relevant underlying facts and key legal issues for the planning practitioner are set out in this article, as are several steps local governments should take to ensure compliance with *Koontz*. To understand *Koontz*, however, one must first understand *Nollan* and *Dolan*.

NOLLAN AND DOLAN

Nollan and *Dolan* involve a special application of the doctrine of “unconstitutional conditions” and of taking jurisprudence. Taken together, these two cases have become the established standard in land-use exactions and governmental negotiations. Their princi-



Richard Photography

➡ Wetlands play an important role in water quality management in Central Florida. These man-made wetlands at the Orlando Wetlands Park ensure that nitrogen and phosphorous levels from outflows remain significantly below background levels in the St. Johns River.

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of October to participate in our "Ask the Author" forum, an interactive feature of *Zoning Practice*. Tyson Smith, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The 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

Tyson Smith, AICP, is a planner and attorney at White & Smith Planning and Law. Smith has worked in or on behalf of local government since 1992. His work includes public facilities planning and funding, exactions, development and interlocal agreements, impact fees, adequate public facility programming, military planning and encroachment policies, and a host of other land-uses issues facing states, cities, and counties around the country. Smith is a partner at White & Smith and manages their office in Charleston, South Carolina.

ples of "nexus" and "proportionality" circumscribe the types and extent of public facilities and resources for which land developers are responsible based on their developments' impacts.

In *Nollan*, the U.S. Supreme Court held that, in order to withstand scrutiny under the Takings Clause of the Constitution, there must be an "essential nexus" between real property dedications required by government as a condition of development approval and the governmental objective to be achieved. In the *Nollan* case, the Court held that this nexus did not exist because the California Coastal Commission's demand for an easement running north-south along the beach was not sufficiently related to the "east-west" objective of protecting public access to (not along) the beach. It is often said that *Nollan* requires that "the nature" of the required dedication be related to the governmental objective.

Seven years later, in *Dolan*, the U.S. Supreme Court clarified that a taking also may occur if a required dedication is not related in extent, as well as in nature, to the governmental objective to be accomplished; in that case, mitigating the impacts of a proposed development on the local floodplain and bike and pedestrian paths. The *Dolan* Court overturned the governmental condition for land dedication because there was no evidence in the record that the amount of land to be dedicated was "roughly proportionate" to the extent of impact the new development would have on the public.

There were, however, a few questions *Nollan* and *Dolan* left unanswered, such as, for example, whether they apply to exactions of money and not just to dedications of real property. In addition, and perhaps more esoterically, what if a potential dedication is merely discussed between governmental officials and a property owner, but the conditional approval is never consummated, only talked about? Is there a point in discussions when the property owner can stand up from the conference room table, declare that staff's proposals violate *Nollan* and *Dolan*, and dart out to the courthouse? After all, if a proposed condition is rejected, no property (or money) is actually converted to public ownership. Most agree, nonetheless, that the principles of nexus and proportionality remain the standards by which even failed negotiations should be governed. What to do?

KOONTZ V. ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Coy Koontz Sr. purchased a 14.9-acre property in the St. Johns River Water Management District (the District), east of Orlando, Florida, in 1972. The northern 3.7 acres of the property, though classified as wetlands, were viewed as the most appropriate for development. Pursuant to state law, two District permits were required to develop the property. In order to meet state law requirements, the District required applicants to offset environmental impacts through mitigation either on-site or by "creating, or preserving wetlands elsewhere" (*Koontz* Slip Opinion p. 3).

In 1994, Koontz applied for permits to develop the 3.7-acre portion of his property and, in order to meet his mitigation requirements, he offered to give the District a conservation easement over the remaining 11.2 acres. As a counterproposal, if you will, the District proposed approval under two different scenarios:

- (a) that only one acre be developed, with the conservation easement then applying to the remaining 13.9 acres; or
- (b) that the 3.7 acres be developed as proposed (along with the proposed conservation easement for the rest) and that off-site mitigation be provided either by (1) enhancing 50 acres of off-site District wetlands or (2) an equivalent off-site alternative.

