

City of Ramsey
Agenda
Regular Planning Commission
Thursday October 15, 2015
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:
 1. Planning Commission Meeting Minutes Dated August 6, 2015
 2. Planning Commission Meeting Minutes Dated September 10, 2015
5. **Public Hearing/Commission Business**
 1. PUBLIC HEARING: Consider Request for a Variance to Allow a Detached Accessory Building to be Located Nearer the Front Property Line than the Principal Building on the Property Located at 16841 Wolverine Ct NW; Case of Allen and Ginger Millner
 2. PUBLIC HEARING: Consider Request for a Variance to Fence Height and Shed Location at 5650 156th Lane NW; Case of Walter Gleb and Sandy Warner
 3. PUBLIC HEARING: Consider Recommendation on Comprehensive Plan Amendment and Zoning Amendment for 6139 157th Ln NW
 4. PUBLIC HEARING: Consider Ordinance Amending City Code Chapter 105 (Buildings and Building Standards) Related to Allowable Hours of Construction
 5. PUBLIC HEARING: Consider Recommendation on Ordinance #15-15 Amending City Code Section 117-1 (Definitions) Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts)
 6. Consider Request for Extension of Approved Variance to Fence Height at 5859 Alpine Dr NW; Case of James Hirschman
 7. Receive System Statement from the Metropolitan Council
 8. Recieve Presentation on Housing Chapter of the Comprehensive Plan
6. **Commission/Staff Input**

1. Zoning Bulletins

7. **Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 10/15/2015

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

1. Planning Commission Meeting Minutes Dated August 6, 2015
2. Planning Commission Meeting Minutes Dated September 10, 2015

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

08.06.15

09.10.15

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 10/09/2015

Reviewed By

JoAnn Shaw

Date

10/09/2015 03:31 PM

Started On: 10/06/2015 10:17 AM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, August 6, 2015, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice Chairperson Randy Bauer
 Commissioner Andrew Andrusko
 Commissioner Ralph Brauer
 Commissioner Gary VanScoy

Members Absent: Chairperson Gary Levine
 Commissioner Matthew Maul
 Commissioner Cindy Nosan

Also Present: Development Services Manager Timothy Gladhill
 City Planner Chris Anderson
 Planning Intern Geoff Solomonson

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated July 9, 2015

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to approve the following minutes as presented: Planning Commission Meeting Minutes dated July 9, 2015.

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

4.01.2: Special Planning Commission Meeting Minutes Dated July 9, 2015

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to approve the following minutes as presented: Special Planning Commission Meeting Minutes dated July 9, 2015.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: PUBLIC HEARING: Consider Recommendation on Resolution #15-08-191 Approving Comprehensive Plan Amendment and Ordinance #15-14 Approving a Zoning Amendment for 14100 Sunfish Lake Boulevard NW

Public Hearing

Vice Chairperson Bauer called the public hearing to order at 7:02 p.m.

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to consider two (2) separate, but related, actions:

1. Comprehensive Plan Amendment from Places to Shop to Places to Work
2. Zoning Amendment from B-1 General Business District to E-1 Employment District

Development Services Manager Gladhill explained the City has been approached by a potential buyer for the parcel, which is commonly known as the former Health Quest site. The Buyer is proposing a use allowable under the E-1 Employment District. The Buyer is considering submitting a request to the City under the City's Business Subsidy Policy, which would require the Planning Commission to adopt a resolution finding that the proposed use is consistent with the Comprehensive Plan. In order to pass said resolution, an amendment to the City's Comprehensive Plan is necessary. The City's Zoning Code/Official Zoning Map must be consistent with the Comprehensive Plan, so a parallel request for a Zoning Amendment is also included.

Citizen Input

There was no public comment.

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to close the public hearing.

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

Vice Chairperson Bauer closed the public hearing closed at 7:05 p.m.

Commission Business

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Resolution #15-08-191 approving a Comprehensive Plan Amendment.

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

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Ordinance #15-14 approving a Zoning Amendment for 14100 Sunfish Lake Blvd. NW.

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

5.02: Consider Request for Site Plan Amendment to Remove Patio Area/Walls at 14787, 14851, 14875 Olivine Street NW; Case of Distinctive Living Rentals, LLC

Presentation

Planning Intern Solomonson presented the staff report stating the purpose of this case is to consider a request for an amended Site Plan. The request is to eliminate an outdoor patio wall and concrete patio areas between the center units of three (3), eight-unit townhomes. Distinctive Living Rentals, LLC (the "Applicant") is currently constructing an eight (8) unit townhome building on Lot 3, Block 1 Town Center Gardens 3rd Addition and also owns Lots 1 and 4, Block 1 Town Center Gardens 3rd Addition (together, the "Subject Property"). The Applicant is seeking this amendment of all three (3) parcels and has identified reasons for the requests as size (or lack thereof for the patio areas), access, and placement of utilities.

Commission Business

Commissioner VanScoy asked if the City already had townhomes with a similar configuration. Planning Intern Solomonson stated this was the case. City Planner Anderson stated the applicant was requesting the change as there was a need to move the gas meters.

Commissioner VanScoy questioned if the applicant was in attendance. City Planner Anderson commented that he was unable to attend this evening. Development Services Manager Gladhill reported that if the Commission and Council were not to approve the amendment other actions could be taken. However, the developer has been proactive in addressing the concern. He reported that the requested change does meet the City's Zoning Code.

Commissioner Brauer asked why the Planning Commission was reviewing this request. He did not believe that the applicant was requesting a huge change. He believed that staff should have the discretion to handle this type of request. Development Services Manager Gladhill commented that staff was trying to remain transparent and stated a discussion could be had at a future meeting regarding this topic.

Commissioner VanScoy understood that the City had different architectural standards for The COR than those developments outside of The COR. Development Services Manager Gladhill clarified that this project was not within The COR.

Motion by Commissioner Andrusko, seconded by Commissioner Brauer, to recommend that City Council adopt Resolution #15-08-190 approving the request to amend the site plan by replacing the patio areas and half wall between the center units on Lots 1, 3, and 4, Block 1 Town Center Gardens 3rd Addition.

Motion Carried. Voting Yes: Vice Chairperson Bauer, Commissioners Andrusko, and Brauer. Voting No: VanScoy. Absent: Chairperson Levine, Commissioners Maul and Nosan.

5.03: Review Comparison Document of The COR Development Plan and Original Ramsey Town Center Master Plan Prepared by the Planning Commission

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to review a comparison document between the original Ramsey Town Center Master Plan and the current The COR Development Plan as requested by the City Council and Planning Commission on May 26, 2015. Minutes from this discussion are attached to this case as background of the purpose of this exercise.

Development Services Manager Gladhill reported at the May 26, 2015 Joint Meeting with the City Council, Staff was directed to prepare a comparison document outlining the differences between the current COR Development Plan and the original Ramsey Town Center Master Plan. Direction was to simply prepare a document outlining the changes and check back with the City Council and its advisory boards for future direction. It is anticipated that the output of this exercise may lead to some changes to the Design Framework for The COR to either better clarify

the vision, eliminate any conflicting language, simplify the document, or potential changes to the official vision.

Development Services Manager Gladhill indicated this step is focused on the inventory of the previous plan and the current plan. The intent of this topic report is not to begin developing a new vision for The COR. The Planning Commission met on July 9 and prepared the first draft of this document. The City Council reviewed the first draft of the document at their July 28, 2015 meeting and minutes from said meeting are attached to this case. Revisions based on the City Council's discussion include a clearer emphasis the additional steps will be coming after this first step that will discuss market realities and future revisions to the vision. This first step is simply inventory the current plan elements to ensure all policy makers are on the same page, and then subsequently decide if any changes need to be made to the elements or implementation items. He asked for comments or questions from the Commission.

Commission Business

Commissioner Brauer reviewed the table he provided to staff and the Commission regarding the Comparison Document. He encouraged the Commission to consider what the goals were for The COR and to consider what metric would be followed to track these goals.

Vice Chairperson Bauer liked the idea of creating a destination space within The COR.

Commissioner Brauer recommended that the City's internet access be advertised to new developers.

Commissioner Andrusko was also in favor of creating a specialized cluster development that would draw people to Ramsey.

Commissioner Brauer was interested in the City creating a small business incubator facility. He believed this could benefit local residents in starting or growing their own business.

Commissioner VanScoy believed the revisioning was trying to meet the new market demands. However, this model has not been terribly successful either. He appreciated the comments provided by the Commission this evening.

Vice Chairperson Bauer commented that based on comments provided this evening, the Commission may be considering moving in a new direction for The COR than the two previous documents.

Commissioner Brauer noted one change to his chart requesting the entry regarding opposition be omitted. In addition, the auto reference should read "more auto centered".

Development Services Manager Gladhill noted that the Commission could either recommend approval of the Comparison Document this evening or delay action until further comments could be gathered from the City's other commissions/committees.

Commissioner VanScoy was in favor of delaying action until further comments could be gathered from the City's commissions/committees.

Motion by Commissioner VanScoy, seconded by Commissioner Brauer, to postpone action on the Comparison Document for The COR until further comments could be gathered from the City's other commissions/committees.

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

5.04: Discuss Potential Future City Code Amendment to Construction Hours

Presentation

Planning Intern Solomonson presented the staff report stating the City of Ramsey has the code as listed below for construction hours within the city. The reason for this possible amendment to the Code is due to the number of concerns that have been raised to City Council regarding the time limits and to address some of the public perception of the listed hours. The question was most recently raised during the review of a Major Subdivision. Residents have had concerns with the hours listed as the maximum allowance, not necessarily being the standard hours of construction that most contractors choose to use. The contractor for the development of Harvest Estates, for example, negotiated construction hours to stop at 8:00 p.m. instead of the maximum stopping time of 10:00 p.m.

Planning Intern Solomonson stated the goal of this amendment is to look at the possibly of introducing an earlier stopping time for construction with exemptions built in for public improvement projects, private homeowner construction, and extenuating circumstances which would involve City Administrator approval or City Council approval. It is noted, however, that it is rare that the complaints the City actually receive are that of evening work hours. Almost exclusively, the complaints are in regards to early start hours in the morning.

Planning Intern Solomonson reported that also included in this document for examples are the hours of construction and stipulations of neighboring communities as a basis for discussion. It is worth noting that the majority of the surrounding communities have similar hours in effect as the City of Ramsey with some starting at 6:00 a.m. Staff requested feedback from the Commission on how to proceed.

Commission Business

Commissioner VanScoy questioned how many complaints the City has received. Development Services Manager Gladhill did not have a specific number, but believed six to twelve complaints were received each spring. He commented that these complaints were regarding contractors starting prior to 7:00 a.m. He reported that the City's current standards met the PCA's standards.

Commissioner VanScoy did not see a reason to change the City's standards. He did not believe that the proposed language changes would eliminate all noise complaints. Development Services Manager Gladhill was of the opinion that public perception would be improved based on the code amendment and noted that construction hours could now be negotiated.

Commissioner Andrusko recommended that all emergency City work be allowed outside the stated construction hours. He suggested the language regarding construction completed by Ramsey homeowner's be clarified.

Commissioner VanScoy did not see a need to change the 10:00 p.m. construction stop time so long as staff was allowed to negotiate construction hours.

Commissioner Brauer feared how staff would be impacted if they were forced to negotiate with each construction company.

Development Services Manager Gladhill questioned if the Commission wanted to change the ending hours.

Commissioner Brauer stated nine neighboring communities specify 10:00 p.m. as their ending time, while the remainder specified 8:00 p.m. as the ending time. He supported an 8:00 p.m. end time.

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to recommend staff proceed with the Code Amendment keeping the end time 10:00 p.m., that staff be allowed to negotiate end times to 9:00 p.m., and that staff note the language changes discussed by Commissioner Andrusko.

Motion Carried. Voting Yes: Vice Chairperson Bauer, Commissioners VanScoy, and Andrusko. Voting No: Brauer. Absent: Chairperson Levine, Commissioners Maul and Nosan.

5.05: Receive Future Business Park Infrastructure Analysis Preliminary Report

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to review a *preliminary* report from Bolton & Menk on required infrastructure improvements to the City's future business park; and to take comments/ suggestions.

Development Services Manager Gladhill indicated the EDA reviewed this document in July; and will be reviewing a revised version on August 13. Staff is not looking for a specific motion or direction from the Planning Commission at this point. The intent is to simply convey they information to the Planning Commission early in the process in order to frame future policy discussions. That being said, Staff welcomes thoughts on the land use implications of the proposed future improvements shown in the study. Adopting the study in no means obligates the City to any improvements or investments.

Development Services Manager Gladhill reported it is Staff's perspective, the "Project Financing" portion of this report is the last major outstanding item (page 11). Bolton & Menk would like to receive comments/ amendments to this preliminary report before the "Project Financing" section is completed. Staff intends to direct Bolton & Menk to develop multiple financing options. Staff will also connect with other cities and private developers to identify alternative strategies for assigning costs/ project financing. This report will be in front of the City Council on August 25. Staff requested feedback and direction from the Commission.

Commission Business

Commissioner Brauer commended staff for their efforts on this report. He appreciated the traffic counts included within the document.

Commissioner Andrusko discussed the non-linear relationship between traffic along Trunk Highway 10 and Armstrong Boulevard. He recommended that the low-density residential and medium-density residential be flipped to allow for single family homes within Area 4. Development Services Manager Gladhill commented that he could investigate the relationship between the traffic counts on Highway 10 and Armstrong Boulevard and would report back to the Commission.

Further discussion ensued regarding traffic moving in and around the City of Ramsey.

Development Services Manager Gladhill indicated that full model build outs and traffic models for the City could be discussed at a future meeting. The Commission supported this recommendation.

6. COMMISSION / STAFF INPUT

The Staff Update was noted.

6.01: Zoning Bulletins

Zoning Bulletins were noted.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:32 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, September 10, 2015, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Andrew Andrusko
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Matthew Maul
 Commissioner Gary VanScoy

Members Absent: Commissioner Cindy Nosan

Also Present: Community Development Director Timothy Gladhill
 City Planner Chris Anderson
 Planning Intern Jeff Salmonson

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated August 6, 2015

Community Development Director Gladhill reported that the minutes from the August 6, 2015 Planning Commission meeting would be approved at the October meeting.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: PUBLIC HEARING: Consider Request for an Amended Conditional Use Permit on the Property Located at 6530 Green Valley Road NW; Case of Green Valley Greenhouse

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

City Planner Anderson presented the staff report stating that Green Valley Greenhouse, located at 6530 Green Valley Road NW, is currently operating under a Conditional Use Permit (CUP) that was approved on September 27, 2005. The applicant has approached the City with a request to amend their current CUP to allow for an additional 99,176 square feet of building coverage and to reduce a required no-build buffer yard area along the eastern boundary of the property to address an existing encroachment. Staff reviewed the request further and recommended approval of the request for an amended conditional use permit.

Citizen Input

Brad Wolfe, 6421 Green Valley Road, reported he was one of the owners of Green Valley Greenhouse. He explained his business was increasing and was in need of more space.

Commissioner Brauer asked if the applicant supported staff's recommendation. Mr. Wolfe supported staff's recommendation.

Commissioner Bauer anticipated that Green Valley Greenhouse may need additional space in the future. He explained he would support going to a higher percentage of square footage at this time. He then discussed the 65 foot setback/buffer no-build area and asked if this could be reduced.

City Planner Anderson explained the current terms of the CUP were being followed and explained that the 65 foot buffer was agreed upon due to the varying types of uses (commercial abutting residential).

Commissioner VanScoy asked how the expansion property would be used.

City Planner Anderson reported that the property is primarily used for plant production.

Commissioner VanScoy questioned if the applicant required a variance rather than an amended CUP.

Community Development Director Gladhill commented the greenhouse operation required a buffer adjacent to the residential property and for this reason staff was recommending the amended CUP as it offered more flexibility.

Commissioner Brauer inquired if the property should be rezoned.

Community Development Director Gladhill recommended against this due to the fact it would open up the site to too many other uses.

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

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

Chairperson Levine closed the public hearing closed at 7:16 p.m.

Commission Business

Commissioner VanScoy questioned if the Commission would support 45% building coverage, which would be equivalent to an employment district.

Community Development Director Gladhill did not object to the Commission making this adjustment but stressed the importance of the buffer zone adjacent to the residential area due to the level of activity on the greenhouse site.

Motion by Commissioner Bauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Resolution #15-09-225 approving Findings of Fact #0952.

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

Motion by Commissioner Bauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Resolution #15-09-226 relating to Green Valley Greenhouse's request for an amended conditional use permit to expand their greenhouse operation and reduce the buffer yard requirement along the eastern boundary of the Subject Property contingent upon submittal of a Certificate of Survey to demonstrate that all existing and proposed buildings will comply with the terms of the amended Conditional Use Permit, allowing 45% building coverage, requiring the site to be surveyed and that a 50 foot setback buffer to remain in place on all four sides of the property.

Further discussion

Commissioner Brauer did not believe that the applicant should be responsible for spillage on the roadway as this was not required of other businesses within the City.

City Planner Anderson explained that the applicant sold bulk landscaping supplies, such as mulch, and the condition was added to address the sales of these materials. However, it was his understanding that the applicant would be phasing out the sales of these materials. He reported that staff would support the elimination of this condition.

Mr. Wolfe indicated that he would be phasing out bulk landscaping materials sales and reported he would continue to monitor the roadway.

Commissioner Brauer did not believe that the City should hold Green Valley Greenhouse responsible for the roadway maintenance as this was not required of the greenhouse located on Highway 10.

City Planner Anderson reported that the Green Valley Greenhouse was a conditional use on its site and one of the previously approved conditions was to keep the roadway clear and free of landscaping debris given the fact it abutted a residential neighborhood. He reiterated that the bulk sales would be phased out and this would become a moot point. He commented that the greenhouse operation on Highway 10 was a permitted use for its zoning district.

Commissioner VanScoy recommended that Condition 11 be removed from the recommendation.

FRIENDLY AMENDMENT: Remove Condition 11 from the staff recommendation.

Commissioner Bauer and Commission Andrusko supported the friendly amendment.

Commissioner VanScoy asked what the buffer zone was for the Employment zoning district.

City Planner Anderson explained the City required a 60 foot buffer zone.

Further discussion ensued regarding the buffer zone and there was Commission consensus to keep the buffer zone at 50 feet around the perimeter of the site.

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

5.02: Adopt Resolution #15-09-224 Finding Compliance with the City's Comprehensive Plan Compliance for Proposed Tax Increment Finance District No. 15 Creation

Presentation

Community Development Director Gladhill presented the staff report stating the City received a request from Life Fitness to create Tax Increment Financing (TIF) District No. 15 to facilitate the redevelopment of the former HealthQuest site located at 14100 Sunfish Lake Boulevard NW. As part of the creation of the district, the TIF Plan must be found to be in compliance with the City's land use plans. The District will be created to capture new increment created by future development within the District. Staff requested the Commission review the plan to determine if it was in compliance with the City's Comprehensive Plan.

Commission Business

Commissioner Bauer was pleased that this corner would be improved as it was highly visible and the building was currently in poor condition.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #15-09-224 finding that the creation of Tax Increment District No. 15 and its associated TIF Plan conform to the general plans for the development and redevelopment of the City.

Further discussion

Commissioner Brauer stated he typically did not support the use of TIF, however, in this instance, he deemed it appropriate.

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

5.03: Consider Recommending Approval of The COR Development Plan Comparison Document

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this item was to review a comparison document between the original Ramsey Town Center Master Plan and the current COR Development Plan as requested by the City Council and Planning Commission on May 26, 2015. Staff reviewed the previous discussions and proposed revisions offered by the Planning Commission. He discussed several adjustments that Commissioner Brauer offered as amendments to the document.

Commission Business

Commissioner Brauer explained that he believed the Commission and Council should move forward to a new vision away from the original concept.

Chairperson Levine agreed with this assessment and understood it was a big change.

Commissioner Bauer asked what the intent was of the current document.

Community Development Director Gladhill reported that he intent of the document was to take a look at the major components of the original plan when compared to the new plan.

Commissioner VanScoy understood that the core of The COR originally was to be commercial and retail. He believed that this goal was no longer in place as the focus has shifted to residential.

Community Development Director Gladhill stated the value of this document would be to speak with planning groups and economic specialists along with advisory boards to find common trends in order to develop the goals for this area.

Commissioner Bauer understood that the big box retailers were not interested in coming to this area. For this reason, the City would have to look at creating other reasons to make Ramsey a destination.

Community Development Director Gladhill reported that input from the public will be gained to see what the public's vision is for this space.

Chairperson Levine appreciated the questions presented by Commissioner Brauer and believed these questions would gain valuable feedback.

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt the Comparison Document for The COR with Commissioner Brauer's amendments.

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

5.04: Discuss Framework for Future Amendments to COR Sign Standards

Presentation

Planning Intern Jeff Salmonson presented the staff report stating the purpose of this case was to discuss the COR signage standards due to a number of requests starting to come in from businesses as a result of Armstrong Boulevard interchange. The intentions of this case are to clarify and simplify the category types of signs, their height, and square footage allotments as well as address the Commission's comments that it desires to develop a more flexible sign package for The COR. Staff reviewed the item further and requested comment from the Commission on what signs could be approved at the staff level and which should be reviewed by the Commission and City Council.

Commission Business

Discussion ensued regarding the current COR sign standards.

Commissioner Andrusko discussed his experience with evaluating signs from the highway perspective. He believed that the number of signs within The COR should be limited as there were numerous signs along Highway 10. It was his hope the signs within The COR would be interesting and lower. He wanted to see the COR area conservative and attractive to the community.

Chairperson Levine supported varying signs sizes and understood that some corporations wanted larger signs than others.

Commissioner VanScoy supported the presented parameters and believed that all other sign requests should come before the Commission for review and approval. It was his hope that the City would assist with driving retail into the City and signage greatly enhanced local businesses.

Commissioner Maul asked from where the 75 foot sign height was measured.

Community Development Director Gladhill reported this was typically taken from the grade of the centerline of the roadway.

Commissioner Brauer feared that retailers did not view The COR as a viable retail market at this time.

Planning Intern Salmonson thanked the Commission for their input.

5.05: Receive Copy of 2030 Comprehensive Plan: Transportation Chapter

Presentation

Community Development Director Gladhill presented the Staff Report stating the purpose of this case was to receive a copy of the Transportation Chapter of the Comprehensive Plan.

Commission Business

Commissioner Andrusko inquired how the Comprehensive Plan had changed over the past 10 years.

Community Development Director Gladhill discussed the focus and adjustments that had been made to the Comprehensive Plan from 2020 to 2030. He reported there was a new focus on safety and the Northstar Commuter Rail.

Commissioner Andrusko discussed the increase of rail cars and the necessity of rail safety throughout the State and the City of Ramsey.

Commissioner Brauer believed the City had a lack of east/west roadways.

Commissioner Andrusko agreed this was a concern and recommended the City speak with the County in order to create a partnership in order to create increase mobility for Ramsey residents. He commented this was a concern for him as he lived less than a mile from the railroad.

Chairperson Levine explained he worked for the railroad for a number of years and believed that the railroad was going over and above to address safety.

Community Development Director Manager Gladhill appreciated both sides of this conversation and anticipated that further discussion would be held regarding rail safety.

6. COMMISSION / STAFF INPUT

The Staff Update was noted.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:44 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 10/15/2015

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Request for a Variance to Allow a Detached Accessory Building to be Located Nearer the Front Property Line than the Principal Building on the Property Located at 16841 Wolverine Ct NW; Case of Allen and Ginger Millner

Purpose/Background:

The City has received an application from Allen and Ginger Millner (the "Applicant") for a variance to allow a portion of a detached accessory building to be located nearer the front property line than the principal building at the property located at 16841 Wolverine Ct NW (the "Subject Property").

Notification:

Staff attempted to notify all Property Owners within a 350 foot radius of the Property of the Public Hearing via Standard US Mail. The Public Hearing was also published in the City's official newsletter, the Anoka County Union Herald.

Observations/Alternatives:

City Code Section 117-349 (d)(12) requires detached accessory buildings to be located in the side or rear yard of properties that are less than two (2) acres. Based on the size of the Subject Property, the Applicant is eligible for up to 2,200 square feet of accessory building space. The Subject Property is approximately 1.20 acres in size. While compliant with the square footage allotment, the proposed building is not permitted to be nearer the front property line than the principal building without the issuance of a variance.

The Applicant has chosen the proposed location for a variety of reasons outlined in the attached letter. Primarily, the Applicant has noted that a concern of reducing access to the rear of the home for purposes of required septic pumping and maintenance. The septic system is located in the rear of the property but, based on the as-built drawing of the system, it appears to be located directly behind the home. Considering the assumed location of the septic system, the location of the septic system itself should not be a prohibiting factor. However, the Applicant explains the concern to be about access to the septic system, not the system itself. The Applicant has stated that an attached garage would not provide sufficient width on the side property line. The Applicant feels that the spacing between the existing home and the proposed detached accessory structure shall provide sufficient space for a septic pumping truck to maneuver.

Additionally, the Applicant has stated that in order to access two (2) garage doors from the the existing driveway, a portion of the building would need to be located slightly forward of the home. The proposed location and detail/accuracy has changed slightly throughout the review process. The Applicant is not fully confident on the accurate measurement of the front yard setback, so it will be important to require a Certificate of Survey prior to construction, if the Variance is approved. It should be noted that if a variance were granted to allow the structure to be nearer the front property line than the principal building, it may also need to address the standard front yard setback requirement of forty (40) feet. The proposed location would comply with minimum side yard setback of ten (10) feet.

The Applicant has stated that the exterior finish of the detached accessory building would match that of the home, which is required when a detached accessory building is located nearer the front property line than the principal building. Also, if the location is approved, the detached accessory building cannot be taller than the principal

building. The variance application submittal did not address this standard and thus, this would need to be verified when the Building Permit Application is submitted, should the variance request be approved.

Finally, there also appears to be sufficient space in the rear of the Subject Property, similar to the Applicant's existing detached accessory building, that would also eliminate the need for a variance. The Applicant has stated that the intent of moving the structure slightly forward is to create sufficient space between the existing structure and the proposed detached structure. Staff is open to re-evaluating the request if the Applicant can sufficiently demonstrate that other potential locations in the rear yard are not reasonable alternatives, an important component of processing any Variance per State Statute.

When contemplating a variance request, there is a three (3) factor test for practical difficulties that must be met by the Applicant. The following are the three (3) factors:

1. Is the property owner proposing to use the property in a reasonable manner?
2. Is the landowner's problem due to circumstances unique to the property and not caused by the landowner?
3. If granted, would the variance alter the essential character of the locality?

Is the Property Owner proposing to use the Property in a reasonable manner?

While a detached accessory structure itself is a reasonable and common occurrence on a residential parcel, the proposed location does not seem reasonable as there appears to be alternative locations where the structured could be sited to eliminate the need for a variance. Also, there do not appear to be any unique physical characteristics of the Subject Property that would warrant siting the building slightly forward of the principal building, with the exception of perhaps the orientation of the side property line.

Is the plight/concern of the Owner due to circumstances unique to the Property not caused by the Property Owner?

The Applicant is the original owner of the property, and chose the current location of existing structures.

If granted, will the Variance alter the essential character of the neighborhood?

In reviewing the neighborhood, there are other detached accessory buildings, but they are generally located in the rear yards of properties and thus, it could be argued that the proposed location of the detached accessory building would be inconsistent with the surrounding area.

Staff has received written comments from the neighbors directly south of the Subject Property opposing the request. Their primary concern is that there appears to be alternative locations to locate the detached accessory building that would not require a variance. This commenter notes that they feel that this Variance would alter the essential character of the neighborhood. Their comments are attached.

As a reminder, the Planning Commission acts in a quasi-judicial capacity when considering variances rather than a providing a recommendation. If the variance were approved, the Applicant has stated that their intention is to get the footings and foundation in yet this year and then complete the project in 2016.

Alternatives

Alternative #1: Approve Resolutions #15-10-257 and #15-10-258 denying the request for a variance. Based on the submitted information and review of the Subject Property and property file, the request does not appear to satisfy the State Statute three-factor test for practical difficulties. It appears that the building shape and/or location could be modified to eliminate the need for a variance.

Alternative #2: Approve Resolutions #15-10-257 and #15-10-258 granting a variance to allow a detached accessory building to be located nearer the front property line than the principal building on a property less than two (2) acres in size. There do not appear to be any unique physical characteristics on the Subject Property that would prohibit the building from being sited in a location that would not require a variance.

Alternative #3: **Table** action and request additional information from the Applicant. There may be additional factors that have not been brought forward by the Applicant to support the proposed location. While this may ultimately result in future approval of the request, it likely would delay the project entirely until 2016. Staff would re-consider the request if the Applicant can better describe why other locations on the Property are not feasible, including a detached structure in the rear yard or an expansion of the attached garage.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

Given that limited information provided by the Applicant describing why other potentially reasonable sites on the Subject Property are not feasible and known public opposition to the request, Staff recommends denying the variance request as it appears there are other viable locations the building could be sited without requiring a variance. Staff is willing to re-evaluate this recommendation if additional information is provided.

Action:

Motion to approve Resolution #15-10-257 adopting Findings of Fact #0954 and Resolution #15-10-258 approving/denying the request for a variance to allow a detached accessory building to be located nearer the front property line than the principal building on the property located at 16841 Wolverine Ct NW.

(NOTE: if the motion is for denial of the request, the motion should include removing the individual standards of construction, as the proposed structure would not be approved)

Attachments

Site Location Map

Certificate of Survey of Subject Property

Applicant's Summary of Request

Aerial View of Property with Proposed Building

Elevations of Proposed Building

Layout of Building Showing Portion in Front of Home

Written Comments Submitted by Neighbor

Resoulution #15-10-257: DRAFT Findings of Fact

Resolution #15-10-258

Supolemental Submittal by Applicant

Form Review

Inbox

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 10/09/2015

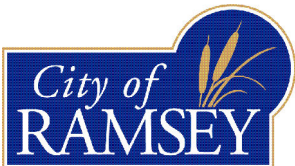
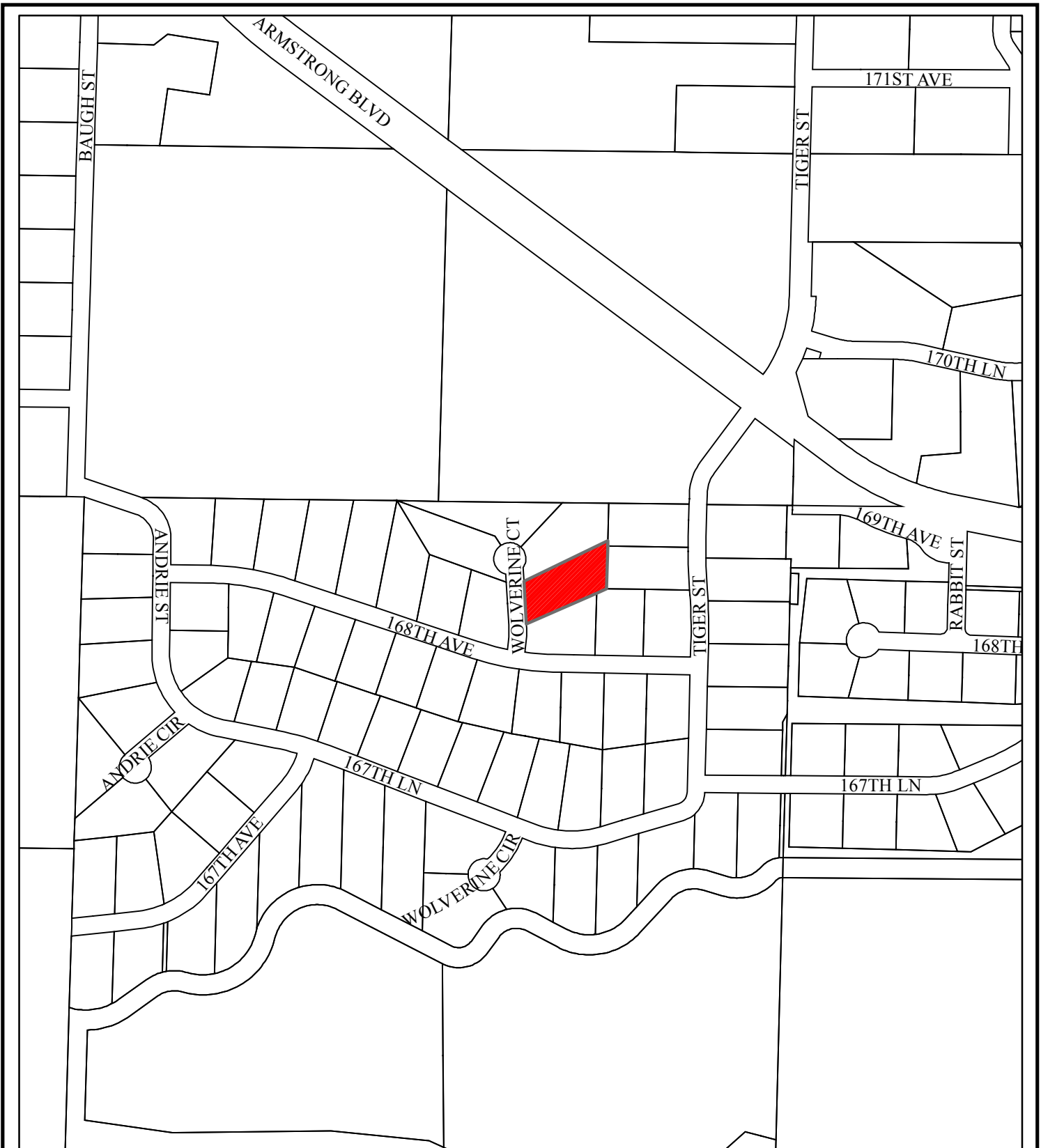
Reviewed By

Tim Gladhill

Date

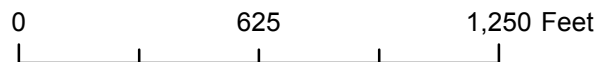
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Started On: 10/08/2015 02:37 PM



16841 Wolverine Court NW
07-32-25-41-0007

Legend
 Site
 Parcels



CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

FOR Allen & Ginger Millner

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

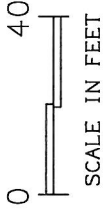
Randy L. Kurth

Randy L. Kurth, L.L.S. No. 20270
 Russell J. Kurth, L.L.S. No. 16113

KURTH SURVEYING, INC.
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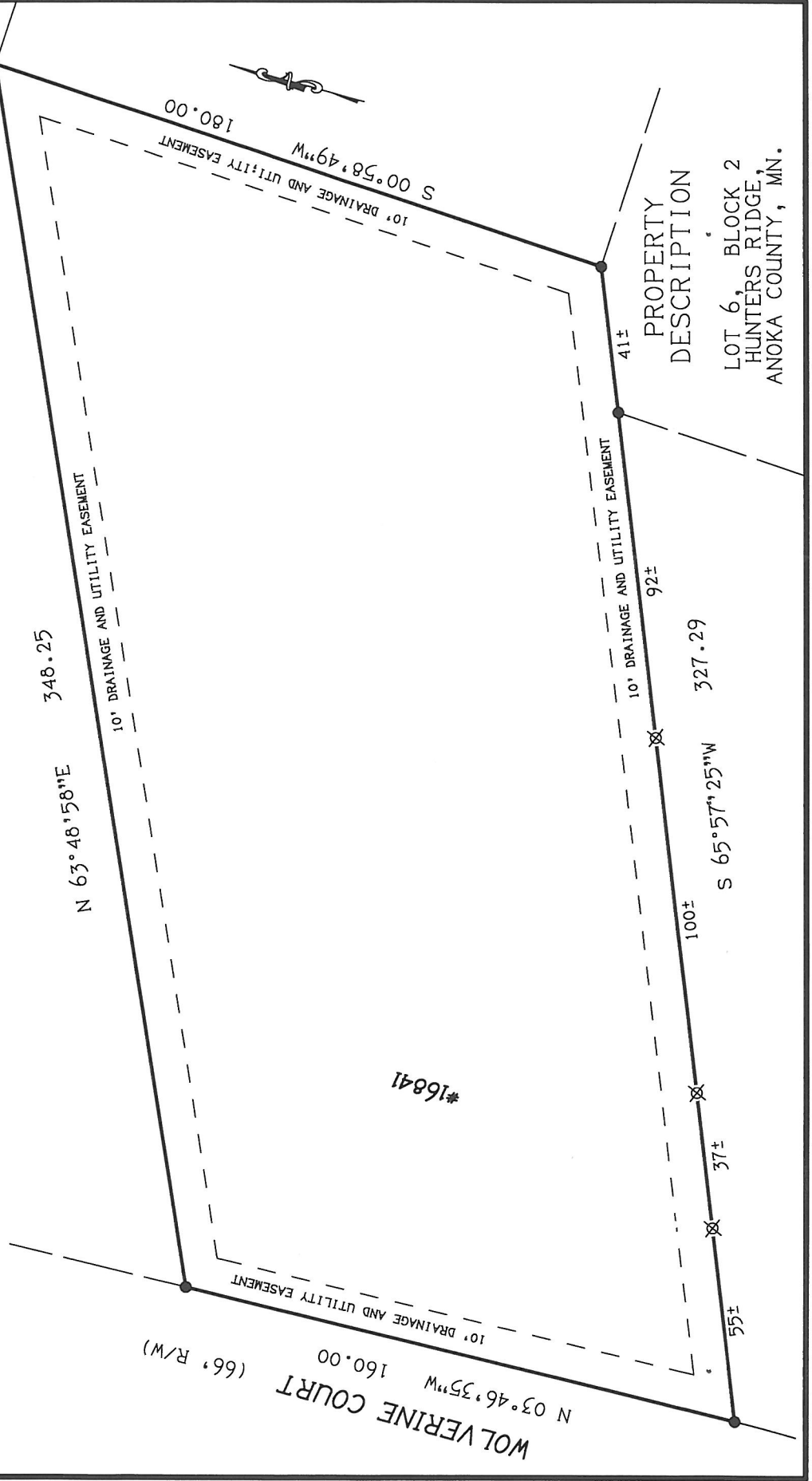
DATE September 24, 2015

- = IRON MONUMENT SET
- = IRON MONUMENT FOUND
- ⊗ = PIPE SET ON LINE



BEARINGS SHOWN PER PLAT

NOTE: THE SURVEY WAS DONE TO ESTABLISH THE SOUTH LOT LINES ONLY.
 NO IMPROVEMENTS OR ENCROACHMENTS WERE LOCATED OR SHOWN



PROPERTY DESCRIPTION
 LOT 6, BLOCK 2
 HUNTERS RIDGE,
 ANOKA COUNTY, MN.

Allen and Ginger Millner
16841 Wolverine Court

Request for Variance
(Auxiliary building forward house)

Description:

We would like permission to add a detached garage to our property in a location that will be somewhat forward our house.

Contributing factors in directing our request:

1. Property line is at about a 65 degree angle to the house creating a pinch point at the southeast corner of the existing garage.
2. 2 foot slope away from existing garage to the south
3. Building an attached garage near the size we would like, and still allowing for good access to the rear of the yard (for septic pumping, etc.) has proven difficult to design and would not result in a cohesive main structure, considering the odd angles that would be necessary. We have worked through many iterations of different plans for nearly three years and feel this is the best plan given the limitations.
4. In order to access two garage doors, the structure has to come somewhat forward from the house. The 2' slope to the south makes coming off of the existing driveway the best choice.
5. The garage design will mimic our house, which will include one small gable end coming out over one of the garage doors along with hip sides for the roofline. Having hip ends will also diminish the visual impact of the roofline from the south neighbors perspective.
6. We have discussed our desire to build this garage plan, in the location indicated, with our neighbors, particularly the one on the south side of our property, and have found no objections.
7. We are fortunate enough to have very large White Cedar trees in the front of our property, which will obscure most of the garage from the street.
8. Our desire is to get the foundation in yet this year.

Contact information:

Ginger 763-464-4600

Allen 763-286-3061



8881

16841

16861

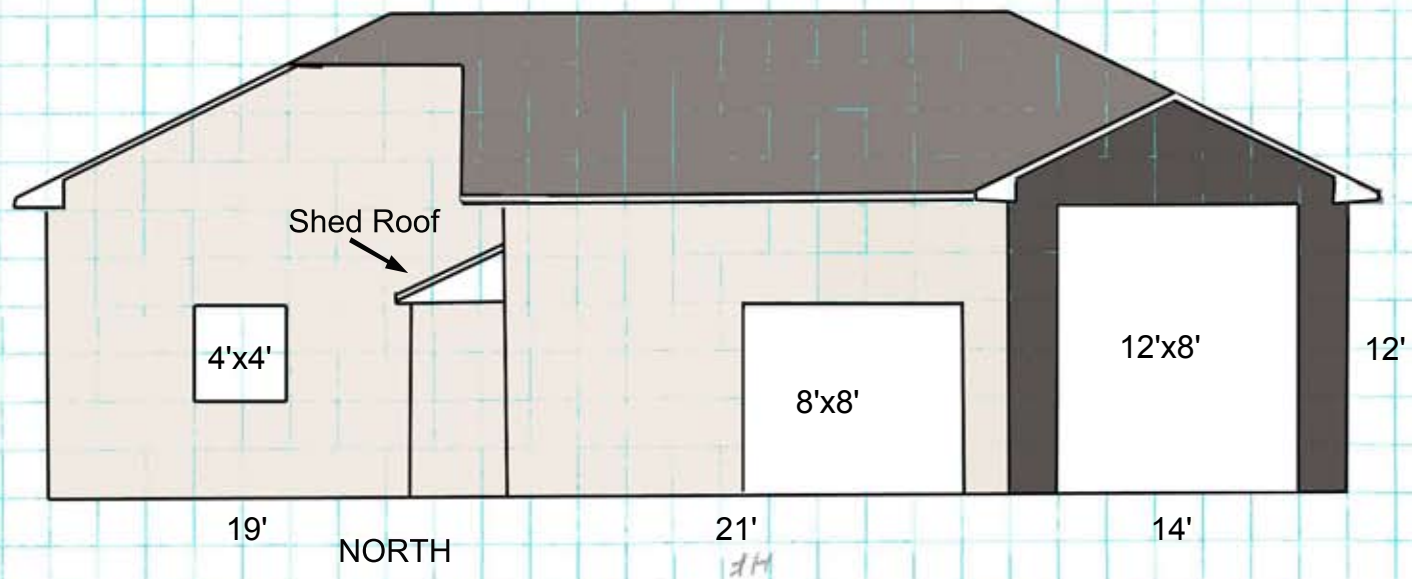
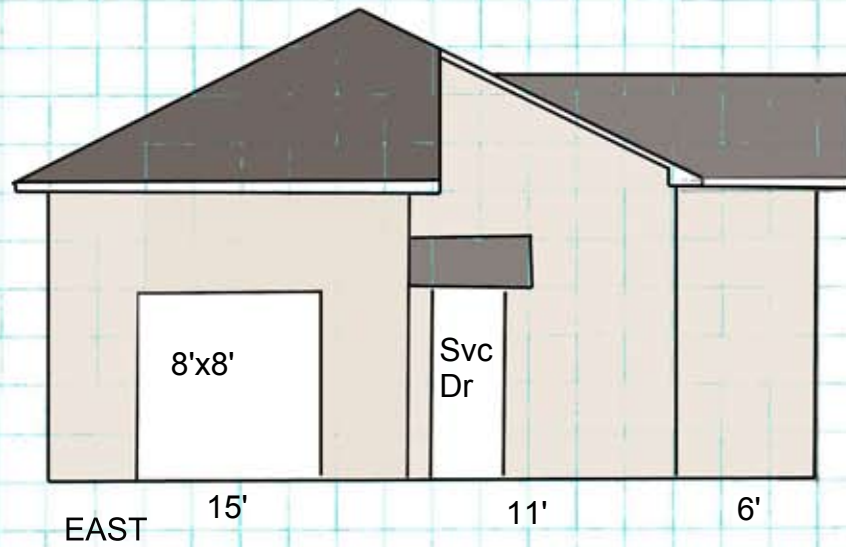
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WOLVERINE CT NW

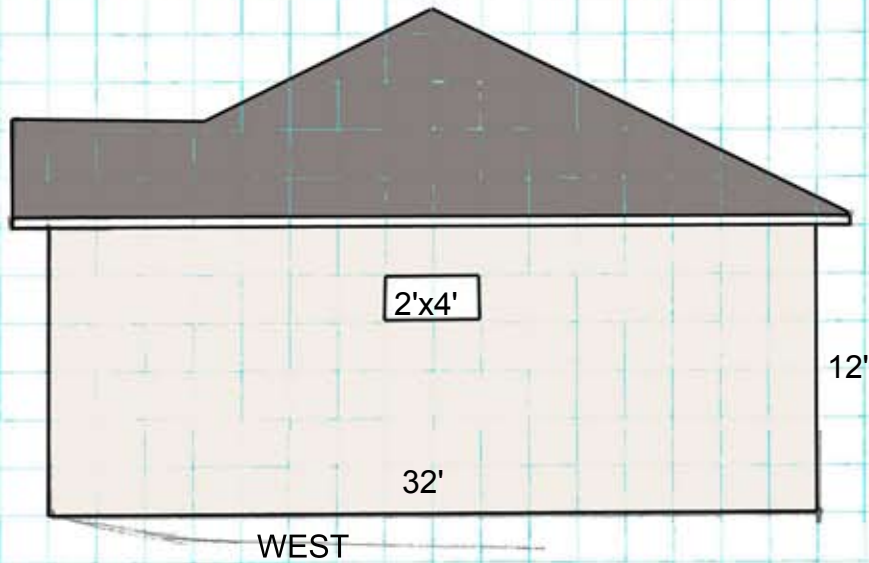
Millner Garage Plan Elevation

■ = 2'X2'

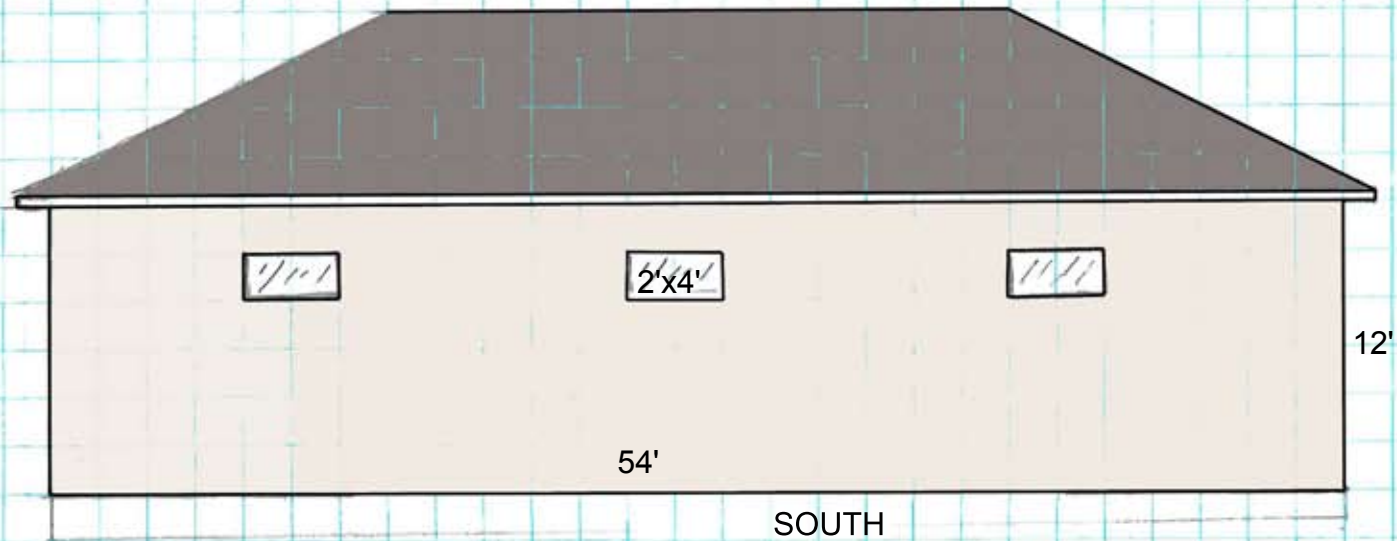


Millner Garage Plan Elevation

Roof Pitch = 7/12
Sidewall max height 13'
Siding Finish = to match House
Shingles = Architectural to match House
Soffit Over-hang 18"
Fascia = 6"
For Footing Detail see Exhibit A



□ 2'x2'



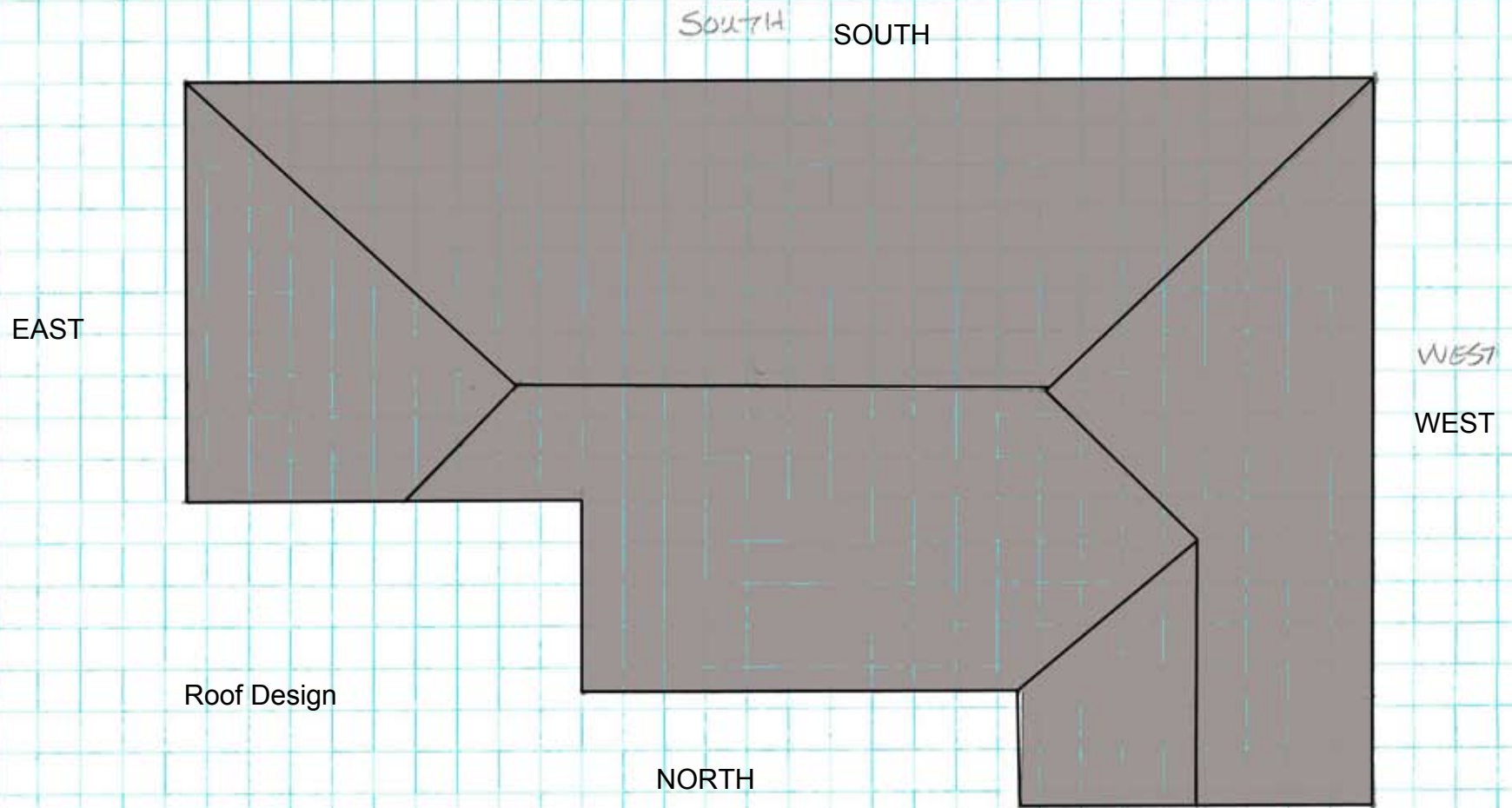


Exhibit A

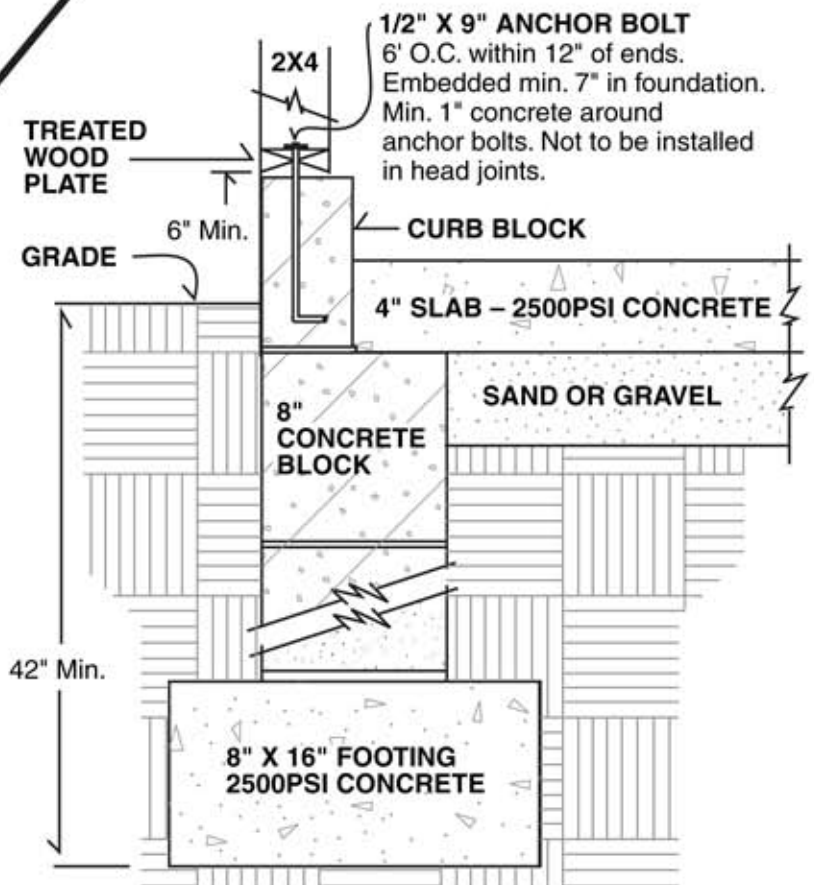
Millner Garage Footing design

Per City of Ramsey Code Spec for Frost Footings
and

8 courses of 8" block on West, South, and East Sides
5 courses of 8" Block on North Side

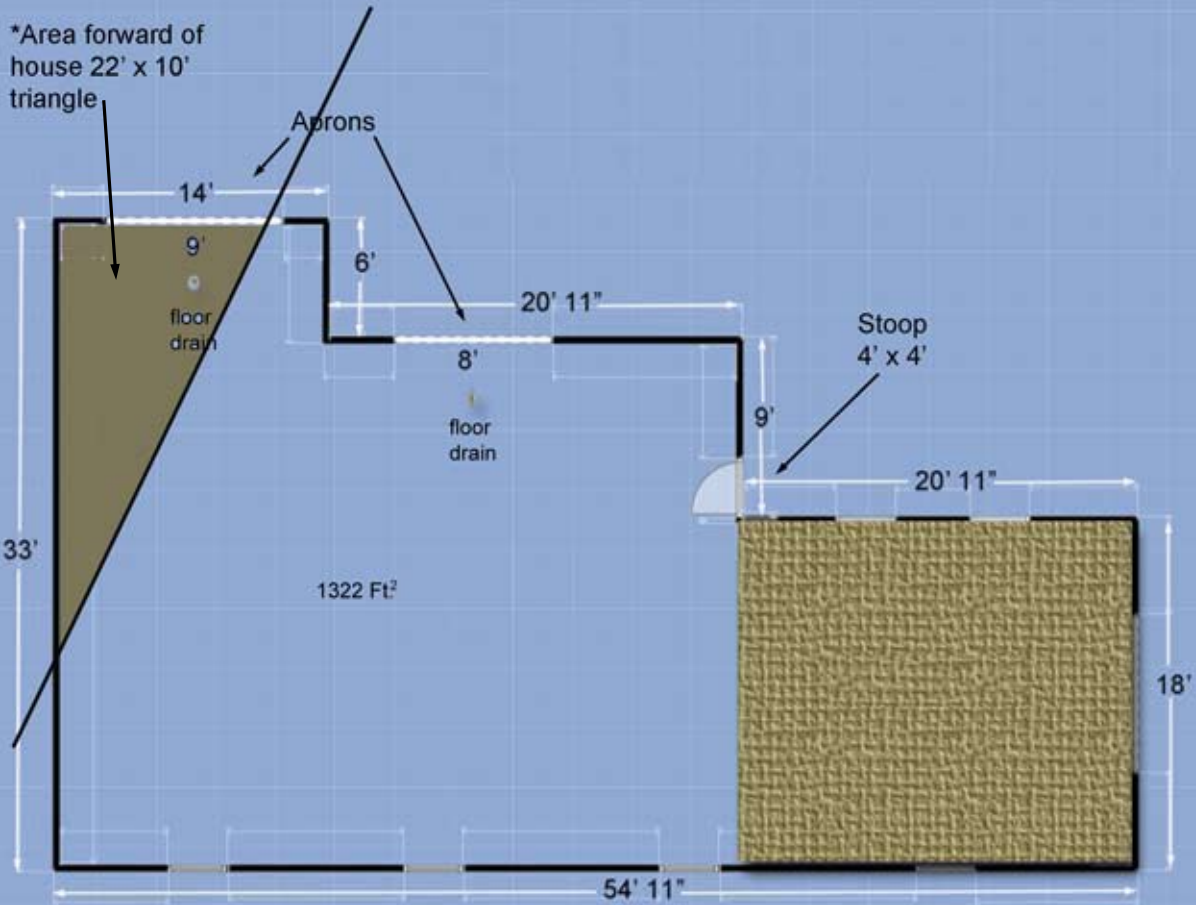
Concrete block foundation wall on concrete footing

Typical for attached garage



Note: Anchor bolts are a maximum of 6' O.C., 12" within any end *or* splice and minimum two per board.

Millner Garage



October 7, 2015

To: Ramsey Planning Commission

From: Rick and Holly Newland, 16821 Wolverine Ct. NW, Ramsey, MN

Re: Variance request to front yard setbacks to allow for accessory structure, 16841 Wolverine Ct NW (a.k.a Lot 6, Block 31, Hunters Ridge, Anoka County, Minnesota).

To Whom It May Concern:

We, Rick and Holly Newland, object to the above referenced code variance request, find the proposed building is unnecessarily obtrusive and draw your attention to the fact that there are other reasonable alternatives on the property that allow for a structure of this size to be built.

Facts and Perspectives

Proposed building is 1600+ square feet with the building projecting in front of existing homes. The characteristic of Hunters Ridge development is that accessory buildings of this magnitude are built on the back of residences property. This maintains as much open space between buildings as possible, a benefit we all enjoy in this subdivision. In looking at the aerial view of Hunters Ridge, it can be noted that there are no other structures of this size with the problems created by this structure.

The proposed building has enough square feet to hold six full size cars. We are concerned that this is a commercial business in development. There are only 2 people living in the home, no children at home, and no recreational vehicles. They already have one accessory building on their property in addition to their existing two car garage attached to their home.

Objection to Variance

We object to this variance because adherence to the code properly maintains the sight lines, overall appearance and intended orderly development and value of these properties.

Building is Unnecessarily Obtrusive

The distance between our residences is currently 100.5 feet from the bedroom side of our home. Proposed building and variance request shortens that distance to 45 feet. There is ample space to build a building of this size on the back of their property, with proper access, which would be 420 feet from our bedroom. We do not object to such a building in this more distant location.

Other Reasonable Alternatives

Most other residents living in Hunter's Ridge have built similar buildings of a smaller size and are almost all built on the back of their properties where maximum open space between buildings is maintained. This is a very desirable practice that has multiple benefits to all who live here. There is more than adequate space available on the back half of the subject property and with reasonable access. Locations different from the one proposed also take into consideration favorable alternatives and requirements for adequate septic/drain field areas.

Post Script

Another concern is the patent dishonesty of the applicant's filing. The filing indicates that we have "no objection" to the proposed building. This written statement was made to the City of Ramsey

before we had any knowledge of the project whatsoever and was never made. This subterfuge brings into question the real intention of this project. We speculate as to the true purpose of this building and wonder if it is intended to be a commercial enterprise. We have no objection to the development of a commercial enterprise, just not crammed between the two homes reducing the open feel of our surroundings and where it is in close in proximity to our bedroom.

Summary:

- We ask that the code be maintained as written.
- We ask that you take into consideration the very obtrusive and objectionable nature of the proposed location.
- We ask that you promote an alternative location for this structure that maintains the desirable esthetic nature of Hunter's Ridge.

Thank you for your consideration in this matter.

Sincerely,

Rick & Holly Newland

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

RESOLUTION #15-10-257

RESOLUTION ADOPTING FINDINGS OF FACT #0954 RELATING TO A REQUEST FROM ALLEN AND GINGER MILLNER FOR A VARIANCE TO ALLOW A DETACHED ACCESSORY STRUCTURE TO BE LOCATED NEARER THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE.

WHEREAS, Allen and Ginger Millner, hereinafter referred to as “Applicant,” have properly applied for a variance from Section 117-349 (Accessory Uses and Buildings) of the Ramsey City Code to allow a detached accessory building to be located nearer the front property line than the principal structure on the property generally known as 16841 Wolverine Ct NW and legally described as follows:

Lot 6, Block 1, Hunters Ridge, 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:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on October 15, 2015, 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.
2. That the Subject Property is zoned PUD – Planned Unit Development and is approximately 1.2 acres in size.
3. That the underlying zoning of the Subject Property would be R-1 Residential (Rural Developing) and those standards would be applicable in review of a Building Permit for a detached accessory structure.
4. That the surrounding properties are also zoned PUD – Planned Unit Development and are similar or slightly smaller in size than the Subject Property.
5. That the Applicant is proposing to construct a 1,407 square foot, detached accessory building on the Subject Property.
6. That there is one (1) existing detached accessory building on the Subject Property that is 240 square feet in size (12’ x 20’).
7. That the Subject Property is eligible for up to 2,200 square feet of accessory building space based on the lot size.

8. That the Applicant is proposing to construct the detached accessory building to provide additional storage space for vehicles/equipment as well as providing space for their hobby woodworking.
9. That on properties less than two (2) acres in size, City Code Section 117-349 (d)(12) requires detached accessory buildings to be in the side or rear yard only and shall not be located nearer the front property line than the principal building.
10. That City Code Section 117-111 (d) specifies that the minimum front yard setback shall not be less than forty (40) feet.
11. That a portion of the detached accessory building would be nearer the front property line than the principal building.
12. That based on the information submitted, it is unknown what the front yard setback would be.
13. That the addition would be located ten (10) feet from the side property line, which meets the minimum required setback.
14. That the Subject property is relatively flat without significant grade changes other than along the southern lot line (approximately a two [2] foot slope).
15. That an existing chain link fence will need to be eliminated or modified to accommodate the proposed location for the detached accessory building.
16. That the Applicant has stated that adding on to the attached garage is not practical due to design constraints and maintaining access to the rear yard for septic pumping.
17. That based on the as-built drawing of the septic system, the drainfield and tank are located in the central portion of the rear yard.
18. That based on the submitted information and available data, it appears the proposed detached accessory building could be shifted to the east slightly (toward the rear yard) or be located in an alternative location (possibly near the southeast corner of the Subject Property), which would eliminate the need for a variance.
19. That the principal building is set back approximately fifty (50) feet from the front property line.
20. That the owner of the property to the south of the Subject Property has stated their opposition to the requested variance.
21. That the Engineering Department has reviewed the request with regard to potential drainage impacts and has stated that any additional runoff would likely be contained within the

existing Drainage and Utility Easement, which is twenty (20) feet wide, with ten (10) feet on each side of this common lot line, and would ultimately drain to the street.