The District also invited Koontz to propose equivalent mitigation alternatives. However, believing the District's alternatives to be excessive, he instead filed suit in state court.

Based on expert testimony at trial, the state court found that the 11.2-acre easement originally proffered by Koontz sufficiently offset the development's impacts and, therefore, the alternatives proposed by the District failed to meet *Nollan*'s "essential nexus" and *Dolan*'s "rough proportionality" requirements. The intermediate appellate court affirmed, but, distinguishing *Nollan* and *Dolan* from Koontz's situation, the Florida Supreme Court reversed in favor of the District.

The Florida Supreme Court found *Nollan* and *Dolan* inapplicable because, since the District never approved Koontz's application, the mitigation never occurred and, therefore, no taking ever occurred. In addition, it distinguished the property-based dedications of *Nollan* and *Dolan* from the mitigation that required Koontz to spend money.

Since there has been a division of authority among the lower courts on exactly these points, the U.S. Supreme Court agreed to review the case. It is worth noting, of course, that within a day of the *Koontz* decision, the Supreme Court also issued headline-grabbing decisions related to affirmative action, the Voting Rights Act, adoption and the Indian Child Welfare Act, and the Defense of Marriage Act.

The *Koontz* Holding

The government's demand for property from a land-use permit applicant must satisfy the requirements of *Nollan* and *Dolan* even when the government denies the permit and even when the government's demand is for money.

Nonetheless, the reasoning that the majority lays out and the opportunity it took to comment on and to characterize land-use negotiations the way it did, are significant and undoubtedly will result in conflicting interpretations.

KOONTZ: WHAT THE U.S. SUPREME COURT HELD AND WHY

Some believe that the holdings in *Koontz*, on their face, do not necessitate a significant change of course for most planners who already use *Nollan* and *Dolan* as their guide; or, as the *Koontz* dissent put it, no evidence was presented that local officials "routinely short-circuit *Nollan* and *Dolan* to extort the surrender of real property interests having no relation to a development's costs."

Holding 1: *Nollan* and *Dolan* Apply Even in Permit Denials

The majority held that the principles of *Nollan* and *Dolan* apply regardless of "whether the government approves a permit on the condition that the applicant turn over property or denies a permit because the applicant refuses

to do so." In other words, *Nollan* and *Dolan* can be violated regardless of whether mitigation is required as a condition of final approval or is demanded and rejected, resulting in denial. In reaching its holding, the majority touched on four key areas.

Excessive conditions may not be used to withhold a governmental benefit to a person who exercises a constitutional right. Specifically, government cannot deny a land-use permit (a benefit) on the condition that an applicant makes a dedication in excess of its proportionate impact on the public facilities or resources (a constitutional right violation). The majority makes this well-settled point, it seems, to demonstrate the potential for government to "coerce" property owners to dedicate more property or contribute more mitigation than their impacts require by threatening to withhold approval.

The government's authority to deny approval outright is not a basis for exacting an excessive demand. The majority goes on to say that the government's authority to withhold approval does not mean it may do so simply because "someone refuses to give up constitutional rights" (i.e., the right to have mitigation limited only to the development's proportionate impact). Conversely, it would follow that approval may be lawfully withheld if an applicant refuses to make a dedication that does meet nexus and proportionality requirements. The question on this point and the preceding point, for the planner, will turn out to be whether the exaction does, in fact, comply with *Nollan* and *Dolan*. More on this below.

The Takings Clause may be violated even where there is no taking. "Extortionate demands for property in the land-use permitting context run afoul of the Takings Clause not because they take property but because they impermissibly burden the right not to have property taken without just compensation," the majority writes. It goes on to conclude that "[w]here the permit is denied and the condition is never imposed, nothing has been taken."