22. That the Applicant has not clearly indicated whether a driveway would be installed, if the existing driveway would be extended, or if no driveway would be provide to access the proposed detached accessory building.
23. That economic circumstances alone do/do not create the practical difficulties.
24. That the plight is/is not due to circumstances unique to the Subject Property.
25. That the plight was/was not created by the Applicant.
26. That, if granted, the variance will/will not alter the locality's essential character.
27. That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
28. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
29. That, if granted, the variance will/will not unreasonably increase the congestion on the public street.
30. That, if granted, the variance will/will not adversely impact the degree of public health, safety and general welfare provided for in the Ramsey City Code.
31. That, if granted, the variance will/will not diminish established property values within the neighborhood.
32. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Applicant.
33. That the unique circumstances on the Subject Property do/do not result from the actions of the Applicant.
34. That, if granted, the variance will/will not grant the Applicant any special privilege that is denied to the owners of other 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 the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 15th day of October, 2015.

Chairperson

ATTEST:

City Clerk

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

RESOLUTION #15-10-258

RESOLUTION DENYING/APPROVING THE ISSUANCE OF A VARIANCE TO ALLOW A DETACHED ACCESSORY BUILDING TO BE NEARER THE FRONT PROPERTY LINE THAN THE PRINCIPAL STRUCTURE

WHEREAS, Allen and Ginger Millner (Permittee) have properly applied for a variance to Section 117-349 (Accessory Uses and Buildings) of the Ramsey City Code to construct a detached accessory building nearer the front property line than the principal structure on the property generally known as 16841 Wolverine Ct NW and legally described as follows:

Lot 6, Block 1, Hunters Ridge, Anoka County, Minnesota

(Subject Property).

AND WHEREAS, the Planning Commission conducted a public hearing on October 15, 2015, pursuant to Section 117-53 of the Ramsey City Code, and adopted findings of fact relating to the request for a variance.

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

1. That based on Findings of Fact #0954, a variance (the "Variance") to allow a detached accessory building nearer the front property line than the principal building is hereby denied/granted.
2. That the detached accessory building shall conform with all other applicable setbacks on the **Subject Property**.
3. That the exterior finish of the addition shall be the same as that of the principal building on the **Subject Property**.
4. That the height of the detached accessory building shall not exceed the height of the principal building on the **Subject Property**.
5. That the detached accessory building shall comply with all other applicable Zoning, Building, and Fire Code standards.
6. That the **Permittee** agrees that there will not be any commercial activities within the detached accessory building unless in full compliance with City Code Section 117-351 (Home Occupations).
7. The **Permittee** shall be responsible for all costs incurred in administering and enforcing this **Variance**.

8. That this **Variance** shall automatically expire if the use is not initiated by October 15, 2016, and issuance of the building permit shall constitute initiation.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 15th day of October, 2015.

PERMITTEE

Allen and Ginger Millner hereby acknowledge receipt of this variance and that they have reviewed the terms of the variance and have agreed to comply with the terms of the variance.

Allen Millner

Ginger Millner

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared Allen and Ginger Millner, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Chairperson, Planning Commission

By: _____
City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared Gary Levine and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Planning Commission Chairperson 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 Gary Levine and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
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

CERTIFICATE OF SURVEY

(MEASUREMENTS SHOWN IN FEET AND DECIMALS OF A FOOT)

FOR Allen & Ginger Millner

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

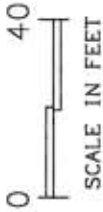
Randy L. Kurth

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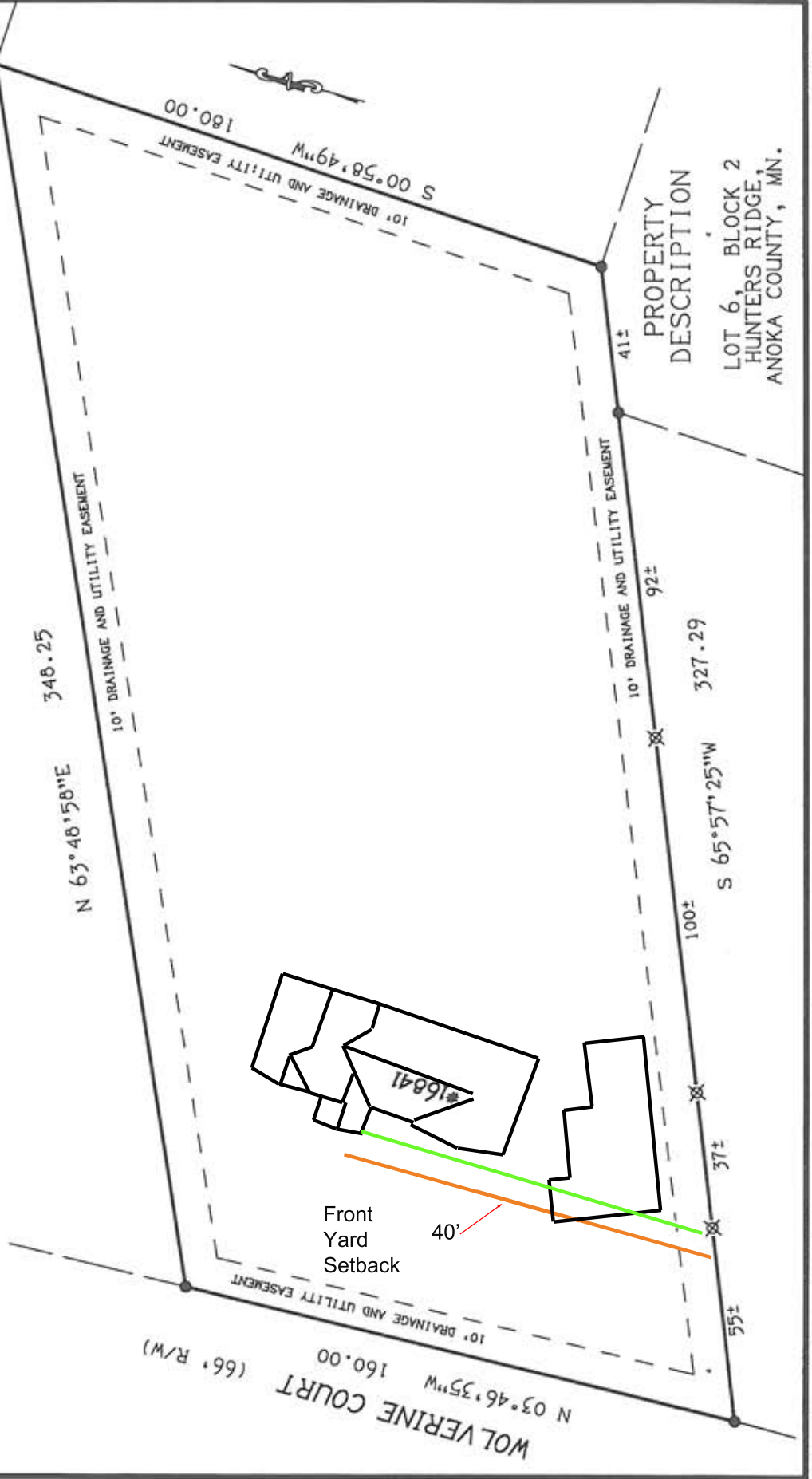
DATE September 24, 2015

- = IRON MONUMENT SET
- = IRON MONUMENT FOUND
- ⊗ = PIPE SET ON LINE



BEARINGS SHOWN PER PLAT

NOTE: THE SURVEY WAS DONE TO ESTABLISH THE SOUTH LOT LINES ONLY.
 NO IMPROVEMENTS OR ENCROACHMENTS WERE LOCATED OR SHOWN



CERTIFICATE OF SURVEY

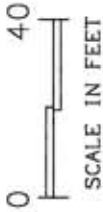
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FOR Allen & Ginger Millner

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Randy L. Kurth

Randy L. Kurth, L.L.S. No. 20270
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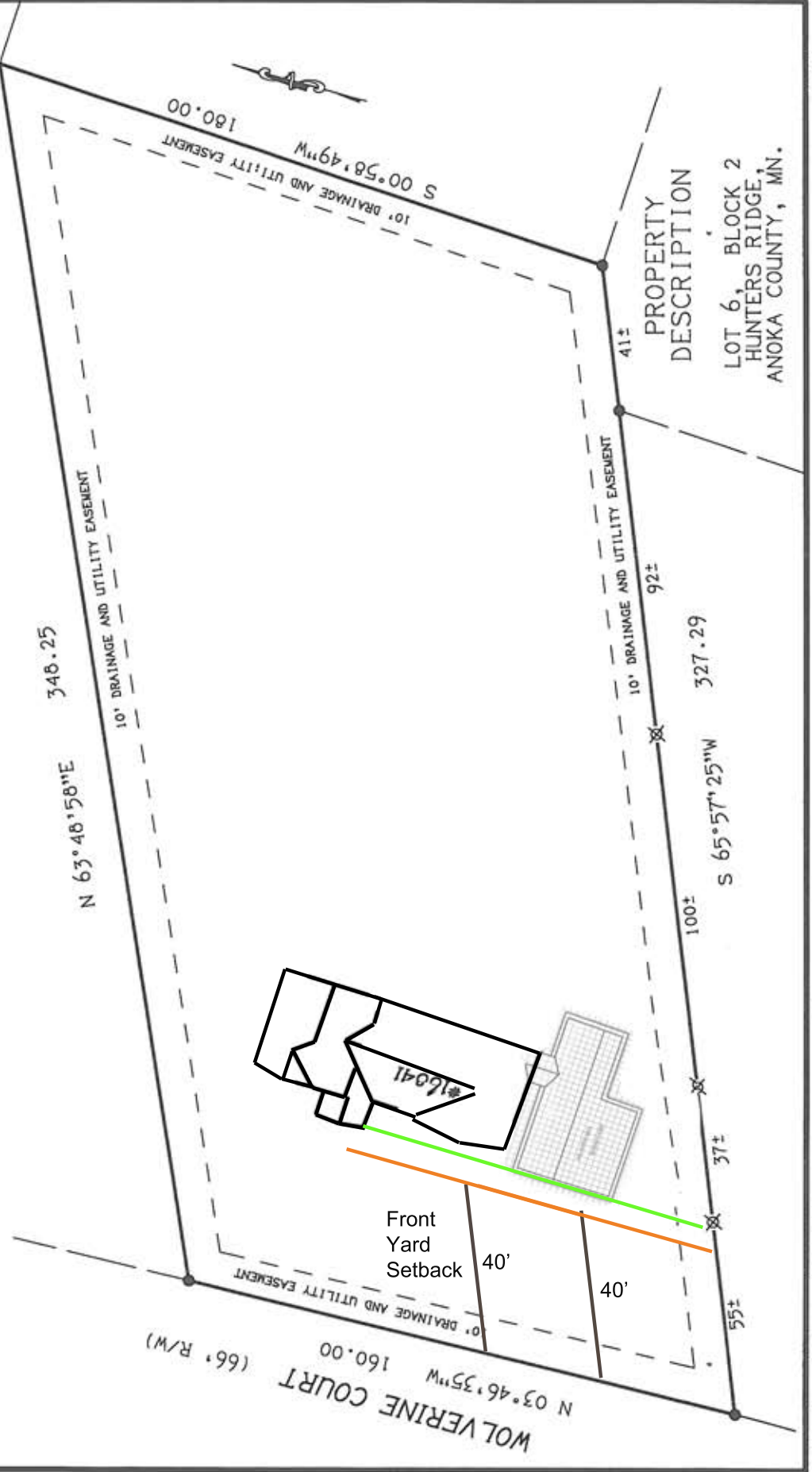
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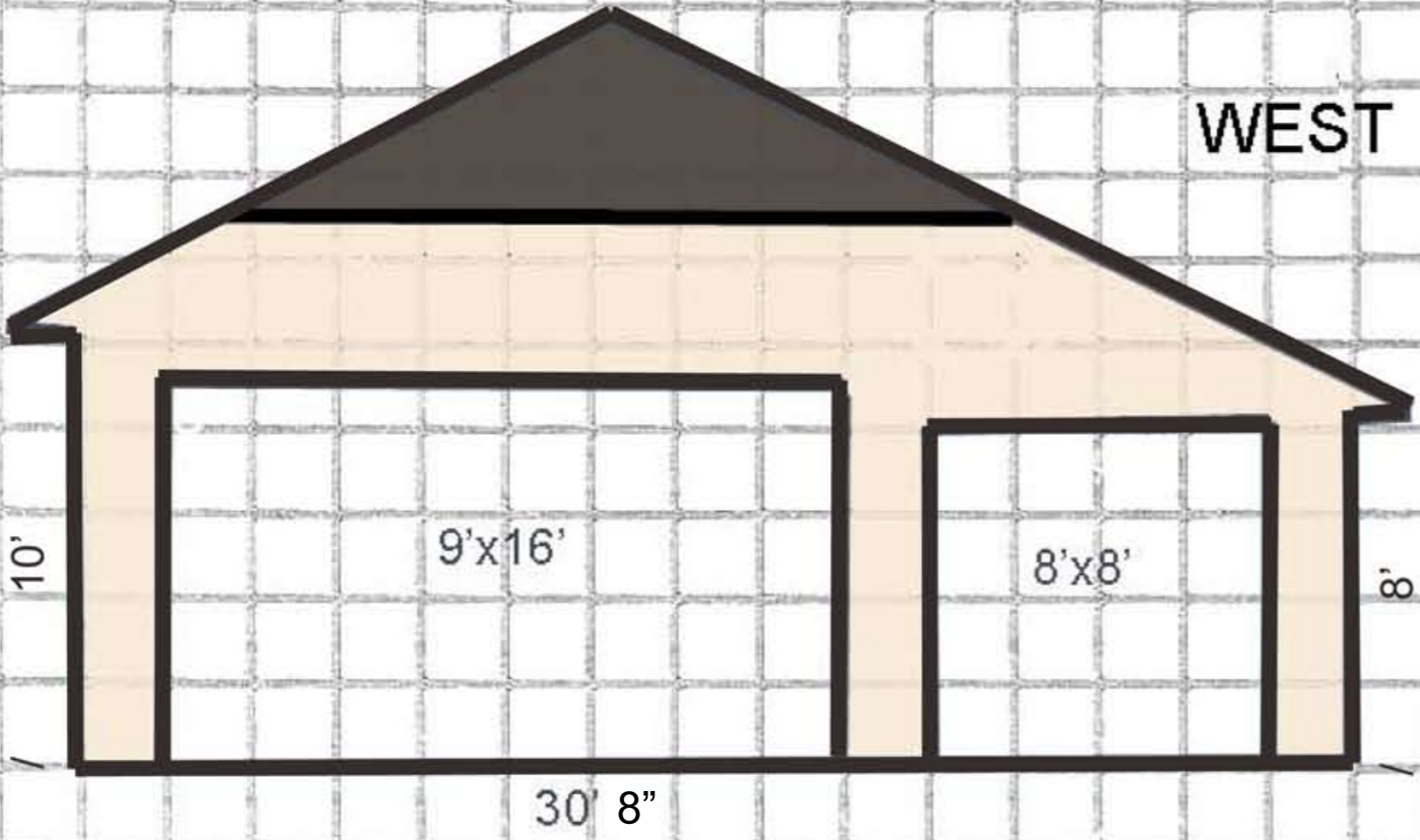
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 E-MAIL: KURTHSURVEY@AOL.COM

DATE September 24, 2015

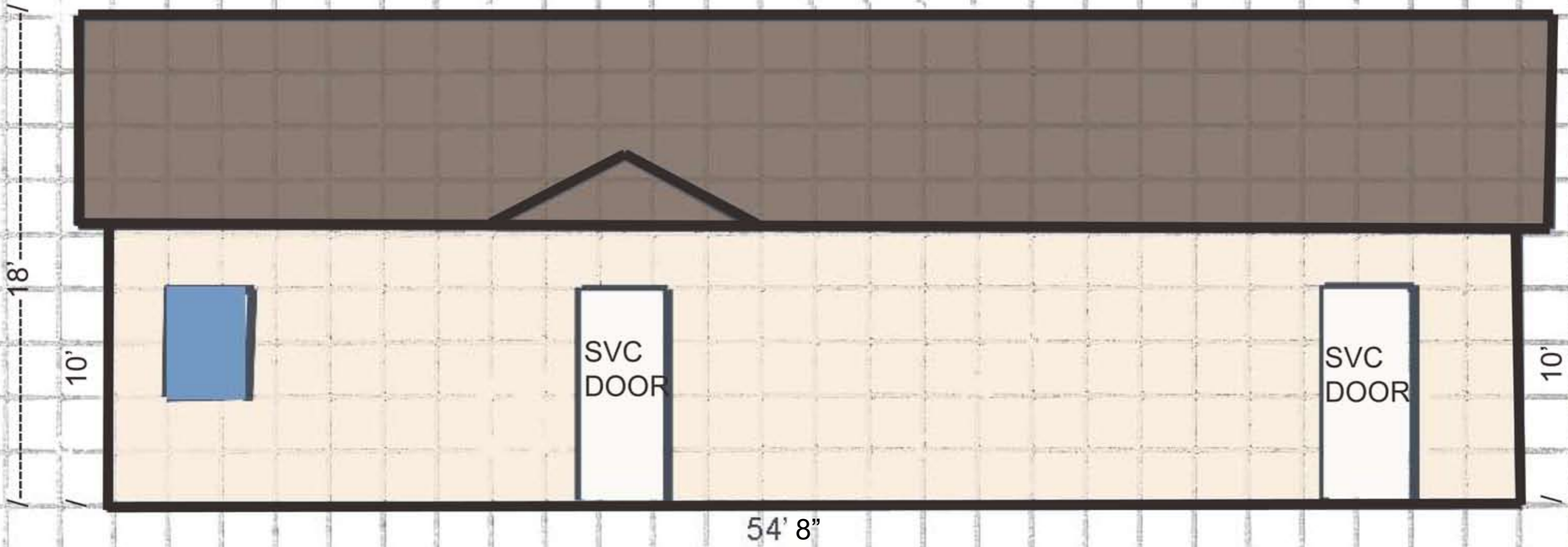
- = IRON MONUMENT SET
- = IRON MONUMENT FOUND
- ⊗ = PIPE SET ON LINE



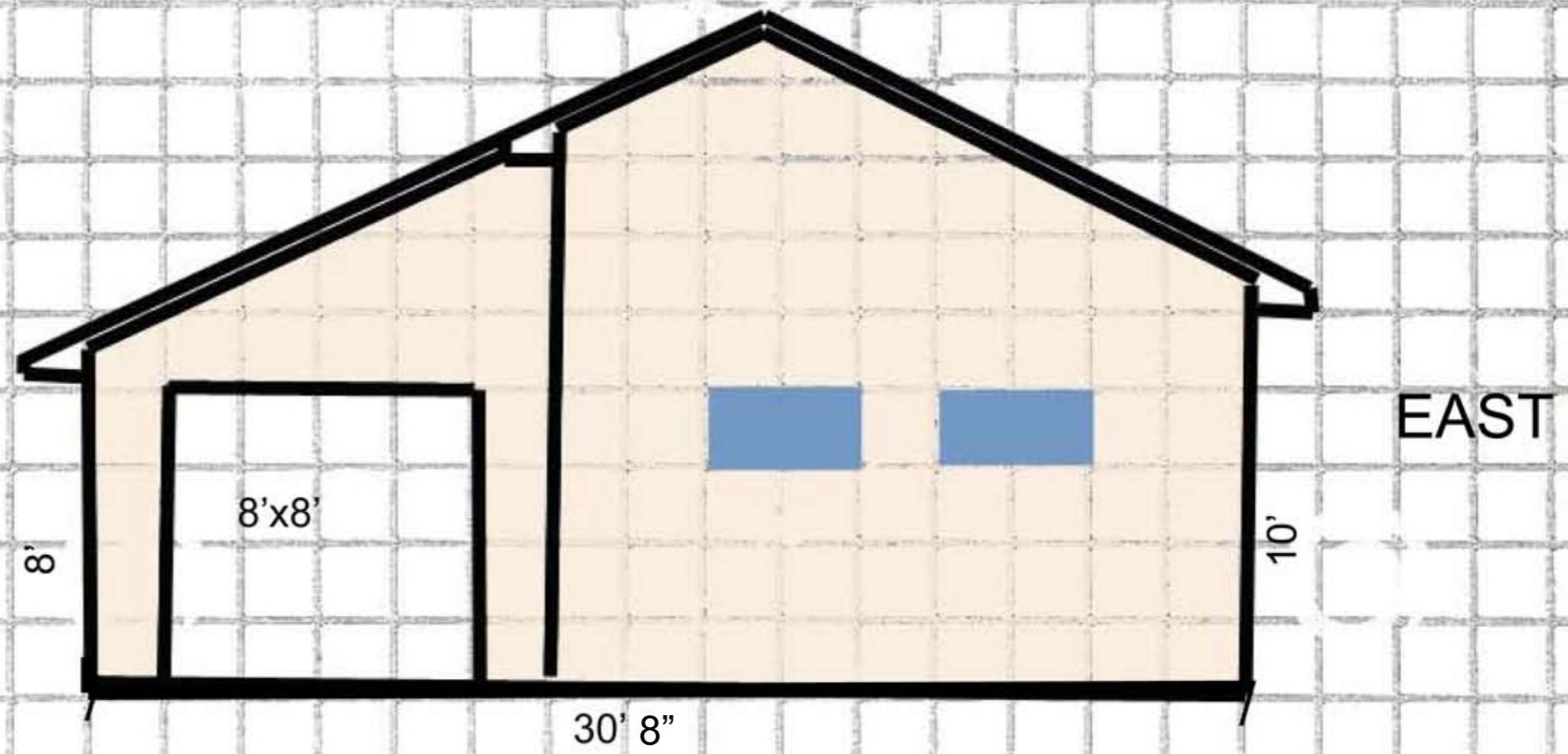
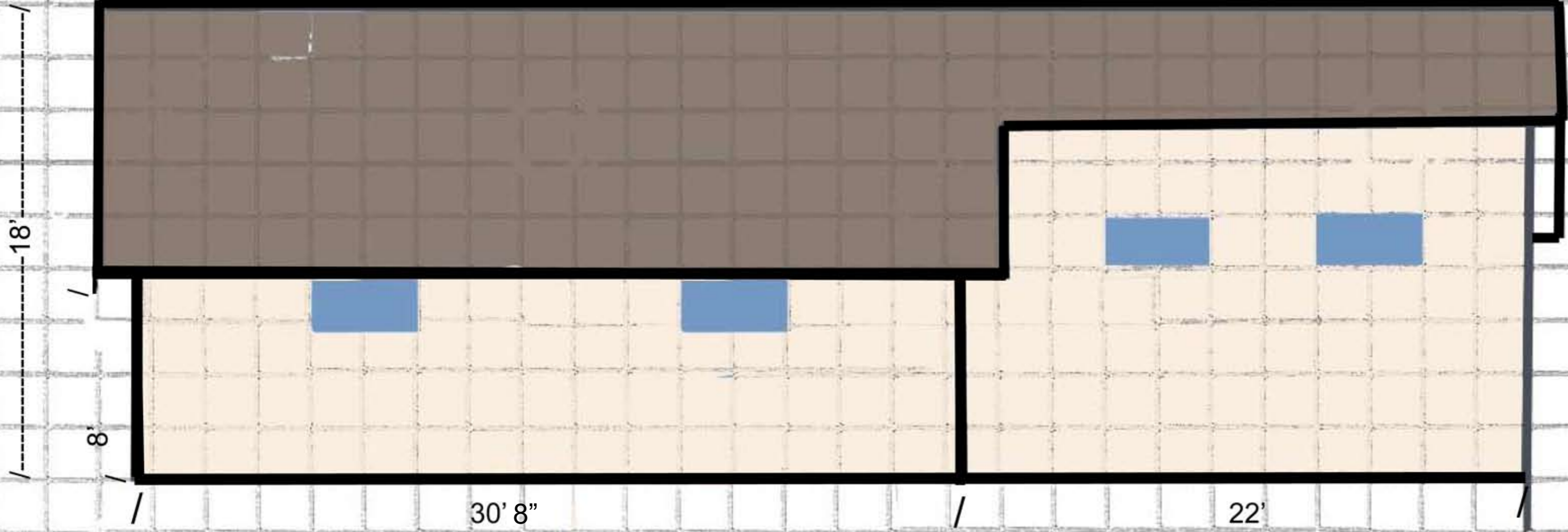


 = 2 square feet

NORTH



SOUTH



Millner Garage

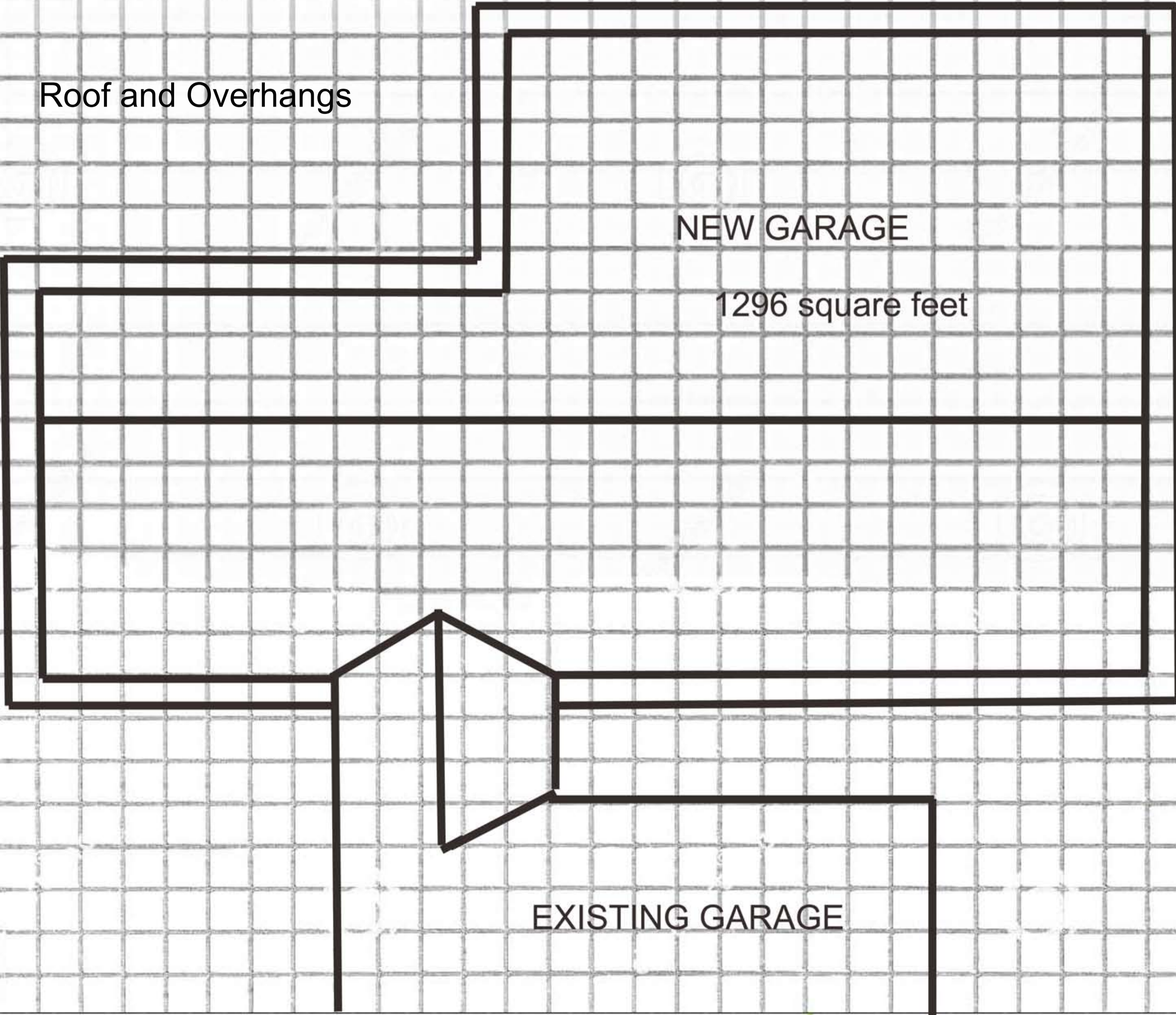
■ = 2 square feet

Roof and Overhangs

NEW GARAGE

1296 square feet

EXISTING GARAGE



Millner “Alternate Plan” site changes *not* necessary with variance:

Trees Removed = 

Fill needed for grade to access garage doors = 

Additional pavement = 





Regular Planning Commission

5. 2.

Meeting Date: 10/15/2015

By: Geoff Solomonson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Request for a Variance to Fence Height and Shed Location at 5650 156th Lane NW; Case of Walter Gleb and Sandy Warner

Purpose/Background:

The City has received an application from Walter Gleb and Sandy Warner (the "Applicant") for a Variance to fence height and required setback for a shed on the property located at 5650 156th Lane NW (the "Subject Property"). The Applicant is requesting a variance for an existing fence higher than eight (8) feet and a shed setback of less than six (6) feet. This variance request arises out of a complaint brought to city staff regarding the two structures.

Notification:

Staff attempted to notify all Property Owners within a 350 foot radius of the Properties of the Public Hearing via Standard US Mail. The Public Hearing was also published in the City's official newsletter, the Anoka County Union Herald.

Observations/Alternatives:

The Subject Property is zoned as R-1 Residential (MUSA) and the surrounding parcels are all similarly zoned. The Subject Property is approximately 0.34 acres in size and is surrounded by other properties of similar size.

In submitting the application for a variance, the Applicant is attempting to correct the concerns brought to the City's attention about the fence height and shed setback. The proper permits for these structures were not originally submitted and will ultimately need to be obtained (Building Permit for the fence and Zoning Permit for the shed).

The fence is eleven (11) feet high from the ground to the height of the panels and thirteen (13) feet high from the ground to the highest point on the posts. The entire structure is fourteen (14) feet wide from end post to end post. Fences taller than eight (8) feet are only possible with the granting of a variance.

The shed is located approximately four (4) feet from the side property line and is located partially in a drainage and utility easement. City code requires a setback of six (6) feet in the R-1: MUSA district, which would, in this case, eliminate the encroachment into the easement.

It is noted that a retaining wall exists on the property and was determined that it complied with city standards as no permit is required for a retaining wall of this height. However it should have required administrative approval due to the proximity to the wetlands on the property.

When contemplating a variance request, there is a three (3) factor test for practical difficulties that must be met by the Applicant. The following are the three (3) factors:

1. Is the property owner proposing to use the property in a reasonable manner?
2. Is the landowner's problem due to circumstances unique to the property and not caused by the landowner?
3. If granted, would the variance alter the essential character of the locality?

The fence appears to be a reasonable use as it acts almost as an extension of the wall of the home, rather than being locating directly adjacent to the property line, and is intended to provide some privacy for when the hot tub, which is located on the deck, is being used. While the shed itself also is a reasonable use, it does appear that it could be

relocated such that it would not require a variance. Neither of the two structures appear to alter the essential character of the locality.

Alternatives for fence structure

Option #1. Approve Resolutions #15-10-246 and #15-10-247 granting a variance to the fence height requirement. The Applicant has provided photos of evidence of construction within the property boundaries and although the proper permits were not originally submitted, the fence is of quality construction and does not pose a nuisance to the neighborhood. Staff supports this option for the fence structure.

Option #2. Approve modified versions of Resolutions #15-10-246 and #15-10-247 with a condition that the fence height be lowered to a specified height. This would be based upon discussion among the Planning Commission.

Option #3. Do not approve Resolutions #15-10-246 and #15-10-247. Staff does not support this option for the fence as it only spans about fourteen (14) feet in width and is used to provide additional privacy when using the outdoor hot tub. If this option were favored by the Planning Commission, the fence height would need to be reduced to no more than eight (8) feet.

Alternatives for shed location

Option #1. Do not approve Resolutions #15-10-246 and #15-10-247 for shed location setback. There is adequate room to build or relocate a shed to meet proper City Code setback requirements. Staff Supports this option for the shed.

Option #2. Approve Resolutions #15-10-246 and #15-10-247 granting a variance setback location. The shed does not impede stormwater drainage and, in its present location, does not appear to pose a nuisance to neighboring properties. However, it does appear that there may be viable options to relocate the shed such that a variance would not be necessary. If the shed location is approved, an Encroachment Agreement will need to also be processed to address the easement encroachment as well. This option would also be based upon discussing of the Planning Commission.

Funding Source:

All costs associated with this request are the Applicant's responsibility.

Recommendation:

Due to the nature, location and materials of the fence, Staff would recommend approving the requested variance for the fence. While the shed appears to be a quality structure and not necessarily a public nuisance, it does appear that the shed could be sited such that no variance would be necessary (this would also eliminate the need for an Encroachment Agreement as well) and thus, Staff would recommend not approving the variance for the shed location.

Action:

Motion to adopt Resolutions #15-10-246 and #15-10-247, adopting Findings of Fact #0953, and approving a variance to exceed the fence height only on the property located at 5650 156th Lane NW.

Attachments

Site Location Map

Photo Exhibit

Site Plan

Resolution #15-10-246: Draft Findings of Fact

Resolution #15-10-247: Draft Variance for Fence

Aerial Image

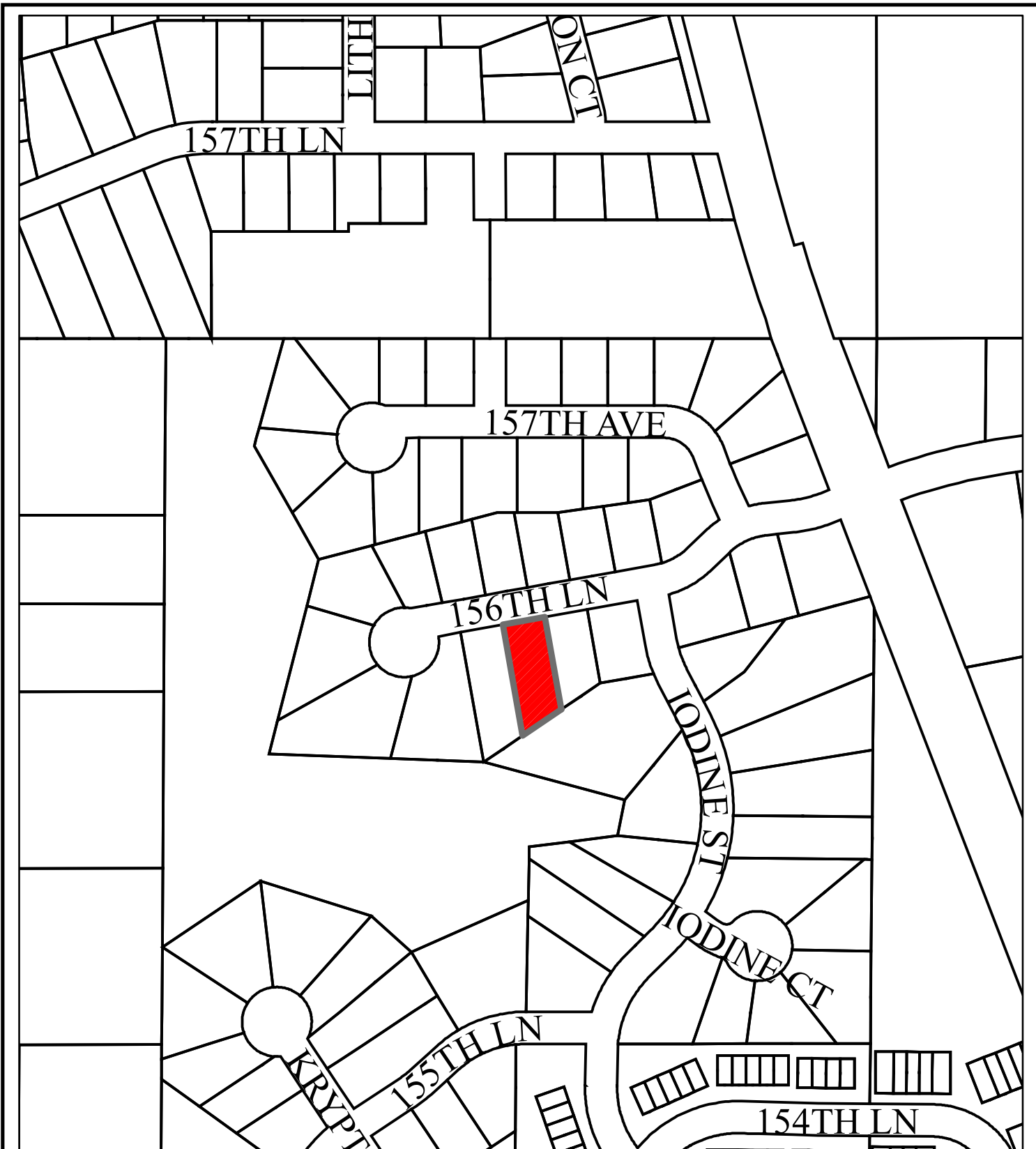
Written Comments from Neighbor

Supplemental Submittal



Additional Public Comments

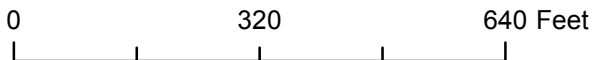
Form Review

Inbox	Reviewed By	Date
Chris Anderson	JoAnn Shaw	10/09/2015 11:03 AM
Tim Gladhill	JoAnn Shaw	10/09/2015 11:04 AM
Chris Anderson	JoAnn Shaw	10/09/2015 11:11 AM
Chris Anderson	Chris Anderson	10/09/2015 01:39 PM
Form Started By: Geoff Solomonson		Started On: 10/05/2015 09:27 AM
Final Approval Date: 10/09/2015		

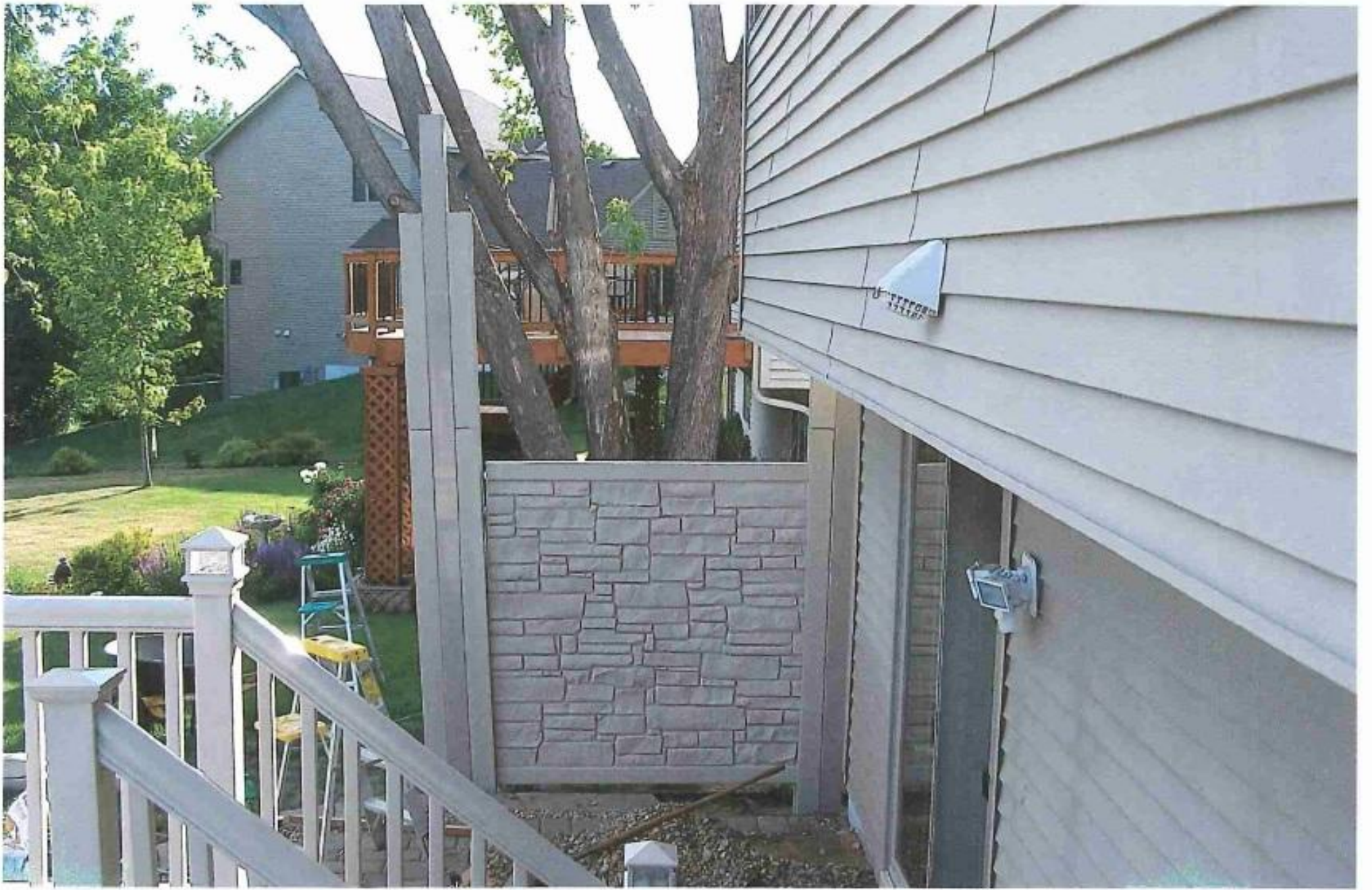


5650 156th Lane NW
23-32-25-11-0053

Legend
 Site
 Parcels







6/2010





HY-LAND SURVEYING, P.A.

LAND SURVEYORS

8700 Jefferson Highway
Osseo, Minnesota 55369
PHONE (763)493-5761
FAX (763)493-5781

INVOICE NO. 25195
F.B. NO. 277/38
SCALE 1" = 30'

8712 Proposed Top of Block
8742 Proposed Garage Floor
869.2 Proposed Lowest Floor

Surveyors Certificate

NOTE: PROPERTY CORNERS
SET BY DEVELOPERS SURVEYOR

- Denotes Wood Hub Set For Excavation Only
- Denotes Iron Monument

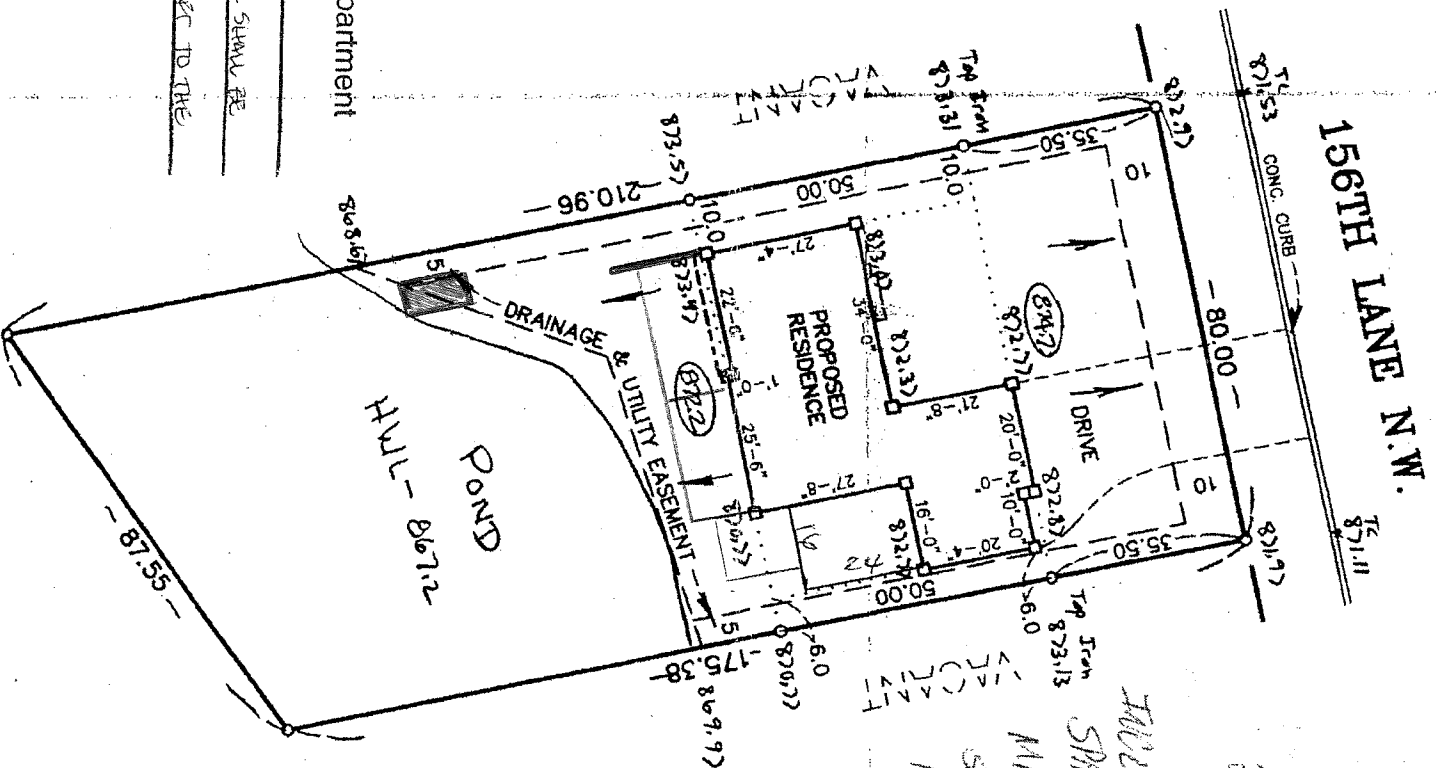
Type of Building -
4 level Split
Walkout 3rd level
N Lookout 4th level
Drop Garage (3c)

- x000.0 Denotes Existing Elevation
- Denotes Proposed Elevation
- \rightarrow Denotes Surface Drainage



OLMSTEAD BUILDERS

Property Located In Part Of
Sec. 23, Twp. 32, R. 25.



2-8-13 GH
ADDITION ABOUT
INCLUDE ANY LEASABLE
SPACE. STRUCTURE MUST
MAINTAIN AT LEAST
SIX (6) FEET OF SPACE
FROM SIDE PROPERTY
LINE.

CV?
6.441

Approved by
Ramsey Planning Department

Date: 7/8/14 TB

Comments: NO PART OF DECK SHALL BE

LOCATED CLOSER THAN SIX (6) FT TO THE
5.0% PROPERTY LINE

LOT 25, BLOCK 3, WILDLIFE SANCTUARY 2ND ADDITION

The only easements shown are from plats of record of information provided by client.
All building dimensions and floor elevations must be verified by client.
I hereby certify that this survey was prepared by me or under
my direct supervision, and that I am a duly Registered Land
Surveyor under the laws of the State of Minnesota.

Surveyed by us this 11TH day of FEBRUARY, 2003

Signed

Milton E. Hyland, Minn. Reg. No. 20262

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

RESOLUTION #15-10-246

RESOLUTION ADOPTING FINDINGS OF FACT #0953 RELATING TO A REQUEST FROM WALTER GLEB AND SANDY WARNER FOR A VARIANCE TO THE REQUIRED FENCE HEIGHT AND THE REQUIRED SHED SETBACK AT 5650 156th LANE NW.

WHEREAS, Walter Gleb and Sandy Warner, hereinafter referred to as the “Applicant,” have properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to encroach on the required height limit for a fence and the required side setback for a shed on the property generally known as 5650 156th Lane NW and legally described as follows:

Lot 25, Block 3, Wildlife Sanctuary 2nd Addition, Anoka County, Minnesota

(the “Subject Property”).

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

1. That the Subject Property is approximately 0.34 acres in size and is located in a R-1 Residential MUSA district.
2. That the Subject Property is surrounded by properties also zoned R-1 Residential MUSA.
3. That the Subject Property has frontage along 156th Lane NW.
4. That the Applicant is applying for a variance for a fence greater than eight (8) feet in height constructed on the Subject Property in 2010.
5. That Section 117-111 of the Ramsey City Code states that fences greater in height than eight (8) feet must apply for a variance.
6. That the fence is eleven (11) feet high from the ground to the height of the panels and thirteen (13) feet high from the ground to the highest point on the posts, and the entire fence structure is fourteen (14) feet long from the ends of the posts.
7. That there is no record of a previous permit or variance to construct the fence.
8. That the Applicant has had a survey conducted on the property and has placed the fence within the property boundaries.
9. That the Applicant erected the fence for additional privacy for the property.
10. That the Applicant has provided photos of the construction of the fence at the time of construction.

11. That the fence is of a higher quality than normal fencing and is compatible with the exterior of the house.
12. That the Applicant is applying for a variance for an encroachment to the side yard setback and the drainage and utility easement for a shed that exists on the property.
13. That the shed is approximately four (4) feet from the property line.
14. That Section 117-111 of the Ramsey City Code states that accessory structures within the R-1: MUSA district must maintain a six (6) foot side setback from the property line.
15. That the variance will be contingent on an encroachment agreement for the side setback and the drainage and utility easement encroachment.
16. That there is no infrastructure related to stormwater within this easement area and it does not appear to contain other small utilities either.
17. That economic circumstances alone do/do not create the practical difficulties.
18. That the plight is/is not due to circumstances unique to the Subject Property.
19. That the plight was/was not created by the Applicant.
20. That, if granted, the Variance will/will not alter locality's essential character.
21. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
22. That, if granted, the Variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
23. That if granted, the Variance will/will not permit a lesser degree of public health, safety, and general welfare.
24. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
25. That, if granted, the Variance will/will not increase the danger of fire or endanger public safety.
26. That, if granted, the Variance will/will not diminish or impair established property values within the neighborhood.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the ____ day of _____, 2015.

Chairperson

ATTEST:

City Clerk

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

RESOLUTION #15-10-247

RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO ENCROACH ON THE REQUIRED FENCE HEIGHT LIMIT AT 5650 156th LANE NW AND DECLARING TERMS OF SAME

WHEREAS, Walter Gleb and Sandy Warner, husband and wife, hereinafter referred to as the “Permittee,” have properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to encroach on the required height limit for a fence on the property generally known as 5650 156th Lane NW and legally described as follows:

Lot 25, Block 3, Wildlife Sanctuary 2nd Addition, Anoka County, Minnesota

(the “Subject Property”).

AND WHEREAS, the Planning Commission conducted a public hearing on October 15, 2015, pursuant to Section 117-53 of the Ramsey City Code.

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

1. That based on Findings of Fact #0953, a Variance to allow a fence higher than eight (8) feet on the **Subject Property** is hereby granted.
2. That the **Permittee** shall be required to obtain a Building Permit for the fence.
3. That the fence shall be inspected and fence height shall not exceed thirteen (13) feet as measure from grade to top of structure.
4. That the **Permittee** is responsible for accurately locating the property line of the **Subject Property** for the fence.
5. That the **Permittee** shall maintain positive drainage and existing grades along the westerly property line of the **Subject Property**.
6. That the **Permittee** shall be responsible for all costs incurred in administering and enforcing this Variance.
7. That this **Variance** shall automatically expire if the use is not initiated by October 15, 2016 and issuance of the Building Permit shall constitute initiation.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 15th day of October, 2015.

Walter Gleb and Sandy Warner, husband and wife, hereby acknowledge receipt of this Variance and have reviewed the terms of the Variance and have agreed to comply with the terms of the Variance.

Walter Gleb

Sandy Warner

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this _____ day of _____, 2015, before me, a Notary Public, personally appeared Walter Gleb and Sandy Warner, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Chairperson

By: _____
City Clerk

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this _____ day of _____, 20____, before me, a Notary Public, personally appeared Gary Levine and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Planning Commission Chairperson 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 Gary Levine and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
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



5650

Tim Gladhill:

When we bought our property that's exactly what we bought. When we put up our fence we put it on our property as we should. He should not be putting buildings on any property but his own or fences. We have property lines for a reason, and that is what we own. My husband has been thinking about building a shed-maybe we can just put it on our neighbor's property being that it doesn't matter where we put it or about property lines. We say NO to his variance. That will change all rules in Ramsey and set precedence for everyone. Property will be free reign for everyone.

He can move his fence and building and make it right. It is his fault for not doing it right in the first place. What make a person think he can do anything he wants to. NO!

Cathie Paumen

To the City of Ramsey:

10/14/15

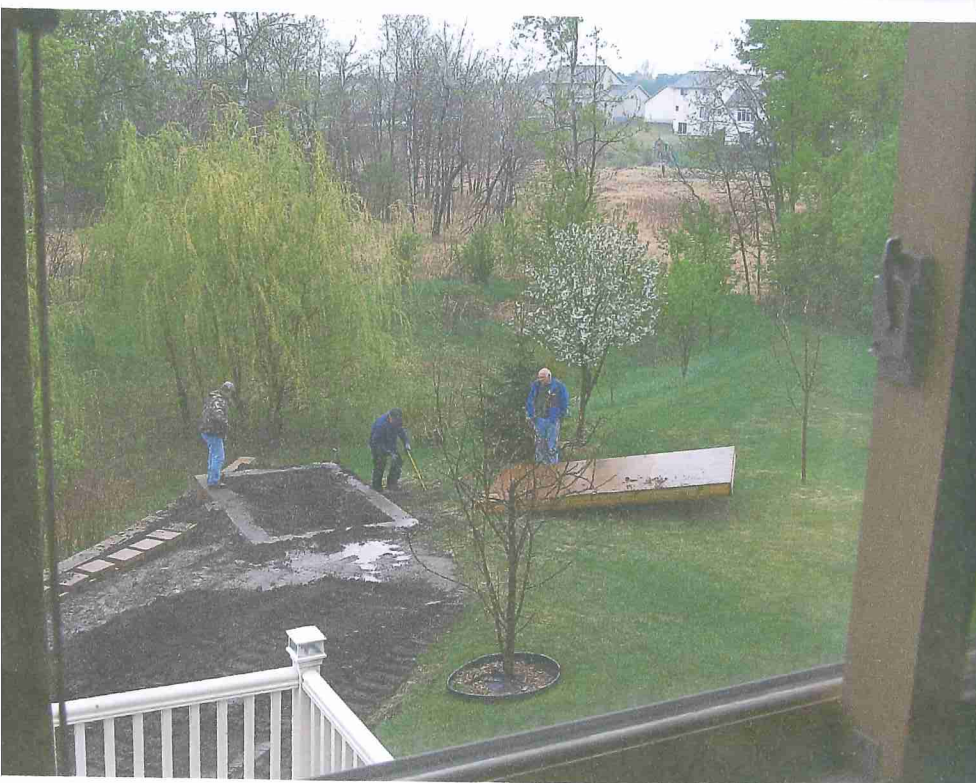
The shed in my back yard was placed in the far corner due to very little yard behind my house. Most of the yard behind my house is run off pond. The shed is not intruding into the run off pond. It sits up closer to the back of my house than the lower retaining wall. The shed is sitting on it's own foundation seperate from the wall. I put the shed up the same time I put in the retaining wall (not knowing I needed a permit at the time) I talked with the previous neighbor next door and we concluded where the property line might be and a good place for the shed to go. They had no issue with it. This was all done due to having our home for sale and the negative part of the sale was, no one liked our back yard due to the sloping hill down to the pond. So we tried to improve that area. I then had my land surveyed a few years later and found the shed to only be 4 feet from the property marker. The shed sits on block that goes four feet into the ground and would be a hardship to move. The block is all glued together and would be destroyed if I try to move them. I would not be putting the shed up any where else in my yard due to it being so small an area. I would just have to go with out a shed. I was unaware there is an easement on both sides of my property!

I apologize for encroaching on the easement, I was unaware there is an easement on both sides of my property. I apologize for not having a permit for putting up a plastic shed, I was unaware you needed a permit for a non wood structure.

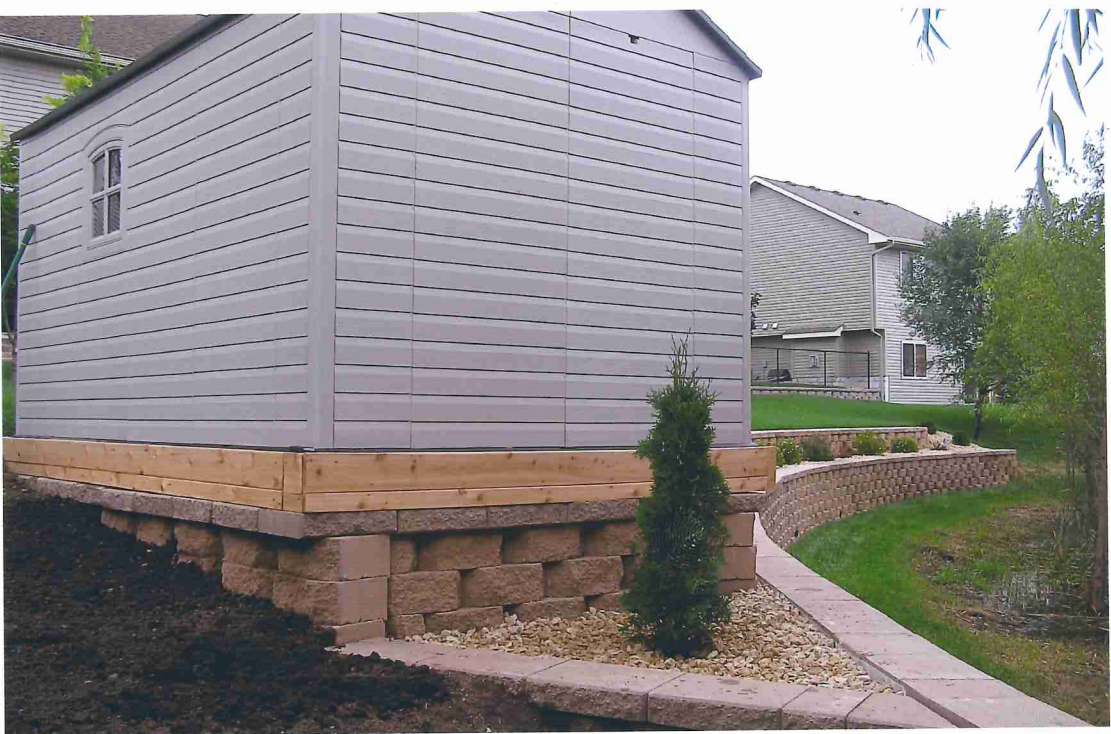
Walter (Skip) Gleb

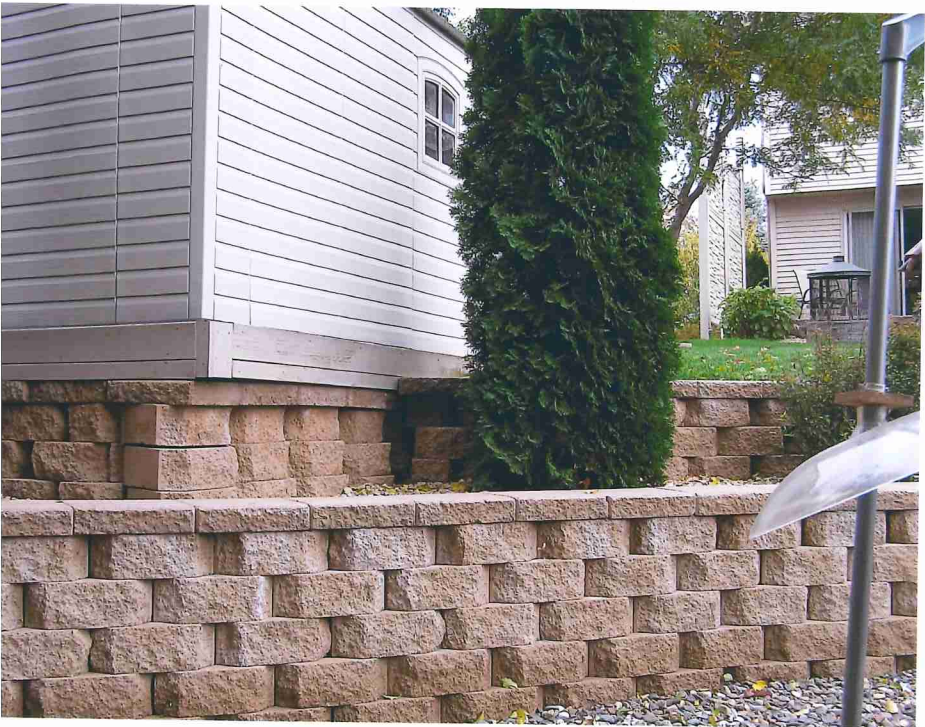
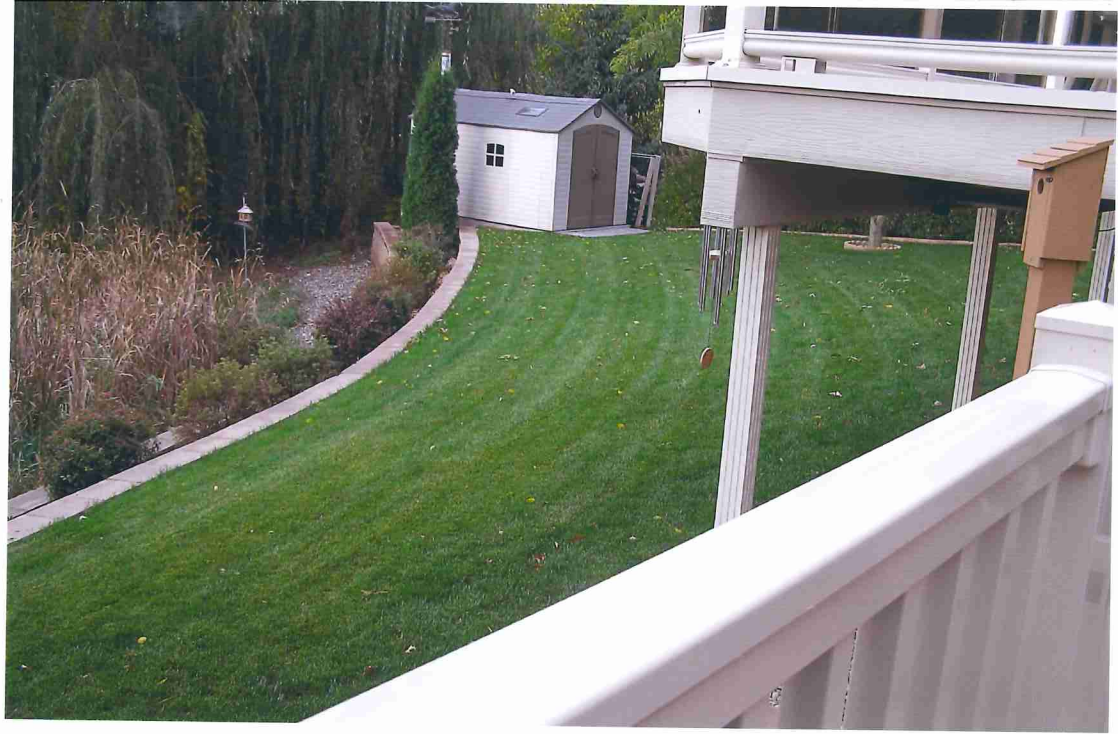
5650 156th Lane Nw

Ramsey, Mn. 55303









5/24/10 Log. pic



4/24/10



To whom it may concern at the Ramsey Planning Commission:

My wife and I, Rory and Jennifer Cardinal reside and own the property generally known as 5660 156th Lane NW, Ramsey, MN 55303 and legally described as: Lot 24, Block 3, Wildlife Sanctuary 2nd Addition, Anoka County, Minnesota. Our property is directly West to the property in question generally known as 5650 156th Lane NW, Ramsey, MN 55303 and legally described as: Lot 25, Block 3, Wildlife Sanctuary 2nd Addition, Anoka County, Minnesota.

We have had no problems in the almost 3 years that we have lived in our home with our neighbors, Skip and Sandy who reside and own Lot 25.

The shed in question is located by the East side of our lot for our adjoining properties and we have no issues or concerns with the shed being located there. The shed is completely on Lot 25's property and doesn't block our property in any way nor does it overhang or extend over the property line. It has always been properly maintained and kept looking nice and clean.

The fence that is in question is also located on the East side of our lot of our adjoining properties and we have no issues or concerns with it being located there or with the height of the fence. The fence provides privacy to them on their deck and also in turn gives us privacy that we otherwise would not have on our deck. The fence was completed with very nice materials and isn't unpleasant to look at.

We were unable to attend this meeting in person so we have provided this letter as our statement for the hearing.

Thank you,

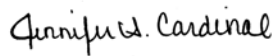
Rory and Jennifer Cardinal
5660 156th Lane NW
Ramsey, MN 55303

Rory A Cardinal



10/14/2015

Jennifer S Cardinal

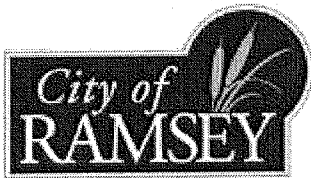


10/14/2015

Geoff Solomonson

From: Tim Gladhill
Sent: Wednesday, October 14, 2015 3:06 PM
To: Geoff Solomonson
Subject: FW: Comments regarding 10-15-2015 public hearing

For the file and added attachment.



Tim Gladhill | tgladhill@cityoframsey.com
Community Development Director
City of Ramsey | Community Development
P: 763-433-9826 (also cell) | F: 763-433-9848
7550 Sunwood Drive NW | Ramsey, MN 55303
www.cityoframsey.com

Our Mission: To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services.

From: Hansen, Gregory L (US) [<mailto:Greg.Hansen@baesystems.com>]
Sent: Wednesday, October 14, 2015 2:43 PM
To: Ramsey Planning <planning@ci.ramsey.mn.us>
Subject: Comments regarding 10-15-2015 public hearing

Attention Tim Gladhill (Community Development Director),

In regards to the request for variance hearing to be held on Thursday, October 15, 2015 pertaining to side yard setbacks and fence height for existing shed and fence on the property known as 5650 156th Ln NW, we feel that this situation can or may have already caused some discontentment within the neighborhood. We have nothing personally against our neighbors residing at 5650 156th Ln NW, nor do the property issues stated on the hearing notice structurally or visibly affect us, but generally feel it's inappropriate to allow for property rules and/or regulations governed by the City of Ramsey to be ignored. We understand that every situation presents its own circumstances, but in this particular case it just seems to send the wrong message to the neighborhood.

Respectfully,

Greg and Candie Hansen
5671 156th Ln NW

Meeting Date: 10/15/2015

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Recommendation on Comprehensive Plan Amendment and Zoning Amendment for 6139 157th Ln NW

Purpose/Background:

Please note: there is no physical development being proposed with this case. The intent of this case is to amend a previous approval for an existing use. There are, however, additional outcomes of the decision beyond the current, approved Conditional Use Permit for this Property.

Purpose

The purpose of this case is to hold a Public Hearing and consider a recommendation to the City Council on two actions:

1. Comprehensive Plan Amendment from Low Density Residential to Commercial
2. Zoning Amendment from R-1 Residential (MUSA) District to B-1 General Business District

The impetus for this case is a recent re-financing of the Property. The lender is concerned about the current non-conforming status of the Property for use of Professional Office. Specifically, the lender is concerned about State Statute language regarding non-conforming uses that are terminated for a period of twelve (12) months. State Statute then considers the non-conforming uses abandoned and loses said status.

Background

The Property is currently located in the R-1 Residential (MUSA) District. None of the current uses of the Property are listed as Permitted or Conditional Uses, although the City has previously approved these uses. The purpose of this case is to step back and apply the proper approval process for a previous City action. The current situation is not a result of the current Owner not following proper procedures to request City approval.

The Property was originally home to Lord of Life Church, until such time Lord of Life moved to their current location. Churches and Places of Worship are Conditional Uses in the R-1 Residential (MUSA) District. The effect of the vacation of the former church structure by Lord of Life was a structure that was not consistent with a single-family dwelling.

In 1991, in an effort to find an acceptable adaptable re-use of the property and consistent with policies and practices at the time, the City Council amended the Conditional Use to allow for Professional Offices. The 1991 Conditional Use Permit was subsequently amended to allow for Commercial Day Care and a Deli. The deli is no longer in operation. Since these uses are not listed under the underlying Zoning District, the use is considered non-conforming. Since the non-conforming status is the result of the process undertaken by the City, and not for lack of seeking proper approval on the part of the Owner, the non-conforming uses are permitted to continue without expansion and provided that the use is not terminated for a period twelve (12) months.

Notification:

Staff attempted to notify all Property Owners within 350 feet of the Subject Property via Standard US Mail. The Public Hearing Notice was also published in the Anoka County UnionHerald.

Observations/Alternatives:

Observations

In discussing the matter with the City Attorney, the City Attorney's legal opinion is that the City should process a Comprehensive Plan Amendment and Zoning Amendment. The 'Official Control' for regulating land use is the Zoning Code and Zoning Map. It would appear that the B-1 General Business District is the most appropriate existing Zoning District to apply to this situation. The Official Zoning Map must be consistent with the Comprehensive Plan, which is the first step in establishing a land use vision and development standards for a community, which is why there are two (2) separate actions for this case.

The purpose of the Commercial land use designation in the Comprehensive Plan is to include a range of neighborhood and community commercial/retail development. The intent of the B-1 General Business District is to provide a commercial area for goods and services for the surrounding neighborhoods and community on a smaller scale than the B-2 Highway Commercial District (Highway 10).

Secondary Outcomes

Part of the original attractiveness of utilization of the Conditional Use Permit is the ability for the City to limit the types of uses of the Property beyond an underlying commercial zoning district. By taking this action, the Property is then eligible for additional uses that were not part of the current Conditional Use Permit. However, as reviewed by the City Attorney based on current Zoning Code and case law, the Conditional Use Permit is no longer an acceptable tool to apply to allow for the current use.

The types of uses that would now be allowed would include enclosed retail activities without outdoor activities, restaurants and cafes, offices and banks, personal and professional services, funeral homes, medical clinics, laundromat, self-service washing and drying, dry cleaning, animal clinics and indoor small animal boarding facilities, adult uses - accessory, convenience grocery and/or food operations, and off-sale liquor. The amendment would also allow animal clinics and outside small animal boarding facilities, commercial carwashes (drive through, mechanical, self service), convenience gas (no vehicle service or repair), day care centers, on-sale liquor, uses with drive through service, oversizing of signs, expansion or enlargement of lawful nonconforming uses, cell towers, and wind energy systems by Conditional Use Permit.

Alternatives

Alternative #1 - Recommend that the City Council approve the Comprehensive Plan Amendment and Zoning Amendment. Although this opens up additional potential future uses, it appears to be the most appropriate tool to apply to the current use as previously approved by the City.

Alternative #2 - Recommend that the City Council deny the Comprehensive Plan Amendment and Zoning Amendment. The current uses would be allowed to continue without expansion provided that the uses are not terminated for a period longer than twelve (12) months. The deli operation appears to have been vacant for a period of at least twelve (12) months and therefore is no longer allowed. If the current uses terminated for more than twelve (12) months, future uses would need to be consistent with the R-1 Residential (MUSA) District, which would essentially mean that the structure must be used as a single-family dwelling or a Place of Worship with the issuance of a new Conditional Use Permit. The City could then re-evaluate an amendment to the Comprehensive Plan and Official Zoning Map at that time.

Alternative #3 - Establish a new Zoning District for the City that included its own list of Permitted and Conditional Uses. For example, as it could apply to this situation, the City could establish a Neighborhood Office District that had a smaller sub-set of the B-1 General Business District. Staff would anticipate that the neighborhood would be most concerned with retail type uses such as convenience stores and gas stations.

Funding Source:

Since the impetus of the case stems from the City's processing of a past approval, this case is being handled as part of normal Staff duties.

Recommendation:

Staff recommends approval of the Comprehensive Plan Amendment and Zoning Amendment as presented.

Action:

Motion to recommend that the City Council approve a Comprehensive Plan Amendment to Commercial and a Zoning Amendment to B-1 General Business District for 6139 157th Ln NW.

Attachments

Site Location Map

B-1 General Business District

Existing Conditional Use Permit

Form Review

Inbox

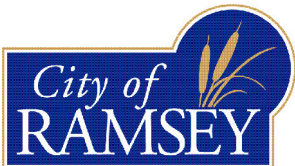
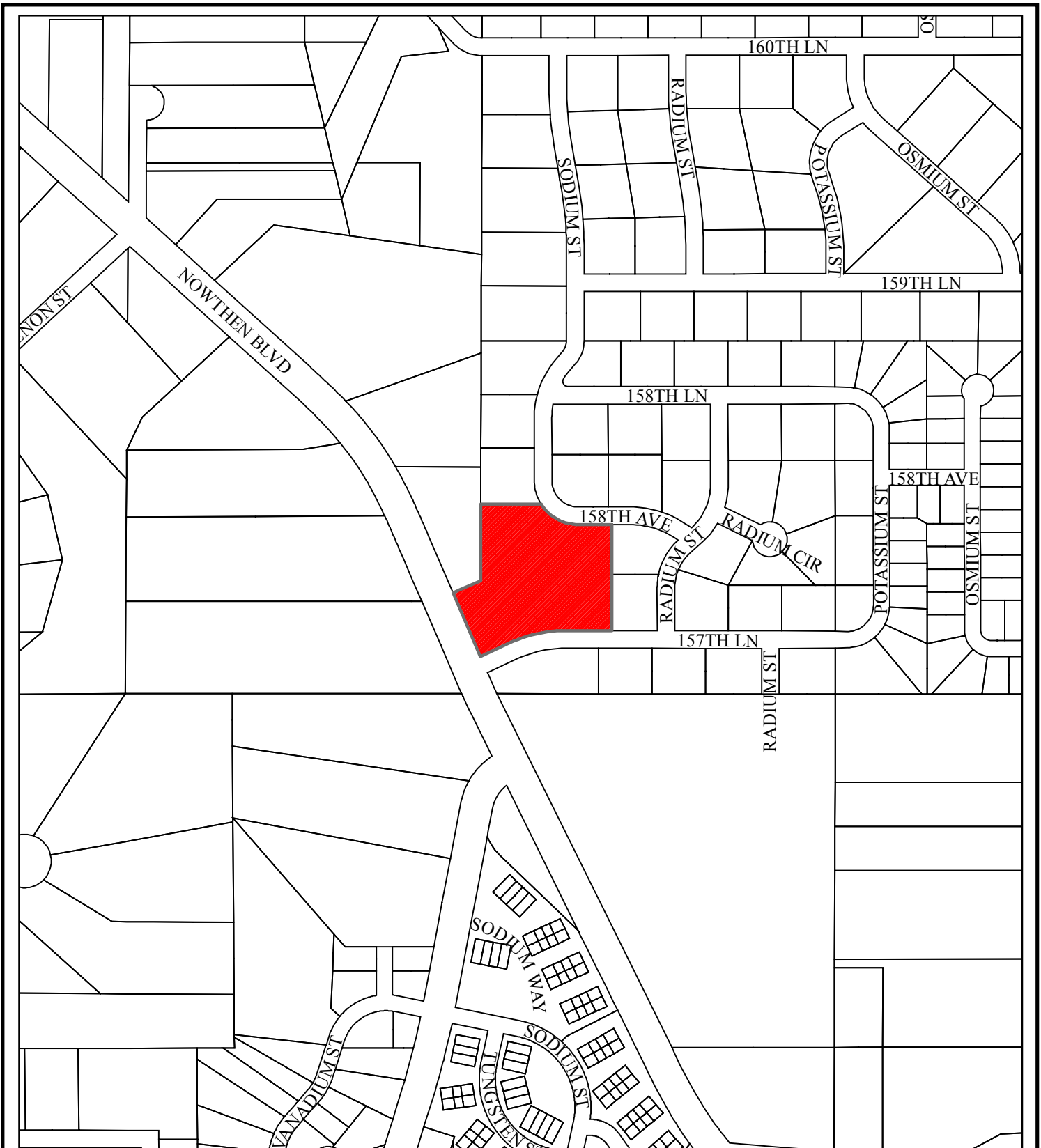
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 10/09/2015

Reviewed By



Tim Gladhill

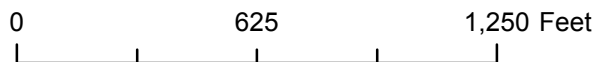
Date

10/09/2015 02:53 PM
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6139 157th Avenue NW
14-32-25-34-0035

Legend
 Site
 Parcels



Sec. 117-114. - B-1 General Business District.

- (a) *Intent.* The intent of the B-1 General Business District is to provide a commercial area for goods and services for the surrounding neighborhoods and community on a smaller scale than the B-2 Highway Commercial District.
- (b) *Permitted uses.* The following are permitted uses, subject to general requirements and performance standards as specified by this chapter:
 - (1) Enclosed retail activities without outdoor activities.
 - (2) Restaurants and cafes.
 - (3) Offices and banks.
 - (4) Personal and professional services.
 - (5) Funeral homes.
 - (6) Medical clinics.
 - (7) Laundromat, self-service washing and drying.
 - (8) Dry cleaning.
 - (9) Animal clinics and indoor small animal boarding facilities.
 - (10) Adult uses - accessory.
 - (11) Convenience grocery and/or food operations.
 - (12) Off-sale liquor.
- (c) *Conditional uses.*
 - (1) Animal clinics and outside small animal boarding facilities.
 - (2) Commercial carwashes (drive through, mechanical, self service).
 - (3) Convenience gas (no vehicle service or repair).
 - (4) Day care centers.
 - (5) On-sale liquor.
 - (6) Uses with drive through service.
 - (7) Oversizing of signs.
 - (8) Expansion or enlargement of lawful nonconforming uses.
 - (9) Cell towers.
 - (10) Micro-scale WECS.
 - (11) Medium-scale WECS.
 - (12) Indoor commercial recreation (applicable only to the contiguous group of B-1 General Business District parcels on the north and south side of 167th Ave. NW at Trunk Highway 47).
- (d) *Accessory uses.*
 - (1) Off-street parking as regulated and required by this chapter.
 - (2) Off-street loading as regulated and required by this chapter.
 - (3) Signing as regulated by article II, division 8 of this chapter.
- (e) *Standards.* (Also refer to article II, division 6 of this chapter for general performance standards.)
 - (1) Bulk standards.

Standard	Requirement
Minimum lot area	½ acre 1 acre without municipal water and sewer
Minimum lot width	100 feet 200 feet without municipal water and sewer
Minimum lot depth	150 feet
Maximum building height	35 feet
Maximum structure area	35% of lot area
Minimum building setbacks	
Front yard	35 feet
Side yard	10 feet
Side yard on corner lot	20 feet
Rear yard	35 feet
Major and minor arterials and state and county roads	60 feet from centerline of road right-of-way plus the local applicable setback
Public/private service road	25 feet
Off-street parking and pavement (includes maneuvering areas) setback from street right-of-way	20

Setbacks from residential districts:	35 feet
Structure setback from property boundary line	
Off-street parking, driveways and outside sales and display areas	

- (2) All exterior wall finishes on any building shall be:
- Face brick;
 - Stucco;
 - Glass;
 - Wood;
 - Natural stone;
 - Specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture;
 - Other material as may be approved by the city.
- Combinations of such materials shall be permitted.
- (3) Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movements, and shall be subject to the approval of the city engineer.
- (4) The entire site shall have a drainage system which is subject to the approval of the city engineer.
- (5) All signing and information or visual communication devices shall be in compliance with the applicable provisions of this Code.
- (6) All magazinging or stacking space for vehicles shall be off-street and shall be constructed to a size that will accommodate that number of vehicles which can be serviced during a maximum 30 minute period and shall be subject to the approval of the city engineer.
- (7) Parking or car magazine storage space shall be screened from view of abutting residential districts.
- (8) Provisions are made to control and reduce noise.
- (9) A concrete curb not less than six inches above grade shall separate the public sidewalk from motor vehicle service areas.
- (10) If applicable, motor fuel activities shall be installed in accordance with state and city standards, regardless of whether the dispensing, sale or offering for sale of motor fuels and/or oil is incidental to the conduct of the use or business. Additionally, adequate space shall be provided to access gas pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands with canopies. Canopies shall maintain a 20-foot setback from property lines as measured from the edge of the canopy.
- (11) Off-street parking areas, loading areas, driveways, and traffic maneuvering areas shall be surfaced with concrete or blacktop and finished with continuous concrete curbing as recommended by the city engineer and reflected on an approved site plan. Any site proposing to install any of the above named site improvements is subject to the site plan review process established in [section 117-52](#).
- (12) All conditions pertaining to a specific site are subject to change when the council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.
- (13) Lighting. Any lighting used to illuminate an off-street parking area, sign or structure, shall be arranged to deflect light away from an adjoining residential district or public street. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the property where such light source is located.
- (14) Landscaping and buffering.
- Site landscaping.
 - Minimum landscaping requirements. All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development. For each existing significant tree retained one overstory tree can be deducted from the minimum requirements.
 - Number of plantings. The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site.

	Business Districts
Deciduous/coniferous trees	1 per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building footprint, whichever is greater. For expansions to buildings, 1 additional tree is required for each 1,000 square feet of additional building footprint area.
Shrubs	1 per 30 feet of site perimeter or 1 per 300 square feet of building footprint area, whichever is greater.

3. Minimum size of plantings. Landscaping material shall be of the following minimum planting size:

Landscape Material	Size
Deciduous trees	2.5 inches diameter as measured three feet above ground
Coniferous trees	6 feet in height

Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height or 2 feet in width, whichever applies
Ornamental trees	1.5 inches diameter as measured three feet above ground

4. Planting types.
 - (i) Acceptable plantings shall be determined by the City of Ramsey Tree Book.
 - (ii) The compliment of trees fulfilling the landscaping requirements shall be not less than 25 percent deciduous and not less than 25 percent coniferous. No more than 25 percent of the required plantings shall consist of ornamental trees.
 - (iii) For every 35 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right-of-way.
- b. *Topsoil.* All exposed ground areas of a site not occupied by building, parking or storage, excluding natural areas that are left undisturbed, shall be covered with four inches of topsoil, as defined in [section 117-1](#), or an approved alternative as referenced in [section 117-348](#).
- c. *Sodding and ground cover.* All areas not otherwise improved in accordance with approved site plans shall be finished with sod up to the edge of improved streets. Any alternative to the sod requirement shall require city council approval.
- d. *Irrigation.*
 1. All landscaping areas required under this section shall include underground irrigation systems.
 2. Exceptions include natural areas that are left undisturbed.
- e. *Parking lot landscaping.* All parking lots are required to provide internal overstory tree plantings in an effort to shade parking surfaces and provide visual relief. Plantings are required at the following minimum schedule. The planting schedule is established to provide an acceptable number of plantings that may be planted in regular symmetrical patterns or irregular clusters or groupings.
 1. 1 tree per every ten parking spaces.
 2. Every overstory tree planting shall be provided with a planting area of 162 square feet.
 3. Acceptable ground cover materials include sod, mulch, and other natural ground cover. Landscaping rock and plastic underlayment is not allowed.
 4. All parking lot planting areas shall include underground irrigation systems.
- f. *Bufferyards.* This section is intended to be minimum requirements to achieve screening between differing uses with varied intensities and impacts that are not always complementary when adjacent to one another. When a bufferyard is required under this section, the yard space and planting requirements are not to be reduced for other purposes such as future parking and driveways, building expansions, or other activities that are not in keeping with the purposes of buffering and screening.
 1. Bufferyards are intended to provide additional screening of businesses that are adjacent to residential areas. The following table details the width of the bufferyard along the common adjacent property line. An additional increase of landscape plantings would be required in the bufferyard. That increase is expressed in the table below as a percentage of the total required site landscaping:

Proposed Development		Existing Adjacent Development		
		R-1	R-2	R-3
B-1	Bufferyard width	40 ft.	30 ft.	20 ft.
	% increase in plantings required	25%	20%	20%
B-2	Bufferyard width	50 ft.	40 ft.	30 ft.
	% increase in plantings required	30%	25%	20%

2. As an alternative method for screening, fences that are 100 percent opaque may be used to mitigate the impacts of businesses that are adjacent to residential areas. Fences shall be subject to the provisions found in all applicable ordinances. When a fence is used for screening purposes, the bufferyard planting requirements may be reduced by ten percent from the stated minimum requirement.

(15) *Off-street loading:* One off-street loading dock/berth shall be provided for the first 10,000 square feet of floor area and one additional dock/berth for each additional 25,000 square feet of floor area. Such loading berth/dock shall be located in the rear or side wall of building.

(Code 1978, § 9.20.21; Ord. No. 80-04, 5-25-1980; Ord. No. 86-2, 8-25-1986; Ord. No. 93-01, 3-1-1993; Ord. No. 93-05, 4-23-1993; Ord. No. 96-12, 7-29-1996; Ord. No. 03-21, 8-25-2003; Ord. No. 04-20, 6-1-2004; Ord. No. 09-06, § 2, 4-28-2009; Ord. No. 09-12, § 2, 9-8-2009; Ord. No. 10-04, § 2, 4-13-2010; Ord. No. 11-09, § 2, 6-28-2011; Ord. No. 14-01, § 2, 2-11-2014)

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

RESOLUTION #07-07-174

A RESOLUTION APPROVING THE ISSUANCE OF AN AMENDED CONDITIONAL USE PERMIT FOR THE NORTHERN COUNTIES SECRETARIAL SERVICES PROFESSIONAL OFFICES LOCATED IN THE R-1 RESIDENTIAL DISTRICT.

WHEREAS, Carol Lublin (Permittee) has properly applied for an amended Conditional Use Permit (Permit) on the property generally known as 6139 157th Lane N.W. and legally described as follows:

Lot 4, Block 4, HALLS DOVER ACRES, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on July 11, 2007, conducted a public hearing and recommended City Council approval of the request.

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

1. That this amended Permit shall supersede and replace the Permit approved by City Council in Resolution #06-10-321 issued on October 10, 2006.
2. That this Permit shall be perpetual in its duration so long as the conditions imposed herein are complied with.
3. That the Permitted uses on the site shall be limited to professional offices, daycare facilities, and a delicatessen.
4. That this Permit shall remain in effect for a total site development of 22,000 square feet of building area in accordance with the Concept Plan dated October 25, 1991, attached hereto as Exhibit "A". The ability to expand the site operation to 22,000 square feet granted in this Permit shall only exempt the Permittee from requiring Permit amendments for expansions up to 22,000 square feet. The Permittee shall not be exempted from meeting any other applicable City Code and Building Code requirements. Any effort to expand the site operations beyond 22,000 square feet shall require an amended Permit.
5. That an eighty (80) foot buffer area shall be established along the common property line with Lot 3, Block 4 Halls Dover Acres to provide adequate separation between commercial and residential uses. In addition, a twenty (20) foot structure setback shall be maintained from the 80 foot buffer limit.

6. That a 100 foot buffer area shall be maintained along the northeast and east property lines of the Subject Property, along with a twenty (20) foot structure setback from the 100 foot buffer line.
7. That the appropriate location for daycare play areas and screening to mitigate noise and burden resulting from the use will be reviewed in future site plan applications for any expansions on the Subject Property.
8. That no external activities, other than vehicles entering and exiting the Subject Property, may occur prior to 6:00 a.m. and after 8:00 p.m.
9. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this CUP.
10. The Community Development Department of the City of Ramsey (City) shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request. In the event the Permittee is determined to be in violation of any of the conditions set forth herein, the City shall give the Permittee written notice of the violation. The Permittee shall be given 30 days to correct the violation and submit a written response to the notice.
11. Additional landscaping shall be added to the site that is complementary to City Code landscape buffer requirements for a B-1 Business use adjacent to a R-1 Residential use.
12. The delicatessen area is limited to 1,000 square feet in size, with seating inside for 24 people and seating outside (weather permitting) for an additional 24 people.
13. Hours of operation for the delicatessen are limited to 6:00 AM – 6:30 PM, Monday through Sunday.

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

Mayor Gamec
Councilmember Olson
Councilmember Strommen
Councilmember Dehen
Councilmember Jeffrey
Councilmember Look

and the following voted against the same:

None

and the following abstained:

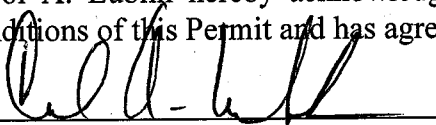
None

and the following were absent:

Councilmember Elvig

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council, this the 24th day of July, 2007.

Carol A. Lublin hereby acknowledges receipt of this Permit and that she has reviewed the conditions of this Permit and has agreed that she will comply with the terms of this Permit.

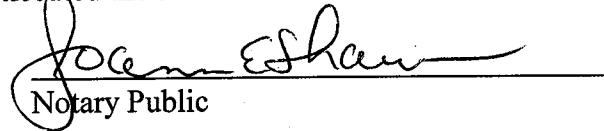
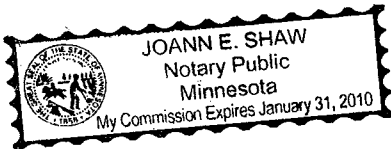


Carol A. Lublin

STATE OF MINNESOTA)

COUNTY OF Anoka) SS.
)

On this 25th day of September, 2007, before me, a Notary Public, personally appeared Carol A. Lublin, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.


Notary Public

CITY OF RAMSEY:

By: *Thomas G. Gamec*
As: Mayor

By: *JoAnn M. Thieling*
As: City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF ANOKA)

On this 26th day of September, 2007 before me, a Notary Public, personally appeared Thomas G. Gamec 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 Thomas G. Gamec and Joann M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Joann E Shaw
Notary Public



The document drafted by:
The City of Ramsey
15153 Nowthen Blvd. NW
Ramsey, MN

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

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

RESOLUTION #07-07-173

A RESOLUTION ADOPTING FINDINGS OF FACT #0801 RELATING TO A REQUEST FOR AN AMENDED CONDITIONAL USE PERMIT FOR NORTHERN COUNTIES SECRETARIAL SERVICES PROFESSIONAL OFFICES IN AN R-1 RESIDENTIAL DISTRICT.

WHEREAS, Carol Lublin, hereinafter referred to as "Applicant", has properly applied for an amended Conditional Use Permit to allow for a delicatessen to be added as a permitted use on the property generally known as 6139 157th Lane N.W. and legally described as follows:

Lot 4, Block 4, HALLS DOVER ACRES, 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 9.03.05 of the Ramsey City Code on July 11, 2007, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the subject property is located in the R-1 Residential Rural Developing District.
3. That the surrounding parcels are zoned R-1 Residential Rural Developing.
4. That on November 26, 1991, the City Council issued a Conditional Use Permit (CUP) to the Subject Property to utilize the vacant church structure for professional offices and daycare facilities.
5. That the terms of the CUP issued in 1991 allowed for a total site development of up to 22,000 square feet of building area with no requirement for amendments to the CUP provided that a 120 foot structure setback is maintained from the north and east property lines of the Subject Property.
6. That the City issued an amended CUP to the Permittee on October 10, 2006 that allowed the 100-foot buffer area on common property line with Lot 3, Block 4, as established in Exhibit A to the Conditional Use Permit issued in 1991, be reduced to 80 feet, and that a 20 foot structure setback will be maintained from the 80 foot buffer line.
7. That on June 6, 2007 the Permittee applied for an additional amendment to the CUP to allow for a delicatessen to be added to the property as a permitted use.

8. That the proposed delicatessen will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
9. That the proposed delicatessen will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
10. That the proposed delicatessen will be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
11. That the proposed delicatessen will not be hazardous to existing or future neighboring uses.
12. That the proposed delicatessen will not be disturbing to existing or future neighboring uses.
13. That the proposed delicatessen will not impact essential public facilities and services, such as highways, streets, police and fire protection.
14. That the proposed delicatessen will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
15. That the proposed delicatessen will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

Mayor Gamec
Councilmember Strommen
Councilmember Olson
Councilmember Dehen
Councilmember Jeffrey
Councilmember Look

and the following voted against the same:

None

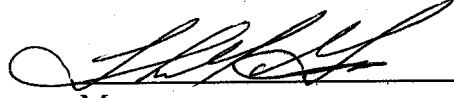
and the following abstained:

None

and the following were absent:

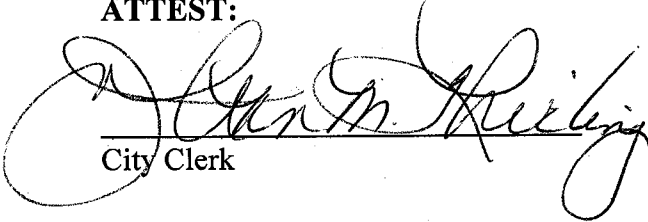
Councilmember Elvig

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 24th day of July, 2007.



Mayor

ATTEST:



City Clerk

Regular Planning Commission

5. 4.

Meeting Date: 10/15/2015

By: Geoff Solomonson, Community Development

Information

Title:

PUBLIC HEARING: Consider Ordinance Amending City Code Chapter 105 (Buildings and Building Standards) Related to Allowable Hours of Construction

Purpose/Background:

The City of Ramsey has the code as listed below for construction hours within the city. The reason for this possible amendment to the Code is due to the number of concerns that have been raised to City Council regarding the time limits and to address some of the public perception of the listed hours. The question was most recently raised during the review of a Major Subdivision.

Residents have had concerns with the hours listed as the maximum allowance, not necessarily being the standard hours of construction that most contractors choose to use. The Developer of Harvest Estates, for example, negotiated construction hours to stop at 8:00 p.m. instead of the maximum stopping time of 10:00 p.m. This contrasts with the the construction of Fire Station Number 2 which is nearby in the same neighborhood and has a ending construction time of 10:00 p.m. Based on discussion in a previous Planning Commission meeting, the goal of this amendment has been to look at the possibly of introducing wording to negotiate an earlier stopping time for construction and creating exemptions built in for public improvement projects.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

While an amendment to City Code may be warranted, Staff poses a goal to balance the tranquility of the surrounding neighborhoods with the flexibility to be able to negotiate later hours where feasible.

Action:

Motion to recommend that the City Council adopt the Ordinance amending language regarding allowable hours of construction.

Attachments

Proposed Ordinance

Previous Planning Commission Case

Planning Commission Minutes dated August 6, 2015

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	10/09/2015 11:50 AM
Tim Gladhill	Tim Gladhill	10/09/2015 03:18 PM
Form Started By: Geoff Solomonson		Started On: 10/05/2015 02:58 PM
Final Approval Date: 10/09/2015		

**ORDINANCE #15-
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE AMENDING CHAPTER 105 (BUILDING AND BUILDING REGULATIONS) OF THE RAMSEY CITY CODE AMENDING THE ALLOWABLE HOURS OF CONSTRUCTION.

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENTS

Section 105-1 is amended to revise the following language (added language underlined, deleted language ~~strike through~~):

Sec. 105-1. - Restrictions on hours for construction.

- (a) Work hours. It shall be unlawful to engage in or conduct any activity in the construction of any building or structure, or the laying of any pavement, including but not limited to the making of any excavation, clearing of surface land and loading or unloading material, equipment or supplies in any residential district of the city, except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. The city shall reserve the ability to negotiate reduced hours through a development agreement based on factors such as the proximity to existing residential dwellings, decibel levels exceeding those stated in Chapter 30-3, and dust control. All work relating to the construction site is to halt at the ending times. However, such activity shall be lawful from 6:00 a.m. to 10:00 p.m. with prior permission from the city administrator and his designee due to extenuating circumstances such as excessively warm temperature, the need to avoid traffic during normal work hours, etc. Any Sunday activity is also limited to the hours of 7:00 a.m. to 10:00 p.m. and to that which is being performed by the owner/occupant of the parcel on which the activity is occurring. Public improvement projects, public works construction activities and emergency construction activity shall be exempt from the construction hours listed.
- (b) Permit. Application for a permit shall be made in writing to the administrator and shall state the name of the applicant and their business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the time indicated.
- (c) Provision not to prevent necessary work. Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

SECTION 3. SUMMARY

The following is the official summary of Ordinance #15-, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #15- to amend Ramsey, Minnesota City Code Chapter 105 to amend the allowable hours of construction to allow the City to negotiate reduced hours of construction.

SECTION 4. EFFECTIVE DATE

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the th day of _____, 2015.

Mayor Sarah Strommen

ATTEST:

City Clerk Jo Ann M. Thieling

Introduction Date:

Posting Dates:

Adoption Date:

Publication Date:

Effective Date:

Regular Planning Commission

5. 4.

Meeting Date: 08/06/2015

By: Geoff Solomonson, Community Development

Information

Title:

Discuss Potential Future City Code Amendment to Construction Hours

Purpose/Background:

The City of Ramsey has the code as listed below for construction hours within the city. The reason for this possible amendment to the Code is due to the number of concerns that have been raised to City Council regarding the time limits and to address some of the public perception of the listed hours. The question was most recently raised during the review of a Major Subdivision. Residents have had concerns with the hours listed as the maximum allowance, not necessarily being the standard hours of construction that most contractors choose to use. The contractor for the development of Harvest Estates, for example, negotiated construction hours to stop at 8:00 p.m. instead of the maximum stopping time of 10:00 p.m.

The goal of this amendment is to look at the possibly of introducing an earlier stopping time for construction with exemptions built in for public improvement projects, private homeowner construction, and extenuating circumstances which would involve City Administrator approval or City Council approval. It is noted, however, that it is rare that the complaints the City actually receive are that of evening work hours. Almost exclusively, the complaints are in regards to early start hours in the morning.

Also included in this document for examples are the hours of construction and stipulations of neighboring communities as a basis for discussion. It is worth noting that the majority of the surrounding communities have similar hours in effect as the City of Ramsey with some starting at 6:00 a.m.

The code as it currently exists:

Sec. 105-1. - Restrictions on hours for construction.

(a) Work hours. It shall be unlawful to engage in or conduct any activity in the construction of any building or structure, or the laying of any pavement, including but not limited to the making of any excavation, clearing of surface land and loading or unloading material, equipment or supplies in any residential district of the city, except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. However, such activity shall be lawful from 6:00 a.m. to 10:00 p.m. with prior permission from the city administrator and his designee due to extenuating circumstances such as excessively warm temperature, the need to avoid traffic during normal work hours, etc. Any Sunday activity is also limited to the hours of 7:00 a.m. to 10:00 p.m. and to that which is being performed by the owner/occupant of the parcel on which the activity is occurring.

(b) *Permit.* Application for a permit shall be made in writing to the administrator and shall state the name of the applicant and their business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the time indicated.

(c) *Provision not to prevent necessary work.* Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

(Code 1978, § 7.81; Ord. No. 95-17)

Possible code edit amendment:

Sec. 105-1. - Restrictions on hours for construction.

(a) Work hours. It shall be unlawful to engage in or conduct any activity in the construction of any building or structure, or the laying of any pavement, including but not limited to the making of any excavation, clearing of

surface land and loading or unloading material, equipment or supplies in any residential district of the city, except between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday unless work is done by a homeowner, in which residential homeowner construction is limited from 7:00 a.m. to 10:00 p.m. However, such activity shall be lawful from 6:00 a.m. to 10:00 p.m. with prior permission from the city administrator and his designee due to extenuating circumstances such as excessively warm temperature, the need to avoid traffic during normal work hours, etc. Any Sunday activity is also limited to the hours of 7:00 a.m. to 10:00 p.m. and to that which is being performed by the owner/occupant of the parcel on which the activity is occurring. Public improvement projects, public works construction activities and other similar emergency construction activity shall be exempt from the construction hours listed.

(b) *Permit.* Application for a permit shall be made in writing to the administrator and shall state the name of the applicant and their business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the time indicated.

(c) *Provision not to prevent necessary work.* Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

(Code 1978, § 7.81; Ord. No. 95-17)

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

While an amendment to City Code may be warranted, Staff poses a goal to balance the tranquility of the surrounding neighborhoods with the flexibility to be able to negotiate later hours where feasible. This topic report is for discussion only. There is no policy change being proposed at this time.

Action:

No action is being requested. Staff is seeking initial feedback to aide in development an actual ordinance for future consideration.

Attachments

Construction Hours Document

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/31/2015 02:05 PM
Form Started By: Geoff Solomonson		Started On: 07/31/2015 01:43 PM
Final Approval Date: 07/31/2015		

City of Ramsey

Code – Construction Hours

The City of Ramsey has the code as listed below for construction hours within the city. The reason for this possible amendment to the Code is due to the number of concerns that have been raised to City Council regarding the time limits and to address some of the public perception of the listed hours, as residents have had concerns with the hours listed as the maximum allowance, not necessarily being the standard hours of construction that most contractors choose to use. The contractor for the development of Harvest Estates, for example, negotiated construction hours to stop at 8:00 p.m. instead of the maximum stopping time of 10:00 p.m.

The goal of this amendment is to look at the possibly of introducing an earlier stopping time for construction with exemptions built in for public improvement projects, private homeowner construction, and extenuating circumstances which would involve City Administrator approval or City Council approval.

Also included in this document for examples are the hours of construction and stipulations of neighboring communities. It is worth noting that the majority of the surrounding communities have similar hours in effect as the City of Ramsey with some starting at 6:00 a.m.

The code as it currently exists:

Sec. 105-1. - Restrictions on hours for construction.

- (a) Work hours. It shall be unlawful to engage in or conduct any activity in the construction of any building or structure, or the laying of any pavement, including but not limited to the making of any excavation, clearing of surface land and loading or unloading material, equipment or supplies in any residential district of the city, except between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. However, such activity shall be lawful from 6:00 a.m. to 10:00 p.m. with prior permission from the city administrator and his designee due to extenuating circumstances such as excessively warm temperature, the need to avoid traffic during normal work hours, etc. Any Sunday activity is also limited to the hours of 7:00 a.m. to 10:00 p.m. and to that which is being performed by the owner/occupant of the parcel on which the activity is occurring.
- (b) *Permit.* Application for a permit shall be made in writing to the administrator and shall state the name of the applicant and their business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the time indicated.
- (c) *Provision not to prevent necessary work.* Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

(Code 1978, § 7.81; Ord. No. 95-17)

Possible code edit amendment:

Sec. 105-1. - Restrictions on hours for construction.

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- (b) *Permit.* Application for a permit shall be made in writing to the administrator and shall state the name of the applicant and their business address, the location of the proposed work, and the reason for seeking a permit to do such work on Sunday as well as the estimated time of the proposed operations. No such permit shall be issued excepting where the public welfare will be harmed by failure to perform the work at the time indicated.
- (c) *Provision not to prevent necessary work.* Nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

(Code 1978, § 7.81; Ord. No. 95-17)

Other neighboring community's construction hours as it appears in their respective city code.

City	Hours	Notes:	Code
Ramsey	7:00am-10:00pm, Monday-Saturday	Construction may begin at 6am with permission from city administrator	Part 2, Chapter 105, Article 1, §105-1-A
Andover	7:00am-10:00pm		Title 5, Chapter 6, §5-6-3
Anoka	7:00am-10:00pm	Between 10pm and 7am, equipment, events, or activities must be authorized, sponsored, permitted or approved by city council or City Manager with conditions to the license, permit or contract.	Chapter 38, Article 1, §38-1-C-1-D
Apple Valley	6:00am-10:00pm	Snow removal and street-sweeping are exempt. Emergency work to preserve the public health, safety, or welfare, or in the performance of work necessary to restore a public service or eliminate a public hazard is exempt with reasonable actions to minimize the amount of noise.	Title XIII, Chapter 130, §130.56 & §130.57
Blaine	7:00am-10:00pm	City or state authorized, sponsored, or licensed work to preserve public health, safety, or welfare or to restore public service or eliminate a public hazard shall be exempt.	Chapter 50, Article IV, Division 2, §50- 203-5
Bloomington	7:00am-10:00pm, Monday-Friday; 9:00am-9:00pm, Saturday		Part 2, Chapter 10, §10.29.07-C
Burnsville	7:00am-10:00pm		Title 7, Chapter 1, §7-1-2 D-1
Champlin	7:00am-9:00pm	In the case of urgent necessity to the public health and safety and with a permit from the city administrator for a period not to exceed three days without renewal.	Part 1, Chapter 38, Article 3, §38-70-B- 8
Coon Rapids	7:00am-10:00pm, Monday-Saturday	City or state authorized, sponsored, or licensed work to preserve public health, safety, or welfare or to restore public service or eliminate a public hazard shall be exempt.	Title 8, Chapter 8, §8-403-10
Cottage Grove	7:00am-7:00pm, Monday-Friday; 9:00am-7:00pm, Saturday	Residential property owners or tenants 7:00am-10:00pm, M-F; 8:00am-9:00pm, weekends and legal holidays. Public projects performed by governmental agency or their agents are exempt. Repairs to utility structures that are damaged, in disrepair, or out of service and pose a danger to life, health, or significant loss of property are also exempt. Construction activities related to the following are exempt: refueling machinery and equipment, labor work not requiring power tools or equipment, construction equipment repair, surveying, construction staking, delivery of equipment or materials, and work preapproved by the city.	Title 4, Chapter 9, §4-9-8 & §4-9-3
Dayton	7:00am-7:00pm, Monday-Friday; 9:00am-4:00pm, Sat., Sun., Holiday	Excavation work may only commence between 7:00am and 7:00pm	Chapter 800, §806.03-4
Elk River	6:00am-9:00pm, Monday-Saturday	Single-family occupied residence owners and an authorized building inspector-based emergency for the protection of health and safety are exempt.	Chapter 46, Article 2, §46-37-7
Fridley	7:00am-9:00pm, Monday-Friday; 9:00am-9:00pm, Saturday	Alternate hour's work permit, Sunday, and legal holiday work permit may be issued by the city upon application.	Chapter 206, §206.09-5
Maple Grove	7:00am-9:00pm, Monday-Friday; 8:00am-9:00pm, Sat.-Sun.	8:00am-9:00pm on public holidays	Chapter 20, Article 3, Division 2, §20-85
Minnetonka	7:00am-10:00pm		Chapter 8, §850.015-1

Osseo	7:00am-10:00pm		Title XV, Chapter 150: §150.19-E
Otsego	7:00am-10:00pm, Monday-Saturday; 8:00am-10:00pm, Sunday	The Building Official may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not affect the health and safety of the persons in the vicinity.	Chapter 4, Section 1, §4-1-4-A
Rogers		May limit as deemed necessary.	Part 2, Chapter 125, Article V, Division 2, Subdivision 1, §125-333-B
Plymouth	7:00am-9:00pm, Monday-Friday; 8:00am-9:00pm, Sat.-Sun.	8:00am-9:00pm on public holidays	Chapter 20, §2025.05, Subd. 4
Spring Lake Park	7:00am-10:00pm	Between 10pm and 7am, noise shall not exceed 50 decibels in any octave band of frequency above 300 cycles per second.	Title XV, Chapter 156, §156.033-B-1-A
St. Michael	7:00am-Sunset	Except for emergency construction activities such as street and other public works construction activities, utility repairs, flood prevention, snow removal, and other similar emergency construction activity	Title IX, Chapter 91, §91.18-AE

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, August 6, 2015, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice Chairperson Randy Bauer
 Commissioner Andrew Andrusko
 Commissioner Ralph Brauer
 Commissioner Gary VanScoy

Members Absent: Chairperson Gary Levine
 Commissioner Matthew Maul
 Commissioner Cindy Nosan

Also Present: Development Services Manager Timothy Gladhill
 City Planner Chris Anderson
 Planning Intern Geoff Solomonson

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated July 9, 2015

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to approve the following minutes as presented: Planning Commission Meeting Minutes dated July 9, 2015.

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

4.01.2: Special Planning Commission Meeting Minutes Dated July 9, 2015

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to approve the following minutes as presented: Special Planning Commission Meeting Minutes dated July 9, 2015.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: PUBLIC HEARING: Consider Recommendation on Resolution #15-08-191 Approving Comprehensive Plan Amendment and Ordinance #15-14 Approving a Zoning Amendment for 14100 Sunfish Lake Boulevard NW

Public Hearing

Vice Chairperson Bauer called the public hearing to order at 7:02 p.m.

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to consider two (2) separate, but related, actions:

1. Comprehensive Plan Amendment from Places to Shop to Places to Work
2. Zoning Amendment from B-1 General Business District to E-1 Employment District

Development Services Manager Gladhill explained the City has been approached by a potential buyer for the parcel, which is commonly known as the former Health Quest site. The Buyer is proposing a use allowable under the E-1 Employment District. The Buyer is considering submitting a request to the City under the City's Business Subsidy Policy, which would require the Planning Commission to adopt a resolution finding that the proposed use is consistent with the Comprehensive Plan. In order to pass said resolution, an amendment to the City's Comprehensive Plan is necessary. The City's Zoning Code/Official Zoning Map must be consistent with the Comprehensive Plan, so a parallel request for a Zoning Amendment is also included.

Citizen Input

There was no public comment.

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to close the public hearing.

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

Vice Chairperson Bauer closed the public hearing closed at 7:05 p.m.

Commission Business

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Resolution #15-08-191 approving a Comprehensive Plan Amendment.

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

Motion by Commissioner Brauer, seconded by Commissioner Andrusko, to recommend that City Council adopt Ordinance #15-14 approving a Zoning Amendment for 14100 Sunfish Lake Blvd. NW.

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

5.02: Consider Request for Site Plan Amendment to Remove Patio Area/Walls at 14787, 14851, 14875 Olivine Street NW; Case of Distinctive Living Rentals, LLC

Presentation

Planning Intern Solomonson presented the staff report stating the purpose of this case is to consider a request for an amended Site Plan. The request is to eliminate an outdoor patio wall and concrete patio areas between the center units of three (3), eight-unit townhomes. Distinctive Living Rentals, LLC (the "Applicant") is currently constructing an eight (8) unit townhome building on Lot 3, Block 1 Town Center Gardens 3rd Addition and also owns Lots 1 and 4, Block 1 Town Center Gardens 3rd Addition (together, the "Subject Property"). The Applicant is seeking this amendment of all three (3) parcels and has identified reasons for the requests as size (or lack thereof for the patio areas), access, and placement of utilities.

Commission Business

Commissioner VanScoy asked if the City already had townhomes with a similar configuration. Planning Intern Solomonson stated this was the case. City Planner Anderson stated the applicant was requesting the change as there was a need to move the gas meters.

Commissioner VanScoy questioned if the applicant was in attendance. City Planner Anderson commented that he was unable to attend this evening. Development Services Manager Gladhill reported that if the Commission and Council were not to approve the amendment other actions could be taken. However, the developer has been proactive in addressing the concern. He reported that the requested change does meet the City's Zoning Code.

Commissioner Brauer asked why the Planning Commission was reviewing this request. He did not believe that the applicant was requesting a huge change. He believed that staff should have the discretion to handle this type of request. Development Services Manager Gladhill commented that staff was trying to remain transparent and stated a discussion could be had at a future meeting regarding this topic.

Commissioner VanScoy understood that the City had different architectural standards for The COR than those developments outside of The COR. Development Services Manager Gladhill clarified that this project was not within The COR.

Motion by Commissioner Andrusko, seconded by Commissioner Brauer, to recommend that City Council adopt Resolution #15-08-190 approving the request to amend the site plan by replacing the patio areas and half wall between the center units on Lots 1, 3, and 4, Block 1 Town Center Gardens 3rd Addition.

Motion Carried. Voting Yes: Vice Chairperson Bauer, Commissioners Andrusko, and Brauer. Voting No: VanScoy. Absent: Chairperson Levine, Commissioners Maul and Nosan.

5.03: Review Comparison Document of The COR Development Plan and Original Ramsey Town Center Master Plan Prepared by the Planning Commission

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to review a comparison document between the original Ramsey Town Center Master Plan and the current The COR Development Plan as requested by the City Council and Planning Commission on May 26, 2015. Minutes from this discussion are attached to this case as background of the purpose of this exercise.

Development Services Manager Gladhill reported at the May 26, 2015 Joint Meeting with the City Council, Staff was directed to prepare a comparison document outlining the differences between the current COR Development Plan and the original Ramsey Town Center Master Plan. Direction was to simply prepare a document outlining the changes and check back with the City Council and its advisory boards for future direction. It is anticipated that the output of this exercise may lead to some changes to the Design Framework for The COR to either better clarify

the vision, eliminate any conflicting language, simplify the document, or potential changes to the official vision.

Development Services Manager Gladhill indicated this step is focused on the inventory of the previous plan and the current plan. The intent of this topic report is not to begin developing a new vision for The COR. The Planning Commission met on July 9 and prepared the first draft of this document. The City Council reviewed the first draft of the document at their July 28, 2015 meeting and minutes from said meeting are attached to this case. Revisions based on the City Council's discussion include a clearer emphasis the additional steps will be coming after this first step that will discuss market realities and future revisions to the vision. This first step is simply inventory the current plan elements to ensure all policy makers are on the same page, and then subsequently decide if any changes need to be made to the elements or implementation items. He asked for comments or questions from the Commission.

Commission Business

Commissioner Brauer reviewed the table he provided to staff and the Commission regarding the Comparison Document. He encouraged the Commission to consider what the goals were for The COR and to consider what metric would be followed to track these goals.

Vice Chairperson Bauer liked the idea of creating a destination space within The COR.

Commissioner Brauer recommended that the City's internet access be advertised to new developers.

Commissioner Andrusko was also in favor of creating a specialized cluster development that would draw people to Ramsey.

Commissioner Brauer was interested in the City creating a small business incubator facility. He believed this could benefit local residents in starting or growing their own business.

Commissioner VanScoy believed the revisioning was trying to meet the new market demands. However, this model has not been terribly successful either. He appreciated the comments provided by the Commission this evening.

Vice Chairperson Bauer commented that based on comments provided this evening, the Commission may be considering moving in a new direction for The COR than the two previous documents.

Commissioner Brauer noted one change to his chart requesting the entry regarding opposition be omitted. In addition, the auto reference should read "more auto centered".

Development Services Manager Gladhill noted that the Commission could either recommend approval of the Comparison Document this evening or delay action until further comments could be gathered from the City's other commissions/committees.

Commissioner VanScoy was in favor of delaying action until further comments could be gathered from the City's commissions/committees.

Motion by Commissioner VanScoy, seconded by Commissioner Brauer, to postpone action on the Comparison Document for The COR until further comments could be gathered from the City's other commissions/committees.

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

5.04: Discuss Potential Future City Code Amendment to Construction Hours

Presentation

Planning Intern Solomonson presented the staff report stating the City of Ramsey has the code as listed below for construction hours within the city. The reason for this possible amendment to the Code is due to the number of concerns that have been raised to City Council regarding the time limits and to address some of the public perception of the listed hours. The question was most recently raised during the review of a Major Subdivision. Residents have had concerns with the hours listed as the maximum allowance, not necessarily being the standard hours of construction that most contractors choose to use. The contractor for the development of Harvest Estates, for example, negotiated construction hours to stop at 8:00 p.m. instead of the maximum stopping time of 10:00 p.m.

Planning Intern Solomonson stated the goal of this amendment is to look at the possibly of introducing an earlier stopping time for construction with exemptions built in for public improvement projects, private homeowner construction, and extenuating circumstances which would involve City Administrator approval or City Council approval. It is noted, however, that it is rare that the complaints the City actually receive are that of evening work hours. Almost exclusively, the complaints are in regards to early start hours in the morning.

Planning Intern Solomonson reported that also included in this document for examples are the hours of construction and stipulations of neighboring communities as a basis for discussion. It is worth noting that the majority of the surrounding communities have similar hours in effect as the City of Ramsey with some starting at 6:00 a.m. Staff requested feedback from the Commission on how to proceed.

Commission Business

Commissioner VanScoy questioned how many complaints the City has received. Development Services Manager Gladhill did not have a specific number, but believed six to twelve complaints were received each spring. He commented that these complaints were regarding contractors starting prior to 7:00 a.m. He reported that the City's current standards met the PCA's standards.

Commissioner VanScoy did not see a reason to change the City's standards. He did not believe that the proposed language changes would eliminate all noise complaints. Development Services Manager Gladhill was of the opinion that public perception would be improved based on the code amendment and noted that construction hours could now be negotiated.

Commissioner Andrusko recommended that all emergency City work be allowed outside the stated construction hours. He suggested the language regarding construction completed by Ramsey homeowner's be clarified.

Commissioner VanScoy did not see a need to change the 10:00 p.m. construction stop time so long as staff was allowed to negotiate construction hours.

Commissioner Brauer feared how staff would be impacted if they were forced to negotiate with each construction company.

Development Services Manager Gladhill questioned if the Commission wanted to change the ending hours.

Commissioner Brauer stated nine neighboring communities specify 10:00 p.m. as their ending time, while the remainder specified 8:00 p.m. as the ending time. He supported an 8:00 p.m. end time.

Motion by Commissioner VanScoy, seconded by Commissioner Andrusko, to recommend staff proceed with the Code Amendment keeping the end time 10:00 p.m., that staff be allowed to negotiate end times to 9:00 p.m., and that staff note the language changes discussed by Commissioner Andrusko.

Motion Carried. Voting Yes: Vice Chairperson Bauer, Commissioners VanScoy, and Andrusko. Voting No: Brauer. Absent: Chairperson Levine, Commissioners Maul and Nosan.

5.05: Receive Future Business Park Infrastructure Analysis Preliminary Report

Presentation

Development Services Manager Gladhill presented the staff report stating the purpose of this case is to review a *preliminary* report from Bolton & Menk on required infrastructure improvements to the City's future business park; and to take comments/ suggestions.

Development Services Manager Gladhill indicated the EDA reviewed this document in July; and will be reviewing a revised version on August 13. Staff is not looking for a specific motion or direction from the Planning Commission at this point. The intent is to simply convey they information to the Planning Commission early in the process in order to frame future policy discussions. That being said, Staff welcomes thoughts on the land use implications of the proposed future improvements shown in the study. Adopting the study in no means obligates the City to any improvements or investments.

Development Services Manager Gladhill reported it is Staff's perspective, the "Project Financing" portion of this report is the last major outstanding item (page 11). Bolton & Menk would like to receive comments/ amendments to this preliminary report before the "Project Financing" section is completed. Staff intends to direct Bolton & Menk to develop multiple financing options. Staff will also connect with other cities and private developers to identify alternative strategies for assigning costs/ project financing. This report will be in front of the City Council on August 25. Staff requested feedback and direction from the Commission.

Commission Business

Commissioner Brauer commended staff for their efforts on this report. He appreciated the traffic counts included within the document.

Commissioner Andrusko discussed the non-linear relationship between traffic along Trunk Highway 10 and Armstrong Boulevard. He recommended that the low-density residential and medium-density residential be flipped to allow for single family homes within Area 4. Development Services Manager Gladhill commented that he could investigate the relationship between the traffic counts on Highway 10 and Armstrong Boulevard and would report back to the Commission.

Further discussion ensued regarding traffic moving in and around the City of Ramsey.

Development Services Manager Gladhill indicated that full model build outs and traffic models for the City could be discussed at a future meeting. The Commission supported this recommendation.

6. COMMISSION / STAFF INPUT

The Staff Update was noted.

6.01: Zoning Bulletins

Zoning Bulletins were noted.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:32 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Meeting Date: 10/15/2015

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Recommendation on Ordinance #15-15 Amending City Code Section 117-1 (Definitions) Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts)

Purpose/Background:

In 1979, the City enrolled in the National Flood Insurance Program (NFIP) by adopting floodplain regulations and Flood Boundary and Floodway Maps and Flood Insurance Rate Maps (FIRM) for the community. The Flood Boundary and Floodway Maps and FIRMs currently in effect are dated November 1, 1979. The community has grown substantially since the late 1970s, and thus, the maps lack much of the current street network.

The Federal Emergency Management Agency (FEMA) has been systematically updating floodplain maps across the state and has recently completed new maps for Anoka County. If the City desires to remain in the NFIP, the floodplain standards must be amended to adopt the new maps. Per the attached Letter of Final Determination, for the City to remain in the NFIP, the existing floodplain regulations must be amended to comply with federal regulations, which includes both text amendments as well as adopted the updated FIRMs and Flood Insurance Study (FIS).

The floodplain standards are designed to minimize structural damage as a result of large scale floods, oftentimes referred to as the 100-year flood (or Regional Flood or Special Flood Hazard Area), by prohibiting the placement of structures within designated floodways and by requiring either flood-proofing and/or the use of fill to elevate a structure to a certain elevation if within the flood fringe areas. Structures located within a designated floodplain are required to be covered by flood insurance (federal mandate). If a community opted not to participate in the NFIP, then federally backed mortgages would not be an option for properties in the Special Flood Hazard Area (SFHA) as flood insurance would not be available (to any property owner). Additionally, if the City opted not to continue in the NFIP, it would lose its eligibility for federal disaster also.

Notification:

The Notice of Public Hearing was published in the City's official newspaper, the Anoka County UnionHerald.

Observations/Alternatives:

The Minnesota Department of Natural Resources, as the State Coordinating Agency for the NFIP, has provided a model ordinance for consideration. Attached to this case is that model ordinance developed by the DNR that was used to guide Ramsey's local ordinance. This model includes commentary identifying those sections that are mandatory or optional, as well as some brief, basic background for some of the provisions. It should be noted that a majority of the provisions in the model ordinance already exist in the City's current floodplain regulation. Attached is a marked up version of the model ordinance that includes cross references to the City's current floodplain regulations to help illustrate what language already exists within City Code. Also attached to this case is a summary of optional provisions that don't already exist in City Code as well as a brief statement as to whether or not it was included in the Ordinance Amendment and why.

One of the major components of this proposed Amendment is the incorporation, by reference, of the new maps and flood study. The updated maps include an underlying aerial image and a much needed updated network of streets. Upon adoption of the Ordinance Amendment, the City will also gain access to Digital Flood Insurance Rate Maps (DFIRMs) through FEMA, that should further assist in accurately determining whether a structure (or proposed location for a structure) is within a floodplain.

The Environmental Policy Board reviewed this information at their September meeting and have recommended that the City Council adopt an Ordinance Amendment, including, by reference, the updated FIRMs and FIS, to ensure that the City remains a participant in the NFIP and that flood insurance remains available to property owners or prospective property owners in the community.

Alternatives

Alternative #1: Recommend the City Council adopt Ord. #15-15 amending Section 117-1 (Definitions) and Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts). The Amendment includes a majority of the existing regulations in an updated format. In addition, the Amendment includes FEMA mandated language that was not included in the City's original adopted ordinance. Staff and the Environmental Policy Board support this option.

Alternative #2: Recommend the City Council adopt a revised Ordinance #15-15 amending Section 117-1 (Definitions) and Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts). There are a number of optional definitions and provisions that have either been included or excluded from the proposed Ordinance Amendment. The Planning Commission may desire to make revisions to the draft Ordinance Amendment to add or remove one or more of these optional components. Staff would not object to this option as long as it would not delay the Ordinance Amendment from moving forward for City Council consideration (to ensure that there is an adopted ordinance no later than December 16, 2015).

Alternative #3: Recommend that City Council not adopt Ordinance #15-15. This would result in the City being suspended from the NFIP, which does have some significant impacts to property owners and the City. As noted previously, this would result in flood insurance not being available for anyone in the community. Thus, federally backed loans would no longer be available for property owners that have structures within the floodplain districts. This would make selling/buying a home in the community, or even refinancing, very challenging. Finally, the City would lose its eligibility for federal disaster relief. Due to these outcomes, Staff, nor the Environmental Policy Board, support this option.

Funding Source:

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

Recommendation:

Staff recommends adoption of Ordinance #15-15 to amend Section 117-1 (Definitions) and Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts) to incorporate by reference the updated Flood Insurance Rate Maps and the Flood Insurance Study, both dated December 16, 2015.

Action:

Motion to recommend that City Council adopt Ordinance #15-15 amending Section 117-1 (Definitions) and Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts) to incorporate by reference the updated Flood Insurance Rate Maps and the Flood Insurance Study, both dated December 16, 2015.

Attachments

[June 16, 2015 Letter of Final Determination from FEMA](#)

[July 9, 2015 Correspondence from MN DNR](#)

[DNR Model Ordinance with Commentary](#)

[Summary of Optional Provisions](#)

[Draft EPB Meeting Minutes Dated Sept. 21, 2015](#)

[DNR Fact Sheet on Floodplains](#)

[Draft Ordinance #15-15](#)

Form Review

Inbox

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 10/09/2015

Reviewed By

Tim Gladhill

Date

10/09/2015 02:05 PM

Started On: 10/07/2015 02:49 PM



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

June 16, 2015

The Honorable Sarah Strommen
Mayor, City of Ramsey
Municipal Center
7550 Sunwood Drive Northwest
Ramsey, Minnesota 55303

Community: City of Ramsey,
Anoka County, Minnesota
Community No.: 270681
Map Panels Affected: See FIRM Index

Dear Mayor Strommen:

This is to formally notify you of the final flood hazard determination for the City of Ramsey, Anoka County, Minnesota, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On November 1, 1979, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 30, 2011, FEMA provided you with Preliminary copies of the FIRM and Flood Insurance Study (FIS) report that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed flood hazard determinations (FHDs) for your community were published in the *Anoka County Union* on February 14, 2014 and February 21, 2014, and in the *Federal Register*, at Part 67, Volume 78, Page 78998, on December 27, 2013.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed FHDs during that time. Accordingly, the FHDs for your community are considered final. The final notice for FHDs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on December 16, 2015. Before the effective date, FEMA will send you final printed copies of the FIRM and FIS report.