The idea that the Takings Clause can be violated without there being a taking was a point of disagreement among the lower courts (and land-use attorneys) since *Dolan* was decided, which usually boils down to the question of the appropriate remedy if a demand for mitigation is rejected and, there-

fore, the transfer of land (or money) to the government never occurs.

The majority concluded that if *Nollan* and *Dolan* are violated, but no property is taken, just compensation is not available as a remedy. The dissent suggests that the appropriate remedy in this circumstance would be removal of the unconstitutional condition and recovery of any damages available under state law. The majority leaves this question to the Florida courts to resolve on remand.

Mitigation alternatives complying with Nollan and Dolan preclude a taking. As noted, the District offered several mitigation alternatives to Koontz and invited him to propose others. This raised the question of whether a taking can be found if alternatives determined to be constitutional under *Nollan* and *Dolan* are among those rejected by an applicant. The *Koontz* opinion is clear on the point: "so long as a permitting authority offers the landowner at least one alternative that would satisfy *Nollan* and *Dolan*, the landowner has not been subjected to an unconstitutional condition."

Holding 2: *Nollan* and *Dolan* Apply Even if the Demand Is for Money

The District argued that an obligation to spend money does not amount to a taking. The majority disagreed and held that where there is a "direct link between the government's demand and a specific parcel of real property" the monetary exaction is sufficiently land-based to trigger the *Nollan/Dolan* analysis. The dissent, conversely, viewed the District's off-site mitigation option as simply imposing "an obligation to perform an act (the improvement of wetlands) that costs money."

In sum, the Court's majority concluded *Nollan* and *Dolan* would apply to the monetary exaction in *Koontz* because the off-site mitigation Koontz could have paid for "several miles away" was sufficiently related to the property proposed for actual development.

On Remand

Beyond the holdings themselves, the majority leaves to the Florida courts a number of key points to resolve, including:

1. whether the manner in which the case was brought precludes adjudication of the unconstitutional conditions claim;
2. what damages, if any, are appropriate in the case;

3. whether the “demand” by the District was sufficiently concrete to trigger a *Nollan/Dolan* claim; and
4. whether the District did, in fact, comply with the requirements of *Nollan* and *Dolan*.

THE SCOPE OF THE KOONTZ DECISION

A concern of the dissent and of commentators following the decision is how far the *Koontz* decision extends in the realm of land-use exactions. For example, a key disagreement among lower courts has been whether to apply *Dolan* to legislatively adopted, generally applicable mitigation of impacts, like impact fees. Though it purports to limit the extent of its holdings, the majority does not address directly the distinction between ad hoc exactions and legislatively adopted regulatory fees or mitigation, despite numerous conflicting lower court opinions on this particular issue.

The majority felt that its holdings would be sufficiently limited by settled law and, otherwise, would not have the dramatic impact on planning that the dissent predicts. The majority, for example, references “in-lieu” fees as

Insisting that landowners internalize the negative externalities of their conduct is a hallmark of responsible land use policy, and we have long sustained such regulations against constitutional attack.

—Justice Alito, writing for the majority

the types of exactions that *should* be subject to *Nollan* and *Dolan*, noting their “functional equivalent to other types of land use exactions.” It then goes on to say that its holdings do not affect “property taxes, user fees, and similar laws and regulations,” but gives little idea of what it would include in those categories in the land-use context.

By distinguishing “user fees” and “laws and regulations” it may be that the Court would not apply *Nollan* and *Dolan* to impact fees and other “legislatively imposed” mitigation. On the other hand, the majority cites cases that applied, “or something like it,” in dealing with impact fees and subdivision exactions to suggest, it would appear, that doing so will not create “significant practical harm.”