Because the FIS report establishing the FHDs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to December 16, 2015, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIRM and FIS report to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIRM and FIS report to manage development in the floodplain, FEMA will use the FIRM and FIS report to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories:

(1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Anoka County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA-MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois, at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfid>. Paper copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository

Chris Anderson, Community Floodplain Administrator/Environmental Coordinator, City of Ramsey

FINAL SUMMARY OF MAP ACTIONS

Community: RAMSEY, CITY OF

Community No: 270681

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on December 16, 2015.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR	9-17-84	09/17/1984	River's Bend, Rum River	2706810020B	27003C0282E

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	92-05-159G	05/05/1992	14611 BOWERS DR	2706810015B	27003C0280E
LOMR-F	97-05-022A	11/20/1996	LOT 55, BLOCK 6 - RIVER'S BEND	2706810020B	27003C0282E
LOMA	98-05-3342A	06/24/1998	RIVERS BEND - LOT 45, BLOCK 6 - 14301 WACE STREET, N.E.	2706810020B	27003C0282E
LOMR-F	98-05-5068A	10/14/1998	RIVERS BEND - LOT 17, BLOCK 6 - 14693 WARN STREET N.W.	2706810020B	27003C0282E
LOMA	99-05-1812A	02/24/1999	RIVERS BEND - BLOCK 8, LOT 3 - 14287 WACO STREET N.W.	2706810020B	27003C0282E
LOMR-F	99-05-5048A	06/29/1999	FORD BROOK ESTATES, BLOCK 9, LOT 1	2706810010B	27003C0167E
LOMA	02-05-1538A	02/13/2002	9158 COLLINS DRIVE NW	2706810015B	27003C0257E
LOMA	02-05-1954A	03/13/2002	RIVER'S BEND, BLOCK 6, LOT 43; 14325 WACO STREET NW	2706810005B	27003C0282E

FINAL SUMMARY OF MAP ACTIONS

Community: RAMSEY, CITY OF

Community No: 270681

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMR-F	02-05-2961A	07/10/2002	GOLDEN EAGLE ESTATES, BLOCK 6, LOT 5; 7720 168TH AVENUE NORTHWEST	2706810005B	27003C0165E
LOMA	03-05-2612A	07/30/2003	PART OF THE NE 1/4, SE 1/4, SECT 3, T32, R25; 17640 NOWTHEN BLVD NW	2706810005B	27003C0165E
LOMA	03-05-5099A	09/17/2003	9351 ERMINE BOULEVARD, NW	2706810005B	27003C0142E
LOMA	03-05-4157A	09/26/2003	RIVER'S BEND, BLOCK 6, LOT 58; 4861 142ND LANE NORTHWEST	2706810020B	27003C0282E
LOMA	03-05-3744A	10/24/2003	FORD BROOK ESTATES, BLOCK 3, LOT 1; 5531 180TH AVENUE NW	2706810010B	27003C0166E
LOMA	04-05-2935A	05/26/2004	RIVERS BEND, BLK 6, LOT 56; 4881 142ND LANE NW	2706810020B	27003C0282E
LOMA	04-05-4185A	09/24/2004	RIVERS BEND, BLOCK 6, LOT 52; 4937 142ND LANE NW	2706810020B	27003C0282E
LOMA	05-05-0243A	10/29/2004	GOLDEN EAGLE ESTATES, BLOCK 6, LOT 1 -- 7610 168TH AVENUE NW	2706810005B	27003C0165E
LOMR-F	05-05-1191A	02/23/2005	RIVER'S BEND SUBDIV, BLOCK 6, LOT 53 -- 4923 142ND LANE NW	2706810020B	27003C0282E
LOMR-F	05-05-1304A	02/23/2005	RIVER'S BEND SUBDIV, BLOCK 6, LOTS 46-48 -- 5031, 5015 & 5001 142ND LANE NW	2706810020B	27003C0282E
LOMR-F	05-05-2292A	05/16/2005	ALPINE WOODS SUBDIV, BLOCK 1, LOTS 5-12; BLOCK 2, LOTS 1 & 2	2706810020B	27003C0170E 27003C0281E
LOMA	05-05-2129A	06/27/2005	RIVERS BEND, BLOCK 6, LOT 44 -- 14313 WACO STREET NW	2706810020B	27003C0282E
LOMA	05-05-4486A	11/08/2005	PORTION OF SECTION 14, T32, R25	2706810010B	27003C0170E
LOMA	06-05-B676A	04/27/2006	RIVER'S BEND, BLOCK 6, LOT 19 -- 14667 WACO STREET (MN)	2706810020B	27003C0282E
LOMR-FW	06-05-C578A	12/12/2006	RIVER'S BEND, BLOCK 6, LOT 21 -- 14643 WACO STREET NW (MN)	2706810020B	27003C0282E
LOMR-F	07-05-5371A	12/31/2007	LOTS 1-4, BK 1; 1-24, BK 2; 1-14, BK 3; 1-4, BK 4; 1-5, BK 5; 1-7, BK 6, A-C, E, SWEETBAY RIDGE	2706810005B	27003C0165E
LOMR-F	08-05-3239A	06/05/2008	RIVERS BEND, BLOCK 6, LOT 57 -- 4869 142ND LANE NW	2706810020B	27003C0282E
LOMR-F	08-05-4386A	08/29/2008	RIVER'S BEND, BLOCK 6, LOT 49 -- 4985 142ND LANE NW	2706810020B	27003C0282E

FINAL SUMMARY OF MAP ACTIONS

Community: RAMSEY, CITY OF

Community No: 270681

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	10-05-6042A	12/09/2010	LOT 3, BLOCK 1, NORTHFORK OAKS ADDITION -- 16120 ROYAL ROAD	2706810005B	27003C0165E
LOMA	11-05-3253A	03/15/2011	6801 157TH LANE NORTHWEST	2706810010B	27003C0165E
LOMA	11-05-8326A	12/06/2011	ALPINE WOODS, BLOCK 1, LOT 7 -- 15438 VANADIUM STREET	2706810020B	27003C0170E
LOMA	12-05-2457A	02/28/2012	WHISPERING PINES ESTATES, BLOCK 4, LOT 4 -- 8511 154TH LANE NORTHWEST	2706810015B	27003C0165E
LOMA	13-05-0700A	01/29/2013	LOT 4, BLOCK 6, OUTLOT D, GOLDEN EAGLE ESTATES -- 7700 168TH AVENUE NORTHWEST	2706810005B	27003C0165E
LOMA	13-05-4542A	04/04/2013	NORTHFORK OAKS ADDITION, BLOCK 1, LOT 4 -- 16070 ROYAL ROAD	2706810005B	27003C0165E
LOMR-FW	13-05-7710A	09/05/2013	LOT 18, BLOCK 1, BROOKFIELD FIRST ADDITION - 6889 170TH TRAIL NORTHWEST	2706810010B	27003C0165E
LOMA	14-05-2106A	12/31/2013	LOT 25, BLOCK 3, BROOKFIELD SECOND ADDITION -- 16702 LIMONITE STREET	2706810005B	27003C0165E
LOMA	14-05-3327A	02/13/2014	LOT 4, BLOCK 1, NORTHFORK OAKS ADDITION -- 16070 ROYAL ROAD NORTHWEST (ACCESSORY)	2706810005B	27003C0165E
LOMA	14-05-6992A	07/24/2014	LOT 1, BLOCK 8, RIVER'S BEND -- 14265 WACO STREET NORTHWEST	2706810020B	27003C0282E
LOMR-FW	14-05-7671A	08/26/2014	NORTHFORK OAKS THIRD ADDITION, BLOCK 2, LOT 3 -- 8850 162ND LANE NORTHWEST	2706810005B	27003C0165E
LOMR-FW	14-05-9376A	10/28/2014	LOT 20, BLOCK 1, BROOKFIELD FIRST ADDITION - 6919 170TH TRAIL NORTHWEST	2706810005B 2706810010B	27003C0165E
LOMA	14-05-9498A	11/06/2014	NORTHFORK ITASCA POINT ADDITION, BLOCK 1, LOT 3 -- 9001 159TH LANE NORTHWEST	2706810005B	27003C0165E
LOMR-FW	15-05-1505A	01/29/2015	LOT 4, AUDITOR'S SUBDIVISION NO. 96 -- 6322 RIVERDALE DRIVE NORTHWEST	2706810020B	27003C0283E

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
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FINAL SUMMARY OF MAP ACTIONS

Community: RAMSEY, CITY OF

Community No: 270681

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMR	09-05-4652P	12/14/2009	ERMINE BOULEVARD CULVERT REPLACEMENT	4

1. Insufficient information available to make a determination:
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		



FEMA

SEP 2 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Sarah Strommen
Mayor, City of Ramsey
7550 Sunwood Drive Northwest
Ramsey, Minnesota 55303

Dear Mayor Strommen:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of Ramsey, Minnesota, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on December 16, 2015; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(d).

As noted in FEMA's letter dated June 16, 2015, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Anoka County. Therefore, the City of Ramsey should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of Ramsey will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Minnesota Department of Natural Resources, Division of Water. You may contact Ceil Strauss, CFM, the NFIP State Coordinator, by telephone at (651) 259-5713, in writing at 500 Lafayette Road Saint Paul, Minnesota 55155-4032, or by electronic mail at ceil.strauss@state.mn.us.

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for the City of Ramsey and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

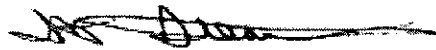
The Honorable Sarah Strommen

Page 2

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until December 16, 2015, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by December 16, 2015. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



David H. Stearrett, CFM, Chief
Floodplain Management Branch
Federal Insurance and Mitigation Administration

cc: Andrew Velasquez, III, Regional Administrator, FEMA Region V
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources
Chris Anderson, Environmental Coordinator, City of Ramsey



Minnesota Sample Floodplain Ordinance

Three District Ordinance

Commented [TG1]: Include Ramsey Commentary and Code References

This sample ordinance includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. It can be used in a variety of situations, where all three districts or only some of them are present.

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Ordinance Language	Commentary
SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE	
<p>1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter [394/462] delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the [City Council/ Board of Commissioners] of _____, Minnesota, does ordain as follows.</p>	<p><i>Mandatory language. The zoning enabling statute reference is Chapter 394 for counties and Chapter 462 for cities and townships. "Governing body" is the City Council or County or Township Board.</i></p>
1.2 Purpose:	
<p>1.21 This ordinance regulates development in the flood hazard areas of _____. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.</p> <p>1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.</p> <p>1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.</p>	<p><i>Mandatory language</i></p> <p><i>1.23 is optional language referencing the natural beneficial functions of floodplains.</i></p>
SECTION 2.0 GENERAL PROVISIONS	
<p>2.1 How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to (<i>Community</i>) and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.</p>	
<p>2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.</p>	<p><i>The types of floodplain zones present in a community will vary, depending on hydrologic conditions and the level of detail of the applicable maps.</i></p>
<p>2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.</p>	<p><i>If the General Floodplain District (the A zone or other zones without a defined floodway) is not present within the community, references to it, including the provisions of Section 6, may be deleted but Section 6 should be "reserved for future use" (i.e., in case a future annexation adds an A zone).</i></p>
<p>2.2 Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of (<i>Community</i>) shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.</p>	
<p>2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any</p>	<p><i>2.21 is optional – if the community has a zoning ordinance – as most do – it's helpful to define these districts as overlay districts. If</i></p>

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Ordinance Language	Commentary
<p>other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.</p>	<p><i>not, then delete this statement and other overlay references.</i></p>
<p>2.3 Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for _____ County, Minnesota, and Incorporated Areas, dated _____ and the Flood Insurance Rate Map panels enumerated below, dated _____, all prepared by the Federal Emergency Management Agency. These materials are on file in the <u>(list location where maps will be filed – i.e., City Clerk’s office).</u> <u>(list all map panels here)</u></p>	<p><i>Mandatory language. Each community must adopt the Flood Insurance Study and specific map panels that encompass its boundaries. Under Minnesota Rules 6120.5700, these materials are considered attachments to the Zoning Map.</i></p> <p><u>Listing of maps will vary by jurisdiction and map type.</u></p> <ul style="list-style-type: none"> • <i>For communities with older maps, such as Flood Hazard Boundary Maps, in addition to Flood Insurance Rate Maps, these maps should also be listed in Section 2.3.</i> • <i>For counties, the map index may be used in lieu of listing all the map panels individually.</i> • <i>Cities may need to adopt other map panels to encompass areas that may be annexed in the future. Counties and townships may need to adopt city map panels to encompass areas that may be detached from cities. See Section 2.10.</i>
<p>2.4 Regulatory Flood Protection Elevation: The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.</p>	<p><i>Optional - Reiterates information in the (mandatory) definition of this term in Section 2.9. The RFPE can be increased beyond one foot to provide enhanced flood protection.</i></p> <p><i>In A-O zones, add more detailed language: “Within the AO Zone, the RFPE is an elevation no lower than [the number shown on the FIRM] above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.”</i></p>
<p>2.5 Interpretation: The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.</p> <p>2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.</p> <p>2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the <u>(Planning Commission/Board of Adjustment)</u> and to submit technical evidence.</p>	
<p>2.6 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances</p>	

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Ordinance Language	Commentary
<p>inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.</p>	
<p>2.7 Warning and Disclaimer of Liability: This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of (<i>Community</i>) or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p>	
<p>2.8 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.</p>	<p><i>This statement not needed if already included in zoning ordinance</i></p>
<p>2.9 Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.</p>	<p><i>These definitions may already exist as part of zoning ordinance, but check for consistency.</i></p>
<p>2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.</p>	<p><i>Definitions are mandatory unless otherwise indicated.</i></p>
<p>2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.</p>	<p><i>Optional definition</i></p>
<p>2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.</p>	
<p>2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:</p>	<p><i>Optional definition – check against zoning ordinance. Some local ordinances – and the state rules that apply to floodplains – use the older term “special use.”</i></p>
<p>(a) Certain conditions as detailed in the zoning ordinance exist. (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.</p>	
<p>2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.</p>	<p><i>Optional definition – see the (optional) regulation of critical facilities in Section 3.25.</i></p>
<p>2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.</p>	<p><i>This definition means that many land alteration activities are regulated and may require permits.</i></p>
<p>2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.</p>	

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Ordinance Language	Commentary
2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.	<i>Optional definition – to be used if this type of farm fence is to be exempted from permit requirements</i>
2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.	<i>Optional definition</i>
2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.	<i>Optional definition</i>
2.921 Flood Fringe – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for <u>(Local Unit)</u> , Minnesota.	<i>For cities mapped as part of county-wide flood insurance study, the county name should be inserted here.</i>
2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).	<i>Optional definition – see provisions of Section 7 on flood prone areas</i>
2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.	
2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.	
2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.	
2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.	
2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”	
2.928 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.	<i>Optional definition</i>
2.929 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).	
2.930 Principal Use or Structure – all uses or structures that are not accessory uses or structures.	<i>Optional definition</i>
2.931 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made	<i>Optional definition</i>

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Ordinance Language	Commentary
obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.	
2.932 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”	
2.933 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.	
2.934 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.	<i>RFPE: The one-foot elevation is mandated by state law, but a higher elevation can yield increased protection.</i>
2.935 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.	<i>Repetitive Loss: This is an optional definition linked to the optional provision for repetitive loss properties in Section 11.16.</i>
2.936 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”	
2.937 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.	
2.938 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.	
2.939 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code	<i>“Start of construction” and “historic structure” are defined in 44 Code of Federal Regulations 59.1.</i>

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Ordinance Language	Commentary
<p>enforcement official and which are the minimum necessary to assure safe living conditions.</p> <p>(b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.</p>	<p><i>“Historic structures” as defined in the CFR generally include sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.</i></p>
<p>2.10. Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the (Community) at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the (Community) after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.</p>	<p><i>The first Section 2.10 applies to cities only. It is optional but recommended – if not included, any annexation will trigger an amendment of the floodplain ordinance.</i></p>
<p>2.10. Detachments. The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of (County/ Township) after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.</p>	<p><i>The second Section 2.10 applies only to counties or townships that exercise zoning authority. Counties may choose to adopt specific map panels or adopt the countywide map index.</i></p>
<p>SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS</p>	
<p>3.1 Districts:</p>	
<p>3.11 Floodway District. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 2.3.</p>	<p><i>For lakes, ponds and wetlands, the floodway is usually administratively defined as the area at or below the Ordinary High Water Level. See DNR’s Floodplain Information Sheet 1, http://files.dnr.state.mn.us/publications/waters/floodplain_management_fact_sheet_1.pdf</i></p>
<p>3.12 Flood Fringe District. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Section 2.3, as being within Zones AE, AO, or AH but being located outside of the floodway.</p>	<p><i>If a community has floodplain delineations on the FIRM for lakes, ponds and wetland <u>without</u> delineated floodways, contact DNR Floodplain Program staff for specific language.</i></p>
<p>3.13 General Floodplain District. The General Floodplain District includes those areas designated as Zone A or Zones AE, AO, or AH without a floodway on the Flood Insurance Rate Map adopted in Section 2.3.</p>	<p><i>Zones AO and AH are areas prone to flooding due to overland flow or small ponds, and are not typically found on most FIRMs. If not present, references in 3.12 and 3.13 can be deleted.</i></p>
<p>3.2 Compliance: Within the floodplain districts established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0, respectively, are prohibited.</p> <p>In addition, a caution is provided here that:</p>	
<p>3.21 New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 9.0.</p>	<p><i>Optional language in second paragraph and 3.21 -3.23 cross-references other sections of the ordinance.</i></p>
<p>3.22 Modifications, additions, structural alterations, normal maintenance</p>	

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Ordinance Language	Commentary
and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 11.0.	
3.23 All structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.	<i>Item 3.23 is mandatory based on 44 CFR 60(a)(3), from which this language is drawn.</i>
3.24 As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 10.0 of this ordinance.	
3.25 Critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.	<i>Optional but recommended language in 3.25 would prohibit critical facilities in all floodplain districts. This is a higher regulatory standard intended to keep critical infrastructure and concentrations of people out of floodplain areas.</i>
SECTION 4.0 FLOODWAY DISTRICT (FW)	
4.1 Permitted Uses: The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:	<i>It is critical that the floodway be protected so that it can transport and store the waters of the regional (100-year) flood without increased flood heights or velocities or threats to public health and safety.</i>
4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.	<i>Note that communities are not required to adopt all of the listed uses, but must provide for some use of the floodway land. Other similar uses may be included in this section if they meet the standards in Section 4.2. If a community wishes to restrict all floodplain districts to only these permitted floodway uses, see the DNR's "Restrictive Ordinance."</i>
4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.	
4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.	
4.14 Residential lawns, gardens, parking areas, and play areas.	
4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Sections 4.41, 4.43(a) and 4.46 of this ordinance are met.	<i>4.15: Earlier versions of the DNR sample ordinances listed utility and transportation uses as conditional uses. In this version, these uses are permitted if DNR is notified and certain standards are met</i>
4.2 Standards for Floodway Permitted Uses:	<i>Higher standards for floodway protection could include limiting impervious coverage in the floodway, in order to facilitate infiltration of rainfall.</i>
4.21 The use must have a low flood damage potential.	
4.22 With the exception of the uses listed in Section 4.15, the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.	
4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time	

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Ordinance Language	Commentary
<p>for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.</p>	
<p>4.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.</p>	<p><i>Note that these conditional uses are optional for the community but, if allowed, must meet the standards in Sections 4.4. Communities are encouraged to select only those conditional uses that are appropriate for their conditions.</i></p>
<p>4.31 Structures accessory to the uses listed in 4.1 above and the uses listed in 4.32 - 4.37 below.</p>	
<p>4.32 Extraction and storage of sand, gravel, and other materials.</p>	
<p>4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.</p>	
<p>4.34 Storage yards for equipment, machinery, or materials.</p>	<p><i>Optional statement in 4.35 allows typical farm fences such as barbed wire fences that don't obstruct flood flows as permitted uses. See also Section 10.21(c).</i></p>
<p>4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.</p>	
<p>4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.</p>	<p><i>Section 4.36 is optional: we recommend treating recreational vehicles as conditional uses so that road access and warning systems are carefully reviewed to ensure public safety in times of flooding.</i></p>
<p>4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.</p>	
<p>4.4 Standards for Floodway Conditional Uses:</p>	<p><i>Note that flood control projects intended to remove areas from the floodway to allow development of single or multiple structures are not permitted unless a Letter of Map Revision (LOMR) can be obtained to change the floodway boundary. Contact DNR Floodplain Program staff for further information.</i></p>
<p>4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.</p>	
<p>4.42 Fill; Storage of Materials and Equipment:</p>	
<p>(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.</p>	
<p>(b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.</p>	<p><i>4.42 (a) and (b) must be included if deposition or storage of fill is allowed in the floodway</i></p>
<p>(c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the <i>(Governing Body)</i> has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.</p>	<p><i>Alternative (c) is an optional alternative allowing temporary storage of fill or other materials that could increase flood stage, suitable for locations where adequate flood warning times will be available to allow removal of materials.</i></p>
<p>4.43 Accessory Structures:</p>	
<p>(a) Accessory structures must not be designed for human habitation.</p>	
<p>(b) Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:</p>	<p><i>If accessory structures are to be allowed in the floodway, items (a) through (c) are required.</i></p>

Ordinance Language	Commentary
<p>(1) Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and</p> <p>(2) So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.</p> <p>(c) Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:</p> <p>(1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and</p> <p>(2) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.</p> <p>(d) As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:</p> <p>(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and</p> <p>(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.</p> <p>4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.</p> <p>4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.</p> <p>4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.</p>	<p><i>Subsection (d) is optional language allowing for wet floodproofing of small accessory structures that constitute a minimal investment.</i></p> <p><i>Optional provision providing notice that work in public waters requires a DNR permit.</i></p>
<p>SECTION 5.0 FLOOD FRINGE DISTRICT (FF)</p> <p>5.1 Permitted Uses: Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections</p>	<p><i>If underlying zoning district(s) are present (as in most communities) the second sentence</i></p>

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Ordinance Language	Commentary
5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.	<i>can be deleted.</i>
5.2 Standards for Flood Fringe Permitted Uses:	
<p>5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.</p> <p>(a) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.</p> <p>(b) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with Section 4.43.</p>	<p><i>“Lowest floor” is defined as the lowest floor of the lowest enclosed area, including basements, crawl spaces, etc. See Section 2.926.</i></p> <p><i>(a) clarifies that ductwork must be elevated because it is seldom water-tight, which results in health hazards due to mold and mildew after flooding.</i></p> <p><i>(b) If an accessory structure exceeds 576 square feet, then FEMA will not allow internal floodproofing, and the structure must be elevated on fill or dry floodproofed in accordance with Section 4.44 (a) – (c).</i></p>
5.22 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.	<p><i>5.22 is an optional provision. Treating large volumes of fill as a conditional use allows communities to require an erosion control and emergency removal plan for uses such as sand and gravel mining or dredge spoil storage.</i></p>
5.23 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.	
5.24 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.	
5.25 Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.	
5.26 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning/emergency evacuation plan acceptable to the <u>(Governing Body)</u> .	<p><i>Section 5.26 is optional, but is mandatory for subdivisions, which include manufactured home parks and recreational vehicle parks/campgrounds. See also Section 7.13.</i></p>
5.27 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.	
5.28 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.	<p><i>The Federal Emergency Management Agency (FEMA) has established criteria for removing the flood fringe designation for certain structures properly elevated on fill above the regional flood elevation. These standards, included in Technical Bulletin 10.01, require enhanced management and notification procedures. Contact DNR floodplain staff for</i></p>
5.29 Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.	
5.30 Manufactured homes and recreational vehicles must meet the	

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standards of Section 9 of this ordinance.	<i>further information.</i>
<p>5.3 Conditional Uses: The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance. Conditional uses must meet the standards in Sections 5.24 through 5.30 and Section 5.4.</p> <p>5.31 Any structure that is not elevated on fill or floodproofed in accordance with Section 5.21 of this ordinance.</p> <p>5.32 Storage of any material or equipment below the regulatory flood protection elevation.</p> <p>5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.</p>	<p><i>As with conditional uses in the floodway, conditional uses in the flood fringe are optional – communities should determine which of these uses are needed and appropriate in their floodplain areas.</i></p>
<p>5.4 Standards for Flood Fringe Conditional Uses:</p>	
<p>5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.</p>	
<p>5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:</p>	
<p>(a) Residential basement construction is not allowed below the regulatory flood protection elevation.</p>	
<p>(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.44 of this ordinance.</p>	
<p>5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.</p>	
<p>5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.</p>	<p><i>Optional provisions to be used if placement of this amount of fill is regulated as a conditional use.</i></p>
<p>(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.</p>	
<p>(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the <u>(Governing Body)</u>.</p>	

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(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.	
5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.	
5.46 RESERVED FOR OPTIONAL ALTERNATIVE ELEVATION METHODS	<i>Alternative elevation methods such as the use of stilts, pilings, parallel walls, etc. may be appropriate in certain circumstances, provided that communities are able to provide a high level of monitoring and enforcement. Contact DNR floodplain staff for the applicable language.</i>
SECTION 6.0 GENERAL FLOODPLAIN DISTRICT (GF)	<i>If the General Floodplain District (the A zone or the AE, AO or AH zones without a defined floodway) is not present within the community, delete the contents of this section and retitle it "Reserved for Future Use" (i.e., in case a future annexation adds an A zone).</i>
6.1 Permitted Uses:	
6.11 The uses listed in Section 4.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.	
6.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 6.2 below. Section 4.0 applies if the proposed use is determined to be in the Floodway District. Section 5.0 applies if the proposed use is determined to be in the Flood Fringe District.	
6.2 Procedures for Floodway and Flood Fringe Determinations:	
6.21 Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.	<i>State and federal rules establish standards for this determination but do not specify a procedure to be followed. (However, the community is required under 44 CFR 60.3(b)(4) to "obtain, review and reasonably utilize" base flood elevation and floodway data.) The procedure shown here is one that DNR suggests that communities follow. DNR Floodplain Program staff can assist communities in obtaining relevant data and completing the determination.</i>
6.22 If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 6.23 below.	
6.23 The determination of floodway and flood fringe must include the following components, as applicable:	
(a) Estimate the peak discharge of the regional (1% chance) flood.	
(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.	
(c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within	

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<p>the reach must be assumed in computing floodway boundaries.</p>	
<p>6.24 The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.</p>	<p><i>Federal rules require that communities assess the cumulative effects of floodway encroachments on both sides of a stream. Contact Floodplain Program staff for assistance in making this assessment.</i></p>
<p>6.25 Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this ordinance.</p>	
<p>SECTION 7.0 LAND DEVELOPMENT STANDARDS</p>	
<p>7.1 In General: Recognizing that flood-prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within (Community).</p>	<p><i>Section 7.1 is optional – this and related provisions in 7.25 and 7.3 are designed to enable communities to manage flood risks in unmapped but flood-prone areas (i.e., wetlands, ditches, isolated basins). If these standards are not needed, Section 7 can be retitled “Subdivisions.”</i></p>
<p>7.2 Subdivisions: No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.</p>	<p><i>The subdivision requirements in Section 7.21 – 7.24 are mandatory. These provisions can be integrated into a city or county subdivision ordinance, where one exists. Note that manufactured home and recreational vehicle parks are treated as subdivisions.</i></p>
<p>7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.</p>	
<p>7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the <i>(Governing Body)</i>. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.</p>	
<p>7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.</p>	
<p>7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.</p>	
<p>7.25 If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposal must be reviewed to assure that:</p> <p>(a) All such proposals are consistent with the need to minimize flood damage within the flood-prone area;</p> <p>(b) All public utilities and facilities, such as sewer, gas, electrical, and</p>	<p><i>7.25 is optional, to be used in conjunction with 7.1.</i></p>

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<p>water systems are located and constructed to minimize or eliminate flood damage, and</p> <p>(c) Adequate drainage is provided to reduce exposure of flood hazard.</p>	
<p>7.3 Building Sites If a proposed building site is in a flood-prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:</p> <p>(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;</p> <p>(b) Constructed with materials and utility equipment resistant to flood damage;</p> <p>(c) Constructed by methods and practices that minimize flood damage; and</p> <p>(d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.</p>	<p>7.3 is optional, to be used in conjunction with 7.1.</p>
<p>SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES</p>	
<p>8.1 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.</p>	
<p>8.2 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.</p>	
<p>8.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.</p>	

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<p>SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.</p>	
<p>9.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:</p> <p>9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.</p> <p>9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.</p> <p>(a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.</p> <p>(b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.</p>	<p><i>This subsection is mandatory; the remainder of Section 9.0 is optional but recommended if manufactured home parks are located in any floodplain districts.</i></p> <p><i>Section 9 is revised to recognize MN Department of Health rules (Section 4630.0200), which prohibit mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.</i></p>
<p>9.2 Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.</p> <p>9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:</p> <p>(a) Individual lots or parcels of record.</p> <p>(b) Existing commercial recreational vehicle parks or campgrounds.</p> <p>(c) Existing condominium-type associations.</p> <p>9.22 Criteria for Exempt Recreational Vehicles:</p> <p>(a) The vehicle must have a current license required for highway use.</p> <p>(b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.</p> <p>(c) No permanent structural type additions may be attached to the vehicle.</p> <p>(d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.</p> <p>(e) Accessory structures are not permitted within the Floodway</p>	<p><i>These exemption criteria are required if recreational vehicles are allowed within any floodplain district. If this section is not used, recreational vehicle placement must be explicitly prohibited in floodplain districts.</i></p> <p><i>9.22(e) is optional. Recreational vehicles in existing campgrounds may be allowed within the Floodway District, if defined as a</i></p>

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<p>District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.</p>	<p><i>permitted or conditional use, but we recommend they be treated as a temporary use, without accessory structures and with an emergency plan in place.</i></p>
<p>(f) — An accessory structure must constitute a minimal investment</p> <p>9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.</p>	<p><i>9.22 (f) and 9.23 are optional. Communities may apply a monetary limit such as \$500 as a threshold for a “minimal investment,” recognizing that this threshold will vary from place to place.</i></p>
<p>SECTION 10.0 ADMINISTRATION</p>	
<p>10.1 Zoning Administrator: A Zoning Administrator or other official designated by the <u>(Governing Body)</u> must administer and enforce this ordinance.</p>	<p><i>Many of the standards and procedures in this section are likely to exist in other parts of the community’s zoning ordinance, and may be cross-referenced rather than repeated here. However, the community must be able to demonstrate that these procedures or comparable ones are in place.</i></p>
<p>10.2 Permit Requirements:</p>	
<p>10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:</p> <ul style="list-style-type: none"> (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance. (b) The use or change of use of a building, structure, or land. (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance. (d) The change or extension of a nonconforming use. (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source. (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain. (g) Relocation or alteration of a watercourse - including new or replacement culverts and bridges), unless a public waters work permit has been applied for. (h) Any other type of “development” as defined in this ordinance. 	<p><i>The term “Zoning Administrator” is used throughout this section for ease of reference, but in some communities the City Clerk or other official may fill this role.</i></p> <p><i>The exemption for farm fences in (c) is optional.</i></p> <p><i>Any change in the course, current or cross-section of public waters requires a public waters work permit from the DNR under MN Stat. 103G.245.</i></p>
<p>10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:</p>	<p><i>This section may cross-reference any other permitting requirements in the zoning ordinance.</i></p>

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<p>(a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.</p> <p>(b) Location of fill or storage of materials in relation to the stream channel.</p> <p>(c) Copies of any required municipal, county, state or federal permits or approvals.</p> <p>(d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.</p>	
<p>10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.</p>	
<p>10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.</p>	
<p>10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.</p>	
<p>10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).</p>	
<p>10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.</p>	
<p>10.3 Variances:</p>	<p><i>Cross-reference all sections of the zoning ordinance that regulate processing and review of variance applications. Section 10.3 only contains DNR/FEMA – mandated regulatory & notification provisions.</i></p>
<p>10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section(s) _____ of the zoning ordinance/code.</p>	
<p>10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower</p>	<p><i>Communities that administer zoning ordinances (including floodplain ordinances)</i></p>

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<p>degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.</p>	<p><i>must establish a board of adjustment to hear appeals of the ordinance, including variance requests. In many communities, the city council, county board, or planning commission serves as the board of adjustment. If a community does not have existing variance procedures or a board of adjustment, contact Floodplain Program staff for sample ordinance language.</i></p>
<p>10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:</p> <p>(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.</p> <p>(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.</p> <p>(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.</p>	<p><i>The language in Section 10.33 (a – c) is language required by FEMA and must be adopted verbatim. Note specifically that the reference to “exceptional hardship” in (b)(ii) must remain in the ordinance, although it has been replaced by the term “practical difficulties” in state zoning enabling statutes.</i></p>
<p>10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.</p>	<p><i>Section 10.34 is required by FEMA.</i></p>
<p>10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:</p> <p>(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;</p> <p>(b) The danger that materials may be swept onto other lands or downstream to the injury of others;</p> <p>(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;</p> <p>(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;</p> <p>(e) The importance of the services to be provided by the proposed use to the community;</p> <p>(f) The requirements of the facility for a waterfront location;</p> <p>(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;</p> <p>(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;</p>	<p><i>Section 10.35 is optional but recommended as guidance for communities in reviewing variance applications. The same factors are recommended for review of conditional use applications, below.</i></p>

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<p>(i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;</p> <p>(j) The safety of access to the property in times of flood for ordinary and emergency vehicles;</p> <p>(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.</p> <p>10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The <i>(designated body/community official)</i> must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.</p> <p>10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.</p> <p>10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.</p>	
<p>10.4 Conditional Uses:</p>	
<p>10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section (s) _____ of the zoning ordinance/code.</p>	<p><i>Cross-reference any conditional use procedures in the zoning ordinance, if these exist. If not, contact Floodplain Program staff for administrative language.</i></p>
<p>10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the <i>(Governing Body)</i> must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.</p>	<p><i>Section 10.42 is optional but recommended as guidance for decisions on conditional uses (and variances, as noted above).</i></p>
<p>10.43 Conditions Attached to Conditional Use Permits. The <i>(Governing Body)</i> may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:</p> <p>(a) Modification of waste treatment and water supply facilities.</p> <p>(b) Limitations on period of use, occupancy, and operation.</p> <p>(c) Imposition of operational controls, sureties, and deed restrictions.</p> <p>(d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.</p> <p>(e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors</p>	<p><i>Section 10.43 is also optional; conditions are intended to be specific to the particular site and proposed use.</i></p>

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for the particular area.	
10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The <i>(designated body/community official)</i> must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.	
10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.	
SECTION 11.0 NONCONFORMITIES	
11.1 Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.939(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.	
11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.	<p><i><u>Buildings and structures within the Floodway District may not be enlarged or expanded. In some cases, a floodway area can be filled without causing any rise in flood stage. In such cases, a Letter of Map Revision may be obtained that changes the floodway boundary, placing the area in the Flood Fringe. Contact Floodplain Program staff for details.</u></i></p>
11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.	
11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, then the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.	<p><i>Section 11.13 is optional but recommended, in order to gradually eliminate nonconformities over time. Note that Section 11.17 refers to "substantial improvement," which is tracked over a one-year period.</i></p>
11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.	<p><i>Section 11.14 reflects an optional provision in statute (462.357.1e(1) and 394.36) – local government may impose reasonable conditions on the nonconforming use or structure. Many communities have adopted similar provisions in their zoning ordinances.</i></p>
11.15 If any nonconformity is substantially damaged, as defined in Section 2.938 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the	<p><i>Section 11.15 is specific to floodplain uses in state and federal statute, as distinct from the standard provisions for nonconformities in the Chapters 394 and 462.</i></p>

Commented [TG42]: 117-189

Ordinance Language	Commentary
Floodway or Flood Fringe, respectively.	
<p>11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.925 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.</p>	<p>Section 11.16 is optional but recommended, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level.</p>
<p>11.17 Any substantial improvement, as defined in Section 2.939 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.</p>	<p>Section 11.17 is a mandatory federal requirement. As defined, "substantial improvement" is monitored over a one-year period.</p>
SECTION 12.0 PENALTIES AND ENFORCEMENT	
<p>12.1 Violation Constitutes a Misdemeanor: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.</p>	
<p>12.2 Other Lawful Action: Nothing in this ordinance restricts the <i>(Community)</i> from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.</p>	
<p>12.3 Enforcement: Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) <i>(list relevant sections)</i> of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and <i>(Governing Body)</i> may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The <i>(Community)</i> must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.</p>	<p><i>Cross-reference any sections of the zoning ordinance that deal with enforcement procedures. If such provisions don't exist, contact Floodplain Program staff for sample language.</i></p>
SECTION 13.0 AMENDMENTS	
<p>13.1 Floodplain Designation – Restrictions on Removal: The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.</p>	

Commented [TG43]: Not in current City Code. Staff recommends that this NOT be added.

Commented [TG44]: 117-190

Commented [TG45]: 117-191

Ordinance Language	Commentary
<p>13.2 Amendments Require DNR Approval: All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.</p>	
<p>13.3 Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.</p>	

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the _____ Board/City Council
(Community Name)

This ____ of _____, (Day)
(Month) (Year)

Attest: _____, County Board Chairperson/Mayor
(Name of Elected Official)

Attest: _____, County Administrator/City Clerk
(Name of Community Official)

Stamp With Community Seal:

Summary of Optional Provisions

(Note that optional provisions in existence within City Code already are not addressed here)

The following definitions are optional:

Base Flood Elevation means the elevation of the “regional flood”. The term “base flood elevation” is used in the flood insurance study.

There are multiple terms that are often interchanged when referring to floodplain regulations, including this one. It has no impact other than clarifying that it is the same as the Regional Flood, which is already defined within City Code.

Critical Facilities means facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid the loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

This definition is not included in the proposed Ordinance as it would restrict these types of facilities from being constructed within any floodplain district, even those areas where fill can be used to elevate a structure to or above the Regulatory Flood Protection Elevation.

Farm Fence means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

City Code does allow for barbless wire fences and fences capable of carrying an electric charge to accommodate agricultural activities and the raising of livestock. Incorporating this definition would allow for this low impact, non-flood impeding style of fence to be considered a permitted use within the Floodway District. Note that regardless of whether this definition is adopted or not, other, more typical residential style fences, such as chain link or privacy, are considered structures and are not permitted in the Floodway District without the issuance of a Conditional Use Permit.

Flood Prone Area means any land susceptible to being inundated by water from any source (see “Flood” definition).

This optional definition is not included in the proposed Ordinance as it would create additional regulation on lands outside the designated floodplain districts.

Repetitive Loss means flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

This optional definition relates to an optional provision that would require a nonconforming use or structure that experiences damage meeting this definition twice within a 10-year period to be either not reconstructed or reconstructed only in conformity with provisions within this Subdivision. This goes beyond the minimum standards and thus, Staff has not included this in the draft Ordinance.

The following provisions are optional:

This Subdivision is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

While optional, this statement reiterates the importance of preserving floodplain areas to reduce the impacts of flooding and has been included in the draft Ordinance as Sec. 117-180 (b)(3).

Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Ramsey at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

This language has been included in the draft Ordinance as Sec. 117-181 (i) to avoid the need to amend the Floodplain Overlay Districts Subdivision in the future, should land ever be annexed into the City.

Critical facilities, as defined above, are prohibited in all floodplain districts.

As noted above under definitions, this provision was not included in the draft Ordinance as it would restrict these types of facilities from being constructed within any floodplain district, even those areas where fill can be used to elevate a structure to or above the Regulatory Flood Protection Elevation.

The Floodway, Flood Fringe and General Floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in the underlying zoning district. In case of a conflict, the more restrictive standards will apply.

Rather than creating separate zoning districts for each of the three floodplain designations, the City has utilized overlay districts as a way to maintain the underlying, existing zoning designation. Thus, this language has been included in the draft Ordinance as Sec. 117-181 (b)(1).

In General: Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Ramsey.

If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

Building Sites: If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

These standards go beyond the designated boundaries of floodplains into any land that may be subjected to flooding. If part of a subdivision, these areas most likely may be encumbered by Drainage and Utility Easements, which would prohibit the placement of structures in these areas. As this extends beyond the minimum requirements, Staff has not included this language in the draft Ordinance.

A Farm Fence, as defined in 117-1, would require a Zoning Permit but is not considered a structure when administering this Subdivision.

City Code presently does allow for certain types of fences to be used strictly for agricultural activities and the raising of livestock. This type of a fence (generally barbless wire secured to posts with or without the capability to carry an electric charge) does not present a barrier to flood flows (unlike privacy fences or even chain link) and thus, Staff has included this language in the draft Ordinance so that it can be used within the Floodway District to enclose pasture/grazing areas.

- (1) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council will consider all relevant factors specified in other sections of this Subdivision, and those factors identified in Section 117-189 (c)(5).
- (2) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Floodproofing measures, in accordance with the MN State Building Code and this Subdivision. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

While optional, these provisions help provide guidance for both the City and potential applicants when considering requests for Conditional Use Permits within a floodplain. Staff has included this language in the draft Ordinance under Sec. 117-189 (d)(2) and (3).

If any nonconforming use or structure experiences a repetitive loss, as defined above, it must not be reconstructed except in conformity with the provisions of this ordinance.

This is optional provision that would require a nonconforming use or structure that experiences damage meeting the definition of Repetitive Loss twice within a 10-year period to either not be reconstructed or be reconstructed only in conformity with provisions within this Subdivision. This goes beyond the minimum standards and thus, Staff has not included this in the draft Ordinance.

5. POLICY BOARD BUSINESS

5.01: Consider an Amendment to City Code Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overlay Districts) to Adopt Updated Flood Insurance Rate Maps Prepared by the Federal Emergency Management Agency

City Planner Anderson presented the staff report. He drew attention to the latest flood map available, which was from November 1, 1979. There has been a lot of growth in the city since then. There are new flood insurance maps from the insurance agencies. He explained there is a difference between a flood way and a flood fringe. He said structures are not permitted in the floodway. Some exceptions could be possible through a Conditional Use Permit. He gave an example of a structure that would be built on posts and would be elevated above the flood plain. He explained a flood fringe is defined as not part of the main flood area. This would be where there may be spillage near from the floodway with much lower velocities. These definitions determine where a structure can be built, according to FEMA.

City Planner Anderson noted the updated maps do need to be adopted. He gave a brief overview of the sections in the current ordinance that will likely be updated. He noted some of the language and definitions should be updated. He stated some of the language from the City Code should be carried over. He discussed the possibilities of how the layout of the document may change.

Board Member Bentz raised the issue of residents that are currently dealing with property flooding. He asked if these types of situations would be included in the amendment.

City Planner Anderson responded this is an option to include such instances, but it does not need to be codified. These are situations that can be handled on a case by case basis. He noted it is staff's recommendation not to include potentially flood prone areas, however if the Board wants to pursue this they can make that part of their recommendation.

Board Member Bentz asked if there is a way the realtors can find out about properties that may have flooding issues.

City Planner Anderson replied staff receives a lot of questions from realtors, and developers, and residents about whether there are issues with a certain property. When the City is made aware of these situations, they work with them and also provide any pertinent information in the property file maintained by the City.

City Planner Anderson reiterated when the Ordinance amendment comes forward, it will be to repeal the existing ordinance and replace it with this one. It can look drastic, but in reality there is very little changing. There may be a little rearranging within a section, but there are no major changes to the amendment. He noted the deadline to adopt an Ordinance that incorporates these new maps to stay eligible in the flood insurance program is December 16. The intention is to present the ordinance amendment to the Planning Commission at a public hearing in October and would to have it in front of City Council for adoption by of December at the latest. Notification will then be sent to FEMA that the amendment is adopted, in time for the December 16 deadline. He noted residents do not have to be in a flood zone to purchase insurance. If a resident is not in a flood zone, it may be less expensive to purchase flood insurance if the homeowners wishes.

Board Member Bentz questioned if the map on display is the map used for insurance purposes now.

City Planner Anderson explained the maps being used now are the maps from 1979. It does not distinguish between flood fringe and flood way. The new one does that. It also distinguishes between 100 year and 500 year flood levels.

Board Member Bentz inquired if a GIF overlay could be included to make things clear for the residents.

Board Member Hiatt asked if staff anticipates this will be an effect on some residents.

City Planner Anderson responded residents are federally required to have flood insurance if their structure is in the 100-year flood plain. If only a portion of a lot is under the flood plain, then the insurance is up to the lender. He said lenders seemed to be a bit more lenient before the housing crash, but have become more stringent since. The requirement of flood insurance is not a decision by the City, but is up to the lender if not federally mandated. There are instances where residents have obtained their mortgage without obtaining flood insurance. Then they have refinanced, and then are required to have flood insurance. He said he has had many conversations with residents about this. This is a change instituted by the lender.

Board Member Bentz stated he would like to avoid the necessity of flood insurance for those on the borders of wetland.

City Planner Anderson noted there are a surprising amount of wetland areas that are not part of a designated flood plain. He said just because there is a water body or a wetland doesn't mean there will be flood plain associated with that.

Acting Chairperson Valentine pointed out flooding is usually associated with drainage and not a body of water.

Board Member Hiatt referred to a case mentioned prior regarding a property battling flooding due to construction. He questioned if this situation should be included in the new Ordinance in order for the City to provide assistance.

City Planner Anderson responded he cannot provide a blanket answer. These types of situations would be considered on a case-by-case basis. There may be some action toward drainage correction. He suggested if there is any hesitation by a Board Member to keep certain language in, or omit certain language in a certain section, they can ask for that amendment.

Board Member Bentz questioned in the case already mentioned, would the homeowner apply for a variance and go through that process, or would it be better to go to Engineering and request help.

City Planner Anderson stated if the language is not in the Ordinance, it is difficult to know how open the City will be to hear the case, or fix the problem. If that particular property is in a flood plain, it will be considered. He said if the property owner wanted it fixed, it would not be a variance, and doesn't fit in the Conditional Use Permit parameters. He suggested the homeowner have a conversation with the Public Works or Engineering Department, and then it may become

an issue to take to the Public Works Committee. He noted there is an appeal process if requested.

Motion by Board Member Hiatt and seconded by Board Member Lewis to recommend that the City Council adopt the updated Flood Insurance Rate Maps by amending Chapter 117, Article II, Division 4, Subdivision III (Floodplain Overly Districts).

Motion carried. Voting Yes: Acting Chairperson Valentine, Board Member Hiatt, Lewis, Bentz, and Bernard. Voting No: None. Absent: Chairperson Stodola and Board Member Covart.

5.02: Review of EPB Presence at Happy Days

City Planner Anderson presented the staff report. He asked for feedback on how the Board thought the day went. He said he did incorporate the various comments made throughout the event.

Board Member Bentz summarized the comments he heard throughout the event and sent them to him.

Board Member Hiatt commented the question used to engage people was a good starter piece. He said Board Member Bentz did a nice job having more specific questions to spur dialogue. He noted there was a chance to explain to a group of people that the Board Members are not employees, but are citizens volunteering their time. It was good visibility for the Committee and how it works.

Acting Chairperson Valentine asked how many people went through the area the Board was in.

City Planner answered it was between 50 and 75 people. He thought there were about 30 to 40 people the Board Members captured dialogue with. He noted the “after parade” rush that is typically seen in the expos in previous years did not seem to happen. The booths within the City tent had very little traffic after the parade. He said he wasn't sure if the craft and business expos that that traffic. He pointed out the EPB booth was the last City-represented booth. He suggested the Committee didn't need to be represented in person next year.

Board Member Lewis said he was there after the parade. He said considering the amount of time the Board spent in meetings preparing for Happy Days, and the time spent in the booth, he questioned whether it would be valid to move forward. He stated he noticed the absence of the Parks and Recreation Board, and that could have been a more sought out group than the EPB. There were a lot of questions posed to the EPB that would have pertained more to the Parks and Recreation Board. Since this is an advisory board, and not a policy making board, he said he wasn't sure how helpful its presence was.

Board Member Bentz stated he did not think the set up was conducive to where the City booths were located. The blow up bouncers were loud and had long lines. The crafts were one way, and the parking ramp was another. Unless people were going to the parking ramp, there was little reason to go by and stop at the City booth. He commented some residents mentioned the upcoming recycling day. It was said that Home Depot takes appliances on certain days, and Best Buy takes appliances. Some residents questioned whether there should be a recycling day. He



What are the Floodway and the Flood Fringe?

For regulatory purposes, the floodplain is divided into **Floodway** and **Flood Fringe**:

- **Floodway** is the channel of the river or stream and the adjacent land that must remain free from obstruction so that the 100-year flood can be conveyed downstream.
- **Flood Fringe** is the remaining portion of the floodplain. FEMA and state regulations permit communities to allow the flood fringe to be obstructed and developed if standards (i.e., elevating and floodproofing structures) are met.



Figure 1. View of floodway and flood fringe on a river.

When the FEMA floodplain maps are initially developed, the community works with state and FEMA representatives to determine which portion of the floodplain will be floodway versus flood fringe. Detailed engineering models are run to determine the effect of filling in (or developing) all the flood fringe areas. The filling that would be allowed in the flood fringe generally cannot:

- Increase the 100-year flood elevation more than ½ foot above the natural unobstructed condition, or
- Increase the 100-year flood elevation if the filling would negatively impact existing floodplain development (even the increase would be less than ½ foot).

Development in the floodplain is regulated by local (i.e., city, county or township) ordinances. Development within the floodway is very restricted. The type of development allowed in the flood fringe (i.e., residential, industrial, etc.) depends on the local zoning, but must meet minimum elevation or flood proofing standards.

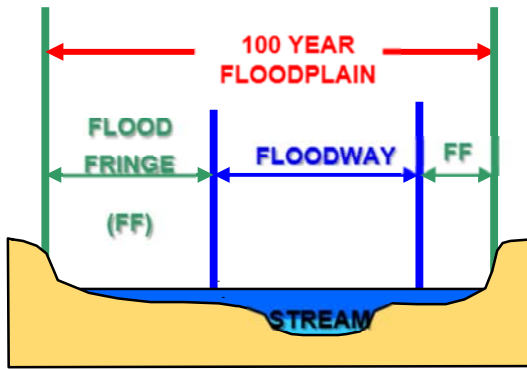


Figure 2. Cross-section of river showing floodplain before obstructions or filling.

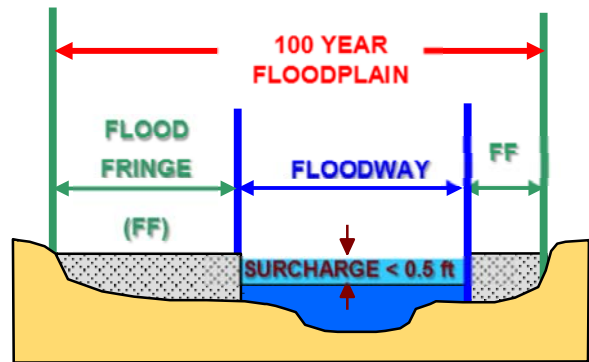


Figure 3. Cross-section of river showing floodplain with filling in flood fringe.

What is the General Floodplain?

If no detailed hydraulic model has been developed to delineate the floodplain and approximate methods are used, the floodplain is designated as **General Floodplain**. When development is proposed in a general floodplain area, the permit applicant is responsible to pay for the hydraulic studies that identify floodway versus flood fringe areas.

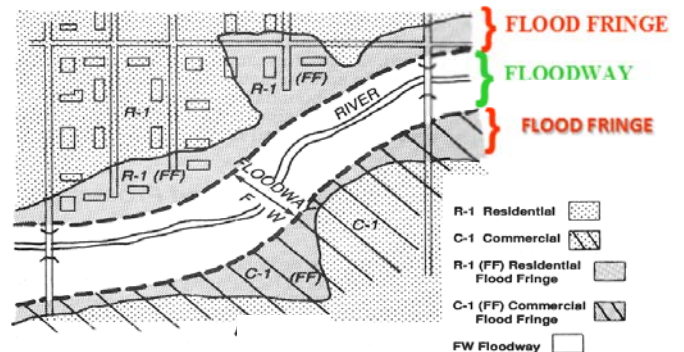


Figure 4. Local zoning map showing flood fringe and floodway overlay districts.

**ORDINANCE #15-15
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

**AN AMENDMENT TO CHAPTER 117 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS
ZONING AND SUBDIVISIONS OF THE CITY CODE OF RAMSEY, MINNESOTA**

**AN ORDINANCE AMENDING SECTION 117-1 (DEFINITIONS) AND SUBDIVISION III
(FLOODPLAIN OVERLAY DISTRICTS) OF THE RAMSEY CITY CODE.**

The City of Ramsey Ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENTS

Section 117-1 is amended to include the following definitions:

Base Flood Elevation means the elevation of the “regional flood”. The term “base flood elevation” is used in the flood insurance study.

Farm Fence means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

One Hundred Year Floodplain means lands inundated by the Regional Flood.

Recreational Vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of Subdivision III (Floodplain Overlay Districts), the term recreational vehicle is synonymous with the term ‘travel trailer/travel vehicle’.

Special Flood Hazard Area is a term used for flood insurance purposes synonymous with ‘One Hundred Year Floodplain’.

Substantial Damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction”, as defined in 44 Code of Federal Regulations 59.1, of the improvement. This term includes structures that have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a “historic structure”, as defined in 44 Code of Federal Regulations 59.1, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Subdivision III (Floodplain Overlay Districts) is hereby repealed and replaced with the following:

Sec. 117-180. – Statutory authorization and purpose.

(a) Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council does ordain as follows.

(b) Purpose

- (1) This Subdivision regulates development in the flood hazard areas of the city. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this Section to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (2) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the city’s eligibility in the National Flood Insurance Program.
- (3) This Subdivision is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Sec. 117-181. – General Provisions

(a) This Subdivision adopts the floodplain maps applicable to the city and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

- (1) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Section 117-183 or 117-184 will apply, depending on the location of a property.
- (2) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 117-183 apply unless the floodway boundary is determined, according to the process outlined in Section 117-185. Once the floodway boundary is determined, the Flood Fringe district standards in Section 117-184 may apply outside the floodway.

- (b) Lands to which this Subdivision applies. This Subdivision applies to all lands within the jurisdiction of the city shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain districts.
- (1) The Floodway, Flood Fringe and General Floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in the underlying zoning district. In case of a conflict, the more restrictive standards will apply.
- (c) Incorporation of maps by reference. The following maps, together with all attached material, are hereby adopted by reference and declared to be a part of the Official Zoning Map and this Subdivision. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Maps enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the Community Development Department.
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- (d) Regulatory flood protection elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- (e) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
- (1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.
- (f) Abrogation and greater restrictions. It is not intended by this Subdivision to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this Subdivision imposes greater restrictions, the provisions of this Subdivision prevail.
- (g) Warning and disclaimer of liability. This Subdivision does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Subdivision does not create liability on the part of the city or its officers or employees for any flood damages that result from reliance on this Subdivision or any administrative decision lawfully made thereunder.
- (h) Severability. If any section, clause, provision, or portion of this Subdivision is adjudged unconstitutional or invalid by a court of law, the remainder of this Subdivision shall not be affected and shall remain in full force.

- (i) Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 117-181 (c) above may include floodplain areas that lie outside of the corporate boundaries of the city at the time of adoption of this Subdivision. If any of these floodplain land areas are annexed into the city after the date of adoption of this Subdivision, the newly annexed floodplain lands will be subject to the provisions of this Subdivision immediately upon the date of annexation.

Sec. 117-182. – Establishment of flood zone districts.

(a) Districts.

- (1) Floodway District. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 117-181. For lakes, wetlands and other basins (that do not have a floodway designated), the Floodway District includes those areas designated as Zone A or AE on the Flood Insurance Rate Map that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (2) Flood Fringe District. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Section 117-181 as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District includes those areas designated as Zone A or AE on the Flood Insurance Rate Map panels adopted in Section 117-181 that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (3) General Floodplain District. The General Floodplain District includes those areas designated as Zone A or Zone AE without a floodway on the Flood Insurance Rate Map adopted in Section 117-181, but not subject to the criteria in Section 117-182 (a)(1) and (2) above.

- (b) Compliance. Within the floodplain districts established in this Subdivision, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 117-183, 117-184, and 117-185, respectively, are prohibited. In addition, a caution is provided here that:

- (1) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Subdivision and specifically Section 117-188.
- (2) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Subdivision and specifically Section 117-190.
- (3) All structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (4) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Subdivision and specifically as stated in Section 117-189.

Sec. 117-183. – Floodway District (FW)

- (a) Permitted uses. The following uses, subject to the standards set forth in 117-183 (b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - (2) Industrial-commercial loading areas, parking areas, and airport landing strips.
 - (3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
 - (4) Residential lawns, gardens, parking areas, and play areas.
 - (5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in 117-183 (d)(1), 117-183 (d)(3) and 117-183 (d)(6) are met.
- (b) Standards for Floodway Permitted Uses:
- (1) The use must have a low flood damage potential.
 - (2) With the exception of the uses listed in 117-183 (a)(5), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.
 - (3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (c) Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 117-189 (d) of this Subdivision and further subject to the standards set forth in Section 117-183 (d), if otherwise allowed in the underlying zoning district or any applicable overlay district.
- (1) Structures accessory to the uses listed in Section 117-183 (a) and the uses listed in subsections (c) (2) through (9) below.
 - (2) Extraction and storage of sand, gravel, and other materials.
 - (3) Marinas, boat rentals, docks, piers, wharves, and water control structures.
 - (4) Storage yards for equipment, machinery, or materials.
 - (5) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Sec. 117-1, are permitted uses.
 - (6) Travel-ready recreational vehicles meeting the exception standards in Section 117-188(b)(2).
 - (7) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- (d) Standards for Floodway Conditional Uses:
- (1) All uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
 - (2) Fill; storage of materials and equipment:
 - a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the city has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

- (3) Accessory Structures:
- a. Accessory structures must not be designed for human habitation.
 - b. Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 1. Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and
 2. So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.
 - c. Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the MN State Building Code. All floodproofed accessory structures must meet the following additional standards:
 1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls; and
 2. Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.
 - d. As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the MN State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:
 1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 2. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (4) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- (5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- (6) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

Sec. 117-184. – Flood Fringe District (FF)

- (a) Permitted uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in subsection (b) below.
- (b) Standards for flood fringe permitted uses.
- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
 - a. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - b. As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with 117-183 (d)(3).

- (2) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with subsection (a) above, or if allowed as a conditional use under Section 117-184(c)(3) below.
 - (3) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.
 - (4) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (5) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - (6) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City.
 - (7) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
 - (8) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
 - (9) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - (10) Manufactured homes and recreational vehicles must meet the standards of Section 117-188.
- (c) Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 117-189(d). Conditional uses must meet the standards in (4) through (10) above and Section 117-184(d).
- (1) Any structure that is not elevated on fill or floodproofed in accordance with Section 117-184(b)(1)a. and b.
 - (2) Storage of any material or equipment below the regulatory flood protection elevation.
 - (3) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with (b)(1) above.
- (d) Standards for Flood Fringe Conditional Uses.
- (1) The standards listed in Section 117-184(b) (4) through (10) apply to all conditional uses.
 - (2) Basements, as defined in subsection 117-1, are subject to the following:
 - a. Residential basement construction is not allowed below the regulatory flood protection elevation.
 - b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with 117-184(d)(3).
 - (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the MN State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the MN State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.

- (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City.
 - c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (5) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:
 - a. The enclosed area is above-grade on at least one side of the structure.
 - b. It is designed to internally flood and is constructed with flood resistant materials.
 - c. It is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 1. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the MN State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 2. Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - i. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the MN State Building Code and shall be used solely for building access, parking of vehicles, or storage.

Sec. 117-185 General Floodplain District (GF)

(a) Permitted Uses.

- (1) The uses listed in 117-183 (a), Floodway District Permitted Uses, are permitted uses.

- (2) All other uses are subject to the floodway/flood fringe evaluation criteria specified in 117-185 (b) below. Section 117-183 applies if the proposed use is determined to be in the Floodway District. Section 117-184 applies if the proposed use is determined to be in the Flood Fringe District.

(b) Procedures for Floodway and Flood Fringe Determinations.

- (1) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.
- (2) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 117-185 (b)(3) below.
- (3) The determination of floodway and flood fringe must include the following components, as applicable:
 - a. Estimate the peak discharge of the regional (1% chance) flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.
- (4) The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the MN Department of Natural Resources, before presenting the technical evaluation and findings to the City Council. The City Council must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The City Council, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency (FEMA), the MN Department of Natural Resources, or the Planning Commission for review and comment.
- (5) Once the Floodway and Flood Fringe District boundaries have been determined, the City Council shall refer the matter back to the Zoning Administrator to process the permit application consistent with the applicable provisions of Section 117-183 and 117-184.

Sec. 117-186 Subdivisions

- (a) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this Section.
 - (1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
 - (2) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

- (3) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation, and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (4) In the General Floodplain District, applicants must provide the information required in Section 117-185 (b) to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

Sec. 117-187 Public Utilities, Railroads, Roads, and Bridges.

- (a) **Public Utilities.** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the MN State Building Code or elevated to the regulatory flood protection elevation.
- (b) **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 117-183 and 117-184. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) **On-site Water Supply and Sewage Treatment Systems.** Where public utilities are not provided:
 - (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they must not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems is considered to be in compliance with this Section.

Sec. 117-188 Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles.

- (a) **Manufactured Homes.** New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record located in a floodplain district, the placement of new or replacement manufactured homes will be treated as a new structure and are subject to the following requirements:
 - (1) Placement or replacement of manufactured home units is prohibited in the Floodway District.
 - (2) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 117-184 and the following standards.
 - a. New and replacement manufactured homes must be elevated in compliance with Section 117-184 and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - b. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in 117-186 (a)(2).
- (b) **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

- (1) Recreational vehicles are exempt from the provisions of this Section if they are placed in any of the following areas and meet the criteria listed in 117-188 (2):
 - a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium-type associations.
- (2) Criteria for Exempt Recreational Vehicles:
 - a. The vehicle must have a current license required for highway use.
 - b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - c. No permanent structural type additions may be attached to the vehicle.
 - d. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
 - e. Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in this Section.
- (3) Recreational vehicles that are exempt in 117-188 (2) lose this exemption when development occurs on the site exceeding \$500.00 for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 117-184. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

Sec. 117-189 Administration

- (a) Zoning Administrator. A Zoning Administrator or other official designated by the City Council must administer and enforce the provisions of this Subdivision.
- (b) Permit Requirements.
 - (1) Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
 - a. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in Section 117-1.
 - b. The use or change of use of a building, structure, or land.
 - c. The construction of a dam, fence, or on-site septic system. A Farm Fence, as defined in 117-1, would require a Zoning Permit but is not considered a structure when administering this Subdivision.
 - d. The change or extension of a nonconforming use.
 - e. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - f. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - g. Relocation or alteration of a watercourse - including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
 - (2) Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
 - a. A scaled site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
 - b. Location of fill or storage of materials in relation to the stream channel.

- c. Copies of any required municipal, county, state or federal permits or approvals.
 - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
- (3) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.
 - (4) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
 - (5) Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.
 - (6) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of FEMA.
 - (7) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.
- (c) Variances.
- (1) Variance Applications. An application for a variance to the provisions of this Subdivision will be processed and reviewed in accordance with applicable state statutes and Section 117-53.
 - (2) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
 - (3) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

- b. Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (5) General Considerations. The city may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
 - a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions.
 - d. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services to be provided by the proposed use to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of viable alternative locations for the proposed use that are not subject to flooding.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (6) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (7) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (8) Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(d) Conditional Uses.

- (1) Administrative Review. An application for a conditional use permit under the provisions of this Subdivision will be processed and reviewed in accordance with Section 117-51 of the City Code.
- (2) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council will consider all relevant factors specified in other sections of this Subdivision, and those factors identified in Section 117-189 (c)(5).
- (3) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Floodproofing measures, in accordance with the MN State Building Code and this Subdivision. The applicant must submit a plan or document certified by a registered

- professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (4) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - (5) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

Sec. 117-190 Nonconforming Uses.

- (a) Continuation of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this Subdivision but which is not in conformity with the provisions of this Subdivision may be continued subject to the following conditions. Historic structures, as defined in 117-1, are subject to the provisions of Section 117-190 (a)(1) – (5).
 - (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 117-190 (a)(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
 - (2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the MN State Building Code, except as further restricted in 11.13 and 11.17 below.
 - (3) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, then the entire structure must meet the standards of Section 117-183 or 117-184 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
 - (4) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
 - (5) If any nonconformity is substantially damaged, as defined in Section 117-1, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Section 117-183 or 117-184 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
 - (6) Any substantial improvement, as defined in Section 117-1, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 117-183 or 117-184 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

Sec. 117-191 Penalties and Enforcement

- (a) Violation Constitutes a Misdemeanor. Violation of the provisions of this Subdivision or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (b) Other Lawful Action. Nothing in this Subdivision restricts the city from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not

appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this Subdivision and will be prosecuted accordingly.

- (c) Enforcement. In responding to a suspected code violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct code violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Sec. 117-192 Amendments

- (a) Floodplain Designation – Restrictions on Removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- (b) Amendments Require DNR Approval. All amendments to this Subdivision must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to city approval.
- (c) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 117-181 (c).

SECTION 3. SUMMARY

The following is the official summary of Ordinance #15-15, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #15-15 to amend Ramsey, Minnesota City Code Section 117-1 (Definitions) and Subdivision III (Floodplain Overlay Districts) to:

- Incorporate additional definitions related to administering the Floodplain Management Program.
- Adopt the Flood Insurance Study for Anoka County and the Flood Insurance Rate Maps, dated December 16, 2015, all prepared by the Federal Emergency Management Agency.

SECTION 4. EFFECTIVE DATE

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the 24th day of November, 2015.

Mayor

ATTEST:

City Clerk

Introduction Date:

Posting Dates:

Adoption Date:

Publication Date:

Effective Date:

Regular Planning Commission

5. 6.

Meeting Date: 10/15/2015

By: Tim Gladhill, Community Development

Information

Title:

Consider Request for Extension of Approved Variance to Fence Height at 5859 Alpine Dr NW; Case of James Hirschman

Purpose/Background:

The purpose of this case is to consider an extension of a Variance approved by the Planning Commission in October, 2014. Details of said case are attached for reference.

Due to the timing of completion of the Anoka County Improvement Project at Alpine Drive and Nowthen Boulevard, the impetus behind the Variance, the Applicant has stated that they feel it is unfeasible to complete the project this year. Variance approvals are valid for one (1) year without approval. Staff finds the request for extension reasonable.

Notification:

Notification is not required.

Observations/Alternatives:

Funding Source:

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

Recommendation:

Staff recommends approval of the request for extension as presented.

Action:

Motion to approve the request for extension as presented.

Attachments

Site Location Map

Request for Extension

Original Case

Form Review

Inbox

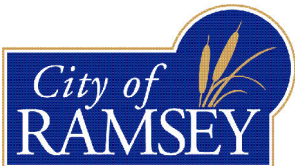
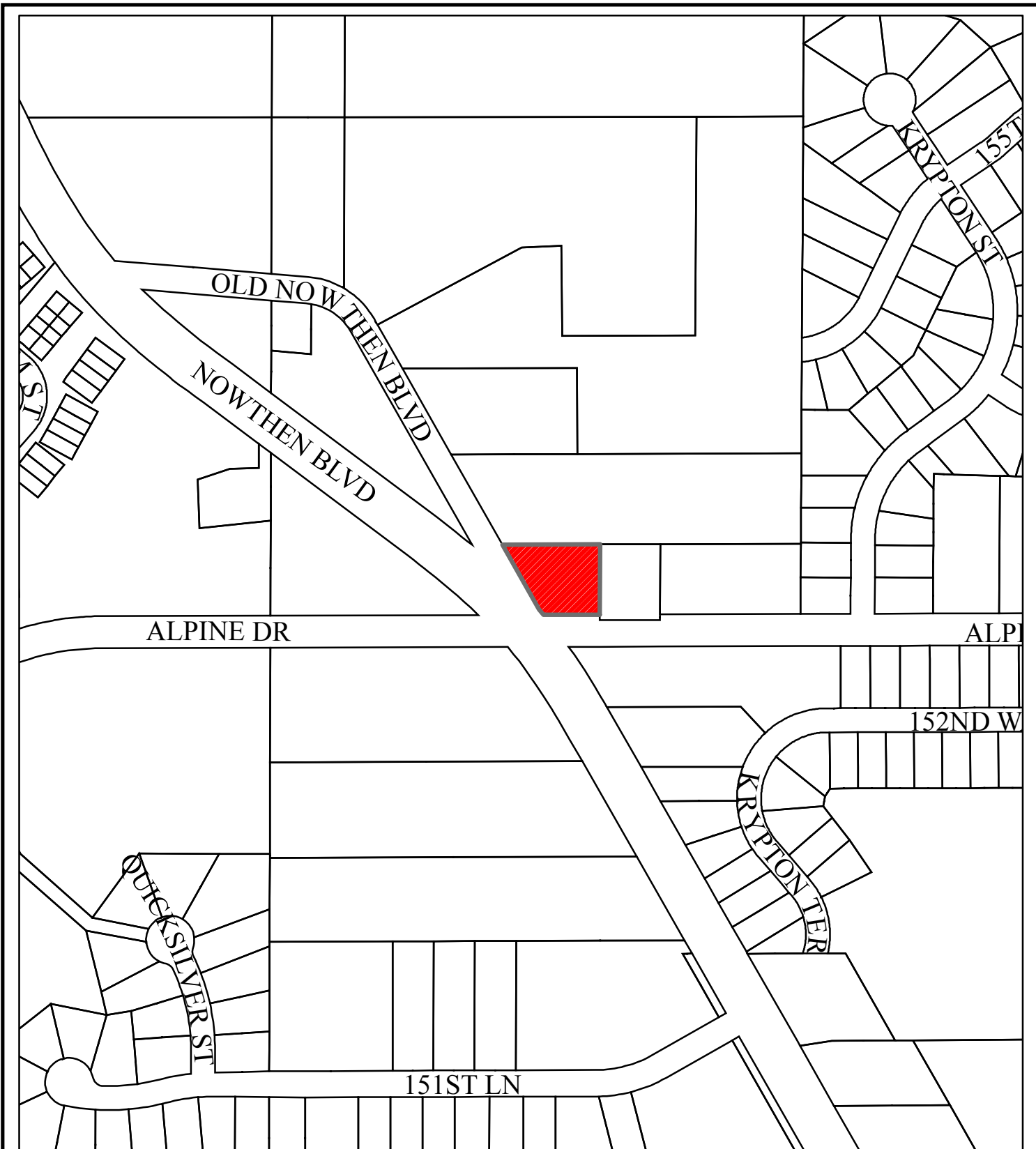
Tim Gladhill (Originator)
Form Started By: Tim Gladhill
Final Approval Date: 10/09/2015

Reviewed By



Tim Gladhill

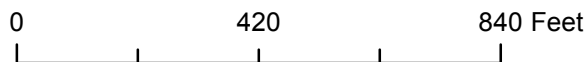
Date

10/09/2015 03:07 PM
Started On: 10/01/2015 10:22 AM



5859 Alpine Drive NW
23-32-25-13-0010

Legend
 Site
 Parcels



Attention: Tim Gladhill

September 29, 2015

Request for Variance extension

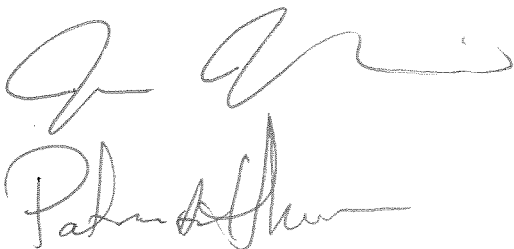
Planning Commission,

We would like to request an extension on the variance for fence height in our front yard, at 5859 Alpine Drive NW.

The reason for the request is the fence installation is dependent on Anoka County completing their Project. (Project: The addition of a Stop Light at the corner of Alpine Drive and County Road 5.) Our property was impacted by this, and we are still waiting for the final grading and sod work it to be completed.

Because we have been given no definitive time line as to when the work will finally be done. We would like the variance to be extended for 1 year. Once the County work is completed, we will still need time to schedule the installation of the fence. We have seen this project start and stop multiple times, so we are not comfortable with scheduling the fence, until we see that everything is complete.

Thank you for your consideration,
Pat and Jim Hirschman
5859 Alpine Drive NW
Ramsey, MN 55303

The image shows two handwritten signatures in black ink. The top signature is a cursive signature that appears to be 'Pat Hirschman'. The bottom signature is also in cursive and appears to be 'Jim Hirschman'. Both signatures are written in a fluid, connected style.

Meeting Date: 10/09/2014

By: Tom Olson, Community Development

Information

Title:

PUBLIC HEARING: Consider a Request for a Variance to Allowable Fence Height in the Front Yard Setback Area at the Property Located at 5859 Alpine Dr NW; Case of James and Patricia Hirschman

Purpose/Background:

The City has received an application for a variance to the height limit for fencing within the front yard setback of the property located at 5859 Alpine Drive NW (the "Subject Property"), which is within the R-1 Residential (MUSA) district. The variance would allow the property owner to deviate from standards described within City Code Section 117-111 (R-1 Residential) to construct a six (6) foot high privacy fence along portions of the Subject Property's front yard, exceeding the height limit by two (2) feet. The request was prompted by the loss of trees that stood where the fencing is being proposed. Those trees were removed as a result of the reconstruction of the intersection immediately adjacent to the Subject Property.

Notification:

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

Observations/Alternatives:

The Subject Property contains 0.77 acres and is located northeast of the intersection of County State Aid Highway (CSAH) 5 and Alpine Dr NW (the "Intersection"). Its a corner lot and therefore has two (2) front yard property lines. All surrounding properties are located with the R-1 Residential (MUSA) district except the parcel to its south, which is zoned B-1 Business.

The Intersection is currently undergoing reconstruction by Anoka County (the "County"). Part of the reconstruction has included the addition of turn lanes, which have increased the road width of Alpine Dr. In addition to relocating the driveway on the Subject Property further east along Alpine Dr, this construction activity necessitated the removal of trees that stood immediately adjacent to the Intersection along the edge of the public right-of-way.

The privacy fence that the Applicant is proposing to install is intended to reconstitute the screening effect that the removed trees once provided. Its location would line the portion of the boundary of the Subject Property's front yard consistent with where the removed trees once stood, as shown in Exhibit A. The Applicant is also proposing to install fencing along remaining stretches of the front yard property line on Alpine Dr that would be four (4) feet in height. The location of the proposed fencing is within the 30-foot front yard setback for properties within the R-1 Residential (MUSA) district, which limits fencing height to four (4) feet.

If approved, the variance would not allow the Applicant to deviate from other fencing standards described in City Code Section 117-111. As part of reconstruction activities, the County will demarcate the public right-of-way boundaries at the Intersection, which will assist the Applicant in properly locating the proposed fencing to be entirely on the Subject Property.

When contemplating a variance request, there is a three (3) factor test for practical difficulties that must be met by the Applicant. The following are the three (3) factors:

1. Is the property owner proposing to use the property in a reasonable manner?
2. Is the landowner's problem due to circumstances unique to the property not caused by the landowner?
3. If granted, would the variance alter the essential character of the locality?

The request appears to satisfy all three (3) factors. Fencing and its use for screening is allowed within the R-1 Residential District and is therefore a reasonable use. The circumstances surrounding the Applicant's problem were the result of a County initiated project, not by the Applicant. And finally, the variance would have no effect on the character of the Subject Property's locality.

Alternatives

Option #1: Approve Resolutions #14-10-208 and #14-10-209 granting a Variance to the maximum height for fences within the front yard setback. The Applicant is requesting permission to reconstitute the screening condition of his removed trees via a six (6) foot tall privacy fence. What prompted this request was not due to actions by the Applicant, but by a construction project initiated by the County. If this option is selected, the Applicant would still have to comply with other fence standards described in Section 117-111. Staff recommends the option.

Option #2: Deny the request for a Variance. This action would not allow the Applicant to construct a fence six (6) feet in height, but a fence that was only four (4) feet tall. This height would not offer the degree of screening that was present with the trees, which were removed by the County and not by the Applicant's choice. The privacy fencing would only be present along a limited extent of the Subject Property facing a busy intersection. Staff does not recommend this option.

As a reminder, for variances, the Planning Commission acts in a quasi-judicial capacity rather than an advisory board.

Funding Source:

Because of the relationship of this request to the reconstruction of the intersection of CSAH 5 and Alpine Dr NW by Anoka County, all associated costs have been waived by the City.

Recommendation:

City Staff recommends approving Resolutions #14-10-208 and #14-10-209 related to a request for a variance to the height limit for fencing within the front yard setback of a residential property.

Action:

Motion to adopt Resolution #14-10-208 approving Findings of Fact #0937 and Resolution #14-10-209 approving the request for a variance related to a request for a variance to the fence height limit within the front yard setback of a residential property;

Attachments

[Site Location Map](#)

[Exhibit A - Site Plan](#)

[Details of Proposed Privacy Fence](#)

[Resolution #14-10-208: Draft Findings of Fact](#)

[Resolution #14-10-209: Draft Variance](#)

Form Review

Inbox

Chris Anderson

Tim Gladhill

Form Started By: Tom Olson

Final Approval Date: 10/01/2014

Reviewed By

Chris Anderson

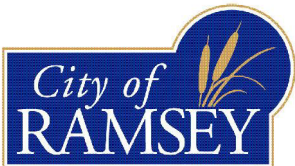
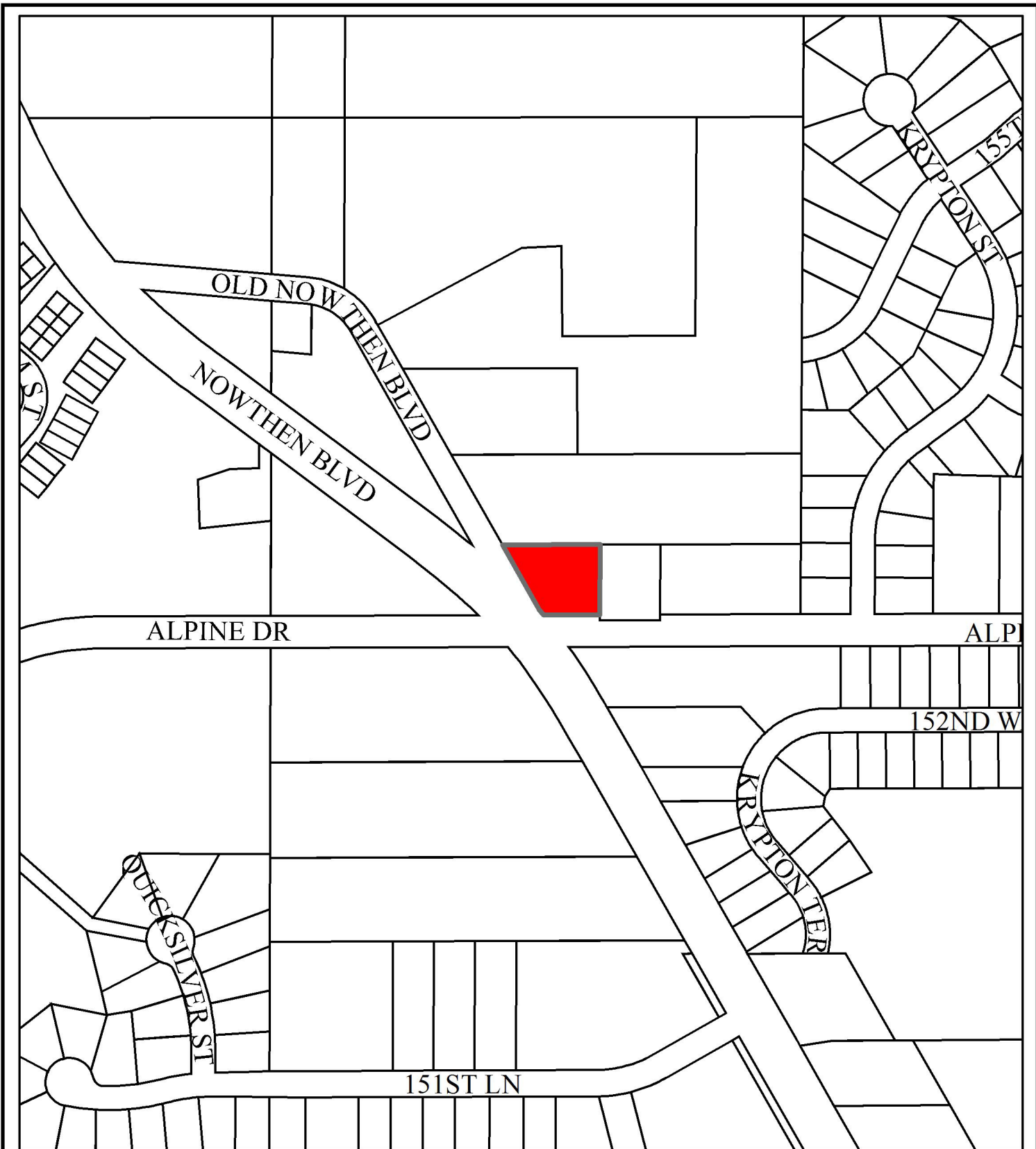
Tim Gladhill

Date

09/30/2014 03:13 PM

10/01/2014 05:25 AM

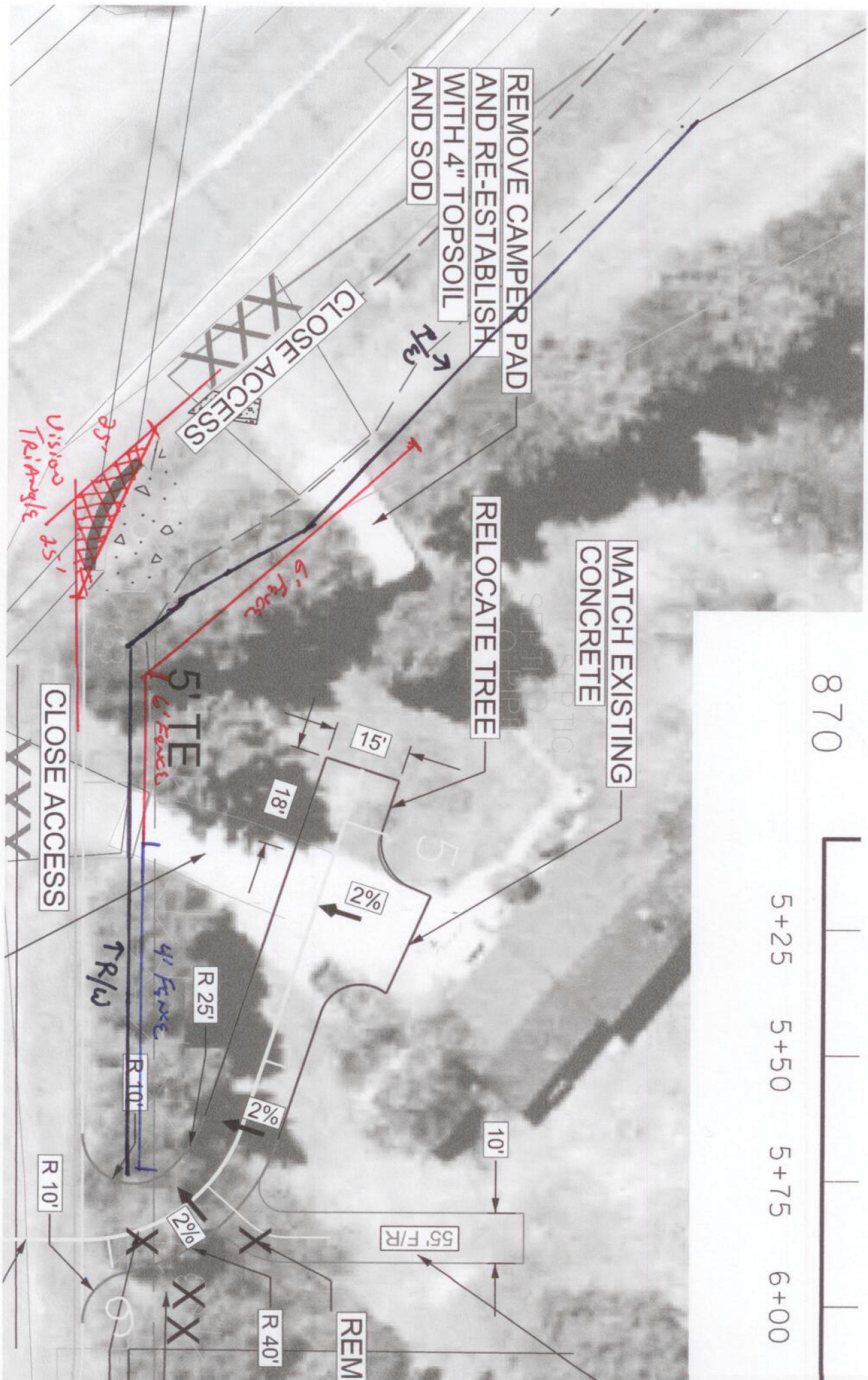
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5859 Alpine Drive NW
23-32-25-13-0010

Legend
 Site
 Parcels

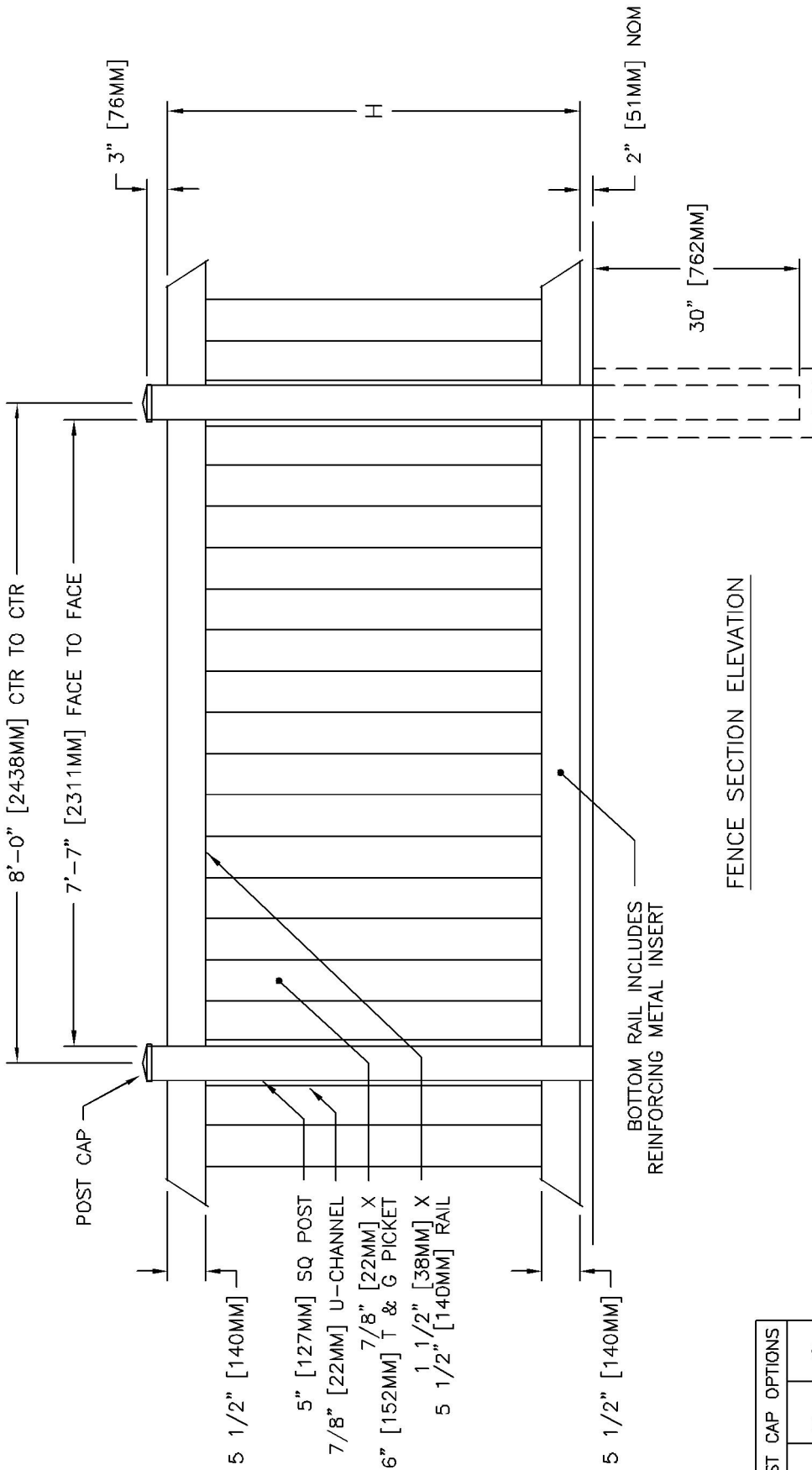




870

5+25 5+50 5+75 6+00





FENCE SECTION ELEVATION

NOM HEIGHT (H)
46" [1168MM]
58" [1473MM]
70" [1778MM]

- NOTES: 1. METRIC DIMENSIONS ARE NOMINAL EQUIVALENTS TO U.S. DIMENSIONS.
 2. SPECIFICATIONS SHOWN CAN BE CHANGED BY MASTER HALCO ONLY.
 3. FOOTING WIDTH TO BE (2)X POST WIDTH. MINIMUM DEPTH 30" [762MM].

POST CAP OPTIONS		
BALL		
FRENCH GOTHIC		
PYRAMID		

MASTER HALCO® <small>Copyright © 2001-2006 Master Halco, Inc. All Rights Reserved.</small>	LEGEND VINYL SERIES by Master Halco Orange, CA Phone No.: 800-229-5615 www.FenceOnline.com	BY: JRR DATE: 10-19-99 REV: C REV DATE: 09-20-06	DWG: 97-1460 LAYER: 1 SCALE: 1/2" = 1'-0"
	PRIVACY STYLE FENCE NOM 8' SECTION LENGTH		

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

RESOLUTION #14-10-208

RESOLUTION ADOPTING FINDINGS OF FACT #0937 RELATING TO A REQUEST FROM JAMES AND PATRICIA HIRSCHMAN FOR A VARIANCE TO HEIGHT OF FENCE WITHIN FRONT YARD SETBACK AT 5859 ALPINE DR NW

WHEREAS, James and Patricia Hirschman, hereinafter referred to as the “Applicant,” have properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to construct a privacy fence six (6) feet in height within the front yard setback on the property generally known as 5859 Alpine Dr NW and legally described as follows:

That part of the south 255.22 feet of the Southwest Quarter of the Northeast Quarter, as measured along east line thereof, of Section 23, Township 32, Range 25 lying easterly of the center line of CSAH No 5, except east 500 feet thereof, except road subject to eastment of record, Anoka County, Minnesota.

(the “Subject Property”).

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

1. That the Subject Property is approximately 0.77 acres in size and is located in the R-1 Residential (MUSA) zoning district.
2. That the Subject Property is surrounded by properties also zoned R-1 Residential (MUSA), except to the south, which parcel is zoned B-1 Business.
3. That the Subject Property is bound on its west by County State Aid Highway (CSAH) 5 and its south by Alpine Drive NW.
4. That Anoka County is reconstructing the intersection of CSAH 5 and Alpine Drive (the “Construction”).
5. That the Construction has resulted in the relocation of the driveway on the Subject Property to a new area further east along Alpine Drive.
6. That the Construction has also resulted in a loss of trees along the property lines of the Subject Property adjacent to CSAH 5 and Alpine Drive.
7. That, in order to reconstitute the screening that the removed trees provided, the Applicant is proposing to construct a six (6) foot high privacy fence on the Subject Property consistent with what is shown in Exhibit A attached hereto.

8. That the location of the proposed privacy fence will be within the front yard setback of the Subject Property and therefore will be two (2) feet greater than what is allowed according to City Code Section 117-111 (R-1 Residential District).
9. That, if granted, the Variance will not allow the Applicant to deviate from other fence standards described in City Code Section 117-111.
10. That Anoka County will locate the public right-of-way boundaries, which will assist the Applicant in properly locating the fence to be entirely on the Subject Property.
11. That economic circumstances alone do not create the practical difficulties.
12. That the plight is due to circumstances unique to the Subject Property.
13. That the plight was not created by the Applicant.
14. That, if granted, the Variance will/will not alter locality's essential character.
15. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
16. That, if granted, the Variance will/will not unreasonably increase congestion on the public street.
17. That, if granted, the Variance will/will not have the effect of allowing any uses prohibited in the applicable zoning district.
18. That if granted, the Variance will/will not permit a lesser degree of public health, safety, and general welfare.
19. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
20. That, if granted, the Variance will/will not increase the danger of fire or endanger public safety.
21. That, if granted, the Variance will/will not diminish or impair established property values within the neighborhood.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 9th day of October, 2014.

Chairperson

ATTEST:

City Clerk

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

RESOLUTION #14-10-209

RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO EXCEED THE FENCE HEIGHT LIMIT IN THE FRONT YARD SETBACK AT 5859 ALPINE DR NW AND DECLARING TERMS OF SAME

WHEREAS, James and Patricia Hirschman, hereinafter referred to as the “Permittee,” have properly applied for a variance from Section 117-111 (R-1 Residential District) of the Ramsey City Code to exceed the fence height limit in the front yard setback by two (2) feet on the property generally known as 5859 Alpine Dr NW and legally described as follows:

That part of the south 255.22 feet of the Southwest Quarter of the Northeast Quarter, as measured along east line thereof, of Section 23, Township 32, Range 25 lying easterly of the center line of CSAH No 5, except east 500 feet thereof, except road subject to eastment of record, Anoka County, Minnesota.

(the “Subject Property”).

AND WHEREAS, the Planning Commission conducted a public hearing on October 9, 2014, pursuant to Section 117-53 of the Ramsey City Code.

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

1. That based on Findings of Fact #0937, a Variance to construct a fence six (6) feet in height within the front yard setback on the **Subject Property** is hereby granted.
2. That the fence shall be located entirely on the **Subject Property** and comply with all other fence standards described in City Code Section 117-111 (R-1 Residential).
3. That the **Permittee** is responsible for accurately locating the easterly and southerly property lines of the **Subject Property** (survey markers exposed) and having it clearly marked for the City to verify the proposed location of the fencing.
4. That the **Permittee** shall be responsible for all costs incurred in administering and enforcing this Variance.
5. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the fencing, including a Zoning Permit.
6. That this Variance shall automatically expire if the use is not initiated by October 9, 2015 and issuance of the Zoning Permit shall constitute initiation.

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 sealed on behalf of said Municipal Corporation by authority of its City Council, and said Gary Levine and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
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

Regular Planning Commission

5. 7.

Meeting Date: 10/15/2015

By: Tim Gladhill, Community Development

Information

Title:

Receive System Statement from the Metropolitan Council

Purpose/Background:

The purpose of this case is to receive a copy of the City's 2015 System Statement from the Metropolitan Council. The purpose is to determine whether or not the City desires to dispute the content of the System Statement for further discussion. The intent of this evening's discussion is not necessarily to discuss each individual component of the System Plan, but direct Staff on whether a formal dispute is desired within the 60 Day Window to dispute.

The intent is to introduce the topic. Future agendas will begin to review this document in more detail for additional follow up.

Notification:

Notification is not required.

Observations/Alternatives:

According to the Metropolitan Council:

Metropolitan system plans are long-range comprehensive plans for the regional systems – transit, highways, and airports; wastewater services; and parks and open space – along with the capital budgets for metropolitan wastewater services, transportation, and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within three years after receiving a system statement issued in conjunction with the decennial review required under section 473.864, subdivision 2, each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review.

Local comprehensive plans, and amendments thereto, will be reviewed by the Council for conformance to metropolitan system plans, consistency with Council policies, and compatibility with adjacent and affected governmental units. Updated local comprehensive plans are due to the Council for review by December 31, 2018.

This System Statement begins the official process for updating the City's long term land use vision for the community.

Funding Source:

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

Recommendation:

Staff acknowledges various objections to the approved System Plans based on previous City Comments and Planning Commission Review, which are now reflected in this System Statement for Ramsey. However, Staff desires to complete preliminary citizen engagement in early 2016 before requesting an amendment to the System Statement, if so desired.

The City has commented on the various System Plans previously adopted by the Metropolitan Council (Housing, Parks/Recreation/Open Space, Transportation, and Water Resources). Primarily, the City noted concern about the rate of forecasted growth in households, population, and employment, noting that these forecasts may be aggressive. Additionally, the City noted a lack of investment in System Plans for Parks, Transportation, and Water Resources as a contributing factor to a future reduction in growth if investment is not made.

That being said, there is no penalty for not reaching forecasted growth. This is an estimate of growth patterns based on known variables at the time of development. The City's current Future Land Use Map can sustain the forecasted growth, and actually provides for growth beyond the 2040 planning period. The City has received no formal requests to amend our Comprehensive Plan in a manner that would be inconsistent with the current System Plan. It is possible that there are requested revisions to the Comprehensive Plan during citizen engagement that may influence the City's final response.

Finally, it is noted that this is not the only opportunity to request a change to the System Statement. As the City embarks on a broader Citizen Engagement Framework beginning in 2016, the City will learn additional detail that may influence a desire to amend the System Plan. It is that time that Staff would feel more comfortable requesting an amendment to the System Plan as compared to disputing the System Plan today. It is noted, however, that the current window is the official dispute period, if so desired. While it is possible to amend the System Statement at a later date, this would follow a slightly different process.

Action:

Motion to recommend that the City Council adopt/not adopt a resolution disputing the 2015 Metropolitan Council System Statement for the City of Ramsey.

Attachments

[System Statement](#)

[Previous Response to Regional Development Framework](#)

[Previous Response to Housing Policy Plan](#)

[Previous Response to Housing Policy Plan Amendment](#)

[Previous Response to Parks Policy Plan](#)

[Previous Response to Transportation Policy Plan](#)

Form Review

Inbox

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 10/14/2015

Reviewed By

Tim Gladhill

Date

10/14/2015 01:57 PM

Started On: 10/14/2015 12:14 PM

2015 SYSTEM STATEMENT

System Statement Issue Date:



METROPOLITAN
COUNCIL

2015 SYSTEM STATEMENT FOR CITY OF RAMSEY

System Statement Issue Date: September 17, 2015

Regional Development Plan Adoption

In May 2014, the Metropolitan Council adopted *Thrive MSP 2040*. Following adoption of *Thrive*, the Council adopted the *2040 Transportation Policy Plan*, the *2040 Regional Parks Policy Plan*, the *2040 Water Resources Policy Plan*, and the *2040 Housing Policy Plan*. The Metropolitan Council is now issuing system statements pursuant to [State statute](#).

Receipt of this system statement and the metropolitan system plans triggers a community's obligation to review and, as necessary, amend its comprehensive plan within the next three years, by the end of 2018. The complete text of *Thrive MSP 2040* as well as complete copies of the recently adopted metropolitan system and policy plans are available for viewing and downloading at <http://www.metrocouncil.org/Communities/Planning.aspx>. Paper copies are available by calling the Council's Data Center at 651-602-1140.

System Statement Definition

Metropolitan system plans are long-range comprehensive plans for the regional systems – transit, highways, and airports; wastewater services; and parks and open space – along with the capital budgets for metropolitan wastewater services, transportation, and regional recreation open space. System statements explain the implications of metropolitan system plans for each individual community in the metropolitan area. They are intended to help communities prepare or update their comprehensive plan, as required by the Metropolitan Land Planning Act:

Within nine months after receiving a system statement for an amendment to a metropolitan system plan, and within three years after receiving a system statement issued in conjunction with the decennial review required under section [473.864, subdivision 2](#), each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review.

Local comprehensive plans, and amendments thereto, will be reviewed by the Council for conformance to metropolitan system plans, consistency with Council policies, and compatibility with adjacent and affected governmental units. Updated local comprehensive plans are due to the Council for review by December 31, 2018.

What is in this System Statement

The system statement includes information specific to your community, including:

- your community designation or designation(s);
- forecasted population, households, and employment through the year 2040;
- guidance on appropriate densities to ensure that regional services and costly regional infrastructure can be provided as efficiently as possible.
- affordable housing need allocation;

In the following sections, this system statement contains an overview of each of the system plan updates and specific system changes that affect your community. The sections are:

- Transportation, including metropolitan highways, aviation, and transit
- Water Resources, including wastewater, surface water, and water supply planning
- Regional parks and trails

Dispute Process

If your community disagrees with elements of this system statement, or has any questions about this system statement, please contact your Sector Representative, Eric Wojchik, at 651-602-1330, to review and discuss potential issues or concerns.

The Council and local government units and districts have usually resolved issues relating to the system statement through discussion.

Request for Hearing

If a local governmental unit and the Council are unable to resolve disagreements over the content of a system statement, the unit or district may, by resolution, request that a hearing be conducted by the Council's Land Use Advisory Committee or by the State Office of Administrative Hearings for the purpose of considering amendments to the system statement. According to Minnesota Statutes section 473.857, the request shall be made by the local governmental unit or school district within 60 days after receipt of the system statement. If no request for a hearing is received by the Council within 60 days, the statement becomes final.

Regional Development Guide

The Council adopted [Thrive MSP 2040](#) as the new regional development guide on May 28, 2014. *Thrive* identifies five outcomes that set the policy direction for the region's system and policy plans. Building on our region's history of effective **stewardship** of our resources, *Thrive* envisions a **prosperous, equitable, and livable** region that is **sustainable** for today and generations to come. The Council is directing its operations, plans, policies, programs, and resources toward achieving this shared long-term vision.



Three principles define the Council's approach to implementing regional policy: **integration, collaboration, and accountability**. These principles reflect the Council's roles in integrating policy areas, supporting local governments and regional partners, and promoting and implementing the regional vision. The principles define the Council's approach to policy implementation and set expectations for how the Council interacts with local governments.

Thrive also outlines seven land use policies and community designations important for local comprehensive planning updates. The land use policies establish a series of commitments from the Council for local governments and uses community designations to shape development policies for communities. Community designations group jurisdictions with similar characteristics based on Urban or Rural character for the application of regional policies. Together, the land use policies and community designations help to implement the region's vision by setting expectations for development density and the character of development throughout the region.

Community Designation

Community designations group jurisdictions with similar characteristics for the application of regional policies. The Council uses community designations to guide regional growth and development; establish land use expectations including overall development densities and patterns; and outline the respective roles of the Council and individual communities, along with strategies for planning for forecasted growth. If there are discrepancies between the *Thrive MSP 2040* Community Designations Map and the Community Designation map contained herein because of adjustments and refinements that occurred subsequent to the adoption of *Thrive*, communities should follow the specific guidance contained in this System Statement.

Thrive identifies Ramsey with the community designation of Emerging Suburban Edge (Figure 1). Emerging Suburban Edge communities include cities, townships and portions of both that are in the early stages of transitioning into urbanized levels of development. Emerging Suburban Edge communities are expected to plan for forecasted population and household growth at average densities of at least 3-5 units per acre for new development and redevelopment. In addition, Emerging Suburban Edge communities are expected to target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the *2040 Transportation Policy Plan*.

Specific strategies for Emerging Suburban Edge communities can be found on Ramsey's [Community Page](#) in the [Local Planning Handbook](#).

Forecasts

The Council uses the forecasts developed as part of *Thrive* to plan for regional systems. Communities should base their planning work on these forecasts. Given the nature of long-range forecasts and the planning timeline undertaken by most communities, the Council will maintain on-going dialogue with

communities to consider any changes in growth trends or community expectations about growth that may have an impact on regional systems.

The *Thrive* forecasts for population, households, and employment for your community are:

	2010 (actual)	2014 (est.)	2020	2030	2040
Population	23,668	24,811	26,400	30,700	34,700
Households	8,033	8,500	9,400	11,300	13,000
Employment	4,779	5,736	6,200	7,000	7,600

Housing Policy

The Council adopted the [Housing Policy Plan](#) on December 10, 2014, and amended the plan on July 8, 2015. The purpose of the plan is to provide leadership and guidance on regional housing needs and challenges and to support *Thrive MSP 2040*. The *Housing Policy Plan* provides an integrated policy framework to address housing challenges greater than any one city or county can tackle alone.

Consistent with state statute (Minn. Stat. 473.859, subd. 2(c) and subd. 4), communities must include a housing element and implementation program in their local comprehensive plans that address existing and projected housing needs.

The Council has also determined the regional need for low and moderate income housing for the decade of 2021-2030 (see Part III and Appendix B in the Housing Policy Plan).

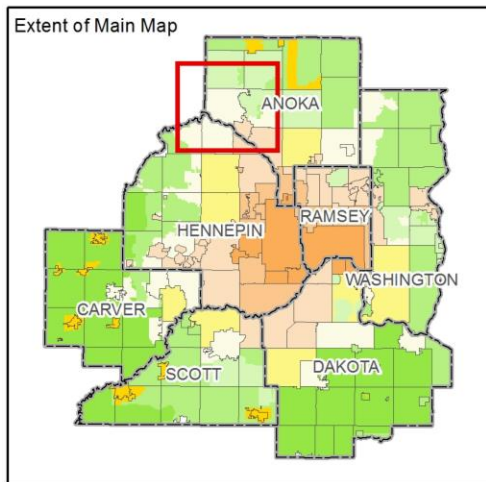
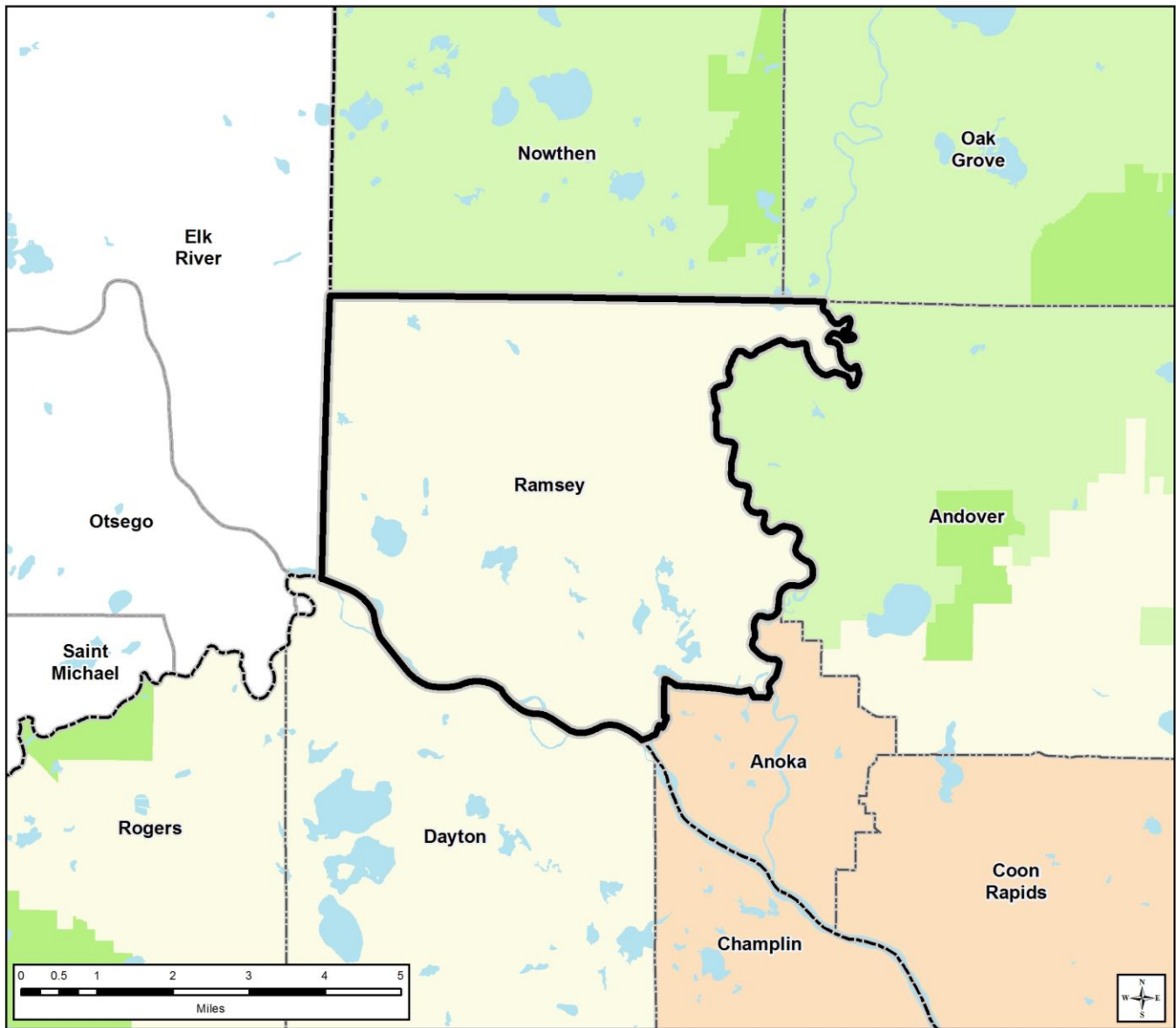
Ramsey’s share of the region’s need for low and moderate income housing is 499 new units affordable to households earning 80% of area median income (AMI) or below. Of these new units, the need is for 292 affordable to households earning at or below 30% of AMI, 167 affordable to households earning 31% to 50% of AMI, and 40 affordable to households earning 51% to 80% of AMI.

Affordable Housing Need Allocation for Ramsey

At or below 30% AMI	292
31 to 50% AMI	167
51 to 80% AMI	40
Total Units	499

Specific requirements for the housing element and housing implementation programs of local comprehensive plans can be found in the [Local Planning Handbook](#).

Figure 1. Ramsey Community Designation



Community Designations

- Outside Council planning authority
- Agricultural
- Rural Residential
- Diversified Rural
- Rural Center
- Emerging Suburban Edge
- Suburban Edge
- Suburban
- Urban
- Urban Center

- County Boundaries
- City and Township Boundaries
- Lakes and Major Rivers

TRANSPORTATION SYSTEM STATEMENT

City of Ramsey

The *2040 Transportation Policy Plan (TPP)* is the metropolitan system plan for highways, transit, and aviation to which local comprehensive plans must conform. This system statement summarizes significant changes to these three systems, as well as other changes made to the *Transportation Policy Plan* since the last *2030 TPP* was adopted in 2010, and highlights those elements of the system plan that apply specifically to your community. The *TPP* incorporates the policy direction and the new 2040 socio economic forecasts adopted by the Metropolitan Council in the *Thrive MSP 2040*, and extends the planning horizon from 2030 to 2040.

Federal Requirements

The *TPP* must respond to requirements outlined in state statute, as well as federal law, such as some new requirements included in the federal law known as the Moving Ahead for Progress in the 21st Century Act (MAP-21). For instance, metropolitan transportation plans must now be performance based, so the *TPP* now includes goals, objectives, and strategies outlined in chapter 2. In previous versions of the *TPP* the strategies were known as policies; while some are new, the wording of many strategies are similar to the wording of policies in previous plans. Performance measurements for this plan are also discussed in Chapter 12, Federal Requirements.

Federal law requires the long range plan to identify regionally significant transportation investments expected to be made over the next two decades, and to demonstrate that these planned investments can be afforded under the plan's financial assumptions. Both costs and available revenues have changed since the last plan was adopted in 2010, resulting in many changes in the plan. Federal law does allow the plan to provide a vision for how an increased level of transportation revenue might be spent if more resources become available, but the programs or projects identified in this scenario are not considered part of the approved plan.

The *TPP* includes two funding scenarios for the metropolitan highway and transit systems: the "Current Revenue Scenario" and the "Increased Revenue Scenario."

- The **Current Revenue Scenario** represents the fiscally constrained regional transportation plan, which assumes revenues that the region can reasonably expect to be available based on past experience and current laws and allocation formulas.
- The **Increased Revenue Scenario** represents an illustration of what be achieved with a reasonable increase in revenues for transportation.

Under the Metropolitan Land Planning Act, local comprehensive plans are expected to conform to the Current Revenue Scenario, which is the official metropolitan system plan. Potential improvements in the Increased Revenue Scenario can be identified separately in local plans as unfunded proposals. A more detailed description of how to handle the various improvements in this category is included under Other Plan Considerations.

In addition to reviewing this system statement, your community should consult the entire *2040 Transportation Policy Plan* to ensure that your community's local comprehensive plan and plan amendments conform to the metropolitan transportation system plan. Chapter 3, Land Use and Local Planning, has been expanded and all communities should carefully review this chapter. A PDF file of

the entire *2040 Transportation Policy Plan* can be found at the Metropolitan Council's website: [http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-\(1\)/The-Adopted-2040-TPP-\(1\).aspx](http://www.metrocouncil.org/Transportation/Planning-2/Key-Transportation-Planning-Documents/Transportation-Policy-Plan-(1)/The-Adopted-2040-TPP-(1).aspx). The format of the plan is slightly different than past *Transportation Policy Plans*. An introductory Overview, Chapter 1: Existing System and Chapter 10: Equity and Environmental Justice have been added to this version of the *TPP*, in addition to the changes noted in the first paragraph. Please note some modifications have been made to the appendices as well.

Key Changes in the 2040 Transportation Policy Plan

Adopted by the Metropolitan Council in January 2015, the revised *2040 Transportation Policy Plan* incorporates the following changes:

Metropolitan Highway System - Chapter 5

The Metropolitan Highway System is made up of principal arterials, shown in Fig 1-1 of the *TPP* and also attached to this system statement. Although no new highways have been added to this system in the *2040 TPP*, the last incomplete segment of this system, TH 610, is now under construction in Maple Grove.

- The *TPP* acknowledges that congestion cannot be eliminated or greatly reduced. The region's mobility efforts will need to focus on managing congestion and working to provide alternatives. The majority of resources available between now and 2040 will be needed for preservation, management and operation of the existing highway system.
- Due to increased costs and decreased revenue expectations, many long-planned major projects to add general purpose highway lanes are not in this fiscally constrained plan. While the preservation, safety, and mobility needs of these corridors are recognized, investments in these corridors will be focused on implementing traffic management strategies, lower cost-high benefit spot mobility improvements, and implementing MnPASS lanes. Some specific projects have been identified in this plan, but funding has primarily been allocated into various investment categories rather than specific projects. The highway projects specifically identified in the Current Revenue Scenario are shown in Figure 5-8 of the *TPP* which is also attached to this system statement.
- Modifications were made to *Appendix D - Functional Classification Criteria*, and *Appendix F – Highway Interchange Requests*. *Appendix C – Project List* is new and contains all of the transit and highway projects that have been identified between 2014 and 2023.

Transit System - Chapter 6

The transit system plan provides an overview of the basic components of transit planning, including demographic factors, transit route and network design factors and urban design factors that support transit usage. Local governments have the primary responsibility for planning transit-supportive land use, through their comprehensive planning, and subdivision and zoning ordinances.

- The *TPP* includes updated Transit Market Areas (shown in *TPP* Figure 6-3, also attached) which reflect 2010 Census information and an updated methodology that better aligns types and levels of transit service to expected demand. These market areas identify the types of transit services that are provided within each area.
- The *TPP* includes limited capital funding for transit expansion and modernization. Opportunities primarily exist through competitive grant programs such as the regional solicitation for US DOT

funding. These opportunities are guided by the strategies in the *TPP* and the various elements of the Transit Investment Plan.

- The *TPP* includes an updated transitway system plan that more clearly articulates which projects can be funded within reasonable revenue expectations through year 2040 (Current Revenue Scenario as shown in *TPP* Figure 6-8, which is also attached). The plan includes five new or expanded METRO lines, three new arterial bus rapid transit lines, and three corridors under study for mode and alignment but identified in the Counties Transit Improvement Board's (CTIB) Phase I Program of Projects. This system was developed in collaboration with CTIB, a major partner in regional transitway expansion.
- The *TPP* does not include operating funding for transit service expansion beyond the existing network of regular route bus, general public dial-a-ride, and Metro Vanpool.
- The Increased Revenue Scenario (shown *TPP* Figure 6-9, which is also attached) illustrates the level of expansion for the bus and support system and transitway system that might be reasonable if additional revenues were made available to accelerate construction of the transitway vision for the region.
- The plan includes updated requirements and considerations for land use planning around the region's transit system. This includes new residential density standards for areas near major regional transit investments and an increased emphasis on proactive land use planning in coordination with the planning of the transit system.

Aviation System - Chapter 9

The Metropolitan Aviation System is comprised of nine airports (shown in Figure 1-9 of the *TPP* and also attached to this system statement) and off-airport navigational aids. There are no new airports or navigational aids that have been added to the system in the *2040 TPP*.

- The *TPP* discusses the regional airport classification system as well as providing an overview of roles and responsibilities in aviation for our regional and national partners. The investment plan includes an overview of funding sources for projects, and an overview of projects proposed for the local airports that will maintain and enhance the regional airport system.
- Modifications were made to *Appendix I – Regional Airspace*, *Appendix J – Metropolitan Airports Commission Capital Investment Review Process*, *Appendix K – Airport Long Term Comprehensive Plans* and *Appendix L – Aviation Land Use Compatibility*.

Other Plan Changes

Regional Bicycle Transportation Network - Chapter 7

The *2040 TPP* encourages the use of bicycles as a mode of transportation. To that end, the *TPP* establishes for the first time a Regional Bicycle Transportation Network (RBTN). The goal of the RBTN is to establish an integrated seamless network of on-street bikeways and off-road trails that complement each other to most effectively improve conditions for bicycle transportation at the regional level. Cities, counties, and parks agencies are encouraged to plan for and implement future bikeways within and along these designated corridors and alignments to support the RBTN vision.

Freight - Chapter 8

Most aspects of freight movement are controlled by the private sector, so unlike other sections of the *TPP*, there is not a specific plan adopted for future public sector investment in freight facilities. However, the discussion of the need for a safe and efficient multimodal freight system has been updated and expanded in the *TPP* to recognize challenges and opportunities for freight movement as well as the future direction of freight by mode. It acknowledges the closure of the Minneapolis Upper Harbor in 2015, leaving St Paul and Shakopee as the region's major barge terminal areas in the future. The plan also acknowledges the increase of trains since 2010 carrying oil from North Dakota on BNSF and CP rail tracks, which is expected to continue into the future. Although railroad trackage in the region was significantly decreased over the last 20 years to "right size" the system after federal deregulation, communities should not expect much additional rail abandonment. Many tracks that appear to be seldom used are owned by the smaller Class III railroads that serve local businesses by providing direct rail connections from manufacturing and warehousing/distribution facilities to the major national railroads. The major Class I railroads are approaching capacity and actually adding tracks in some locations.

System Plan Considerations Affecting Your Community

Ramsey should consult the complete *2040 Transportation Policy Plan* in preparing its local comprehensive plan. In addition, Ramsey should consult *Thrive MSP 2040* and the current version of the Metropolitan Council's *Local Planning Handbook* for specific information needed in its comprehensive plan. Specific system plan considerations affecting Ramsey are detailed below.

Metropolitan Highways

There is a principal arterial located within Ramsey: TH 10. The *TPP* includes the following specific regional mobility improvements as shown in *TPP* Figure 5-8: TH 10 Armstrong Boulevard – construction of interchange and rail grade separation.

Transit System

Ramsey includes the following Transit Market Areas:

Transit Market Area	Market Area Description and Typical Transit Services
Market Area IV	Transit Market Area IV has lower concentrations of population and employment and a higher rate of auto ownership. It is primarily composed of Suburban Edge and Emerging Suburban Edge communities. This market can support peak-period express bus services if a sufficient concentration of commuters likely to use transit service is located along a corridor. The low-density development and suburban form of development presents challenges to fixed-route transit. General public dial-a-ride services are appropriate in Market Area IV.

Ramsey should identify and map existing transit services and facilities in the local comprehensive plan. Ramsey should also work with transit providers serving their community to identify potential future transit service options and facilities that are consistent with the *TPP* and the applicable Transit Market Areas. Communities can find further maps and guidance for transit planning in the Transportation section of the [Local Planning Handbook](#).

Transitways

Current Revenue Scenario Transitways

Ramsey should acknowledge in your local comprehensive plan the transitway investments planned for your community in the Current Revenue Scenario (*TPP* Figure 6-8). Ramsey includes Northstar, which is currently in operation.

Ramsey should also identify potential stations along planned transitways (once identified) and adopt guiding land use policies, station-area plans, and associated zoning, infrastructure, and implementation tools that support future growth around transit stations consistent with Chapter 3 - Land Use and Local Planning from the *TPP* and consistent with the project phase of development. Communities can find further guidance for station-area planning in the Transportation section of the [Local Planning Handbook](#) and the *Transit Oriented Development Guide*. The Transportation section of the [Local Planning Handbook](#) also includes a map of existing, planned, and proposed transitway stations throughout the region and the planning status of these stations that should be reflected in Comprehensive Plans.

Increased Revenue Scenario Transitways

The *TPP* Increased Revenue Scenario shows additional transitway corridors beyond the scope of the plan's adopted and fiscally constrained Transit Investment Plan (the Current Revenue Scenario). These corridors are listed on page 6.63 of the *TPP*, and *TPP* Figure 6-9, which is attached, shows the complete transitway vision for the region.

If Ramsey believes it might be directly impacted by transitways in the Increased Revenue Scenario (for example, because they are participating in transitway corridor studies or feasibility analyses), the transitways may be acknowledged in the Comprehensive Plan. These additional corridors are or will be under study for mode and alignment recommendations, but they are not included in fiscally constrained plan. However, they should be clearly identified as not funded within the currently expected resources for transitways. The Council recognizes the important planning work that goes into a corridor prior to it becoming part of the region's Transit Investment Plan, especially if increased revenues were to become available.

Similar to Current Revenue Scenario Transitways, communities should identify known potential stations along planned transitways and consider guiding land use policies, station area plans, and associated zoning, infrastructure, and implementation tools that support future growth around transit stations. These policies can also influence station siting in initial planning phases of transitway corridors and influence the competitiveness of a transitway for funding. Communities can find further guidance for station area planning in the Transportation section of the [Local Planning Handbook](#) and the *Transit Oriented Development Guide*.

Aviation

All communities must include an aviation element in the transportation sections of their comprehensive plans. The degree of aviation planning and development considerations that need to be included in the comprehensive plan varies by community. Even those communities not impacted directly by an airport have a responsibility to include airspace protection in their comprehensive plan. The protection element should include potential hazards to air navigation including electronic interference. Ramsey is not in an influence area of a regional airport. Airspace protection should be included in local codes/ordinances to control height of structures.

Other Plan Considerations

Regional Bicycle Transportation Network

TPP Figure 7-1 shows the RBTN as established for the first time in the *2040 TPP*. The network consists of a series of prioritized Tier 1 and Tier 2 corridors and dedicated alignments (routes). The process used to develop the RBTN, as well as the general principles and analysis factors used in its development, can be found in the Bicycle and Pedestrian Chapter of the *TPP*.

The RBTN corridors and alignments make up the “trunk arterials” of the overall system of bikeways that connect to regional employment and activity centers. These are not intended to be the only bicycle facilities in the region, and local units should also consider planning for any additional bike facilities desired by their communities. RBTN corridors are shown where more specific alignments within those corridors have not yet been designated, so local governments are encouraged to use their comprehensive planning process to identify suitable alignments within the RBTN corridors for future incorporation into the *TPP*.

In addition, agencies should plan their local on and off-road bikeway networks to connect to the designated Tier 1 and Tier 2 alignments, as well as any new network alignments within RBTN corridors to be proposed in local comprehensive plans. Bikeway projects that complete segments of, or connect to, the RBTN are given priority for federal transportation funds through the Transportation Advisory Board’s biannual regional solicitation.

Figure 7-1 shows that your community currently has one or more RBTN corridors and alignments within its jurisdiction. The Council encourages local governments to incorporate the RBTN map within their local bicycle plan maps to show how the local and regional systems are planned to work together. An on-line interactive RBTN map, which allows communities to view the RBTN links in their community at a much more detailed scale than Figure 7-1, can be found in the Transportation section of the [Local Planning Handbook](#). The handbook also includes best practices, references, and guidance for all local bicycle planning.

A Minor System / Functional Classification

The *TPP* has always recognized the A minor arterial system as an important supplement to the regional highway system, and the Transportation Advisory Board (TAB) continues to maintain the official regional map of these roads. The *2040 TPP* does include an updated functional classification map (Fig. 1-2 in Chapter 1) and a modified *Appendix D - Functional Classification Criteria*. Communities should consult the Local Planning Handbook for more information on functional classification, how to reflect the A minor arterial system in their plan, and how to request functional classification changes if necessary.



Freight

The Council encourages all local governments to plan for freight movement in their communities. Trucks are the major mode of freight movement in the region and across the nation to distribute consumer goods as well as move manufactured goods and commodities, and they operate in every community.

Communities with special freight facilities shown on *TPP* Figure 8-1, Metropolitan Freight System, (attached) should also include those additional modes and facilities in their local plan, and plan for compatible adjacent land uses.