In short, it is unclear whether the parameters the majority intended to draw dis-

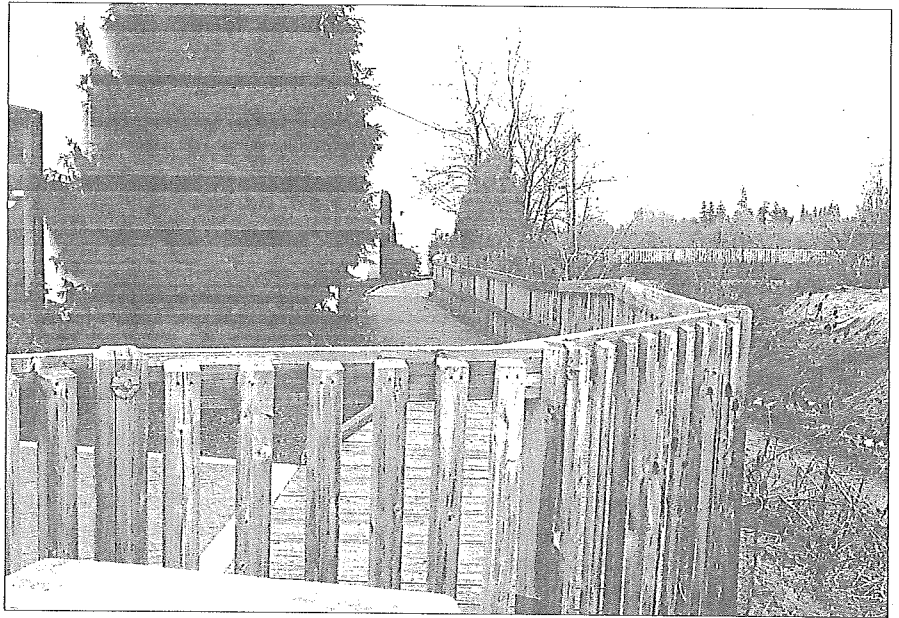
tinguish ad hoc exactions like those in *Koontz* from other legislatively imposed mitigation tools, like impact fees, mitigation fees, or inclusionary housing requirements. As the dissent put it: “Maybe today’s majority accepts that distinction; or then again, maybe not.”

WHAT ARE PLANNERS (AND THEIR ATTORNEYS) TO DO?

The extent to which the *Koontz* opinion will change daily life for planners will vary, of course, from jurisdiction to jurisdiction. Nexus and proportionality are so ingrained in the

impose any conditional exactions on approvals and will simply approve development without regard to off-site impacts on public infrastructure and resources. Perhaps some may, but this would be an overreaction to the *Koontz* opinion. Even the majority notes that dedications of property are a reality of the permitting process.

While *Nollan* and *Dolan* may have a broader reach after *Koontz*, their nexus and proportionality principles have a longstanding presence in planning, and this case should not mark the end of reasonable and



Wikimedia Commons/Abuimovies

➡ A required dedication for the creation of this bicycle pathway running behind the A-Boy hardware store in Tigard, Oregon, was central to the *Dolan* case.

existing practice that the two central holdings in the case, standing alone at least, may not change the way of doing business for some. In those cases, the jurisprudential meanings of the justices will remain largely a concern for lawyers and less one for planners. However, with this opinion, one can only conclude that the Supreme Court intended to expand the reach of *Nollan* and *Dolan* and that a few precautionary steps are advisable until the courts clear things up.

So what are the options?

Option 1: Approve Everything Without Mitigation

Commentators have suggested that, in light of *Koontz*, some agencies will be too afraid to

proportionate development conditions as a part of the permitting process.

Option 2: Deny Everything Without Mitigation

At the other extreme have been those (including the dissenting justices) who suggest governmental agencies will now deny applications without requiring (or even discussing) mitigation simply to avoid new threats of litigation. Again, this takes *Koontz* too far. First, as is discussed further below, most agencies either are already conducting some level of nexus and proportionality analysis or can do so without significant increases in time or expertise in most cases. Second, a lawsuit resulting from a denial without conditions would simply be a different kind of lawsuit.

Dolan on Establishing 'Rough Proportionality'

With respect to the pedestrian/bicycle pathway, we have no doubt that the city was correct in finding that the larger retail sales facility proposed by petitioner will increase traffic on the streets of the Central Business District. The city estimates that the proposed development would generate roughly 435 additional trips per day. Dedications for streets, sidewalks, and other public ways are generally reasonable exactions to avoid excessive congestion from a proposed property use. But on the record before us, the city has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The city simply found that the creation of the pathway 'could offset

some of the traffic demand . . . and lessen the increase in traffic congestion.'

As Justice Peterson of the Supreme Court of Oregon explained in his dissenting opinion, however, '[t]he findings of fact that the bicycle pathway system 'could offset some of the traffic demand' is a far cry from a finding that the bicycle pathway system will, or is likely to, offset some of the traffic demand' (317 Or., at 127, 854 P.2d, at 447) (emphasis in original). No precise mathematical calculation is required, but the city must make some effort to quantify its findings in support of the dedication for the pedestrian/bicycle pathway beyond the conclusory statement that it could offset some of the traffic demand generated.

—Dolan, 114 S.Ct. 2309, 2321–22, 512 U.S. 374, 395–96 (footnotes excluded)

Denying applications without requiring or accepting mitigation will not deter litigation and, in fact, may encourage it.

Option 3: Stop Negotiating

Another option would be to accept offers of mitigation, but not to respond to them or to negotiate alternatives. After all, if your agency risks a *Nollan/Dolan* claim by suggesting mitigation options, the safest way to avoid one is to refuse to negotiate, right? Perhaps, but in reality, this benefits no one and sells planners and property owners short—neither desires litigation and, of course, most do not end up in litigation. The technical expertise needed to determine whether a development has met the requirements of *Nollan* and *Dolan* are available and widely used and should be part of ongoing negotiations.

Property owners benefit from open communication with their public agencies and from understanding the rationale for an exaction needed to maintain the levels of public service existing residents enjoy. It seems, again, that cutting off all negotiation could deter good planning and actually create or exacerbate disputes.

Option 4: Apply *Nollan* and *Dolan* to All Exactions and Discussions Related to Exactions

The reality is that, in light of *Koontz*, local governments should reexamine existing protocols

and standards to ensure that all discussions related to mitigation and exactions, whether ad hoc or legislatively adopted, are grounded in the principles of *Nollan* and *Dolan*. Here are some tips.

Avoid open-ended, informal discussions without following established protocol and nexus/proportionality standards. The question the majority leaves open in *Koontz* is at what point mitigation suggested by government becomes

Voluntary Offers and *Nollan/Dolan*

The question commonly comes of up whether a "voluntary" offer is subject to the Takings Clause and *Nollan* and *Dolan*. Legal arguments exist on both sides of this question. Relevant factors will include whether the application is pending or has been submitted, whether the facilities are being offered in response to a staff or board request, and whether the amount of mitigation was offered by the property owner or suggested by the government.

In the end, the best planning approach will continue to be to negotiate and implement regulations under the rubric of *Nollan* and *Dolan*. Why risk the success of a good project on the unsettled question of voluntariness?

a "demand" that is sufficiently concrete to trigger scrutiny under *Nollan* and *Dolan*. The majority regarded the point to have been settled by the lower courts but noted the issue may be addressed on remand. In any case, agency officials should avoid open-ended discussions or communications (including e-mails) that are not based on adopted protocol and nexus/proportionality standards or before enough information has been gathered to fully grasp the scope of the development and its public impacts. Otherwise a preliminary communication could be misinterpreted as (or build into) a concrete governmental "demand." Of course, if the communications comply with *Nollan* and *Dolan*, the point likely is moot, which leads to the next point.

Establish nexus/proportionality protocols and standards. With respect to the dedications in *Dolan*, the Supreme Court said: "No precise mathematical calculation is required, but the city must make some effort to quantify its findings in support of the dedication . . . beyond the conclusory statement that it could offset some of the traffic demand generated."