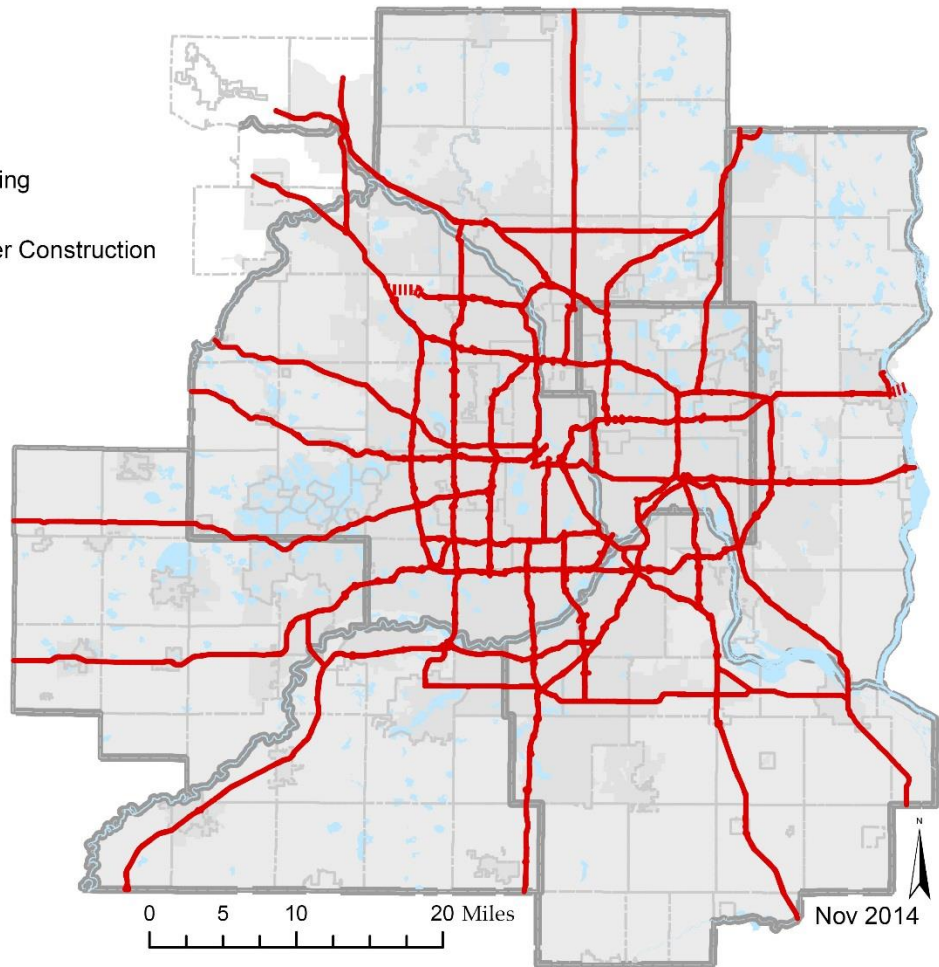
Figure 1-1 of the TPP

Principal Arterials

-  Principal Arterial - Existing
-  Principal Arterial - Under Construction

Reference Items

-  Lakes and Rivers
-  City Boundary
-  County Boundary
-  MUSA 2040 MPO Area



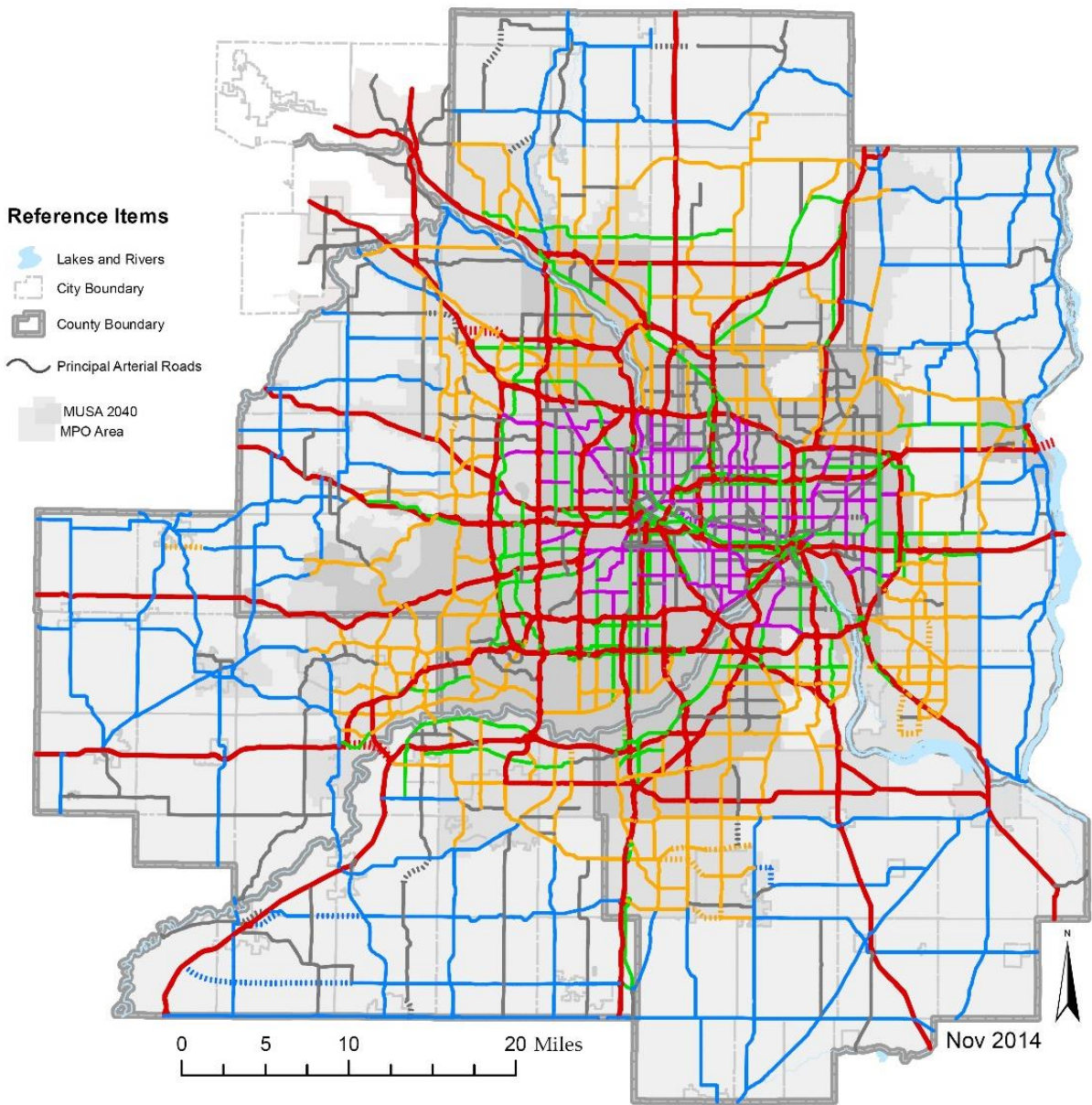
2040 TRANSPORTATION POLICY PLAN | METROPOLITAN COUNCIL

Figure 1-1



Figure 1-2 of the TPP

Functional Class Roads



Existing

- Principal Arterial
- A-Minor Augmentor
- A-Minor Reliever
- A-Minor Expander
- A-Minor Connector
- Other Minor Arterial

Planned

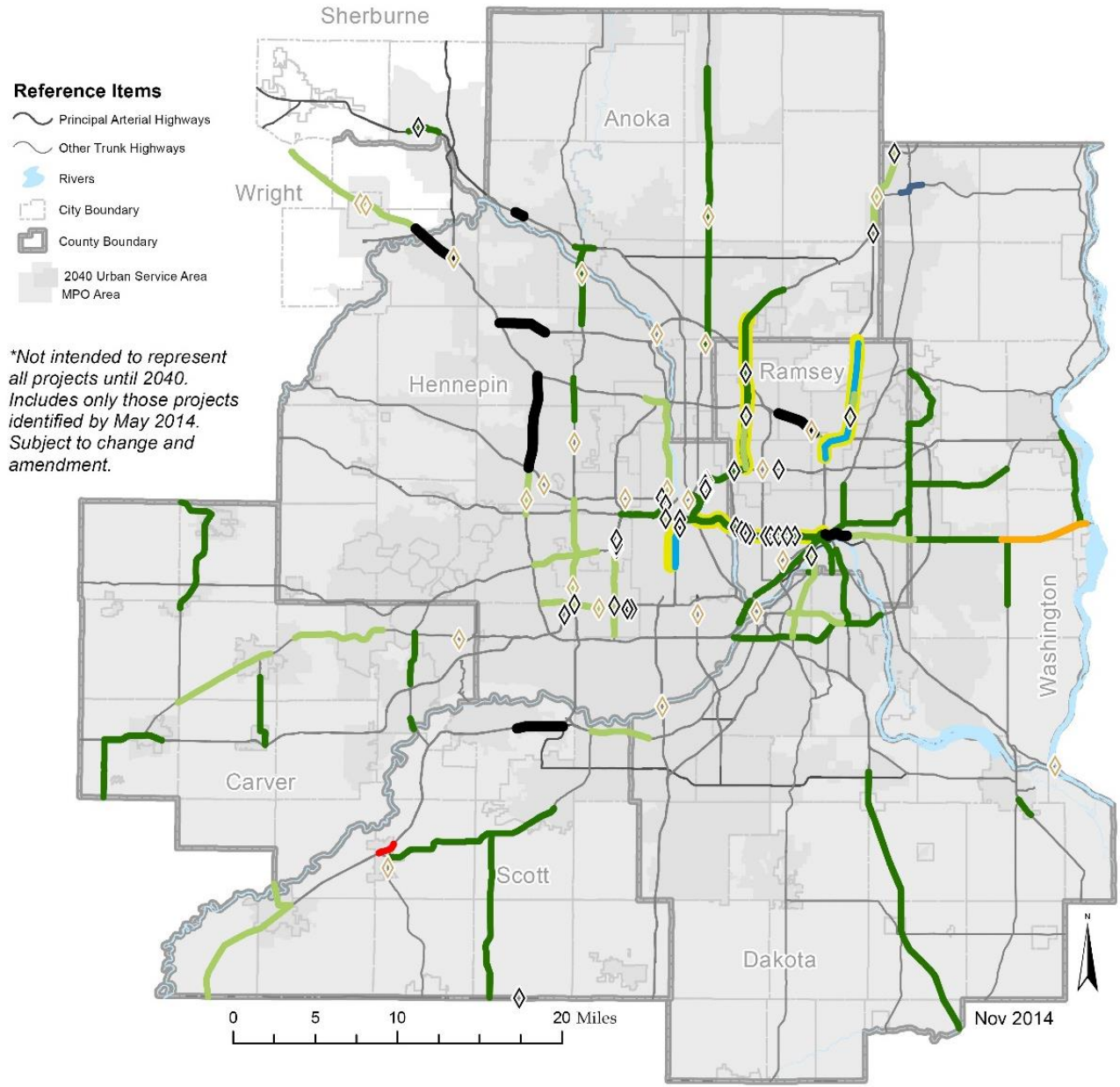
- Principal Arterial
- A-Minor Augmentor
- A-Minor Reliever
- A-Minor Expander
- A-Minor Connector
- Other Minor Arterial

Thrive Planning Areas

- Urban Core & Urban & Suburban
- Suburban Edge & Emerging Suburban Edge
- Rural Service Areas
- MPO Area outside the Seven County Area

Figure 5-8 of the TPP

Identified Projects* in Highway Current Revenue Scenario

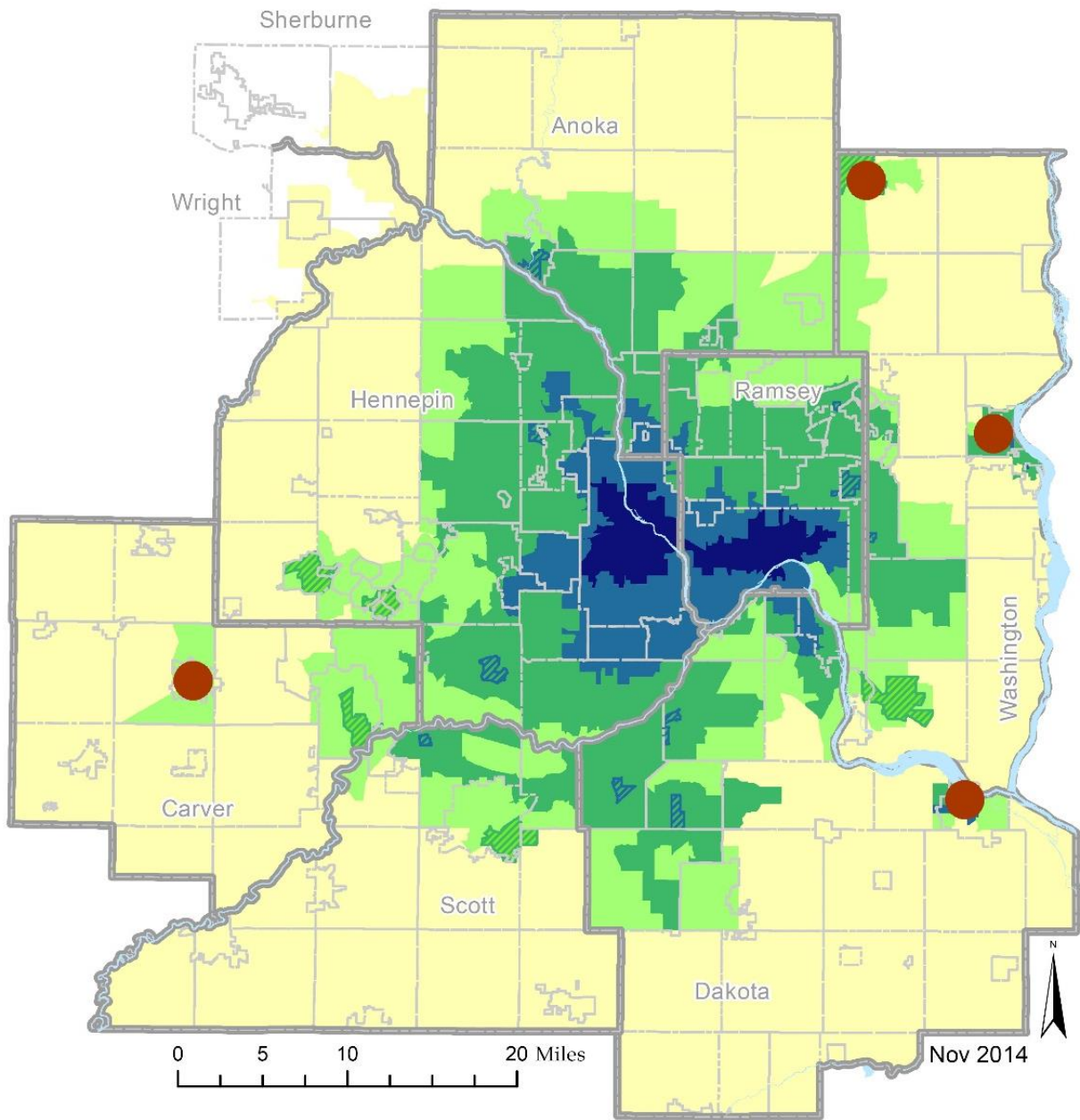


**Not intended to represent all projects until 2040. Includes only those projects identified by May 2014. Subject to change and amendment.*

- 2015-2018 TIP Bridges
- Strategic Capacity
- 2019 - 2024 Pavement Projects
- Roadside Infrastructure
- 2015 - 2018 Pavement / MnPass
- Roadside Infrastructure / Safety
- 2015-2018 TIP Pavement
- 2015 - 2018 Pavement / Safety
- Tier 1 MnPASS Expansion

Figure 6-3 of the TPP

Transit Market Areas



- Market Area I
- Market Area II
- Emerging Market Area II
- Market Area III
- Emerging Market Area III
- Market Area IV
- Market Area V
- Freestanding Town Center

Figure 6-8 of the TPP

Current Revenue Scenario Transitways and CTIB Phase I Program of Projects

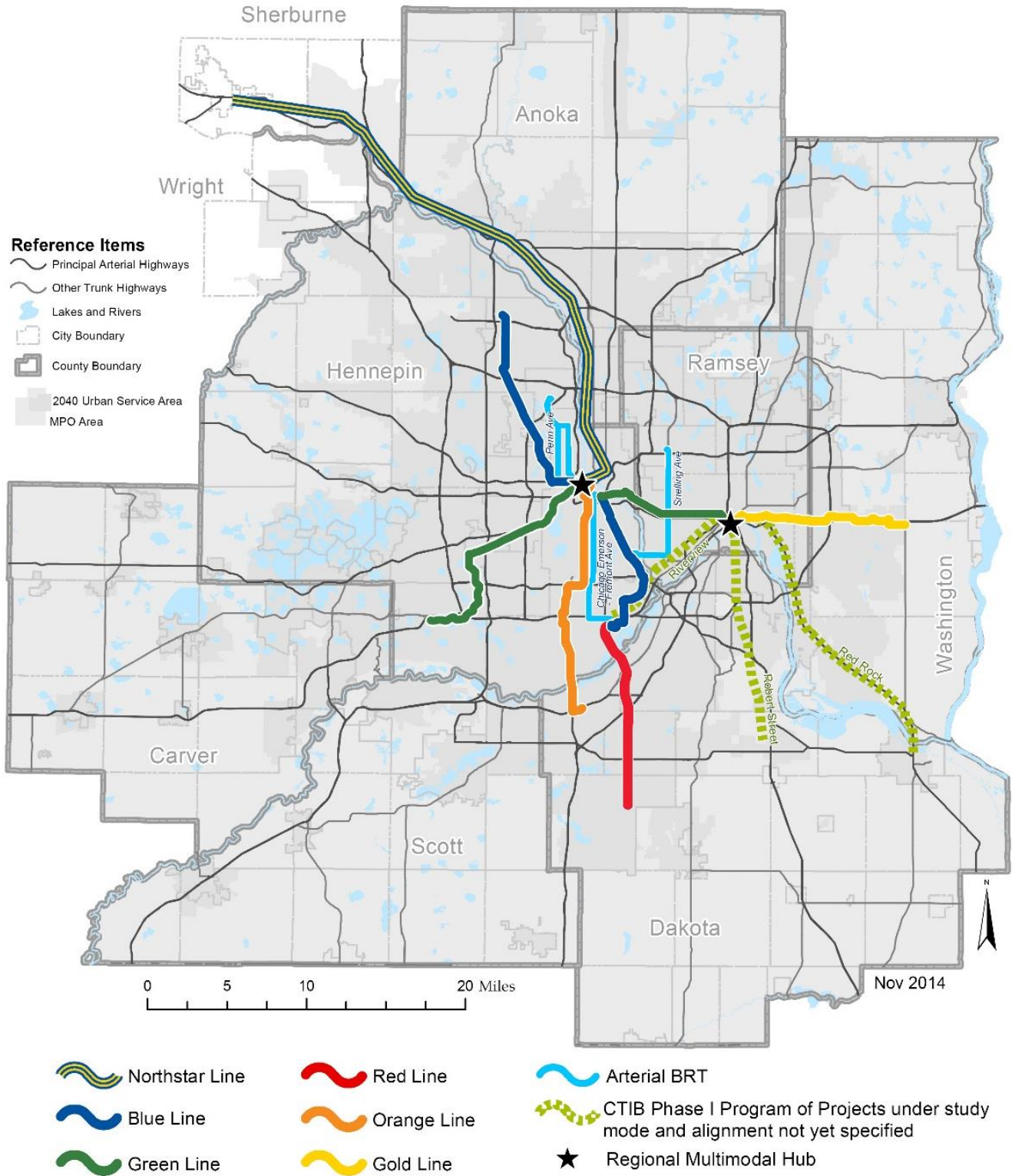


Figure 6-9 of the TPP

Increased Revenue Scenario Transitways Building an Accelerated Transitway Vision

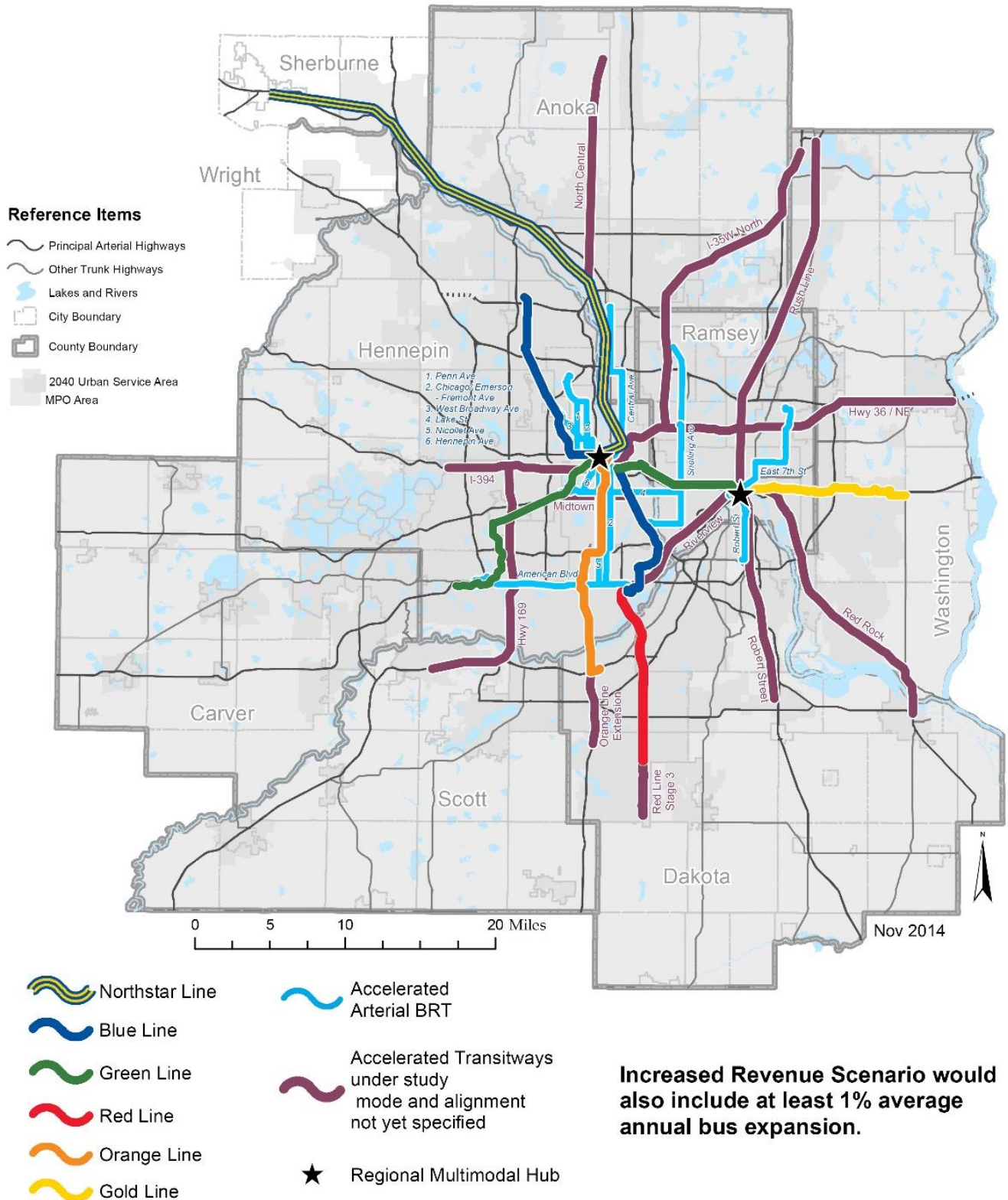
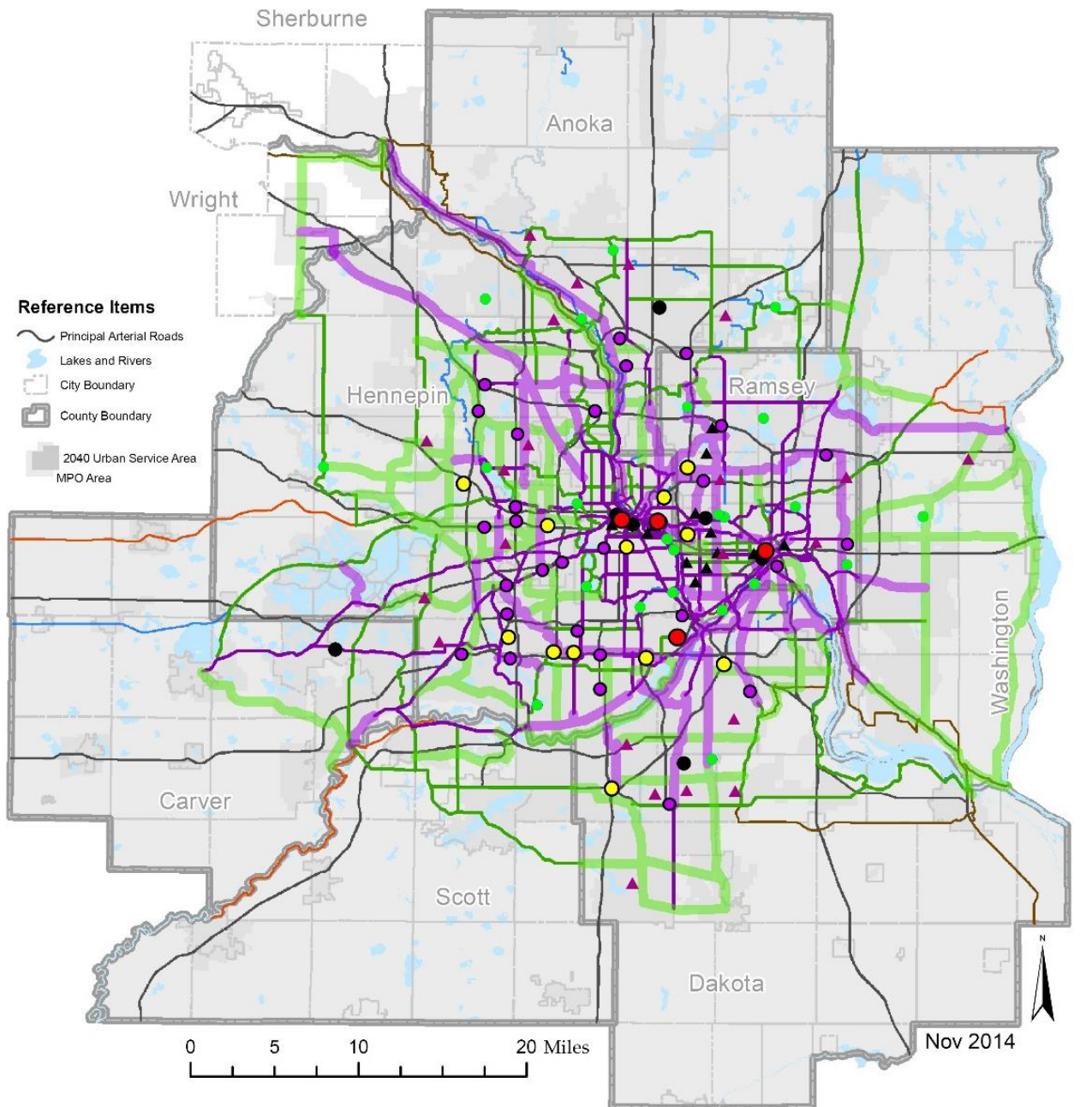


Figure 7-1 of the TPP

Regional Bicycle Transportation Network Vision



RBTN Alignments

- Tier 1 Alignments
- Tier 2 Alignments

RBTN Corridors (Alignments Undefined)

- Tier 1 Priority Regional Bicycle Transportation Corridor
- Tier 2 Regional Bicycle Transportation Corridors

Regional Destinations

- Metropolitan Job Centers
- Regional Job Centers
- Subregional Job Centers
- ▲ Large High Schools
- ▲ Colleges & Universities
- Highly Visited Regional Parks
- Major Sport & Entertainment Centers

Other Trail Systems

- Regional Trails (Regional Parks Policy Plan)
- Mississippi River Trail (US Route 45)
- State Trails (DNR)

Figure 8-1 of the TPP

Metropolitan Freight System

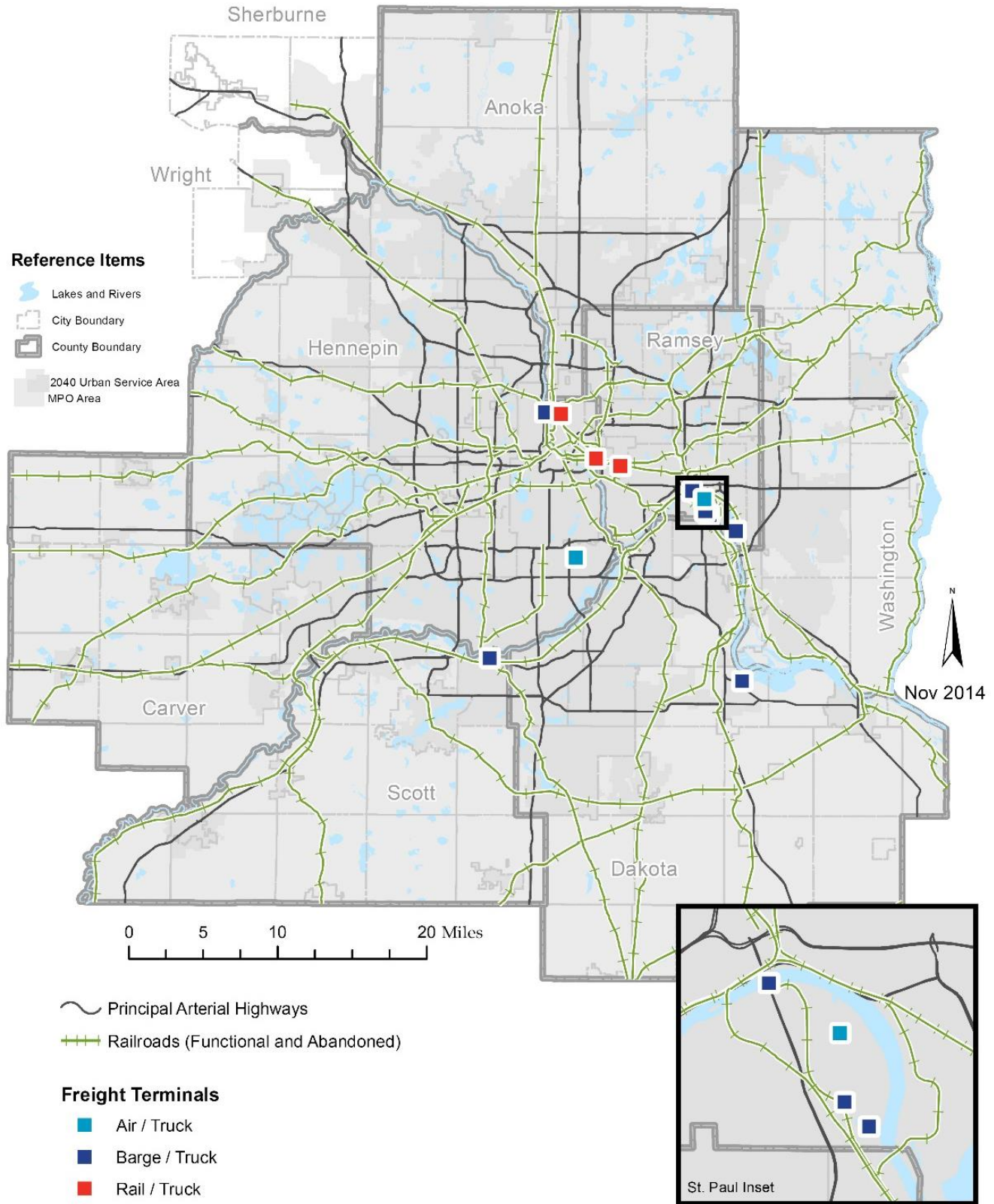
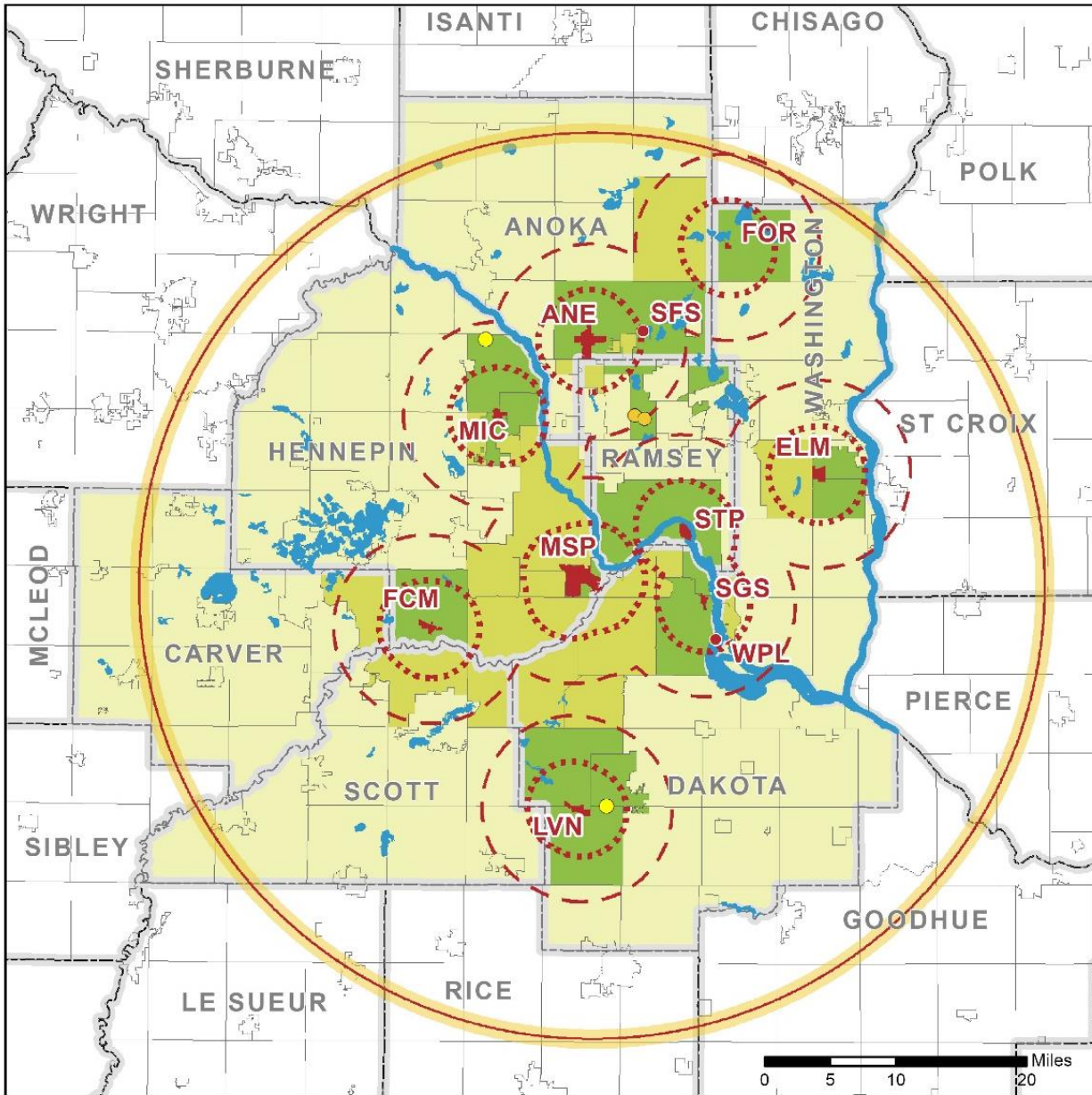


Figure 9-1 of the TPP

Airport Service Areas



Public Owned Public Use Airport

Airport Compatibility Area
 (3 NM's - Noise, Zoning, Infrastructure)
 (6 NM's - Landfills, Wind Towers)

MSP Minneapolis - St. Paul International Airport
(Wold-Chamberlain Field)

STP St. Paul Downtown Airport
(Holman Field)

ANE Anoka County - Blaine Airport
(Janes Field)

FCM Flying Cloud Airport

MIC Crystal Airport

SGS South St. Paul Airport
(Fleming Field)

ELM Lake Elmo Airport

FOR Forest Lake Airport

Privately Owned Public Use Airport

SFS Surf-Side Seaplane Base
(Rice Lake)

WPL Wipline Seaplane Base
(Miss. River)

Minneapolis Class-B Airspace Boundary

Permitted Seaplane Surface Waters
(within 7 County Area only)

VOR Protection Zone

Tall Tower Areas

Aviation Facility Located in Community

Community Directly Affected by Facility(s)

General Airspace Notification/Protection

WATER RESOURCE REQUIREMENTS/ WASTEWATER SYSTEM STATEMENT

City of Ramsey

The *2040 Water Resources Policy Plan* includes policies and strategies to achieve the following goal:

To protect, conserve, and utilize the region's groundwater and surface water in ways that protect public health, support economical growth and development, maintain habitat and ecosystem health, and provide for recreational opportunities, which are essential to our region's quality of life.

The Policy Plan takes an integrated approach to water supply, water quality, and wastewater issues. This approach moves beyond managing wastewater and stormwater only to meet regulatory requirements by viewing wastewater and stormwater as resources, with the goal of protecting the quantity and quality of water our region needs now and for future generations.

The Policy Plan includes policies and strategies to:

- Maximize regional benefits from regional investments in the areas of wastewater, water supply and surface water.
- Pursue reuse of wastewater and stormwater to offset demands on groundwater supplies.
- Promote greater collaboration, financial support, and technical support in working with partners to address wastewater, water quality, water quantity and water supply issues.
- Implement environmental stewardship in operating the regional wastewater system by reusing wastewater, reducing energy use and air pollutant emissions, and reducing, reusing, and recycling solid waste.

Key Concepts in the 2040 Water Resources Policy Plan

Adopted by the Metropolitan Council in May 2015, the *2040 Water Resources Policy Plan* is the metropolitan system plan for metropolitan wastewater services with which local comprehensive plans must conform. The Policy Plan incorporates the following changes:

- Centers on and around an integrated approach to water supply, wastewater, and surface water planning.
- Promotes the investigation of the issues and challenges in furthering our work in water conservation, wastewater and stormwater reuse, and low impact development practices in order to promote a more sustainable region.
- Promotes the concept of sustainable water resources where, through collaboration and cooperation, the region will take steps to manage its water resources in a sustainable way aimed at:
 - Providing an adequate water supply for the region
 - Promoting and implementing best management practices that protect the quality and quantity of our resources
 - Providing efficient and cost effective wastewater services to the region
 - Efficiently addressing nonpoint and point sources pollution issues and solutions, and,
 - Assessing and monitoring lakes, rivers, and streams so that we can adequately manage, protect, and restore our valued resources.
- Continues the Council's position that communities that permit the construction and operation of subsurface sewage treatment systems and other private wastewater treatment systems are

responsible for ensuring that these systems are installed, maintained, managed and regulated consistent with Minnesota Rules Chapter 7080-7083.

- Includes requirements in Appendix C for comprehensive sewer plans, local water plans, and local water supply plans.
- Establishes inflow and infiltration goals for all communities served by the regional wastewater system and requires all communities to include their inflow and infiltration mitigation programs in their comprehensive sewer plan.
- Works with the State to attempt to (1) make funds available for inflow and infiltration mitigation, and (2) promote statutes, rules, and regulations to encourage I/I mitigation.

Ramsey should consult the complete Policy Plan in preparing its local comprehensive plan. In addition, Ramsey should consult *Thrive MSP 2040* and the *Local Planning Handbook* for specific information needed in its comprehensive plan.

System Plan Considerations Affecting Your Community

Metropolitan Sewer Service

Under state law (Minn. Stat. 473.513) local governments are required to submit both a wastewater plan element to their comprehensive plan as well as a comprehensive sewer plan describing service needs from the Council. Specific requirements for the sewer element of your comprehensive plan can be found in the Water Resources section of the *Local Planning Handbook*.

Forecasts

The forecasts of population, households, employment, and wastewater flows for Ramsey as contained in the adopted *2040 Water Resources Policy Plan* can be found at:

<http://www.metrocouncil.org/Wastewater-Water/Planning/2040-Water-Resources-Policy-Plan.aspx> and on your Community Page in the *Local Planning Handbook*. These forecasts are for sewered development. The sewered housing forecasts were estimated using SAC data, annual city reports, current trends, existing and future local wastewater service areas and other information relating to your community. The wastewater flows are based on historical wastewater flow data, future projected wastewater generation rates, and the projected sewered population and employment data.

The Council will use these growth and wastewater flow forecasts to plan future interceptor and treatment works improvements needed to serve your community. The Council will not design future interceptor improvements or treatment facilities to handle peak hourly flows in excess of the allowable rate for your community. Ramsey, through its comprehensive planning process, must decide the location and staging of development, and then plan and design its local wastewater collection system to serve this development. The Council will use its judgment as to where to assign growth within your community to determine regional system capacity adequacy. If Ramsey wishes to identify specific areas within the community to concentrate its growth, it should do so within its Comprehensive Sewer Plan.

You should also note that urban development at overall densities that are substantially lower than those identified for your community in the Community Designation Section of this Systems Statement will also be analyzed by the Council for their potential adverse effects on the cost of providing metropolitan sewer service.

Description of the Metropolitan Disposal System Serving Your Community

Figure 1 shows the location of the Metropolitan Disposal System (MDS) serving your community. Wastewater flow from Ramsey is treated at the Metropolitan WWTP.

Description of the Regional Inflow/Infiltration (I/I) Program

The 2040 Water Resources Policy Plan states that the Council will establish I/I goals for all communities discharging wastewater to the MDS. Communities that have excessive I/I in their sanitary sewer systems will be required to eliminate excessive I/I. The Council will continue the implementation of its on-going I/I reduction program. Communities identified through the program as needing to eliminate excessive I/I will be required to submit a work plan that details work activities to identify and eliminate sources of I/I. The Council can limit increases in service within those communities having excess I/I that do not demonstrate progress in reducing their excess I/I. The Council will meet with the community and discuss this alternative before it is implemented.

It is required that those communities that have been identified as contributors of excessive I/I, and that have not already addressed private property sources, do so as part of their I/I program. Significant work has been accomplished on the public infrastructure portion of the wastewater system. The Council will pursue making funds available through the State for I/I mitigation, and promote statutes, rules and regulations to encourage I/I mitigation.

Management of Subsurface Sewage Treatment Systems (SSTS) and Private Systems

The Metropolitan Land Planning Act requires the sewer element of the local comprehensive plan to describe the standards and conditions under which the installation of subsurface sewage treatment systems and other private wastewater treatment systems will be permitted and to the extent practicable, the areas not suitable for public or private systems.

The appropriate density for development with subsurface sewage treatment systems depends on the suitability of the soils to treat wastewater and whether space is available for a primary and back up drainfield. It is the Council's position that all municipalities and counties allowing subsurface sewage treatment systems should incorporate current MPCA regulations (Minn. Rules Chapter 7080-7083) as part of a program for managing subsurface sewage treatment systems in the sewer element of their local comprehensive plan and implement the standards in issuing permits.

Ramsey should adopt a management program consistent with state rules. An overview of Ramsey's management program must be included in the community's local comprehensive plan update. If adequate information on the management program is not included; the comprehensive plan will be found incomplete for review until the required information is provided to the Council. Specific requirements for the local comprehensive plan can be found in the [Local Planning Handbook](#).

Small private treatment plants are located throughout the Metropolitan Area serving such developments as individual industries, mobile home parks, and other urban type uses. The Council's position is that such private wastewater treatment plants should be permitted only if they are in areas not programmed for metropolitan sewer service in the future and they are provided for in a community's comprehensive plan that the Council has approved. Furthermore, the community is responsible for permitting all community or cluster wastewater treatment systems consistent with Minnesota Rules Chapter 7080-7083 and MPCA standards. The Council will not provide financial support to assist communities if these systems fail.

Ramsey should include in the sewer element of its local comprehensive plan the conditions under which private treatment plants or municipal treatments would be allowed, and include appropriate management techniques sufficiently detailed to ensure that the facilities conform to permit conditions. Ramsey is responsible for ensuring that permit conditions for private treatment plants are met and financial resources to manage these facilities are available.

Surface Water Management

In 1995, Minnesota Statutes Section 473.859, subd. 2 was amended to make the local water plan (often referred to as local surface water management plans) required by section 103B.235 a part of the land use plan of the local comprehensive plan. Minnesota Rules Chapter 8410, updated in July of 2015, includes the requirements for local water management plans. The main change that you need to be aware of is that all communities in the metropolitan area must update their local water plan between January 1, 2017 and December 31, 2018. This means that Ramsey must update its local water plan as part of the comprehensive plan update. The community's updated local water plan should be submitted to the Council for its review concurrent with the review by the Watershed Management Organization(s) within whose watershed(s) the community is located. **Failure to have an updated local water plan will result in the comprehensive plan being found incomplete for review until the required plan is provided to the Council.**

Local water plans must meet the requirements for local water plans in Minnesota Statutes, section 103B.235 and Minnesota Rules Chapter 8410. In general, local surface water plans need to include a summary of the priorities and problems in the community; structural, nonstructural and programmatic actions to take to address the priorities and problems; and clearly identified funding mechanisms to fix the problems.

More detailed guidance for the local water plans can be found in Appendix C of the Council's *2040 Water Resources Policy Plan* and in the Council's current *Local Planning Handbook*.

In addition, the Council has also updated its priority lake list that was first developed in the 1980s as part of the *Water Resources Policy Plan* update. Figure 2 shows the priority lakes for Ramsey. The Council uses the priority lake list to focus its limited resources. The list is also used in the environmental review process. Where a proposed development may impact a priority lake, the project proposer must complete a nutrient budget analysis for the lake as part of the environmental review process.

Also included on Figure 2 is the watershed organization(s) that Ramsey is part of and a list of impaired waters in the community for use in development of your local water plans.

Other Plan Considerations

Water Supply

Local comprehensive plans also address water supply (Minn. Stat., Sec. 473.859). For communities in the metropolitan area with municipal water supply systems, this local comprehensive plan requirement is met by completing the local water supply plan template, which was jointly developed by the Metropolitan Council and the Minnesota Department of Natural Resource (DNR).

FOR COMMUNITIES WHO OWN/OPERATE A PUBLIC WATER SUPPLY SYSTEM:

Because your community owns/operates a municipal community public water supply system (PWS), the local water supply plan must be updated as part of the local comprehensive plan (Minn. Stat., Sec. 103G.291).

The updated local water supply plan should include information about your community along with information about any neighboring communities served by your system.

You should update your local water supply plan upon notification by DNR. Local water supply plan due dates will be staggered between January 1, 2017 and December 31, 2018. Your updated local water supply plan should be submitted to the DNR. DNR will share the plan with the Council, and it will be

reviewed concurrently by both agencies. This schedule allows the local water supply plans to be completed and included in the local comprehensive plan.

Failure to have an updated local water plan will result in the comprehensive plan being found incomplete for review until the required plan is provided to the Council.

The water supply plan template fulfills multiple statutory obligations including:

- Minn. Stat., Sec. 103G.291 to complete a water supply plan including demand reduction
- Minn. Stat., Sec. 473.859 to address water supply in local comprehensive plans
- Minn. Administrative Rules 4720.5280 to address contingency planning for water supply interruption

The plan must be officially adopted by your community, and if applicable the utility board, as part of the local comprehensive plan.

At a minimum, the updated local water supply plan must use the joint DNR and Metropolitan Council template and include water demand projections that are consistent with the community's population forecast provided in the introductory section of this system statement. Potential water supply issues should be acknowledged, monitoring and conservation programs should be developed, and approaches to resolve any issues should be identified.

Guidance and information for water supply planning can be found in the Appendix C of the *2040 Water Resources Policy Plan*, the *Local Planning Handbook*, and the Council's *Master Water Supply Plan*.

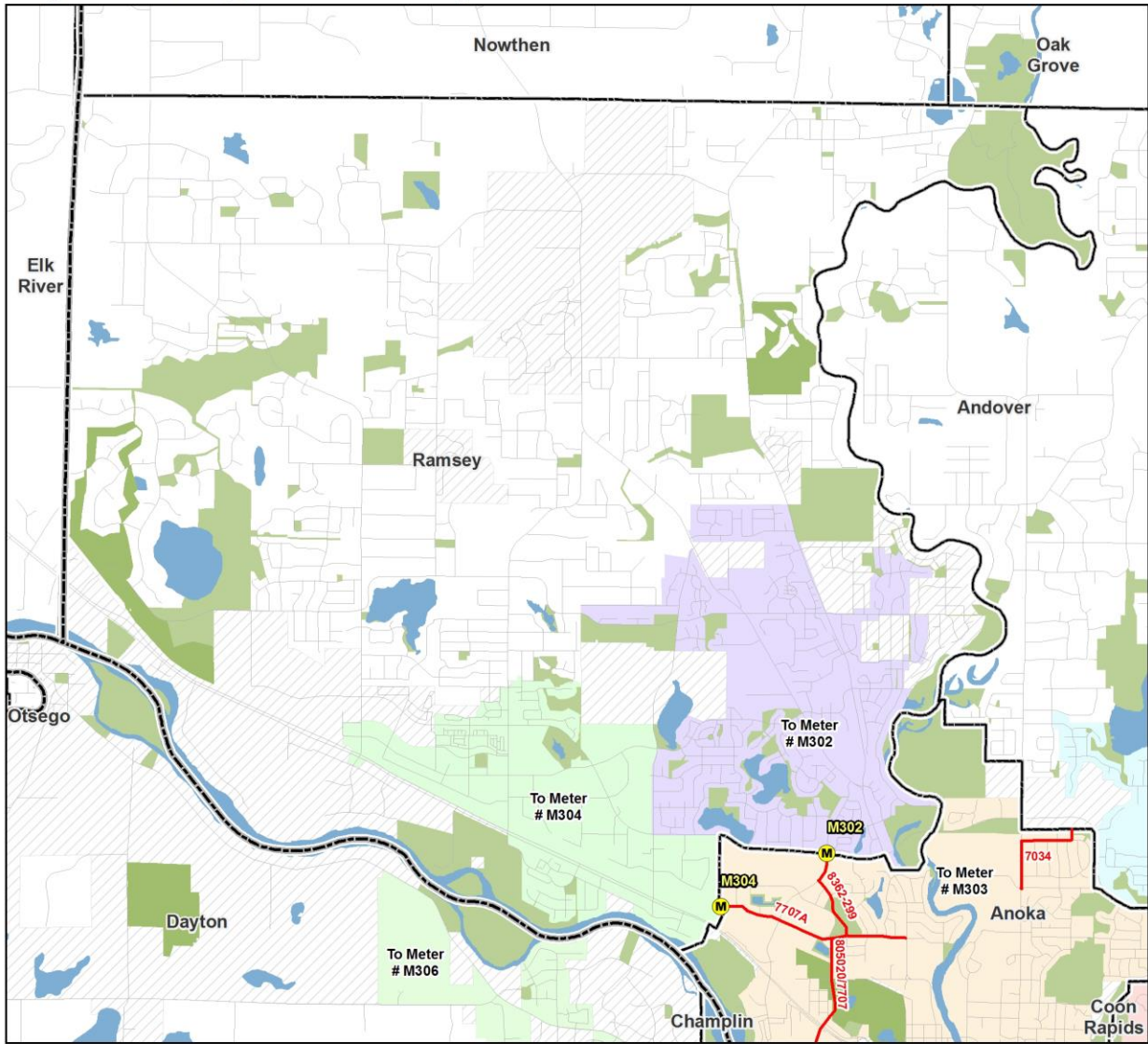
The Council's *Master Water Supply Plan* provides communities in the region with planning assistance for water supply in a way that:

- Recognizes local control and responsibility for owning, maintaining and operating water systems
- Is developed in cooperation and consultation with municipal water suppliers, regional stakeholders and state agencies
- Protects critical habitat and water resources over the long term
- Meets regional needs for a reliable, secure water supply
- Highlights the benefits of integrated planning for stormwater, wastewater and water supply
- Emphasizes and supports conservation and inter-jurisdictional cooperation
- Provides clear guidance by identifying key challenges/issues/considerations in the region and available approaches without dictating solutions

Figures 3-5 illustrate some water supply considerations that the community may consider as they develop their local water supply plans, such as: aquifer water levels, groundwater and surface water interactions, areas where aquifer tests or monitoring may be needed to reduce uncertainty, regulatory and management areas, and emergency interconnections.

Figure 1. MCES Sanitary Sewer Meter Service Areas

City of Ramsey, Anoka County

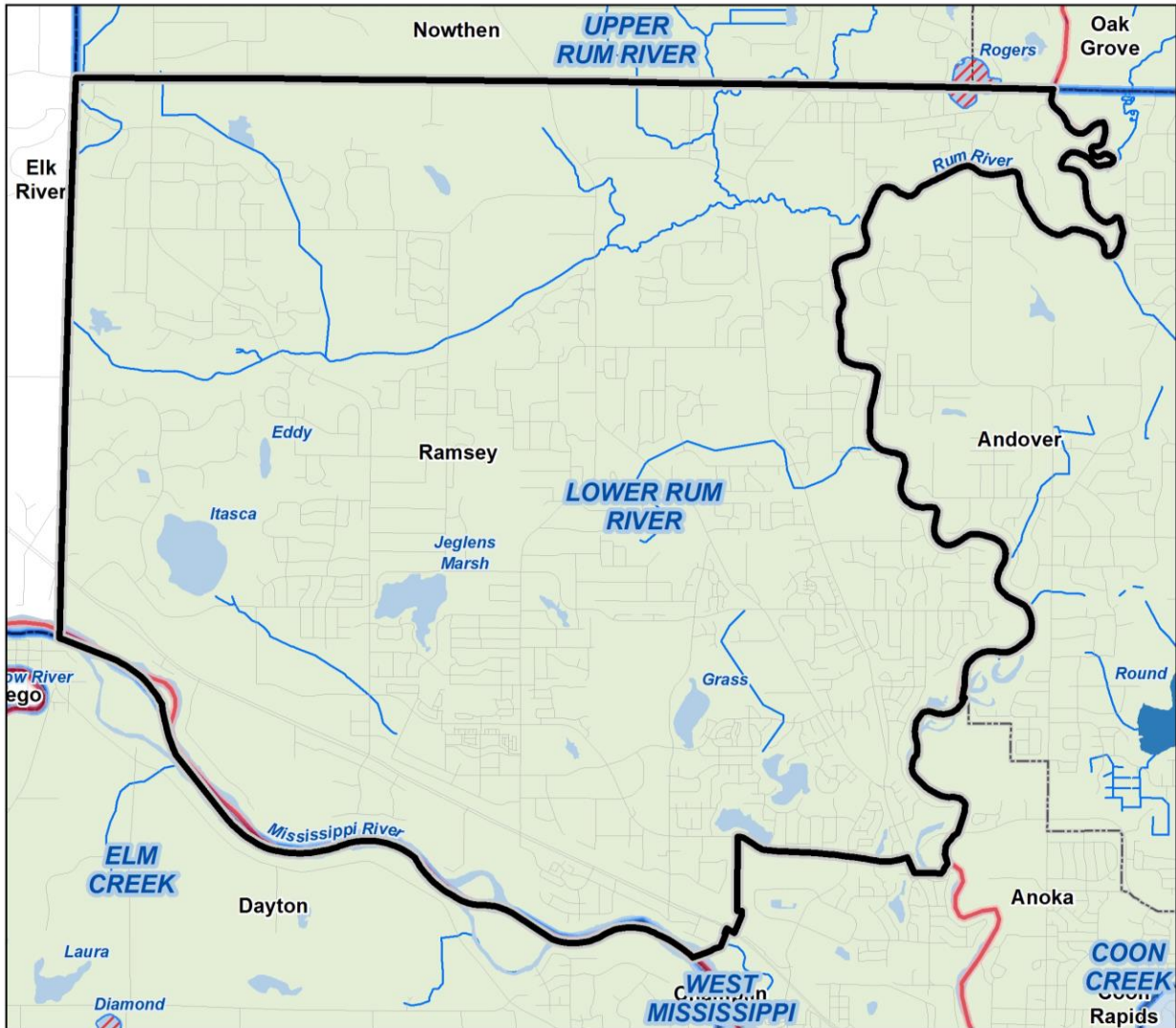


1/6/2015

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|-----------------------------|---------------------|--------------------------------------|
| Interceptors by Type | — Outfall | Ⓜ Meters |
| — Gravity | — Low Head Crossing | ▲ Lift Stations |
| — Forcemain | — Bypass | WTP MCES Wastewater Treatment Plants |
| — Siphon | | |
-
- | | |
|--|--------------------|
| Interceptor Meter Service Areas | |
| ■ To Meter # 100 | ■ Areas Not Served |
-
- | | | |
|--|--------------------------------|----------------------------------|
| ■ Areas of Unmetered Flow into the Community | ▭ County Boundaries | ■ Park, Recreational or Preserve |
| ▨ Rural Center WWTP Service Areas | ▭ City and Township Boundaries | ■ Golf Course |
| ▨ 2040 MUSA | ▭ Lakes and Rivers | |
| | — NCompass Street Centerlines | |

Figure 2. Surface Water Resources

Ramsey, Anoka County



- Watershed Management Organization Boundaries
- Watershed Management Organization Type**
- County
- Watershed District
- Watershed Management Organization
- Impaired Rivers & Streams (2014 Draft MPCA 303(d) List)
- 2014 Priority Lakes
- County Boundaries
- City and Township Boundaries
- Other Lakes and Major Rivers
- Other Streams
- NCompass Street Centerlines

Figure 3. Surface water features and interaction with the regional groundwater system, and state-protected surface water features

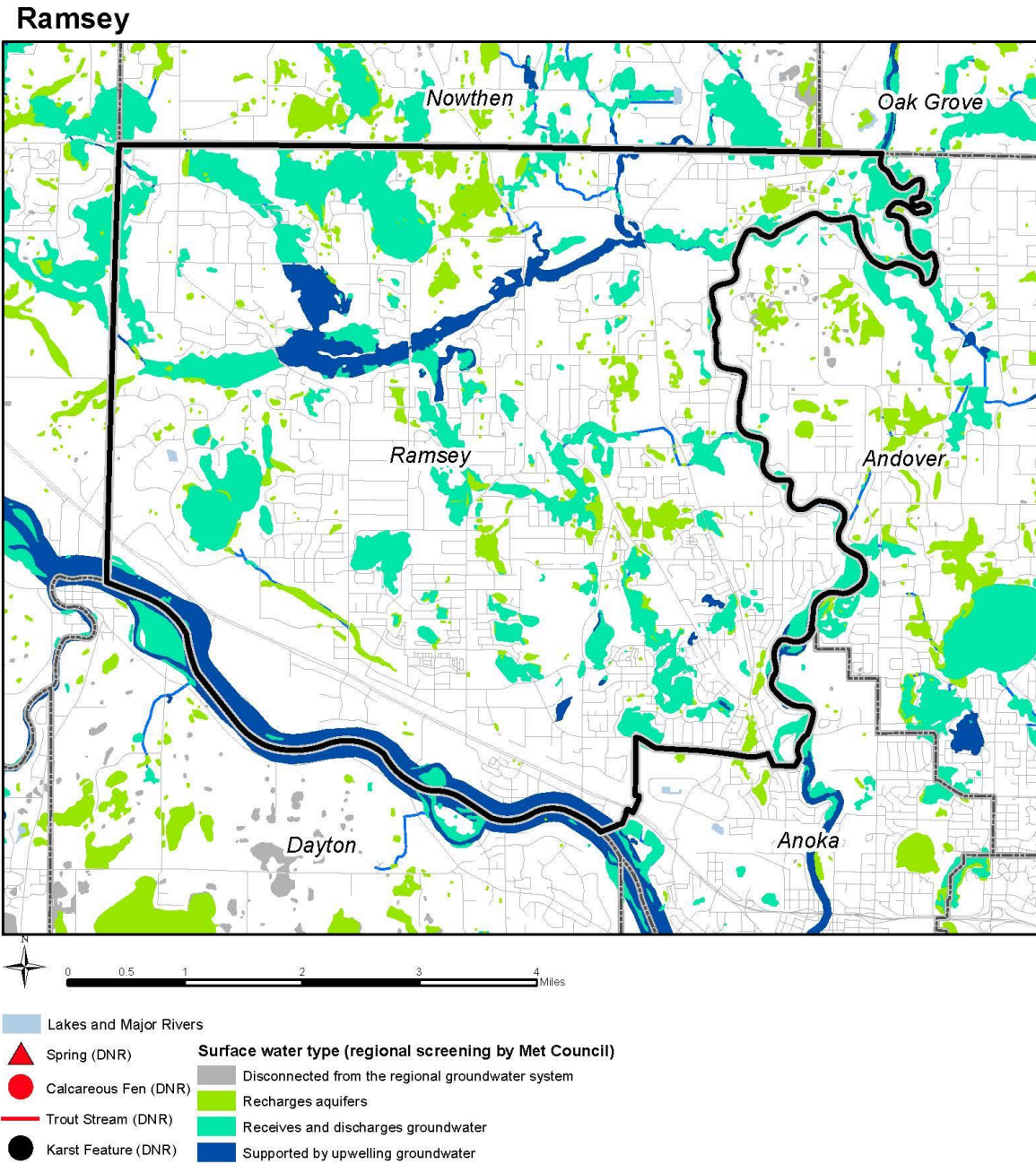


Figure 4. Availability of MN Department of Natural Resources groundwater level and MN Department of Health aquifer test data

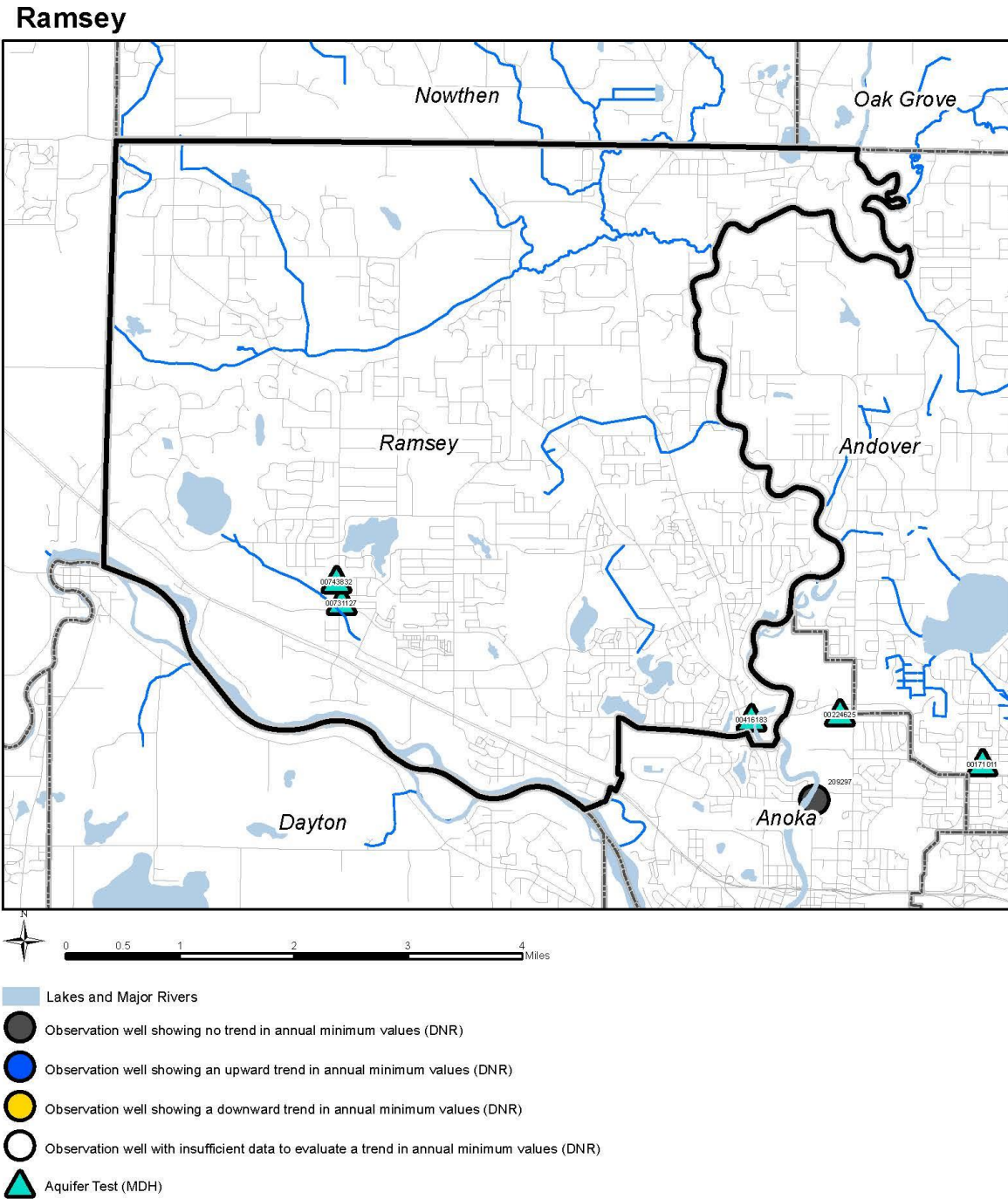
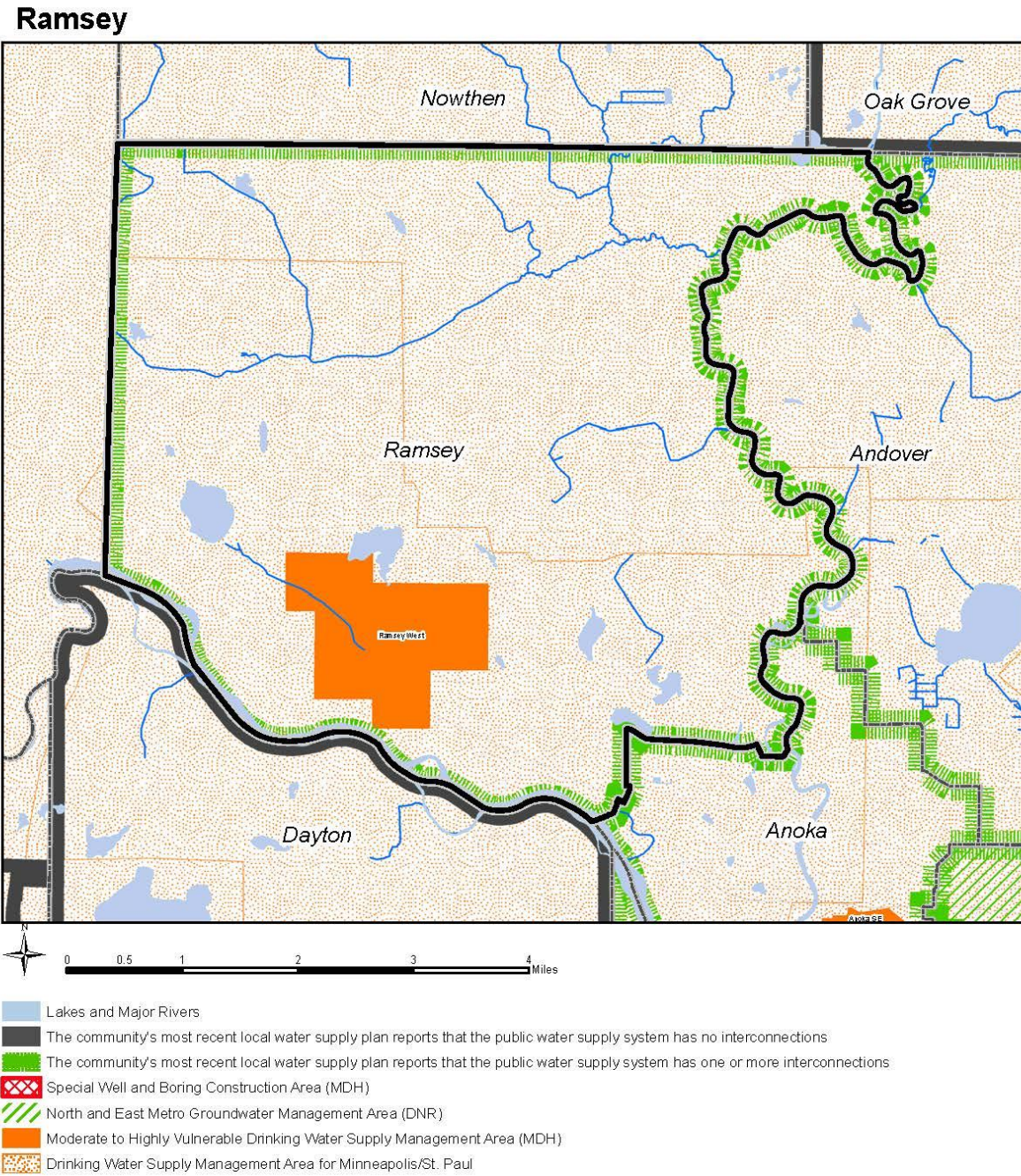


Figure 5. Municipal public water supply system interconnections and regulatory management areas



REGIONAL PARKS SYSTEM STATEMENT

City of Ramsey

The Regional Parks System includes 62 regional parks, park reserves, and special recreation features, plus more than 340 miles of regional trails that showcase the unique landscapes of the region and provide year-round recreation. The Regional Parks System is well-loved by our region’s residents and attracted over 48 million annual visits in 2014.

The organizational structure of the Regional Parks System is unique, built upon a strong partnership between the Council and the ten regional park implementing agencies that own and operate Regional Parks System units. The regional park implementing agencies are:

Anoka County	Ramsey County
City of Bloomington	City of Saint Paul
Carver County	Scott County
Dakota County	Three Rivers Park District
Minneapolis Park and Recreation Board	Washington County

The *2040 Regional Parks Policy Plan* was developed based on furthering the *Thrive MSP 2040* outcomes of Stewardship, Prosperity, Equity, Livability, and Sustainability. *Thrive MSP 2040* states that the Council will collaborate with the Metropolitan Parks and Open Space Commission, the regional park agencies, and state partners to:

- Expand the Regional Parks System to conserve, maintain, and connect natural resources identified as being of high quality or having regional importance, as identified in the *2040 Regional Parks Policy Plan*.
- Provide a comprehensive regional park and trail system that preserves high-quality natural resources, increases climate resiliency, fosters healthy outcomes, connects communities, and enhances quality of life in the region.
- Promote expanded multimodal access to regional parks, regional trails, and the transit network, where appropriate.
- Strengthen equitable usage of regional parks and trails by all our region’s residents, such as across age, race, ethnicity, income, national origin, and ability.

Key Concepts in the 2040 Regional Parks Policy Plan

The *2040 Regional Parks Policy Plan* includes the following policies, each with specific associated strategies:

- **Recreation Activities and Facilities Policy:** Provide a regional system of recreation opportunities for all residents, while maintaining the integrity of the natural resource base within the Regional Parks System.

- **Siting and Acquisition Policy:** Identify lands with high-quality natural resources that are desirable for Regional Parks System activities and put these lands in a protected status so they will be available for recreational uses and conservation purposes in perpetuity.
- **Planning Policy:** Promote master planning and help provide integrated resource planning across jurisdictions.
- **Finance Policy:** Provide adequate and equitable funding for the Regional Parks System units and facilities in a manner that provides the greatest possible benefits to the people of the region.
- **System Protection Policy:** Protect public investment in acquisition and development by assuring that every component in the system is able to fully carry out its designated role as long as a need for it can be demonstrated.

The *2040 Regional Parks Policy Plan* is the metropolitan system plan for regional recreation open space with which local comprehensive plans must conform. This system statement highlights the elements of the system plan which apply specifically to your community. Find the complete text of the *2040 Regional Parks Policy Plan* on [the Council's website](#).

2040 Regional Parks System Facilities

The Regional Parks System is comprised of four main types of facilities: regional parks, park reserves, special recreation features and regional trails.

Regional Parks

Regional parks most notably contain a diversity of nature-based resources, either naturally occurring or human-built, and are typically 200-500 acres in size. Regional parks accommodate a variety of passive recreation activities.

Park Reserves

Park reserves, like regional parks, provide for a diversity of outdoor recreation activities. One major feature that distinguishes a park reserve from a regional park is its size. The minimum size for a park reserve is 1,000 acres. An additional characteristic of park reserves is that up to 20 percent of the park reserve can be developed for recreational use, with at least 80 percent of the park reserve to be managed as natural lands that protect the ecological functions of the native landscape.