Ensuring compliance with this standard could, in some cases, add costs for local government. However, in the case of ad hoc, discretionary exactions, a documented set of calculations likely will suffice. With most public facilities, this can be a fairly simple calculation. With others, like housing mitigation, transportation, and environmental resources, the process and calculations will be a bit more complex. In the case of impact fees, concurrency or adequate public facility programs, and other legislatively adopted tools, the technical bases for them are well established and the expertise readily available.

Adopt procedures for negotiated or discretionary exactions. Local government should formally document the process of requesting, evaluating, and providing mitigation alternatives for property owners. For example, procedures may specify:

1. existing level of service standards and service areas for impacted public facilities and resources;
2. a specific pre-application process;
3. that mitigation, where needed, is limited to facility types impacted by the development (*Nollan*) and to only the development's proportionate share of new facility demand (*Dolan*);

Often these cases . . . have little impact beyond those litigating them. The appropriate course of action . . . is to reevaluate all procedures related to mitigation or dedications . . . to ensure ongoing compliance with *Nollan and Dolan*.

4. that any communication or opinion, other than those issued as a formal assessment, are nonbinding and are not intended to be relied upon for purposes of development approval or final agency approval;
5. the calculations or assumptions the government will use to guide mitigation assessments; and
6. the official or governing body with final decision-making authority.

Development agreements also provide a more formalized framework for developing appropriate mitigation alternatives and an opportunity to document how the parties mutually arrived at its terms.

Emphasize legislatively adopted fees and programs. Since the 1970s, local governments

have increasingly relied upon formally adopted standards and procedures for measuring the public impacts of private development against available capacity and for handling situations where those impacts would overburden public facilities. These programs are referred to variously as adequate public facility ordinances or concurrency management systems. Over the same period, impact fees, inclusionary housing requirements, housing mitigation fees, and the like have allowed local governments to handle off-site impacts with an established, generally applicable set of standards, instead of through ad hoc negotiations.

These legislatively adopted techniques have historically been based on pre-adoption nexus and proportionality studies, which reduce the chances of running afoul of *Nollan*

and *Dolan*. Certainly some local governments and some developers prefer the predictability of this approach. In any case, some local governments will consider formal concurrency programs and impact fees as a safer alternative to ad hoc, negotiated exactions after *Koontz*.

Note, however, this is not to say *Nollan* and *Dolan* do not apply to these legislative programs (indeed, they very well may under *Koontz*). It is to say, simply, that concurrency and impact fees are established tools that, by definition, have always included a rigorous verification of nexus and proportionality.

CONCLUSION

The confusion that resulted from the Supreme Court's "inelegant" decision in *Agins v. City of Tiburon*, 447 U.S. 255 (1980) took 25 years and a follow-up opinion (in *Lingle v. Chevron U.S.A. Inc.*, 554 U.S. 528 (2005)) to correct. Will it take that long to sort out the questions created by *Koontz*? Has the majority's treatment of the issues created enough confusion to affect planners' daily lives, or do the overarching holdings merely verify a standard that most planners already apply?

It is too soon to tell, of course. Often these cases, despite the heights from which they are handed down, have little impact beyond those litigating them. The appropriate course of action at this point, however, is to reevaluate all procedures related to mitigation or dedications, whether discretionary or a product of legislatively adopted ordinances, to ensure ongoing compliance with *Nollan* and *Dolan*.

Cover: The Orlando Wetlands Park, located about 25 miles east of Orlando, consists of more than 1,220 acres of man-made wetlands near the St. Johns River. Image by Ricymar Photography, design concept by Lisa Barton.

VOL. 30, NO. 10

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). W. Paul Farmer, FAICP, Chief Executive Officer; David Rouse, AICP, Managing Director of Research and Advisory Services.

Zoning Practice (ISSN 1548-0135) is produced at APA. Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

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Printed on recycled paper, including 50-70% recycled fiber and 10% postconsumer waste.

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DOES KOONTZ CHANGE THE
RULES FOR DEVELOPMENT
EXACTIONS?

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