Special Recreation Features

Special recreation features are defined as Regional Parks System opportunities not generally found in the regional parks, park reserves or trail corridors. Special recreation features often require a unique managing or programming effort.

Regional Trails

Regional trails are classified as 1) destination or greenway trails and 2) linking trails. Destination or greenway trails typically follow along routes with high-quality natural resources that make the trail itself a destination. Linking trails are predominately intended to provide connections between various Regional Parks System facilities, most notably regional parks or park reserves.

2040 Regional Parks System Components

The *2040 Regional Parks Policy Plan* identifies six components which together comprise the vision for the Regional Parks System in 2040, as described below.

Existing Regional Parks System Facilities: include Regional Parks System Facilities that are open for public use. These facilities include land that is owned by regional park implementing agencies, and may include inholding parcels within the boundaries of these parks and trail corridors that have not yet been acquired. Existing regional trails may include planned segments that will be developed in the future.

Planned Regional Parks System Facilities (not yet open to the public): include Regional Parks System Facilities that have a Council-approved master plan and may be in stages of acquisition and development, but are not yet open for public use.

Regional Parks System Boundary Adjustments: include general areas identified as potential additions to existing Regional Parks System Facilities to add recreational opportunities or protect natural resources. Specific adjustments to park or trail corridor boundaries have not yet been planned.

Regional Park Search Areas: include general areas for future regional parks to meet the recreational needs of the region by 2040 where the regional park boundary has not yet been planned.

Regional Trail Search Corridors: include proposed regional trails to provide connections between Regional Parks System facilities where the trail alignment has not yet been planned.

2040 Regional Trail Search Corridor System Additions: include regional trail search corridors that were added to the Regional Parks System as part of the *2040 Regional Parks Policy Plan*.

Key Changes in the 2040 Regional Parks Policy Plan

Adopted by the Metropolitan Council in February 2015, the *2040 Regional Parks Policy Plan* incorporates the following changes:

Identify all proposed regional trails as regional trail search corridors

All proposed regional trails that are not yet open to the public and do not have a Metropolitan Council approved master plan are represented as a general regional trail search corridor. The *2030 Regional Parks Policy Plan* depicted these trails with a proposed alignment. The alignment of these regional trails will be determined in the future through a planning process led by the regional park implementing agency. The alignment of these trails is subject to Metropolitan Council approval of a regional trail master plan.

Acquire and develop ten new regional trails or trail extensions to meet the needs of the region in 2040. The 2040 Regional Trail Search Corridor Additions include:

Carver County:

- County Road 61
- Highway 41

Three Rivers Park District:

- CP Rail Extension
- Dakota Rail Extension
- Lake Independence Extension
- Lake Sarah Extension
- Minnetrista Extension
- North-South 1
- North-South 2
- West Mississippi River

The *2040 Regional Parks System Plan Map* is depicted in Figure 1. Ramsey should consult the complete [2040 Regional Parks Policy Plan](#) in preparing its local comprehensive plan. In addition, Ramsey should consult *Thrive MSP 2040* and the current version of the Metropolitan Council's [Local Planning Handbook](#) for specific information needed in its comprehensive plan.

System Plan Considerations Affecting Your Community

Regional Parks System Components in your community

The following Regional Parks System Components within Ramsey as identified in the *2040 Regional Parks Policy Plan* are listed below.

Regional Parks, Park Reserves, and Special Recreation Features

Rum River Central Regional Park: This is an existing regional park with an established boundary. The regional park boundary as shown in Figure 2 should be acknowledged in the comprehensive plan.

Mississippi West Regional Park: This is an existing regional park with an established boundary. The regional park boundary as shown in Figure 2 should be acknowledged in the comprehensive plan.

Regional Trails

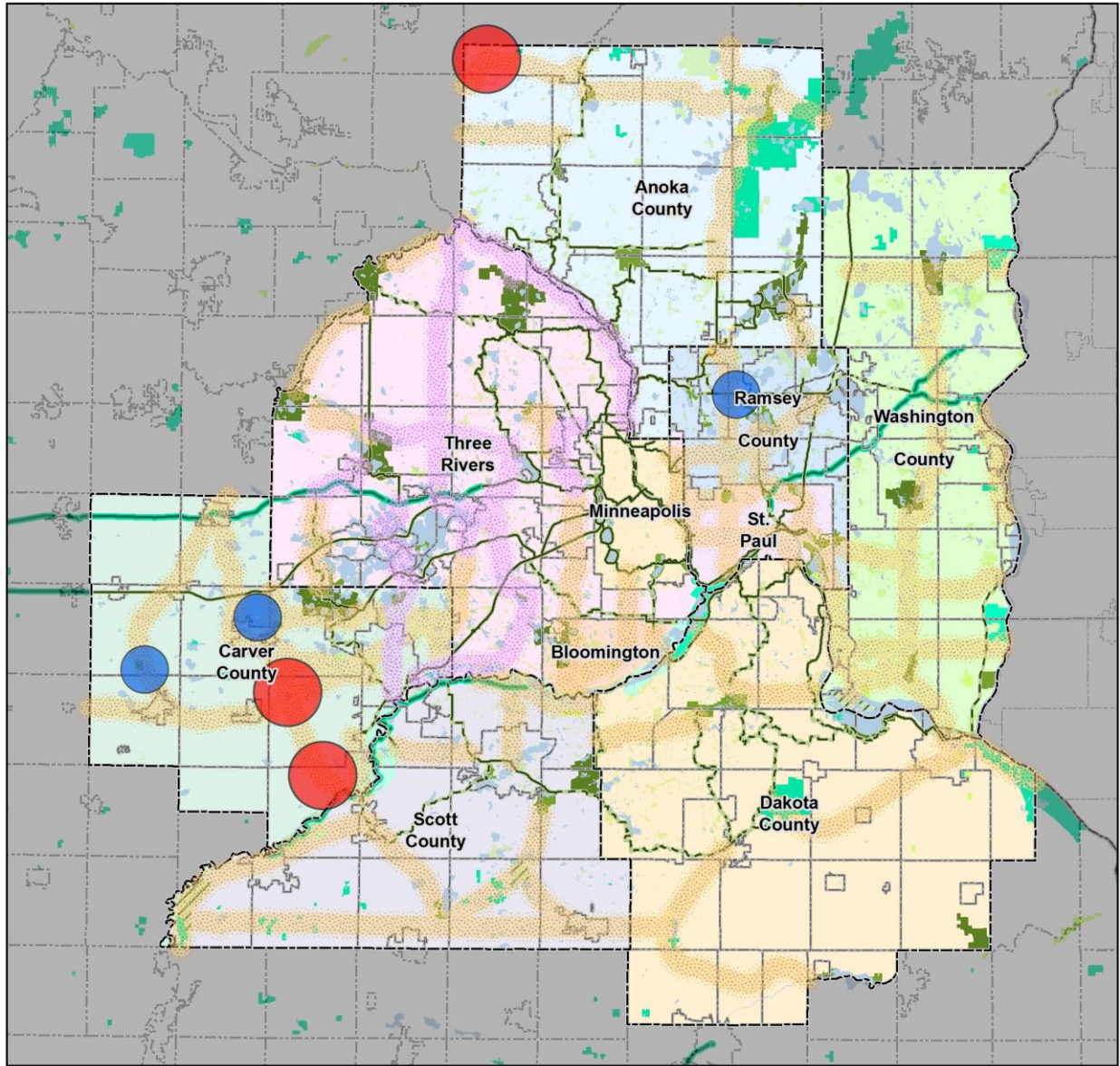
Central Anoka Regional Trail: This is a regional trail that includes segments that are open to the public as well as planned segments that will be developed in the future. The regional trail travels through Ramsey, Andover, Ham Lake, Blaine, Lino Lakes, and Centerville as it connects Mississippi West Regional Park, Rum River Regional Trail, Bunker Hills Regional Park, East Anoka County Regional Trail and Rice Creek Chain of Lakes Park Reserve. The regional trail alignment as shown in Figure 2 should be acknowledged in the comprehensive plan.

Mississippi River Regional Trail (Anoka County): This is a regional trail that includes segments that are open to the public as well as planned segments that will be developed in the future. The regional trail travels through Ramsey, Anoka, Coon Rapids, and Fridley as it connects Mississippi West Regional Park, Rum River Regional Trail, Coon Rapids Dam Regional Park, Rice Creek West Regional Trail, and Anoka County Riverfront Regional Park. The regional trail alignment as shown in Figure 2 should be acknowledged in the comprehensive plan.

Please contact Anoka County for more information regarding Regional Parks System Components in Ramsey.

Figure 1. 2040 Regional Parks System Plan Map

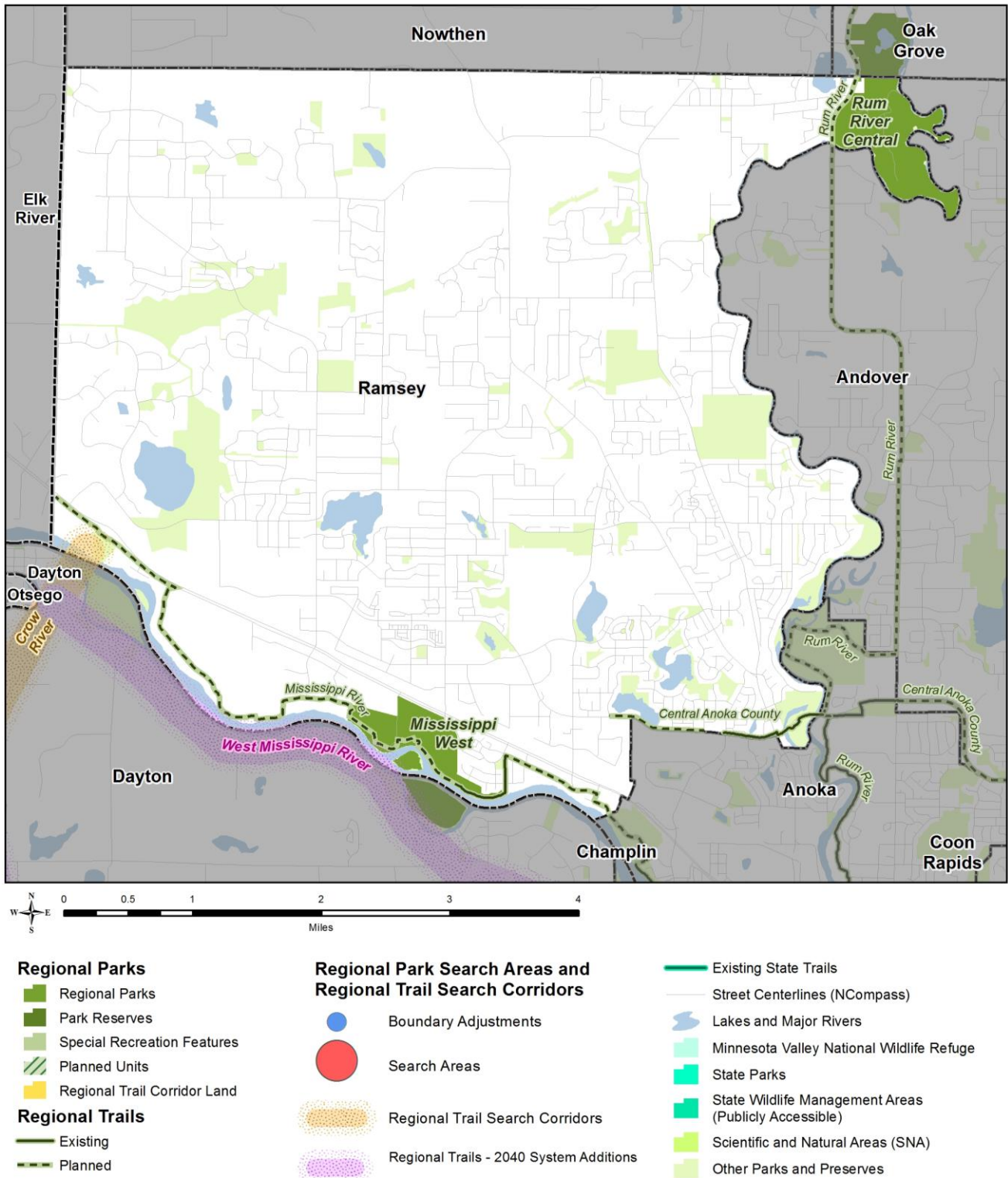
Regional Parks System Twin Cities Metropolitan Area

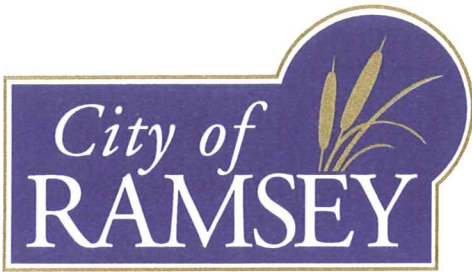


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| <p>Regional Parks</p> <ul style="list-style-type: none"> Regional Parks Park Reserves Special Recreation Features Planned Units Regional Trail Corridor Land <p>Regional Trails</p> <ul style="list-style-type: none"> Existing Planned | <p>Regional Park Search Areas and Regional Trail Search Corridors</p> <ul style="list-style-type: none"> Boundary Adjustments Search Areas Regional Trail Search Corridors Regional Trails - 2040 System Additions | <ul style="list-style-type: none"> Existing State Trails Lakes and Major Rivers Minnesota Valley National Wildlife Refuge State Parks State Wildlife Management Areas (Publicly Accessible) Scientific and Natural Areas (SNA) Other Parks and Preserves |
|---|---|--|

Figure 2. Regional Parks System Facilities in and adjacent to Ramsey

Regional Parks System City of Ramsey, Anoka County





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

April 8, 2014

Metropolitan Council
Attn: ThriveMSP 2040
390 Robert St North
Saint Paul, MN 55101

RE: ThriveMSP 2040 Draft Comments – City of Ramsey

To Whom It May Concern:

To begin, thank you for the opportunity to participate in a variety of citizen engagement and public input sessions surrounding ThriveMSP 2040 (“Thrive”), the Metropolitan Council’s new Regional Development Framework. The City of Ramsey appreciates the opportunity to have additional opportunities to review and comment on the goals of the plan and the growth forecasts that are included (population, households, and employment).

As opposed to a line by line or page by page comment of the Thrive draft, the City of Ramsey would like to share with you key land use and land use related goals we have developed to ensure that our goals remain compatible and heard as part of the Thrive draft and the upcoming System Plans.

Through an extensive and robust citizen engagement process, the City of Ramsey has identified two (2) major categories that we feel important to make as part of the public record in implementing Thrive. While we acknowledge that our Future Land Use Map has the capacity to experience the forecasted growth, we are not convinced that this growth will be experienced under current infrastructure capacity. These categories include the following, and will most likely impact our future growth forecasts if left unaddressed:

1. Transportation:
 - a. Regional Priority #1: US Highway 10
 - b. Regional Priority #2: TH Highway 47
 - c. Regional Priority #3: Future River Crossing (Mississippi River Crossing to City of Dayton)
2. Water Supply
 - a. Balance of groundwater supply and surface water supply along with water conservation efforts

Transportation

As Ramsey reviewed the draft of Thrive, there was nothing specific identified that is in direct conflict with our goals as identified as above, but could be construed as conflicting if the interpretation was within certain context. Ramsey would expect that the System Plan for Transportation reflect the revised growth forecasts and identify project needs for the northwest metro and Highway 10 corridor to supplement the existing conditions, current studies, and Northstar Commuter Rail. Ramsey is pleased to be pursuing the

Armstrong Boulevard Interchange as well as participating in the current Highway 10 Access Planning Study. Both of these scenarios will help address existing development patterns and highway levels of service (note: most of Highway 10 is currently operating as Level of Service 'F' at peak periods).

That being said, the Metropolitan Council and Minnesota Department of Transportation should still consider long-term planning and designing improvements in the area to allow for future capacity improvements.

Secondarily, when considering origin and destinations of many of Ramsey's future growth areas, the importance of addressing Highway 47 becomes an important component of our transportation plan and goals. It will take the partnership of the cities of Ramsey and Anoka, Anoka County, Mn/DOT, and the Metropolitan Council to address this difficult, yet important transportation priority.

Finally, a piece of Ramsey's regional transportation priorities is a future river crossing of the Mississippi River to create a connection to the City of Dayton. Due to anticipated future growth, coupled with existing congestion on the US Highway 169 river crossing at the cities of Anoka and Dayton, it will be important for the success of the area and the region from the perspective of affordable housing, life-cycle housing, economic development, and the inter-related connections between them all, to eliminate this existing barrier and allow for the creation of un-tapped economic development potential.

Water Supply

Ramsey is very encouraged to see that the Metropolitan Council is providing consideration of water supply as a regional issue. Although not as clearly visible as in other areas of the region, the issue of reduced ground water supply is still clearly a concern of our community for a multitude of reasons. We are blessed to be bordered by not one (1), but two (2) rivers; the Mississippi River and the Rum River. We hope that the emphasis placed thus far leads to effective policy, followed by true implementation. Ramsey is willing to work together with others in the region to address this important issue, but we feel that the burden of implementation should not be Ramsey's alone, but rather be shared by the greater region. Although we are located in close proximity to a surface water supply and that we are just now entering as part of the emerging suburban edge, it should not be our burden alone to implement alternative supply and reduced reliance on groundwater supply.

Community Designation

Ramsey also is encouraged to see a new classification of community designations. A key land use goal and priority for Ramsey is to maintain a balance of urban and rural development patterns to provide variety and respect the unique urban, rural, and natural environment character. Generally speaking, Ramsey finds the designation of 'Emerging Suburban Edge' as appropriate. This is with the assumption that Ramsey can maintain the balance of urban and rural character as currently reflected in our Future Land Use Map and Comprehensive Plan as well as maintaining the ability for future MUSA expansions. We desire the ability for local control to make future adjustments only as identified through citizen-focused collaborative processes. We acknowledge the need to work through regional planning processes and partnerships with the Metropolitan Council to identify strategic investments to reach our common goals.

Growth Forecasts

Ramsey appreciates the efforts to revise local forecasts based off our previous response. Ramsey recently hosted a public workshop to take a new look at our Future Land Use Map. At this time, no significant changes were identified as part of that process. The general rate of growth forecasted appears to be more relevant to the current market rate and historical average growth. However, as noted above, we acknowledge that our Future Land Use Map has the capacity to experience this growth, but are not convinced that the existing infrastructure, most notably transportation and water supply, can sustain this growth unless future capacity improvements are made and the current model and distribution is adjusted to provide equity in the region as it relates to strategic infrastructure improvements.

As previously identified, Ramsey has focused on the key land use policy topics of water supply and transportation capacity. Before Ramsey will extend its support to the published forecasts, we feel that it is important to model several scenarios that will illustrate the outcomes of our land use decisions if investments in these two (2) categories are not made.

First, as would be anticipated, we believe that general statistical analysis demonstrates a strong correlation between congestion levels on Highway 10 and growth rates of new development. We feel that, at minimum, an alternative analysis that models forecasts with the assumption that improvements to Highway 10 are not made should be completed. We assume these improvements will be made at some point in the future; however, we do desire to better understand the outcomes of our land use decisions if these improvements are not made in the short term and how that directly relates to these draft forecasts.

Additionally, based on a general recalibration of our 2012 Water Supply Study and substituting average growth rate from the Thrive forecasts to ensure consistency, our future growth will be significantly impacted if the current water supply assumptions and formulas are not adjusted and regional investment is not made. This factor is anticipated to begin impacting Ramsey somewhere between the year 2020 and 2025. In other words, if the issue of water supply is not addressed in the next several years, we would anticipate our growth forecasts to reduce significantly. Ramsey has taken several proactive steps to attempt to reduce our water consumption, including completing surface water supply studies and implementing various water conservation measures such as standing odd/even watering restrictions and organic-rich topsoil requirements for new development. Ramsey is also an active member of the Northwest Metro Water Supply Work Group, and is participating in the Metropolitan Council's Northwest Metro Water Supply Study.

Separately, Ramsey acknowledges several planning efforts that are currently underway, but are not complete. With that in mind, the outcomes of these processes do have the potential to impact our forecasts. We have adopted a more iterative model, continually refining our Comprehensive Plan throughout the regional planning cycle to ensure that is up to date, market relevant, and consistent with our land use goals.

As identified in our previous response, Ramsey is working on three (3) small area plans below:

1. Old Municipal Center
2. 167/47 Node (soon to be re-named)
3. Armstrong West-Future Business Park

Old Municipal Center

Ramsey is considering uses that could bring additional employment opportunities to this twenty (20) acre site. Ramsey is also providing consideration for single-family residential on this site, which could lead to approximately 45 new detached single-family homes. Neither alternative would bring significant changes to the community's forecasts. The City Council will be considering next steps within the next few months, following the recent completion of a citizen study group process.

167/47 Node

This circa-1970s retail node has experienced continual increases in vacancy. The City is in the process of looking at a multitude of options to facilitate the private market's revitalization of this node. Although no significant changes to employment forecasts are anticipated at this stage, the broader land use review could result in changes to housing forecasts specific to this area. There is not sufficient direction at this point to comment directly as part of this stage of the regional planning process.

Armstrong West – Future Business Park

Ramsey has been extremely successful in economic development and redevelopment and has become a well-respected option for future business growth. Ramsey has all but exhausted existing future business park growth identified in our Comprehensive Plan, and is reasonably well served by adjacent infrastructure. Through a holistic land use review, the City expects to forward a Comprehensive Plan Amendment in the very near future. Through this holistic approach, we expect to be able to accomplish this with little to no adjustment to our forecasts. Based on previous conversations, we anticipate this land use exercise to fit within our existing employment forecasts.

Potential Comments on Upcoming System Plans

In an effort to continue the open lines of communication, Ramsey thought it would be helpful to give a preview of some of our comments that are more appropriate at the System Plan stage, but help frame our review of the Thrive document.

Transportation

As noted before, we will likely be commenting on Highway 10, Highway 47, and a future river crossing. Each of these will require to continue to coordinate with Anoka County to ensure each of our plans is properly aligned.

Parks and Open Space

Ramsey has had preliminary discussions with the Anoka County Parks Department on each of these strategies, and additional review is necessary before formal policy direction is provided. Ramsey sees an opportunity to provide for alternative route analysis for the Central Anoka County and Rum River Regional Trails. Ramsey feels with minor modifications to the alignment of these approved regional trails, the region can maximize origin and destination. Additionally, Ramsey would like the regional system plans to identify a future study area to create a greenway and trail corridor along the Trott Brook Greenway connecting a great deal of local, regional, and broader amenities.

Water Supply

As noted above, Ramsey will be seeking to work with the Metropolitan Council to identify and define an implementation strategy surrounding regional groundwater and surface water supply and conservation.

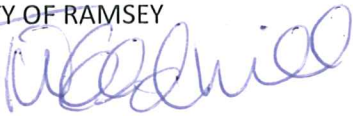
In Closing

Again, our sincerest gratitude for allowing us to participate early in the process of this round of regional planning. We appreciate this opportunity to comment and for the Metropolitan Council to allow us to express our thoughts on the coordination of local and regional planning. We are pleased to provide a Future Land Use Map built on a collaborative public process and community support. We hope that the Metropolitan Council will continue to work with Ramsey to address our infrastructure capacity concerns. Please note that our concerns with the draft forecasts are not about our future land use vision, but how that vision relates to current infrastructure capacity and future infrastructure investment.

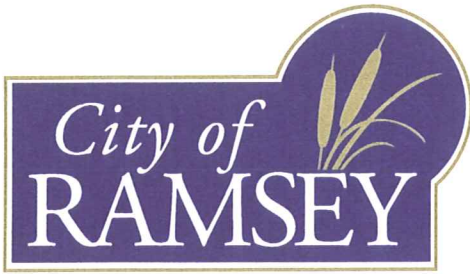
We feel we have grown as a community since our last Comprehensive Plan Update and have a better understanding and respect for the process. We have committed to participating early in the process to ensure our goals and priorities are aligned and that we participate in the appropriate stages to ensure our voices are heard. We look forward to the next stages in the process.

Sincerely,

CITY OF RAMSEY



Tim Gladhill
Development Services Manager



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

September 24, 2014

Metropolitan Council
Attn: Housing Policy Plan
390 Robert Street N
St. Paul, MN 55101-1805

RE: Draft Housing Policy Plan

To Whom It May Concern:

Thank you for the opportunity to review the regional Housing Policy Plan.

As the City of Ramsey reviews this policy document, the City would like to confirm that the policies found within this document are voluntary policies and not mandates passed down to local governments. Rather than going line by line for each of the local role categories, Ramsey would rather clarify that these are voluntary policies. There may be some of the implementation strategies that would work well in Ramsey, while others may not apply or be supported on a local policy level. It appears that much of this document will relate to the Metropolitan Council's role in developing housing policy and distributing financial resources for housing projects.

It is also noted that Ramsey works closely with the Anoka County Housing and Redevelopment Authority (ACHRA) to achieve many of the local goals identified in the policy document. We choose to partner with this organization to capitalize on their expertise in housing programs and avoid duplication of services and levies.

Ramsey understands the Metropolitan Council's goal to be more strategic and direct with their funding allocations and policies. The draft policy plan defers much of the detail to future discussion on how the Metropolitan Council, specifically Livable Communities, will derive its scoring and distribution. Ramsey would like to ensure that our ability to access these important dollars to achieve local and regional priorities are not diminished by changes in policies and scoring. Ramsey has demonstrated on multiple occasions its ability to deliver quality affordable housing and demonstrate return on investment for previous funding allocations.

As it relates to the affordability threshold, Ramsey does not object to the changes in the threshold (50-80%, 30-50%, 30%), provided that adequate resources are provided for each threshold. Ramsey desires to participate in future discussions on how these policies will be reflected in revised scoring systems in the future. Also, Ramsey desires demographic data for our community that organizes into these new categories. Is it possible for the Metropolitan Council to illustrate how previous project awards would score under the new system on policy?

A key policy as it relates to Ramsey's priorities is the request of the Housing Policy Plan to incorporate Housing Performance Scores as a scoring element in the Regional Solicitation for Transportation Funding. Ramsey requests that the Metropolitan Council explore the Housing Performance Score holistically if this policy is to be implemented. It has been our experience that our Housing Performance Score can fluctuate greatly year to year based on market conditions and new construction. **Ramsey would ask that the method for the Housing Performance Score include a provision to normalize across multiple years** to account for annual fluctuations in the housing market, especially as it relates to the delivery of affordable housing. While we have

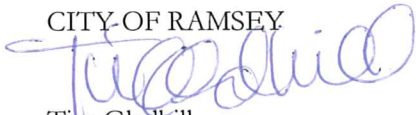
a history of providing quality workforce housing, it has been our experience that projects with enough scale to influence our Housing Performance Score do not occur on an annual basis.

Ramsey appreciates that the Metropolitan Council addresses Transit Oriented Development in the Housing Policy Plan and a focus on policy and investment in station areas. Ramsey believes it is still important to invest in all forms of transportation in Ramsey, not just transit.

On page 75 that outlines measurements intended to measure progress towards achievement of the policy plan. However, there are several measurements that are currently incomplete and without an actual baseline measurement. Ramsey cannot comment on these measurements until they are complete.

Sincerely,

CITY OF RAMSEY



Tim Gladhill
Community Development Director

April 29, 2015

Metropolitan Council
Attn: Adam Duininck, Chair
390 Robert Street N
St. Paul, MN 55101-1805

RE: Draft Housing Policy Plan (2015 Amendment)

Chair Duininck:

Thank you for the opportunity to review the regional Housing Policy Plan 2015 Amendment. Please include our comments from our September, 2014 submitted comments as well. Some of our broader policy comments are repeated in this response, with our revised comments in the bullet list below. The City supports the Metropolitan Council's goals in promoting its housing goals. However, the City wants to ensure that it does not result in mandates that might be in conflict with our existing land use goals. The following comments are compiled of consensus of our Planning Commission and City Council.

General Assumption

- The following comments are based on the assumption that no changes to our Future Land Use Map nor our Housing Assistance Policy will be necessary in order to achieve the standards contained within the proposed amendment to the Housing Policy Plan.

Statement of Support

- Ramsey Appreciates the flexibility granted in the Housing Performance Scores that recognizes variation in new construction levels and acknowledges policies that encourage affordable housing even if actual construction not experienced in a given year. Ramsey supports the multiple thresholds, including the threshold of up to 80% AMI, where this was previously 60% AMI. Finally, Ramsey supports points awarded for all local tools provided and acknowledgment of other county, city, non-profit, and state programs that provide tools to the City.
- Ramsey supports the clarification on existing statutory requirements and submittal requirements versus recommended strategies as it relates to the requirement to create a Housing Plan at the local level.

Priority Areas of Concern

- Regarding language on page 8 and 13, regarding the utilization of the Sewer Availability Charge (SAC) as a tool to promote affordable housing, the City desires to clarify that SAC policies should not result in limitations in future expansion of the Metropolitan Urban Service Area (MUSA). If this language is to be interpreted in such a way that future MUSA expansions may be limited if the City does not achieve its affordable housing goals, then the City objects to this language. If the language allows only for the utilization of SAC as a financial tool, then the City is fine with the language.

- Ramsey appreciates many of the peer and comparable communities included in the two (2) working groups that helped shape the amendment. That being said, in retrospect, the City of Ramsey would have desired to see that there was additional representation from Anoka County communities on the Working Group. Are there documented summaries of these working group meetings?
- The City of Ramsey feels that the report fails to quantify different socioeconomic factors between individual communities. It appears that the methodology is focused heavily on existing regional and local forecasts.
- The City of Ramsey feels that the report lacks a focus on an increase in aging population, a key housing priority for the City.

Questions/Clarification

- Ramsey requests clarification on the definition of Affordable Housing as it relates to land use planning. It is our understanding that the current definition is six (6) units per acre, but the amended plan notes ranges from eight (8) units per acre to twelve (12) units per acre. Ramsey simply desires to better understand how our allocation of affordable housing will be impacted by these thresholds based on our current Future Land Use Map. Our current definition of Medium Density Residential is 3-7 units per acre. Our current definition of High Density Residential is 7-15 units per acre. Our concern is that Ramsey will not receive credit for areas currently shown as High Density Residential which we feel will provide the necessary housing variety and is already currently in our land use plan. Perhaps our areas of High Density Residential will qualify in part two (2) of Option 2 (see page 11 of amended plan). This is important as it relates to how we accomplish our allocations published in the exhibits to the amended plan.
- Please define what you mean by ‘updated housing requirements’ under your implementation plan. Previously, this simply stated review criteria.
- Ramsey acknowledges that our comment desiring to see the methodology of allocating affordable housing need has been incorporated. Ramsey desires a process to help refine these numbers upon output to ensure that these allocations are in line with local experiences. In other words, will there be some process to help refine or amend these numbers at the request of local communities? We believe a process currently does exist, but want to better understand if that process will change with the new methodology.

Technical Detail Comments

- Please note that Exhibit Titles are not matching the correct page. Perhaps this is a result of ‘Tracked Changes’
- Based on Exhibit 2 on page 30, Ramsey’s allocation of affordable housing will be adjusted downwards. Ramsey does not object. It appears that according to Metropolitan Council data, 66.4% to 79% of homes constructed in Ramsey are affordable to households at or below 80% AMI.
- Subject to how the Metropolitan Council will calculate areas guided for Medium Density (3-7 units per acre) and High Density (7-15 units per acre) Residential, Ramsey does not object to the overall allocation of 438 affordable units. Ramsey assumes that our current Future Land Use Map will be able to accommodate this allocation. If the Metropolitan Council feels adjustments to our Future Land Use Map are necessary to accomplish this allocation, please inform us. Otherwise, we will move forward on the assumption that no changes to our land use plan are necessary in order to achieve this allocation.
- It appears that our comment regarding ‘normalizing’ our Housing Performance Score has been incorporated to a degree. Acknowledgement of future forecasted growth and history of activities of the past ten (10) years has been added. Ramsey desires to see how our Housing Performance Score will be impacted based on the new methodology.

- Under Housing Programs and Policies, we desire to understand if the programs provided by Anoka County will qualify for our Housing Performance Score. We do not desire to duplicate these already existing services and programs. We will reserve our final comments on this factor until we can see how the broad matrix applies to our local example.

The City of Ramsey continues to express a concern with our published forecasts as it relates to the current system plans. While we acknowledge our Land Use Plan can accommodate these forecasts, we feel the system plans for Transportation and Water Supply lack the necessary investments to accommodate this growth.

Ramsey notes that it will take strong partnerships between the Metropolitan Council and local governments to achieve the allocations by bands in Exhibit 6. Specifically, Ramsey desires a conversation regarding our ability to achieve the allocation of affordable housing at the 30% AMI level. Based on our experience, the surrounding market, and some of the goals of Property Owners with areas guided for the appropriate densities for affordable housing, Ramsey finds it will be difficult to achieve these goals without assistance of programs such as the Livable Communities Program of the Metropolitan Council, the Minnesota Housing Finance Agency, and the Anoka County Housing and Redevelopment Authority.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Community Development Director

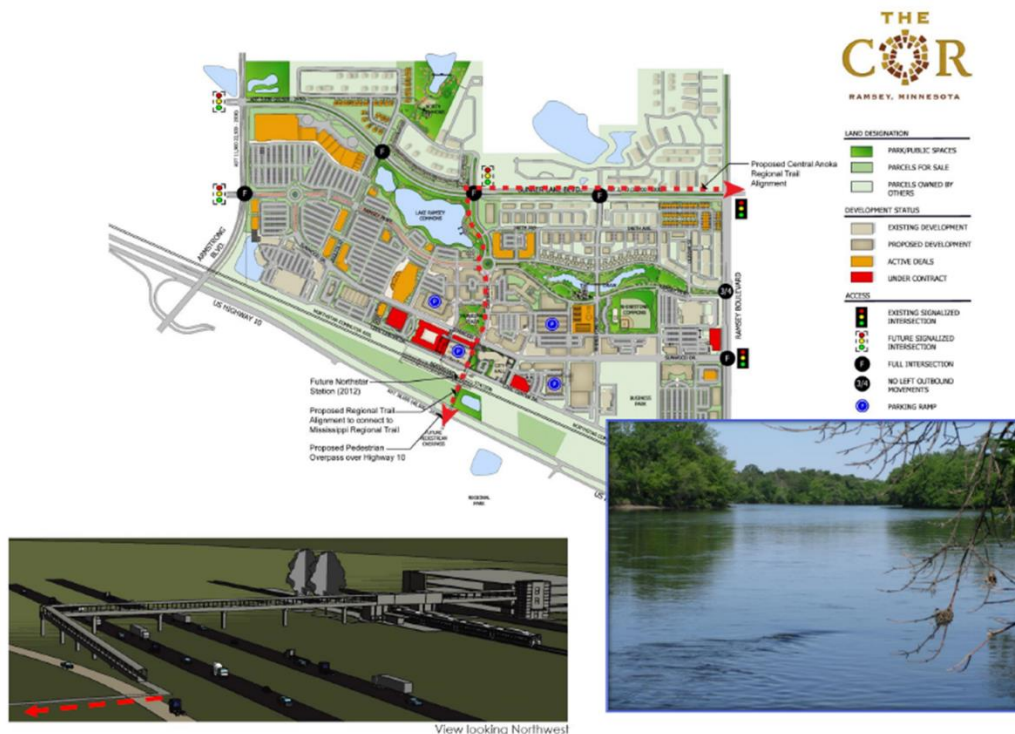
CC: Edward Reynoso, Metropolitan Council Member, District 9

Recommended Action Outcomes of the 2040 Regional Parks Policy Plan

In order for the *Thrive MSP 2040* plan to foster efficient and economic growth for a prosperous metropolitan region, three interrelated trail initiatives in Anoka County should be investigated to improve regional connectivity, access and sustainability.

Central Anoka County Trail and connection to Mississippi West Regional Park

The approved Metropolitan Council plan for Mississippi West Regional Park shows an elevated pedestrian crossing of U.S. Hwy's #10 & #169 as one of the phased improvements to the park. Following the first phase of the park's development, the boat landing and river access in 2010; the Northstar rail station was completed in Ramsey and placed in service north of the regional park, but separated by the highway. The pedestrian bridge known as the 'Mississippi Skyway' should be the next phase of the parks development, and when complete, the Central Anoka County Trail may be realigned to within the pedestrian oriented development known as The COR, or Center of Ramsey - and effectively connected to the regional park. The exhibit below shows the proposed trail corridor in a red dashed line.



Considerable investments in regional improvements converge in this location, including the \$13 million dollar rail station, with \$1.1 million dollar pedestrian skyway over Veteran's Drive, \$8 million dollar covered transit and parking facility, as well as approximately one half million in boat landing and river access improvements. Additionally, the Mississippi River Regional Trail is under construction from the City of Anoka, through the City of Ramsey and into the park depicted below. The trail together with two bridges on the 80-acre King's Island represents over one million dollars in bike facilities that are also a key component of the Mississippi National River and Recreation Area.



It is this inter-jurisdictional trail with multi-modal connections and host of retail services that make this pedestrian bridge the nexus of regional systems and destinations, and merits the concurrent alignment of the Central Anoka County Trail at such time the elevated highway crossing is in place. The following highlights outcomes of an aligned regional trail with a grade-separated pedestrian crossing of Hwy's #10 & #169 and railroad corridor.



Mississippi River at the regional park

Stewardship

Mississippi West Regional Park possesses a bounty of natural resources, including woodland habitats, restored native prairie, and a segment of the Nation’s most prominent river with Wild and Scenic designation. Advancing multi-modal connections to the park for the region’s residents and visitors is a strategic investment that makes available these rich natural assets for those who choose not to travel by automobile. Broadening access to these regional amenities exposes people to the intrinsic beauty of the park and river, and thus builds support for on-going stewardship of natural resources and the environment.



Workforce Housing in The COR, completed in 2013

Prosperity

Investment in the pedestrian overpass will make the commercial and retail areas on both sides of Hwy's #10 & #169 more attractive to quality business that are concerned with quality of life for their employees in terms of the ability to walk during break periods to and from the park. In addition, improved connection to the trail systems the bridge will provide for, allows a greater proportion of the workforce to commute without an automobile and expands transit access – both of which enhance economic competitiveness.



Rail and bus service can provide access to the natural-resource based Mississippi West Regional Park from the urban cities

Equity

The transit-oriented development known as The COR includes a mix of residential housing choices for people of all incomes. Providing a ‘means’ to access Mississippi West Regional Park sans an automobile also means creating real choices in where residents may live, travel and recreate. The grade-separated pedestrian crossing of the highway and rail line creates the nexus between housing, transportation and recreation, and thus leverages multiple investments to build a more equitable region.



Increasingly, people are using the Northstar Commuter Rail to expand recreational access to the region’s parks and trails

Livability

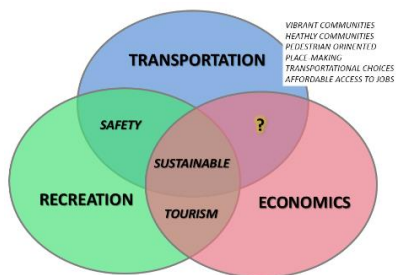


U.S. Hwy's #10 & #169 can be a barrier to accessing Nature associated with the regional park and trail on the south side of the highway. Livability is enhanced by *one* connecting piece of infrastructure – the pedestrian crossing and bicycle facility. This will provide transportation choices, and access to Nature and outdoor experiences for a range of the region's demographic and economic make-up. The COR is by design, pedestrian-oriented as well as transit-oriented. Aligning resources (the pedestrian bridge), supports walkable places and promotes healthy communities and active living.



Sustainability

The Mississippi Skyway exemplifies sustainability as bicycles will always be an efficient means of short trips – made more effective especially with the proposed bridge's physical connection to the commuter rail station. With a 100-plus year lifespan, the facility will help to ensure regional vitality for generations to come. This also adds and preserves capacity for all the public and private investments it connects to, thereby quite literally investing in the future.



Integration

The pedestrian facility will be the embodiment of the intentional combining of related activities and infrastructure to achieve more effective results in coordinating the way people travel, commute, work and play. The bike and ped bridge will be an example of the Council effectively working with partners and stakeholders throughout the region to prioritize a project that will have multiple benefits.





Collaboration

The Mississippi Skyway, with its direct connection to the National Mississippi River Trail and U.S. Bikeway #45 - when completed with a realigned Central Anoka County Trail, will be an unequalled example of collaboration in advancing the region most effectively towards shared outcomes. The pedestrian bridge is an expensive facility, no single entity has the capacity to fund it alone, and therefore a *shared* strategy is truly in the region's interest. Indeed, it is the Metropolitan Council's mission to foster these partnerships and reciprocal relationships to address regional opportunities and solutions.

Accountability and Additional Directives



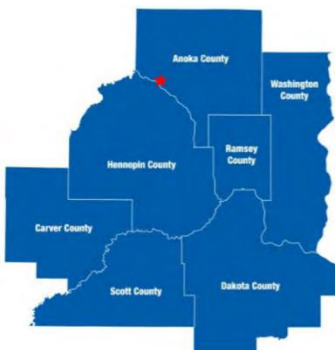
*Ramsey Station, October 2014:
People use the rail and bus service for commuting, efficient access to the airport, as well a connection to the region's trail systems*

Identifying the proposed pedestrian bridge over U.S. Hwy's #10 & #169 as a priority for the regional partners to secure Federal funding; fulfills the Council's mission of an equitable return on investments across the geographic region. This positions the Council, the Metropolitan Parks and Open Space Commission, regional park agencies, municipalities, the National Park Service, and state partners to effectively collaborate on:

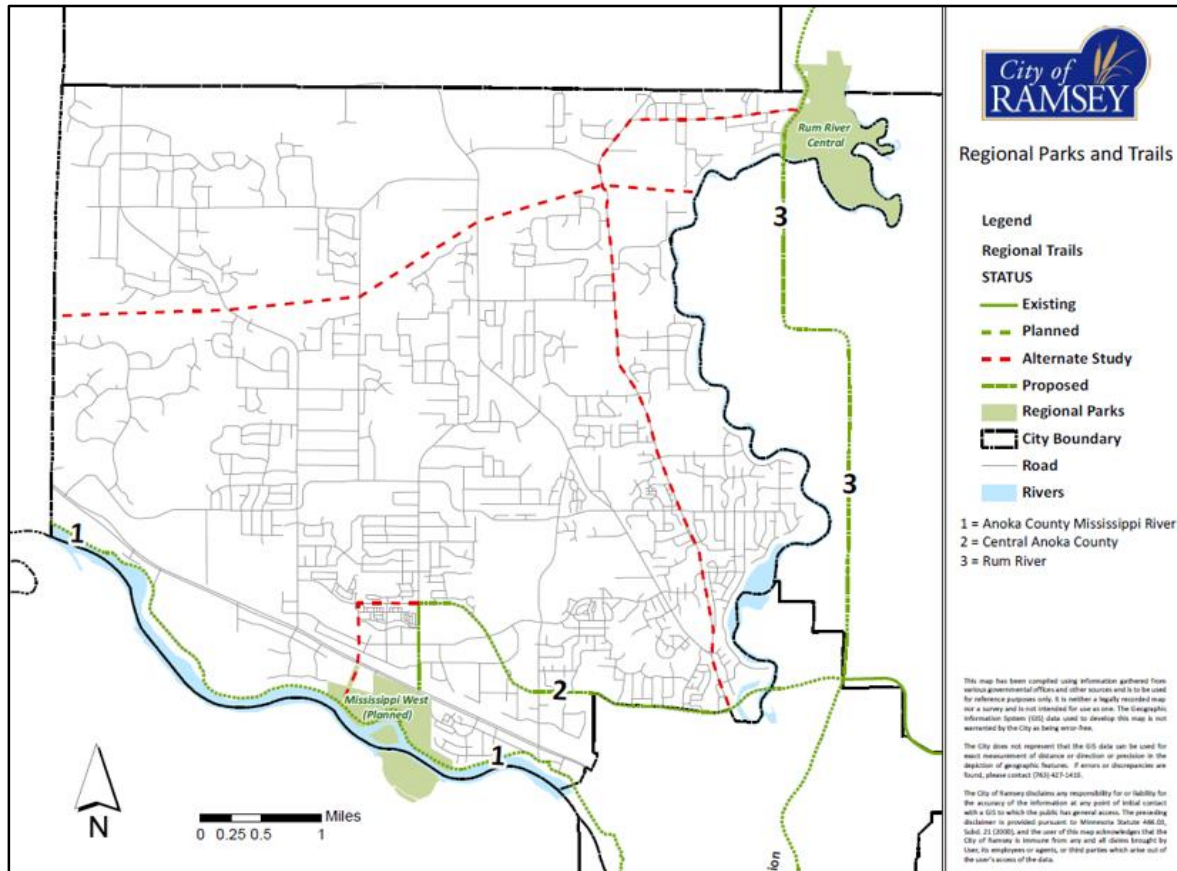
~ Expanding the Regional Parks System to conserve, maintain, and connect natural resources identified as being of high quality or having regional importance, as identified in the 2040 Regional Parks Policy Plan

~ Provides a comprehensive regional park and trail system that preserves high quality natural resources, increases climate resiliency, fosters healthy outcomes, connects communities, and enhances quality of life in the region

~ Promotes expanded multimodal access to regional parks, regional trails, the Mississippi National River and Recreation Area, and the transit network, and as such, strengthens equitable usage of regional parks and trails by all our region's residents - across age, race, ethnicity, income, national origin, and abilities



In concluding, the Alternate Alignment Study would explore moving this future connection/regional trail from Ramsey Boulevard to a connection point at the rail station (#2 from green to the red dashed line below).

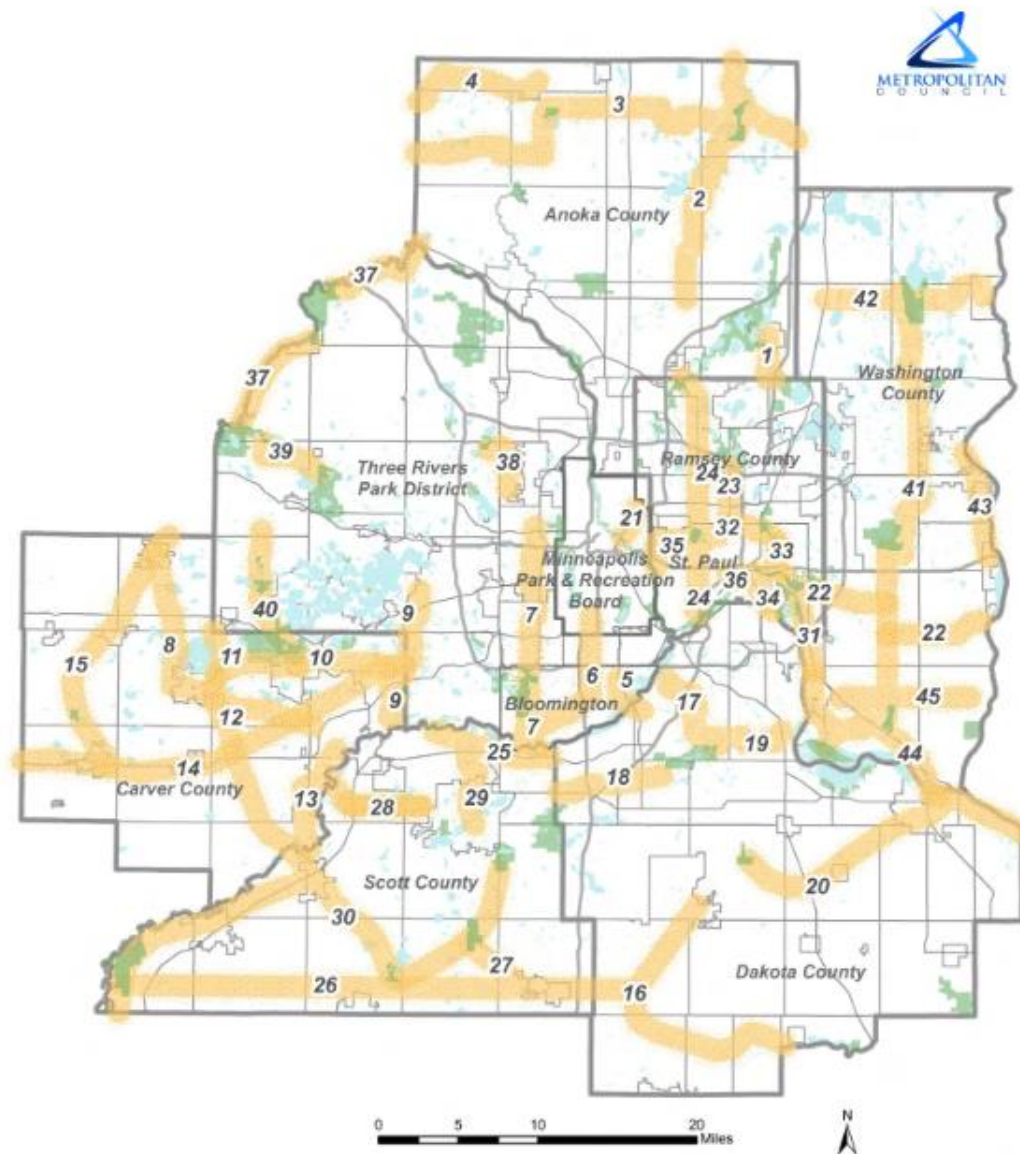


The proposed 2040 Regional Parks Policy Plan, Chapter Four: Policy and Strategies, cites, “Bicycle and pedestrian facilities should be coordinated between the Regional Parks System and the transportation system”. The proposal above meets this objective, and addresses the multitude of meaningful *Thrive Outcomes and Principles*.

Add the Trott Brook Greenway as a Regional Trail to connect Rum River Central Regional Park

The proposed 2040 Regional Parks Policy Plan, Chapter Three identifies 'Regional Search Corridors', including one entitled 'North Anoka County' generally designated as number three on Figure 3-9.

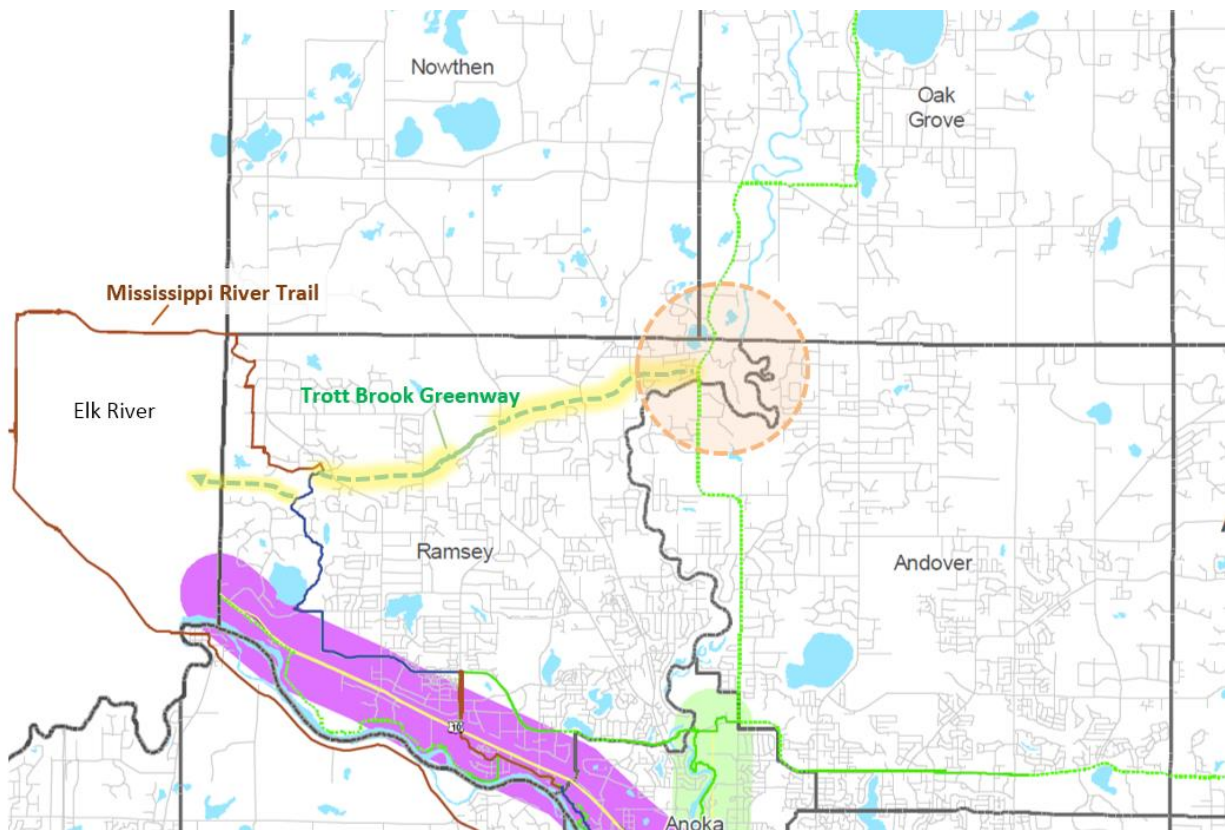
Figure 3-9. Regional Trail Search Corridor Map



The introduction of Regional Trails within Chapter 3 states: “...regional trails are selected to pass through or provide connections between components in the Regional Parks System. The regional parks and park reserves perform the important function of providing places for parking, comfort facilities and safe water supplies.

Trails also are selected for their ability to intersect with local trail networks, with the regional trails functioning much like regional highways that interconnect with more local arterials and local streets”.

In keeping with the above statement and intent; the west portion of Search Corridor 3 should be investigated to ascertain if it is prudent to connect to the only regional park in this area. By aligning the proposed, search area trail south to Rum River Regional Park, it also then intersects with the east/west Trott Brook Greenway. Additionally, this connects the Four-corner sub-regional center (depicted by the circle below) of Nowthen, Oak Grove, Andover and Ramsey to the Mississippi River Trail, a Regional Park, Wild and Scenic Rum River, and proposed Rum River Regional Trail.



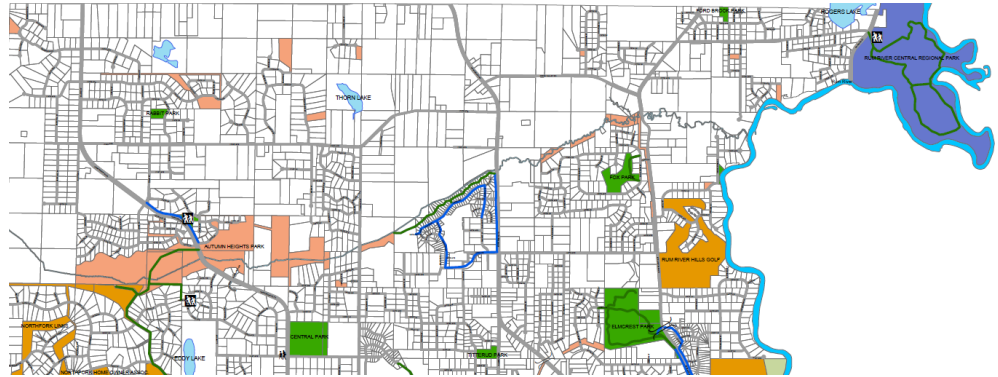


The quarter-mile Lake Itasca Boardwalk provides access to the stream

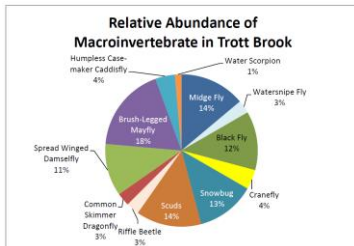


DNR electro-fishing at Trott Brook to survey existing fish populations

Significant tracts of land have been acquired along Trott Brook for the greenway and trail, including a \$500,000 investment by the Legislative Commission on Minnesota Resources for conservation and trail easements. Trott Brook runs west to east within the area below.



A proposal exists for habitat improvements and the stocking of trout within the brook – if this is found to be feasible, this would provide a rare opportunity in the Metropolitan area, and a unique recreational opportunity with significant tourism and favorable economic impacts. The MN DNR has placed data loggers in Trott Brook (2013) to collect the thermo profile of the stream to better understand the streams suitability as a fishery – and a report has identified the brook as potential as a trout fishing stream for the Metro. Trails and public lands along the brook are synergistic with fishing and multi-uses of the greenway.

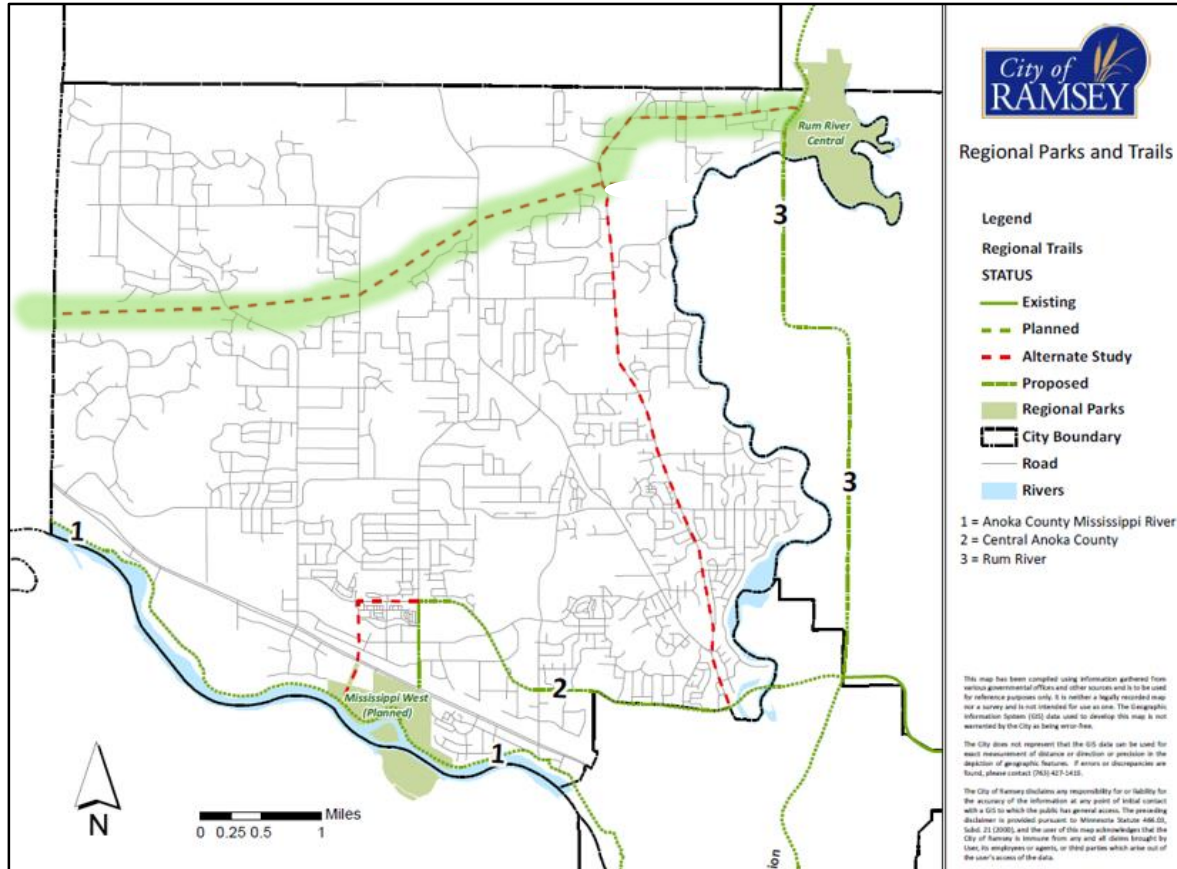


*Excerpt from the 22-page report: **Assessing the Ability to Bring Trout Fishing to the North Metro Area through Stream Quality Assessments and the Summarization of the Economic Impact of Anglers***



Fish sampling in 2012

In concluding, this proposal would recommend that the Trott Brook Greenway be considered as a Regional Trail, fulfilling the east/west Regional Search Corridor goals, as aligned generally and depicted below.



The proposed 2040 Regional Parks Policy Plan, Chapter Four: Siting and Acquisition – Strategy 3, cites, “New regional trails must serve a regional audience and provide connection between regional parks, park preserves, and regional trails without duplicating an existing trail.” The proposal above meets this objective, by connecting Rum River Central Regional Park to the proposed Rum River Regional Trail (west of the river, as described below) and does not duplicate an existing trail.

Moreover, by designating the Trott Brook Greenway as a regional trail, it will function as described by the Council “...two major types of trails to serve the region: 1) destination or greenway trails and 2) linking trails”. The trail would be destinational, and one significant linkage would be the Mississippi River Trail in Ramsey, with its connection to the west in Elk River and subsequent link to the Great Northern Trail.

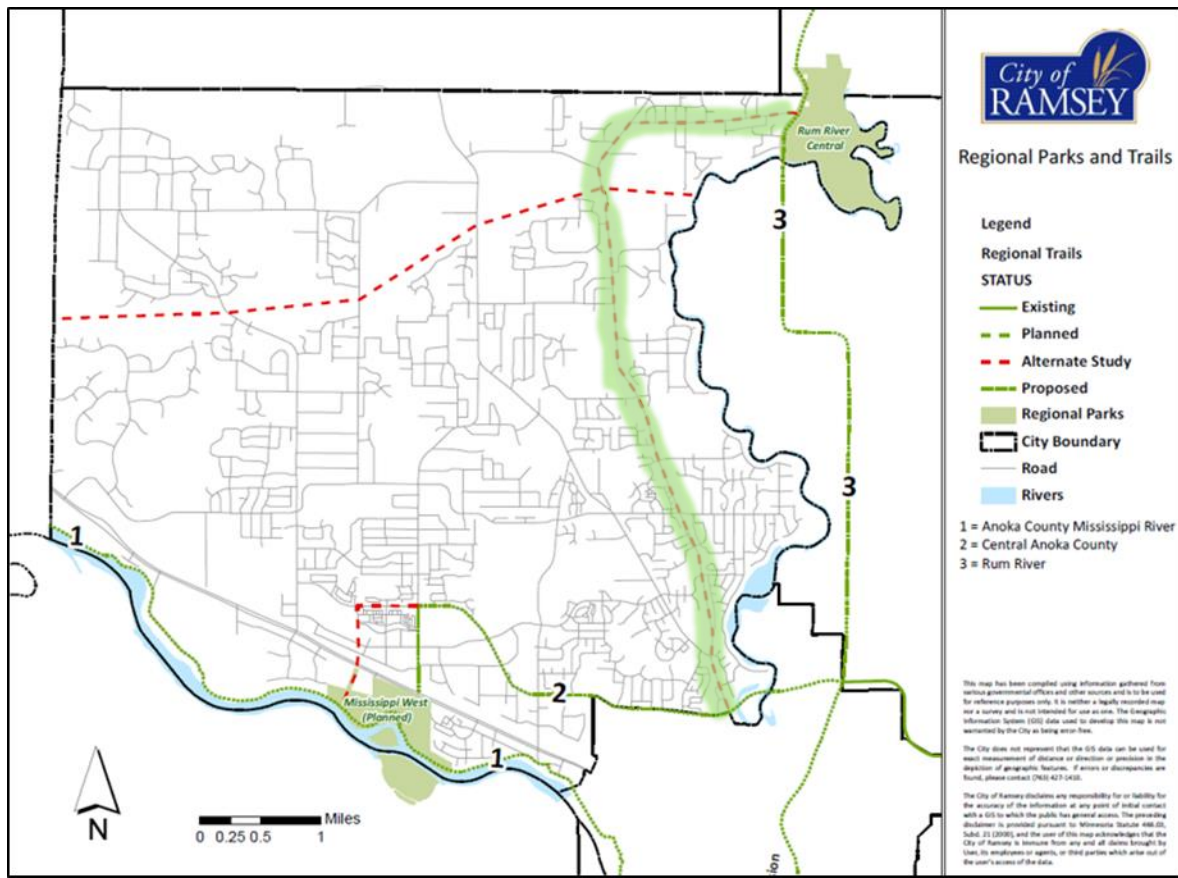


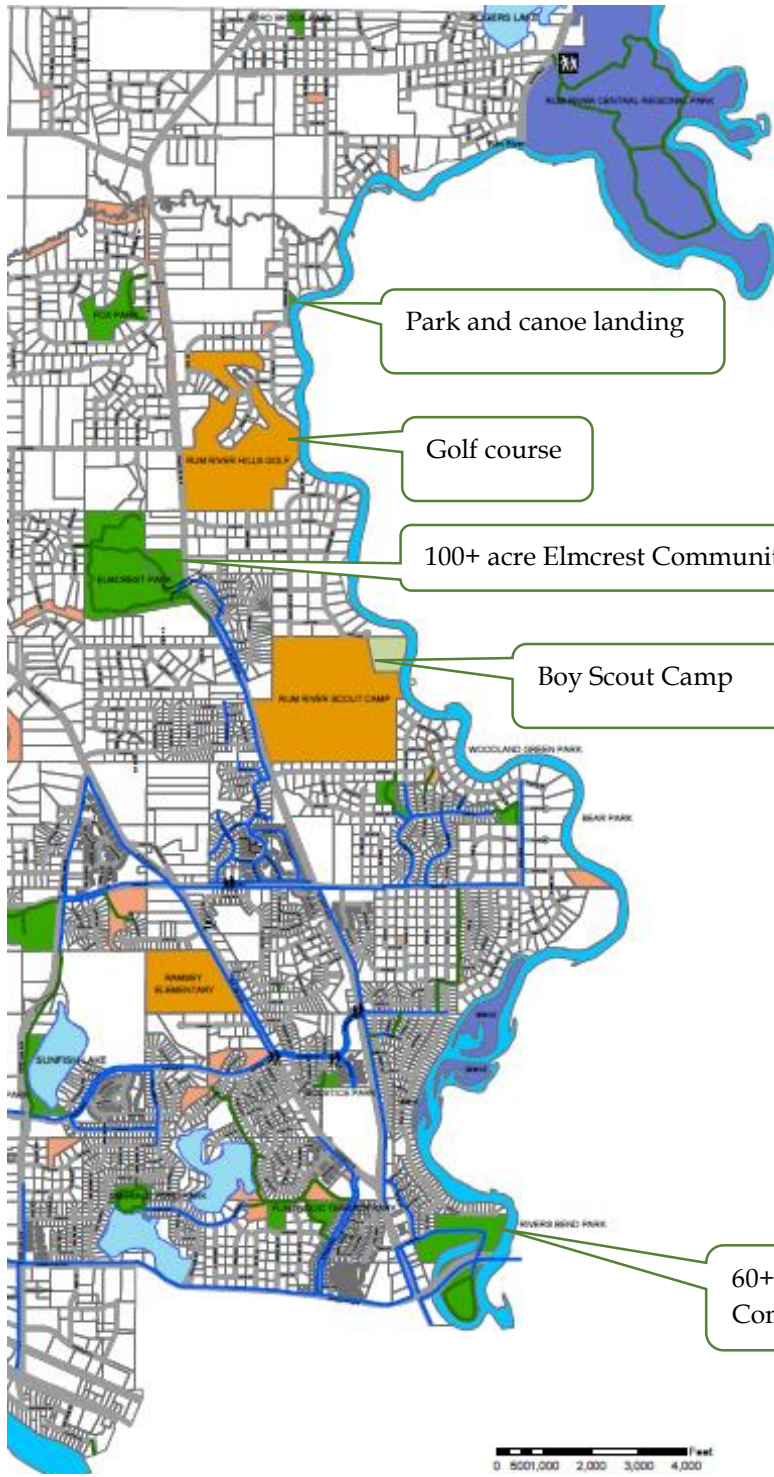
Boardwalk and bituminous trail within the Trott Brook Greenway

Consider Realigning the Rum River Regional Trail to the west side of the river corridor

The exhibit below identifies the proposed Rum River Regional Trail as number 3 between the Central Anoka County Trail (at Bunker Lake Boulevard) and Rum River Central Park. None of the trail is in place, and presumably the intention would be for it to be constructed in the ROW of CSAH #7. CSAH #7 does have striped bike lanes on each side however.

In that there is significant and continuous trail in place on the west side of the river in Ramsey, this proposal recommends an Alternative Alignment Study to see if it is in all jurisdiction's interest to shift the Rum river Regional Trail alignment to the west.





Park and canoe landing

Golf course

100+ acre Elmcrest Community

Boy Scout Camp

60+ acre Rivers' Bend Community Park

Legend	
Park_Map_symbols	trails
Map Symbols	Existing Trails
	Off-Road System
	On-Road (Within ROW)
	rightofway
	Park - Open
	TYPE
	PARKS
	OPEN SPACE/ TRAIL CORRIDOR
	PROPOSED PARK
	QUASI-PUBLIC
	REGIONAL

0 5001,000 2,000 3,000 4,000 Feet



Illustration of the new completed one million dollar Elmcrest Park Community Building with public restrooms



In addition to many more parks and recreation facilities on the west side of the Rum River than the east, there is an area of retail services (restaurants etc.) that are presently accessed by trails on both sides of T. H. #47 north of the Central Anoka County Regional Trail at Bunker Lake Boulevard.

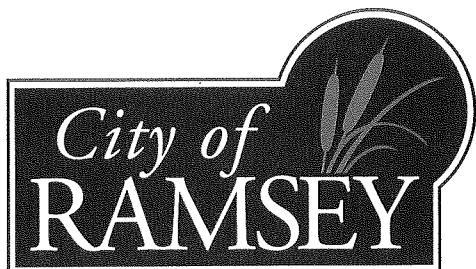
Within the **Linking Regional Trails** definitions in the 2040 Policy Plan, indicates that: “*Visitor origin data from the Council’s 2008 Regional Parks and Trails Survey indicate that regional trails in the metropolitan area are used most by people who live nearby or can reach the trail in a short bicycle trip or drive. Therefore, a priority is to develop more trail corridors in the Metropolitan Urban Service Area, where more than 90% of the population lives*”.



Ramsey has many thousands of residents in the Metropolitan Urban Service Area within 1.5 miles of the proposed, realigned Rum River Regional Trail, where in Andover conversely, there are few homes that are in the MUSA, and within 1.5 miles.

In concluding, the Alternate Alignment Study would explore moving this proposed regional trail from the east side of the river to the west (#3 from green to the red dashed line west of the Rum River above).

Catch and release Smallmouth fishing in the rain at Ramsey’s canoe landing



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City Hall: 763-427-1410 • Fax: 763-427-5543
www.ci.ramsey.mn.us

October 1, 2014

Re: City of Ramsey Review Comments – Draft 2040 Transportation Policy Plan

To whom it may concern:

Thank you for the opportunity to review the draft 2040 Transportation Policy Plan (TPP). Upon completing our review, the City of Ramsey offers the following comments for your consideration.

During our review the City did not identify anything in the draft 2040 TPP that significantly conflicts with the goals of the City. However, we feel the draft TPP may not accurately reflect growth forecasts for the area, and that the draft TPP does not focus enough on addressing project needs in the northwest metro, including projects needed on the U.S. Highway 10 corridor through the City of Ramsey to supplement existing conditions, current studies, and the Northstar Commuter Rail.

While the City understands the importance of investing in all modes of transportation, we feel the demand for infrastructure supporting the different modes varies significantly based on location and population densities. Due to our location in suburban Anoka County, we are focusing much of our transportation priorities on motorized modes of transportation, especially highways and freight. When considering that 75% of all intercity freight is moved by trucks on highways, we believe it is in the best interests of the City to place a higher priority on highways and freight to better support the region's economic sustainability. Until we are able to reduce congestion on Highway 10 to attract more employers to the City and the surrounding areas, the need for additional improvements to support non-motorized modes of transportation will be less than the need for improvements to support motorized vehicles.

The City of Ramsey has three primary regional transportation priorities as follows, which are listed below in order of priority.

1. U.S. Highway 10
2. State Highway 47
3. Future Mississippi River crossing between Ramsey and Dayton

The City's top regional transportation priority is to increase mobility and safety on Highway 10. In support of this goal, the City is working with the Minnesota Department of Transportation (MnDOT) and Anoka County to replace the existing at-grade intersection at Highway 10 and Anoka County State Aid Highway 83/Armstrong Boulevard with a grade-separated interchange. The City is also participating in the current Highway 10 Access Planning Study through the

cities of Anoka and Ramsey, including partnering with the City of Anoka, Anoka County, and MnDOT to prioritize and implement the numerous incremental small-scale improvement projects identified by the study to achieve more than 90% of the safety benefits at less than 50% of a full freeway conversion, the original vision for this corridor of Highway 10. And considering that much of this corridor of Highway 10 operates at Level of Service F during peak periods, implementing the identified incremental projects will significantly improve mobility and safety, and also benefit economic development in the region.

On a related note, we wish to thank the Metropolitan Council for supporting the Highway 10 Access Planning Study. However, we would like to encourage the Metropolitan Council and MnDOT to continue long-term planning and design efforts to provide future capacity improvements along this corridor of Highway 10. Again, we believe such improvements are necessary to support the region's economic sustainability.

The City's second regional transportation priority is to improve congestion and safety on Highway 47. In considering origins and destinations of many of Ramsey's future growth areas, it will become increasingly important to improve congestion and safety on Highway 47. The City is updating our transportation plan to support this goal, but it will take a partnership of the cities of Anoka and Ramsey, Anoka County, MnDOT, and the Metropolitan Council to address this difficult yet important transportation priority.

The City's third regional transportation priority is a future Mississippi River crossing to create a connection to the City of Dayton. Due to anticipated future growth, coupled with existing congestion on the river crossings on either side including the U.S. Highway 169 river crossing in the cities of Anoka and Champlin, and the Highway 101 river crossing in the cities of Otsego and Elk River, it will be important for the success of the area and the region from the perspective of affordable housing, life-cycle housing, economic development, and the inter-related connections between them all, to eliminate this existing barrier and allow for the creation of un-tapped economic development potential.

To help ensure that our regional transportation priorities (Highway 10, Highway 47, and a future Mississippi River crossing) can be achieved, continued coordination will be required between the Metropolitan Council, MnDOT, Anoka County, and the City of Ramsey. By properly aligning our plans in relation to these priorities, external funding can be more easily obtained.

The City of Ramsey is encouraged to see that the Highway 10 and Anoka County State Aid Highway 83/Armstrong Boulevard interchange project is identified in the draft TPP, as is the Highway 10 Access Planning Study. We were also encouraged to see the future Mississippi River crossing between Daytona and Ramsey discussed and supported in the draft TPP.

The City is also encouraged to see the draft TPP recognizes the issue of the growing number of trains carrying oil from the Bakken oil fields through the Twin Cities area. This is resulting in an increasing number of delays for the Northstar line, which has a station in Ramsey, and is a growing cause of concern for the City due to the safety concerns associated with the high volatility of the oil in the event of a derailment. Our local fire and police departments have also had to complete additional training to prepare for such an event.

The City of Ramsey appreciates the opportunity to comment on the draft 2040 TPP and hopes that the Metropolitan Council will continue to work with the City to address our concerns with infrastructure capacity, mobility and safety. Please note that our concerns with the population forecasts are not about our future land use vision, but rather how that vision relates to current infrastructure capacity, as well as future infrastructure investments and funding opportunities.

If you have any questions on these comments please feel free to call me at 763-433-9825, or email me at bwestby@cityoframsey.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bruce Westby".

Bruce Westby, P.E.
City Engineer

C: Kurt Ulrich, City Administrator
Tim Gladhill, Community Development Director

Regular Planning Commission

5. 8.

Meeting Date: 10/15/2015

By: Michael Healy, Community
Development

Information

Title:

Recieve Presentation on Housing Chapter of the Comprehensive Plan

Purpose/Background:

Staff will provide a brief presentation on the status of housing in Ramsey and how this relates to the housing chapter of the comprehensive plan. A copy of said chapter is attached for background.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

No action is being requested; this case is for informational purposes only. No amendments to this chapter are being recommended at this time.

Attachments

Housing Chapter

Form Review

Inbox

Tim Gladhill

Form Started By: Michael Healy

Final Approval Date: 10/09/2015

Reviewed By

Tim Gladhill

Date

10/09/2015 03:28 PM

Started On: 10/08/2015 01:12 PM

7. HOUSING PLAN

A. Introduction

History - The City of Ramsey has historically developed in a typical suburban fashion. In the 1970s, Ramsey's land was developed primarily as ramblers and split level housing on large, rural lots, with the exception of auto related commercial uses and some heavy industry.

Growth - Since 1985, Ramsey has had municipal sewer and water services available to the south-eastern part of the city. The relatively recent availability of these services, in addition to a continually growing and thriving metropolitan area, has sparked the interest of developers and metro area residents and workers. The City has begun a transition period of growth that is sometimes difficult to address. Developers are buying large tracts of land, requesting to connect to the available municipal sewer and water systems, and developing this land at higher densities than previously developed. This new urban development is oftentimes occurring directly adjacent to existing rural residential neighborhoods, which remain on individual septic systems.

Need to Establish a Plan – Due to increasing growth and changing development patterns from rural to suburban, the City and its residents need to determine how they want to develop in the future. A plan will help to provide for orderly, well-designed, and varied housing development that provides opportunities for all types of families and people of differing income ranges. In addition, the policy makers need to identify short and long term areas of growth and redevelopment that may require public facilitation and financial resources.

Purpose of the Plan - The Master Housing Plan (The "Plan") is intended to provide direction for future housing development in Ramsey as well as provide a vision for the City's neighborhoods as the community evolves and grows.

The plan includes a review of the existing housing stock, housing trends, and housing demand within the City as well as provides a variety of goals and objectives of the City and its Housing & Redevelopment Authority. The goals and objectives were identified through a series of discussions with stakeholders in the community as part of the Comprehensive Plan update process. This included feedback from housing partners and business leaders as well as Ramsey residents.

Not only does this housing plan state the realities and goals of the City, but it serves as a handbook of policy solutions to the challenges that Ramsey and similar communities face when deciding the future direction of the housing and population. Furthermore, it incorporates sources of funding available by local, state, and federal government agencies and other sources to achieve the stated goals of the community. This plan not only frames the housing issues and ideals, it answers the question of how to achieve these ideals.

B. Housing Supply

It is important to assess the current housing stock in order to determine how Ramsey residents’ housing needs are being met currently and into the future. Analyzing the existing housing supply informs decision-makers about what exists, the condition of housing, and what segments of the housing stock are already well-represented and which are under-represented. This section will describe the structure, tenure, quality, and affordability of the housing stock in Ramsey. These attributes will paint a picture of existing conditions, and, combined with housing demand information, will assist decision-makers in creating housing policies and programs.

Structure

As the table below illustrates, Ramsey consists of primarily single family, detached housing. However, over the past several years Ramsey has seen an increase in the development of townhomes and multifamily housing. Between 2000-2007, 60% of the new development was multifamily type housing such as townhomes. Table 1 indicates the mix of housing types by structure within Ramsey.

Table 7-1: Occupied Housing Units

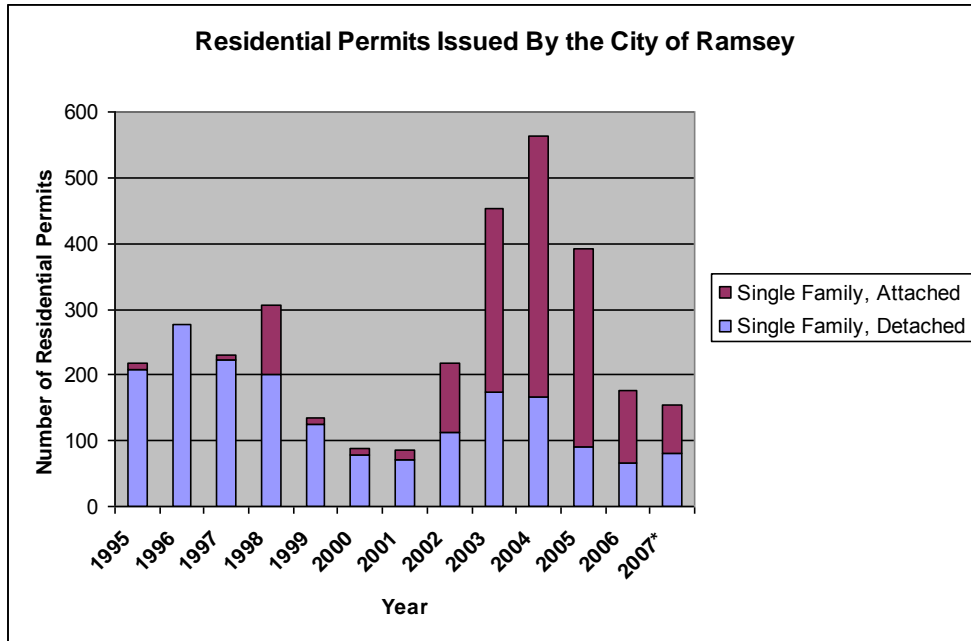
Type of Unit	Number	Percentage
Single Family, Detached	6,341	81%
Townhomes, Duplexes, Twinhomes	1,310	17%
Mobile Home Units	30	<1%
Apartment Units	114	1%
Total	7,795	100%

Source: Anoka County GIS Data, November 2007

In addition to existing housing units, there are many more units that have been approved by the City but are yet to be constructed. As of June 2007, there are 453 platted single-family lots that are currently unimproved. There are also 618 platted townhome lots that are unimproved. When constructed, the City will have a total of over 8,500 housing units, 19% of which will be townhomes.

In recent years, the City has been approving a larger variety of housing styles than in the past. The City of Ramsey has approved a larger number of townhomes since 2001, compared to earlier years. Single-family attached townhouses and rowhouses are gaining popularity in the market, and Figure 1 illustrates the shift in housing type between 2001-2004. While this recent increase in townhome development has contributed to the diversity of housing, Ramsey still consists of primarily single-family, detached homes. Permits for detached homes remain relatively steady over time, despite increases in other forms of housing.

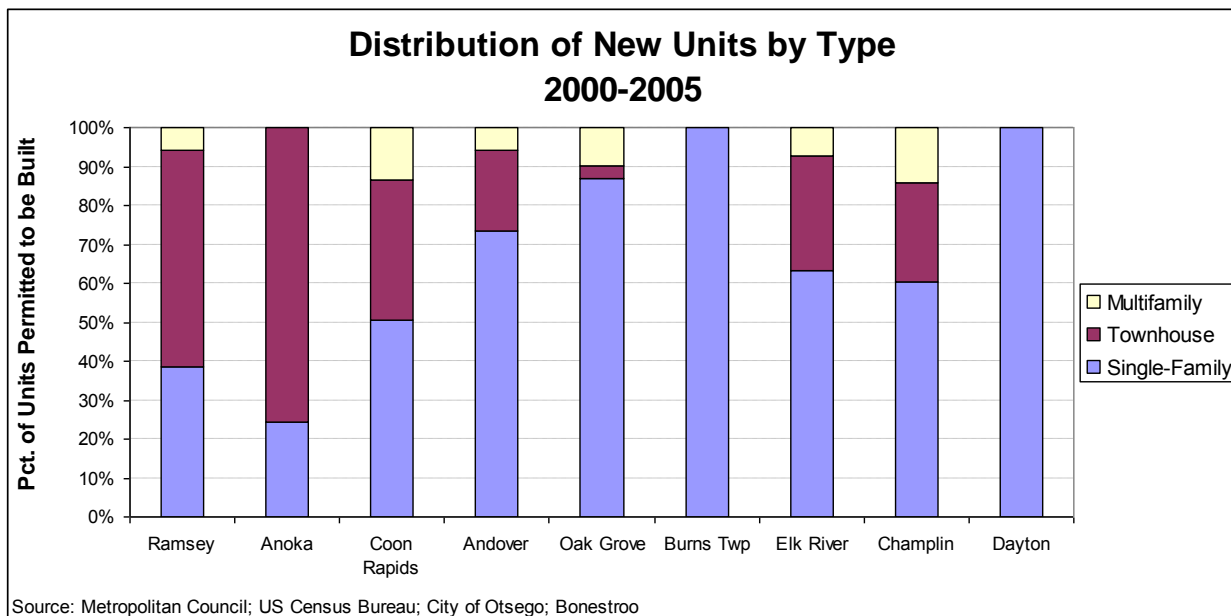
Figure 1: Permits Issued, by Type



Source: City of Ramsey, November 2007

Compared to other cities in the area for type of new units built between 2000-2005, Ramsey has the 2nd largest percentage of townhomes constructed.

Figure 2: Permits Issued in Surrounding Cities, by Type



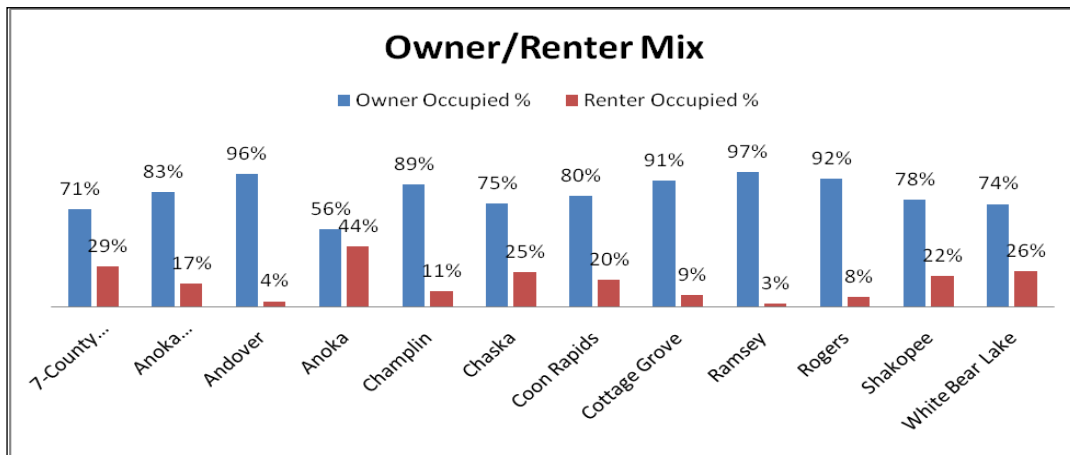
Source: Metropolitan Council; US Census Bureau; City of Otsego; Bonestroo

Tenure

As of 2007, there were approximately 300 rental units within Ramsey, or about 4% of the total number of housing units. In 2003, the City enacted a rental licensing requirement to ensure the quality of rental units and improve the ability of the City to track rental housing. This program tracks known units of rental housing within the City and conducts inspections every two years as a part of the licensure process. Of the 300 units, approximately one-third are located within apartment-style buildings. The remaining units are dispersed throughout townhome and single-family developments within the city.

Comparing the owner/renter mix of housing with other communities using 2000 census data, Ramsey’s housing is primarily owner-occupied (97%) with very few rental units. This is a substantially higher percentage than Anoka County which has 83% owner occupied units and 17% rental housing overall. Ramsey has a smaller percentage of rental housing than all except seven incorporated cities in the metropolitan area, according to the 2000 Census. However, many cities in the northwest metro have similar ownership-to-rental ratios. Andover, Lino Lakes, and Ham Lake have very little rental housing but compared to other similar cities, Ramsey has the smallest percentage of rental units. Currently, a 63 unit apartment building is being constructed called Terrace Hill. In the past several years there has been an increase in developer interest for sites to construct apartments and this trend is likely to continue particularly with the downturn in the housing market for ownership units. With only 4% of the total housing stock as rental, Ramsey is a strong market for new apartment living.

Figure 3: Owner/Renter Mix in Surrounding Communities



Source: 2000 Census

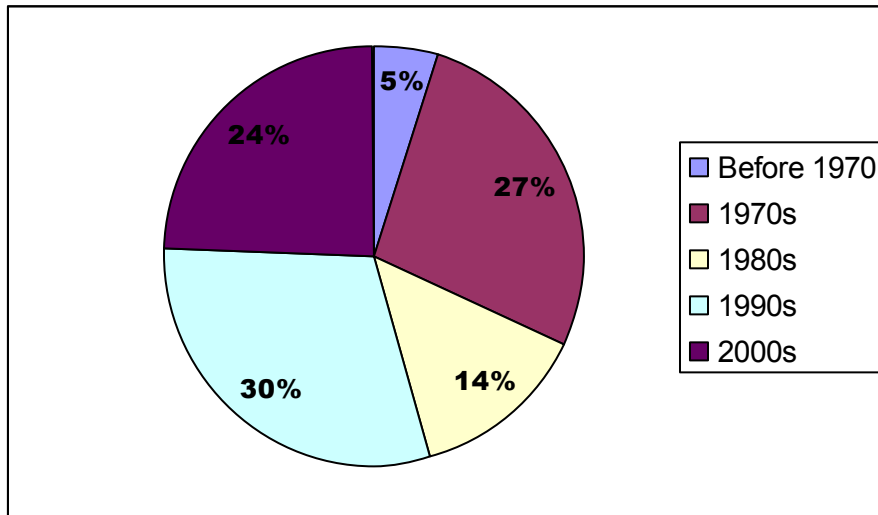
Why is Rental Housing Important?

Adequate opportunities for safe, decent and affordable rental housing are a key component of a balanced housing supply. There are many reasons why an individual and/or family choose to rent rather than own. Those choices may be short term due to financial issues (unable to afford a mortgage, need to save for a down payment, clear up credit issues), family issues (divorce, separation, job relocation) or social issues (disability, in-between home ownership, not secure in job, unsure on location preference). Also, many people choose a life of renting rather than owning due to income, transitional careers, traveling and aging. For all these reasons, a community should consider the benefits of providing a wide range of living choices which includes rental housing.

Housing Quality:

Quality is a crucial characteristic of the housing stock that oftentimes determines the marketability and affordability of a home. However, there are few measures of housing quality available for analysis within Ramsey. One factor that plays a role in the overall quality of housing is age. The following chart indicates the proportion of houses built in each decade since the 1970s.

Figure 4: Age of Housing Stock, By Decade

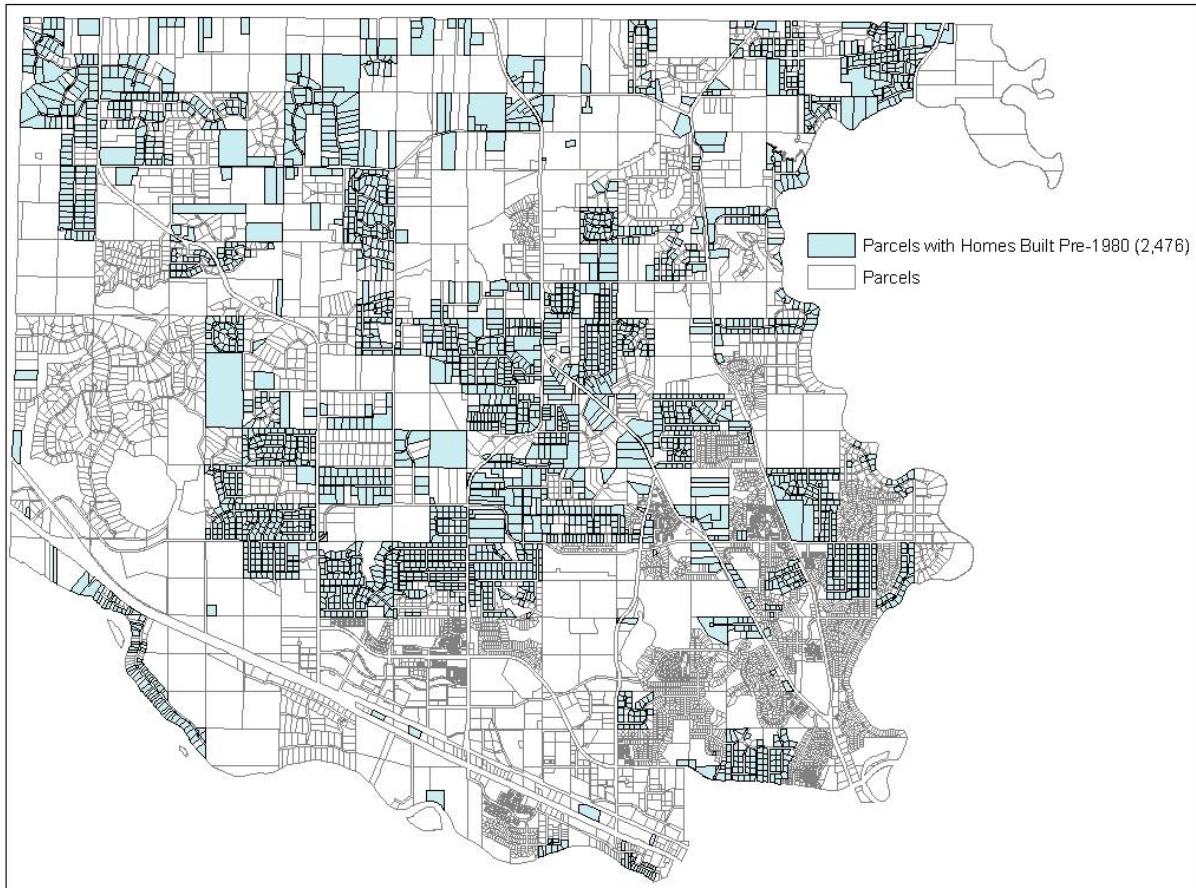


Source: Anoka County Property Tax Data, November 2007

About one-third of the housing in Ramsey was built in the 1970s or before. This suggests that some areas of the city are aging. The housing that was built before 1970 is scattered throughout the City, and lies on land that is unplatted or is part of the registered land survey conducted by Anoka County. Figure 5 provides a spatial representation of the older housing stock in Ramsey. Prior to 1970, there were no substantial subdivisions within the City limits. Between 1970 and 1980, many large-lot neighborhoods were developed, and the houses in these areas rely on septic systems and private wells.

Homes over 30 years of age require some level of maintenance and repair as well as modernization to remain positively valued. One of the most significant issues associated with neighborhood decline is the deferred maintenance of homes and street appeal or lack of modernization of the older housing stock.

Figure 5: Aging Housing in Ramsey



In addition to aging single family homes, the small percentage of rental housing in the City is aging. Keeping the rental housing stock maintained and fresh is just as important to the community as the single family housing stock.

Table 2: Age of Rental Complexes in Ramsey

Complex Name	Year Built	Number of Units
Rivers Bend	1991	32
Savannah Oaks	1998	50
Sunwood Rental Town Homes	2002	32

Source: City of Ramsey, 2007

Housing Cost: Ownership

One of the most important factors in analyzing the housing stock is its affordability. Up until recently, housing prices were increasing rapidly, and it was difficult to determine the true market value of housing. The County Assessor’s Office is the best source of current information available to cities to determine

housing values. Table 3 outlines the estimated market value of housing in Ramsey. The table breaks down this data according to different categories of affordability.

Table 3: Affordability of Ownership Housing in Ramsey

Affordability Level	Approximate Affordable Market Value*	Number of Houses at this Estimated Market Value**	Percentage of Ramsey Homes at This Level
Affordable at 30% of AMI**	Under \$70,000	22	.03%
Affordable at 60% of AMI	\$70,001 to \$152,000	250	3.3%
Affordable at 80% of AMI	\$152,001 to \$206,800	2,177	28.4%
Affordable at 100% of AMI	\$206,801 to \$250,000	2,740	35.8%
Affordable at Over 100% of AMI Only	Over \$250,000	2,464	32.2%

Source: Anoka County Property Tax Data, November 2007

* These affordable home prices are approximate, based on a household spending 30% of their income on mortgage and obtaining a mortgage interest rate of 6.5%, with no down payment.

**The median total housing value for 2007 is \$216,050 with the average total housing value at \$249,813.

**AMI is “area median income” and represents the median household income in the seven county metropolitan area. This is approximately \$78,500 in 2007.

About 28% of the market-rate, ownership housing stock in Ramsey is affordable to households earning 80% of Area Median Income (AMI), a common standard used in assessing the affordability of housing. However, there are considerably fewer homes (approximately 4%) available for lower income households in the 60% and 30% of AMI categories, as Table 2 indicates. Future (2011-2020) metropolitan area targets for affordable housing will focus on the lower income households making at or below the 60% AMI rather than 80% AMI.

Housing Cost: Rental

Although there are relatively few rental options in Ramsey, the majority of the rental housing is market-rate affordable. Table 4 represents the rental prices for Ramsey’s units. According to the Metropolitan Council’s “affordable rent” definition, 115 (52% of the total) of the rental units in Ramsey are affordable to a family earning 50% of the area median income.

Table 4: Rent Prices in Ramsey

	Number of Units	Rent Levels
Market-rate Senior	50	\$700-1,000
General Occupancy-Subsidized	33	\$700-1,000
Market-rate apartments	32	\$600-850
Market-rate townhomes	98	\$1,000-\$1,500
Market-rate Single Family	10	\$1,500
Total Rental Units	223	

Source: Maxfield Study, January 2006 & City of Ramsey 2005

Housing Foreclosures

Home foreclosures can have an impact on a neighborhood and community with deferred maintenance and vacant homes.

In 2006, Anoka County recorded 844 properties in foreclosure. Ramsey has a fairly small percentage of the County's foreclosed property 7% or 63 homes. However in the first half of 2007, the number of foreclosures in the county is above the total for 2006 at 863, with Ramsey having 66 properties (7.6% of the total).

What does this mean to Ramsey? It is possible that some housing values may decline and some homes may go unoccupied and not be maintained properly for a period of time, potentially putting additional burden on code enforcement staff and increasing the potential for neighborhood housing decline. These potential newly vacant homes could be an opportunity for affordable housing purchases. Conversely, the vacant homes may also attract investment buyers who in turn rent the homes for a short period until the market resurges. In a slow market, investment buyers tend to purchase homes of lower value (\$200,000 or less) and rent without additional investment in maintenance and/or cosmetic improvements.

Land Supply

Available land for development will have a large impact on housing supply and demand within Ramsey. "Available Land" can be defined in a variety of ways. By examining the larger parcels in Ramsey, we can determine the areas that may be under development pressure. Also, by examining building permit and subdivision trends, we can estimate how many more housing units will be built in the next few years.

In 2006, there were over 4,000 acres of parcels that are at least 10 acres in size and zoned residential. This provides a significant opportunity for residential development in the future. Of the 4,000 acres of large parcels currently in Ramsey, over 800 acres (20%) were subdivided OR began the subdivision process in 2005 and 50 acres (1.3%) in 2006. Recently, there has been a general slowdown of requests for subdivisions. In addition, many of the recent development inquiries include land for new rental housing.

In 2005, the City of Ramsey approved approximately 500 new residential lots through the subdivision process and in 2006 there was approval for 100 units. There are an additional 1,200 units that are in some stage of the approval process. This is an unprecedented amount of growth for the City, and compares to cities like Woodbury and Maple Grove in the amount of new residential lots.

Based upon household growth projections provided by the Metropolitan Council through 2030, Ramsey would need an additional 998 acres available for new housing which is 32% of the total acres available for subdivision. However, the 998 acres assumed that 67% is for low-density development and 33% is for median to high density development with the majority of the development occurring between 2010 -2020. This translates into a total of 6,085 units of which 2,000 would be low density single family units and 4,085 would be medium to high density multifamily housing units.

Metropolitan Council Livable Communities Act: Affordability Goals

In January of 2006, the Metropolitan Council released goals for the production of new affordable housing in the metropolitan region for the years 2011-2020. The goals focus on households earning at or below 60% of the AMI to more effectively target lower income households with limited financial resources. In 2007 dollars, a household of four with an income at or below 60% AMI earns up to \$47,100 and can afford to purchase a home at or less than \$152,000 or pay fair market rent up to \$1,177. This will be very difficult to achieve for ownership housing in developing suburbs such as Ramsey.

The Metropolitan Council has established a need for 1,140 new affordable housing units to be developed in Ramsey between 2011 – 2020 based upon existing growth projections. New affordable units are defined as

ownership or rental housing affordable to households earning at or below 60% AMI. According to the estimated growth needs for housing units between 2010-2030 as noted above, the City of Ramsey should strive to provide 28% of the 4,085 medium to high density multifamily housing units as affordable to meet the Metropolitan Council identified goals by 2020. According to the Metropolitan Council, the Update provides for an affordable housing need share of 669 units.

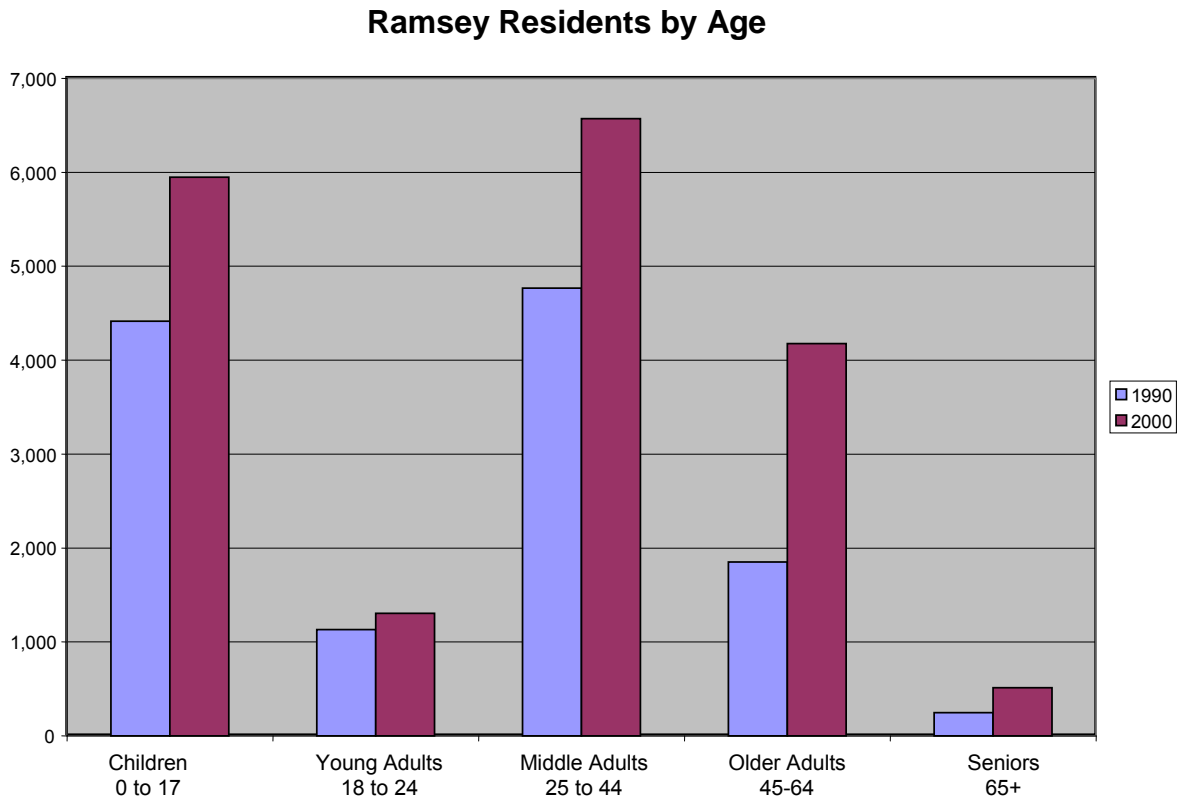
Considering that ownership housing would require a purchase price at or less than \$152,000 and rental properties would need to charge rent at or below \$1,177 for a family of four in 2007, Ramsey will need to consider a wide variety of housing options to achieve the Metropolitan Council's forecasted need. Those options will likely be additional rental housing and/or ownership multifamily or small lot housing that is developed in partnership with non-profit housing groups such as Habitat for Humanity and community land trusts.

C. Housing Demand

Age

The age structure of the population of Ramsey and surrounding areas will have an important impact on housing type, style, and price points that current and future residents will demand. It is important to examine the age distribution of current Ramsey residents because they will also affect demand for certain types of housing as their age and family composition changes. Figure 6 below shows the age of Ramsey residents, aggregated to examine “life cycle” categories. This chart shows that all age groups have gained population from 1990 to 2000. The categories of Children, Middle Adults, and Older Adults have shown the largest increases. The Senior and Young Adult categories increased only incrementally. The chart indicates that the largest categories had the highest percentage gains. The Older Adult category more than doubled in population from 1990 to 2000. This trend will continue as the Baby Boomers move into the 45 to 64 age category over the next 20 years.

Figure 6: Ramsey Residents within Life Cycles (Number)



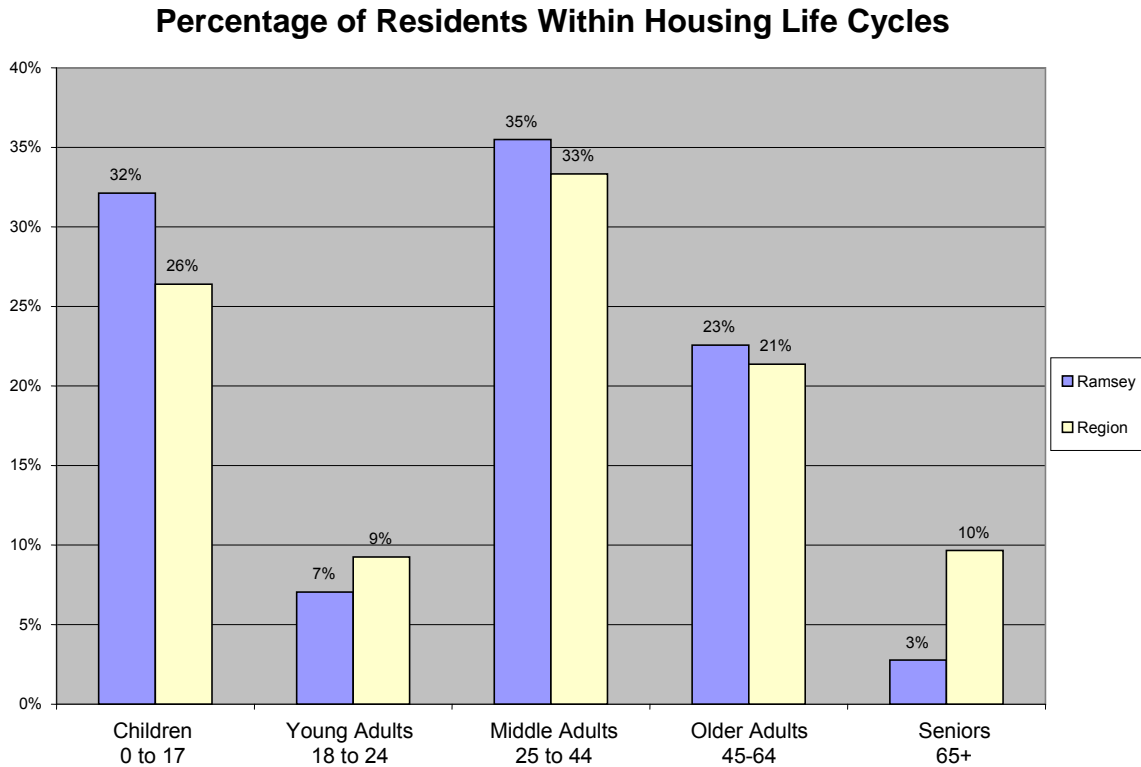
Source: 2000 US Census Data (aggregated)

This trend is typical of the metropolitan area, and will have a significant impact on the type of housing that will be in Ramsey in the future. Empty-nesters and pre-retirees often seek to downsize their living space and seek lower maintenance housing options. The demand for association-maintained and one-level living will only increase over the next twenty years in Ramsey as these age groups desire different housing styles. However, it is also important to remember that some empty-nesters and seniors will desire to stay in their existing home, and over time may require assistance to do so. Ramsey will need to continue diversifying its

housing stock in order to stay competitive in attracting new residents to the City, and retaining existing residents as they move into different life cycles.

Figure 7 indicates the differences between Ramsey and the overall metropolitan area. Ramsey has a substantially smaller percentage of seniors than the region as a whole, which could be attributed to the lack of housing options. This will change though as Middle Adults and Older Adults transition into older age categories – meaning that demand for lower-maintenance, more accessible housing will increase in the city.

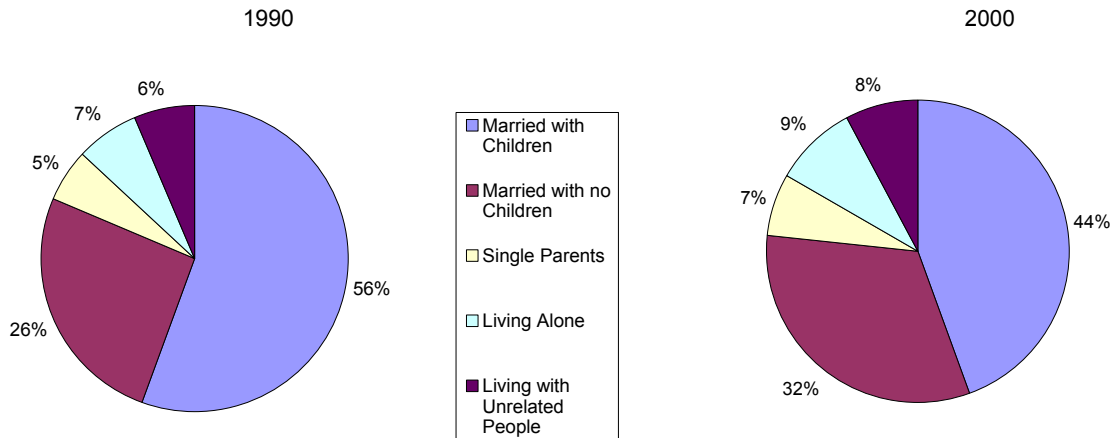
Figure 7: Ramsey Residents Within Life Cycles (Percentage)



Family Composition

In addition to age, family composition can provide clues as to the type of housing that will be needed by current and future residents of Ramsey. Figure 8 compares household composition in 1990 and 2000. In 1990, 61% of households had children. In 2000, this percentage had decreased to 51%. This decrease was attributable to the fact that the categories “non-family households” and “families with no children living at home” increased more than “families with children living at home.” However, there are still 809 more families with children living in Ramsey than there were in 1990, according to the 2000 Census. The number of family households with no children living at home doubled, representing an increase of 1,085 households. This indicates that while 50% of households are families with children, their share of the total number of households is decreasing. If these changes continue, Ramsey will have more childless households than families with children by 2010.

Figure 8: Household Composition



Income

The median household income in Ramsey in 2000 was about \$77,000, according to data obtained from the 2000 Census. This is higher than the metropolitan average. 10% of the ownership households and 30% of rental households in Ramsey are considered very low income by state standards. (State’s standards for very low income are households earning less than 50% of the Area Median Income, AMI) which is very similar to the County as a whole at 9% ownership and 28% renter households. Only 1.3% of the total households in Ramsey lives in poverty or earn less than 30% of the AMI which is well below the poverty rate in the County at 4.1% and the metropolitan region at 6.4%.

Job Growth and Economic Base

Ramsey is a middle class community with a growing commercial base and a continually increasing number of jobs. In 1997, a survey was conducted by Decision Resources, Ltd that provided statistically significant information concerning the demographics of Ramsey residents. The survey showed that 11% of those surveyed worked in Ramsey and 41% worked in Anoka County.

Between 1990 and 2000, the City of Ramsey almost doubled its employment, from 1,941 jobs in 1990 to 3,587 jobs in 2000. The average salary for a job in Ramsey is \$32,956 per year.

In addition, according to labor shed data prepared by Excensus, in the second quarter of 2001 there were 4,100 jobs in Ramsey and 19% (784) of those jobs were held by Ramsey residents with an average annual salary of \$36,750. Of those 784 jobs held by Ramsey residents 15% earned less than \$12,000 per year. These jobs are most likely part time and retail sector positions. Conversely, 52% of the jobs held by Ramsey residents pay more than \$35,000 annually.

It is projected that Ramsey job growth will exceed over 10,000 jobs in the next 20-25 years. If 20% of those jobs are held by Ramsey residents there will be approximately 2,000 jobs held by people who live in the community. Many of those job holders will attract new residents who will look for a variety of housing choices.

Housing Sustainability/Green Community Components

Housing conditions are an important factor that influences a community's health and well being. Green design and building practices can create healthier home and community environments through better indoor air quality, healthier building materials and the overall reduction of green house gases and the reduction of water and energy resources. In addition, green affordable homes are becoming an increasingly vital part of the new "sustainable city". Developing cities like Ramsey have an opportunity to provide housing policy and dedicate resources to become a green community through housing sustainability.

While researchers remain cautious, many public health professionals, and a growing number of affordable housing developers believe sufficient evidence exists to justify adoption of basic "healthy homes" practices to keep homes dry, clean, well ventilated.

The following are benefits of green building practices, as outlined by the national Green Communities group (<http://www.greencommunitiesonline.org/>).

Benefit #1: Healthier Indoor Environments

Building practices and materials that minimize moisture, provide proper ventilation, prevent pest infestation and avoid chemical and biological contaminants, protect parents and children against asthma, toxic poisoning, cancer and many other conditions caused or affected by housing construction.

Benefit #2: Energy Savings

High utility costs often impose a substantial financial hardship on low-income households, forcing many to make tradeoffs between heat or electricity and other basic necessities. A recent national study documented the brutal choices that poor families make when faced with unaffordable home energy bills. The study found that during the prior five years, due to their energy bills:

- 57 percent of non-elderly owners and 36 percent of non-elderly renters went without medical or dental care;
- 25 percent made a partial payment or missed a whole rent or mortgage payment; and
- 20 percent went without food for at least one day.

In addition, energy costs have increased much faster than incomes for low-income households in recent years. Today a family earning minimum wage pays more than four times as much a share of their income for energy as a median income household.

Benefit #3: Reduced Transportation Costs

Transportation costs consume a large share of low-income family incomes. A study of 28 metropolitan areas found that families with incomes between \$20,000 and \$50,000 spend an average of 40 percent of their income on transportation and an average of 28 percent on housing. More broadly, poorly planned development can isolate low-income people in distressed areas and make it harder to get to better schools and job opportunities.

Benefit #4: More Active Living

Oftentimes, the steps for healthier communities are very simple. Smarter site planning and development creates a sense of community, encouraging walking and providing access to parks and mass transit. Research suggests that people who live in sprawling areas walk less, weigh more and are more likely to suffer from high blood pressure.

Benefit #5: Wider Opportunities

Residents of green communities often have greater community interaction through walking access to mass transit, jobs, schools and local services. Green communities also can enhance low-income families' exposure to natural environments.

Building green policies into the Ramsey Master Housing Plan will benefit the community and establish Ramsey as a proactive sustainable city.

D. Housing Goals & Policies

Providing a balanced community with a variety of housing stock is essential to the future stability of a city in terms of property value, ability to attract quality commerce and industry and support the services of the city. The following housing goals were developed by the City's Housing & Redevelopment Authority (HRA) as a guide for providing direction regarding development and distribution of housing financial resources. The Ramsey City Council serve as the board of directors of the HRA and evaluated citizens comments and discussions surrounding Ramsey's current and future housing needs in framing these housing goals.

HOUSING GOAL #1:

Provide a variety of housing options for people at all life stages and income levels to encourage existing and future residents to stay in Ramsey throughout their lives and to achieve a balanced housing supply.

SUPPORTIVE FINDINGS:

- 1. Ramsey's population consists of primarily middle-aged adults and children.** Children (ages 0-17) and middle adults (ages 25-44) compose 67% of the total population, which is substantially higher than the region (58%). An additional 23% are older adults (ages 45-64). Only 7% of the population is young adults (18-24) and 3% are seniors (over 65). Compared with the region, Ramsey has a substantially lower percentage of young adults and seniors. However, the senior population shows the greatest difference. The region's senior population is 10% of the total population, while the senior population in Ramsey is only 3% of the total.
- 2. Despite increases in children and middle-aged adults, the percentage of households that are classified as families with children decreased from 61% of the total population to 51%.** This observation, combined with finding #1, indicates that the increase in children and middle-aged adults does not parallel the increase in the percentage of families in Ramsey. While the City is growing, and adding families, the percentage of the city defined as families with children is decreasing. This suggests that there is an increase in the number of families without children and middle-aged adults in non-family situations. This observation is important when assessing housing demand. It indicates that there is an increasing number and percentage of empty-nester households in Ramsey who may be exploring options to relocate, downsize, or age-in-place.
- 3. According to the market study conducted by Maxfield Research, the Ramsey Town Center provides the best market, land use, and shopping and transit opportunities for rental housing development.** The area of the City where Ramsey Town Center lies is zoned for the highest density in the City. Furthermore, there are still many parcels available for housing development and the master plan calls for the development of market-rate and affordable rental housing opportunities. Maxfield Research concluded, as part of their market analysis, that Ramsey Town Center is the best location for any rental housing within the community. The proximity to transit and shopping makes Ramsey Town Center an ideal location for young people, seniors, and others who rely on public transportation.
- 4. Ramsey is beginning to diversify its housing stock by developing alternatives to single-family housing, thus expanding options for residents of all income levels and lifestyles.** Reviewing the breakdown of the number of type of residential building permits issued in Ramsey since 1995 shows that the number of permits for single-family, detached housing has remained relatively steady, while the number of permits for townhomes has increased rapidly. This diversification contributes to Ramsey's housing goals.

5. **The price of existing single-family housing is affordable for the average family living in the metropolitan area.** According the Anoka County Assessor's records, in 2005 the mean market value for housing in Ramsey was about \$198,000. The average home price in 1990 was \$111,000, which results in an increase of 56% from 1990 to 2000. There are 3,765 (64% of total) homes in Ramsey that are affordable to households earning 80% of the Area Median Income (AMI). Furthermore, only 17% of Ramsey residents pay more than 30% of their income to housing costs. It must be noted, however, that the county assessor's estimated market value is usually below the true market value of property. This factor limits conclusions about the affordability of existing housing in Ramsey.
6. **The price of new single-family housing is increasingly unaffordable.** While the average home price in Ramsey is relatively affordable to a household earning the area median income (about \$76,000), the cost of new housing is substantially more expensive. The average market value of a home built between 1990 and 2005 is \$220,000, which is barely affordable to households earning the median income.
7. **Ramsey has very few alternatives to homeownership.** As of 2007, only 4% of the housing stock was rental. In the rental complexes there is very low vacancy rate and waiting lists for the senior rental complex. To have a balanced housing supply, affordable and market rate rental opportunities are essential.

IMPLEMENTATION STRATEGIES:

- 1) **Work toward developing various senior housing options including independent living, cooperatives, and assisted living facilities, both market rate and affordable.**
 - a. **Tactic-**Evaluate opportunities to provide Tax Increment Financing (TIF) for senior housing projects, such as Crest View Senior Communities' proposed project for the Ramsey Town Center.
 - b. **Tactic-**Pursue partnerships with non-profit developers of senior housing, such as Lord of Life, Anoka County, and others
 - c. **Tactic-**Continue to promote the Town Center as a neighborhood for residents of all ages, complete with amenities, multi-modal transportation options, recreation, and a variety of housing choices.
- 2) **Focus on providing choices for empty-nesters, including aging in place and downsizing, to allow the majority of current residents to stay in Ramsey.**
 - a. **Tactic-** Evaluate lot split programs to allow seniors to split off their lot for income generation and downsizing
 - b. **Tactic-** Consider the establishment of grant and/or loan remodeling programs to help seniors stay in their homes.
 - c. **Tactic-** Consider coordinating service programs that would assist seniors with yard work or other home improvement projects.
 - d. **Tactic-** Consider providing referral assistance to seniors looking to move to a smaller home within Ramsey or the surrounding areas.
 - e. **Tactic** – Investigate the feasibility and desirability of allowing accessory apartments in residential areas.
- 3) **Provide opportunities for young adults to continue to live in Ramsey after leaving their parents' homes by supporting the development of quality rental housing.**

- a. **Tactic**- Investigate the feasibility and desirability of allowing accessory apartments in residential areas.
 - b. **Tactic** – Verify through the 2008 Comprehensive Plan Update process that the City has sufficient land designated for the development of medium- and high-density residential development, to accommodate the construction of additional apartment buildings. This development should be focused within the Ramsey Town Center.
- 4) **Provide a balanced housing supply, with approximately 90% ownership housing and 10% rental housing, to expand options for workforce housing and housing for young professionals.**
- a. **Tactic** - Support the development of quality rental housing and a variety of affordable ownership housing options
- 5) **Continue to develop more affordable single family housing such as condominiums and small-lot single family homes.**
- a. **Tactic** - Support the development of quality rental housing and a variety of affordable ownership housing options
- 6) **Explore opportunities to attract executive level housing to provide a variety of housing choices and opportunities in the City.**
- a. **Tactic** - Identify development areas to adequately accommodate executive level housing
 - b. **Tactic** - Evaluate the costs and benefits of various housing types to ensure that there is a balance of housing choices

HOUSING GOAL #2:

Revitalize/rehabilitate areas where the housing is aging and in need of repair and where the land is underutilized.

SUPPORTIVE FINDING:

The housing in some areas of Ramsey is aging.

According to the Anoka County Assessor's records, 32% of the housing in Ramsey was built before 1980. While that is not a large percentage, the older housing is relatively concentrated in a few neighborhoods within Ramsey. Neighborhoods in the central portion of the city such as Pineview Estates, Greenland Hills, Whispering Pines Estates, Groham's Sandy Acres, Halland Acres, Woodland Green, Hall Anderson Acres, and Hall's Dover Acres are examples of areas where the housing is starting to show signs of age. Additionally, these areas were developed at a time before municipal services were available, and are characterized by large lot development, with lots ranging from 1 to 2 acres.

SUPPORTIVE FINDING:

There are several areas where the land is underutilized and could become redevelopment areas that positively contribute to the growth of the city.

The HRA has preliminarily identified several opportunity areas in the City as shown in Figure 9. These opportunity areas are key nodes for infrastructure improvements, new housing development within core transit areas of the city, or areas where the housing stock is aging and property owners may be interested in rehabilitation and/or redevelopment opportunities.

IMPLEMENTATION STRATEGIES:

- 1) **Encourage residents to upgrade the functionality and marketability of their aging housing, and put quality additions on as they need more space.**
 - a. **Tactic-** Consider the establishment of grant and/or loan remodeling programs to assist people in upgrading their homes.
- 2) **Provide options for residents to subdivide and/or hook up to municipal services, if they so choose.**
 - a. **Tactic-** Initiate a feasibility study, upon request from residents.
- 3) **Encourage redevelopment where land is underutilized**
 - a. **Tactic-** Identify and designate areas appropriate for redevelopment
 - b. **Tactic** – Prepare redevelopment plans
 - c. **Tactic** – Identify resources and partners to implement those plans.

HOUSING GOAL #3:

Maintain and improve the housing stock to preserve the character and quality of existing neighborhoods.

SUPPORTIVE FINDING:

The housing in some areas of Ramsey is aging. Similarly to Housing Goal #2, there are some homes and neighborhoods that will need rehabilitation in coming years. Also, in 2007 the City established an Abatement process that provides an additional tool for the City to use in addressing code violations and problem properties.

IMPLEMENTATIONS STRATEGIES:

- 1) **Encourage the development of homeowner’s associations or common interest communities for areas of older multifamily housing and new subdivisions of smaller lot neighborhoods.**
- 2) **Develop and maintain a close relationship with existing homeowner’s associations.**
 - a. **Tactic:** Increase communication by meeting annually with homeowner’s associations and maintaining an updated mailing list.
- 3) **Investigate the creation of a homeowner rehabilitation program, and increase marketing efforts for existing county and state home renovation programs.**
- 4) **Enhance code enforcement efforts.**
 - a. **Tactic:** Review and update Ramsey’s Housing Maintenance Code.
 - b. **Tactic:** Consider neighborhood sweeps that includes a proactive code enforcement and education effort on housing maintenance.
 - c. **Tactic:** Link code enforcement orders with home improvement funding.
 - d. **Tactic:** Consider code violation disclosure and/or required improvement prior to sale of existing homes particularly those homes that are going into foreclosure through a point of sale or truth in housing program.
 - e. **Tactic:** Increase education efforts surrounding code enforcement requirements and expectations.
- 5) **Educate Ramsey residents about the importance and value of maintaining their homes.**
- 6) **Partner with Anoka County to ensure that foreclosed homes that are vacant are maintained and secure.**
- 7) **Ensure that new housing developments provide appropriate density transition with existing established neighborhoods.**
- 8) **Update and enhance design standards for new developments and encourage housing construction that incorporates quality and diverse architecture.**
- 9) **Continue to administer the rental licensing program**

- a. **Tactic:** Improve the licensing and inspection process, and update City Code as needed.
- b. **Tactic:** Provide additional outreach to landlords on the requirements of the program.

HOUSING GOAL #4:

Provide a development environment that increases residential health and respects the natural environment.

SUPPORTIVE FINDING:

Ramsey is a developing community that will have an impact on the protection and improvement of the environment. According to the U.S. Department of Energy's Center for Sustainable Development, buildings consume 40% of the world's total energy, 25% of its wood harvest and 16% of its water. While researchers remain cautious, many public health professionals, and a growing number of affordable housing developers believe sufficient evidence exists to justify adoption of basic “healthy homes” practices to keep homes dry, clean, well ventilated. Some of the key benefits to encouraging green building and sensitive land planning include:

- lower electric and water utility costs
- environmentally effective use of building materials
- enhanced health and productivity
- long-term economic returns
- reduced environmental impact

IMPLEMENTATIONS STRATEGIES:

- 1) Encourage development that incorporates environmentally sensitive site planning, resource efficient building materials and superior indoor environmental quality practices.
 - a. **Tactic:** coordinate policies within the land use section of the comprehensive plan update that will include specific code amendments
 - b. **Tactic:** educate residents on environmental issues and the financial impacts of implementing sustainability within the home
- 2) Evaluate additional sustainability standards, such as Minnesota Green Star Certification or LEED, for the Ramsey Town Center.
- 3) Encourage housing development that incorporates connections to existing pathways and creates natural and safe walkable areas.
- 4) Develop partnerships with utilities, banks and green building experts to develop financial incentives for incorporation of green building technologies.
- 5) Evaluate the cost and benefits of incorporating geothermal heating within new and existing housing developments.
 - a. **Tactic:** create a geothermal prototype to present to housing developers
 - b. **Tactic:** create a deferred loan program for households that incorporate geothermal heating within scattered site housing development and renovation.
 - c. **Tactic:** evaluate zoning and building codes to ensure that geothermal heating can be implemented with no additional permitting costs

E. Housing Financial Resources

Providing an adequate amount of funding to assist in the implementation of the HRA Master Housing Plan is an ongoing issue. The following are several options that the HRA can access either through their own power or with the support of and marketing of existing programs to assist in the maintenance of the housing stock, development of affordable housing and encouragement of green building and energy efficient home building and renovation. The HRA evaluates the use of the tools to support the housing goals and to enable the success of the implementation strategies.

HRA Financing Tools

1. **HRA Levy Funds** - Per Minnesota Statutes 469.033, Subdivision 6, an HRA has the authority to levy a special tax upon all taxable property within the City boundaries specifically to fund the purposes of the housing plan within that City. The maximum HRA levy is equal to .0144 percent of taxable market value. The HRA levy is spread across all property owners including commercial and industrial properties. Any HRA levy funds must be expended only for the purposes of sections 469.001 – 469.047 and only through the authority of the HRA Board and with signature of the authorize representative. The HRA levy must be requested annually and approved by a majority vote of the City Council.
2. **Tax Increment Financing** - The HRA has the authority, with the City support, to provide TIF assistance to achieve its housing and redevelopment plans. TIF uses the increase in property taxes resulting from new development to finance qualified public improvement costs related to that development. It is this increase or difference between the current property tax on a parcel of land and the estimated property tax after development that is the tax increment. When TIF is used for a housing project, state law requires that a certain percentage of the units be made affordable for the life of the TIF district (typically 20-25 years). The HRA will consider the support and use of TIF for projects that meet the objectives of the Housing Master Plan and are consistent with the City of Ramsey TIF policies. However, each project will be reviewed individually and only on its ability to meet the statutory requirements
3. **Anoka County HRA Funds** – The County Housing & Redevelopment Authority levies a special tax upon all taxable property within communities that participate in their program. The City of Ramsey is a participant in the Anoka HRA’s programs and has approximately \$700,000 available funds to be used for housing & redevelopment authority purposes. Of the \$700,000, \$300,000 is earmarked for the ACCAP rental housing project at the request of the City. In addition, approximately \$200,000 per year is available to the City of Ramsey for HRA eligible projects. The City can access these funds through a request to the County regarding the potential use of funds. The County is generally supportive of requests from local communities that participate in their levy as long as the use is an HRA eligible project.

Non-HRA Funded Financial Resources Available to Ramsey Residents

1. Housing Improvement Programs:

- a) **Minnesota Housing Fix-Up Loan Program** - low interest rate loans to qualifying homeowners. The Fix-Up Fund was established to improve the basic livability and/or energy efficiency of the borrower's home
- b) **Home Rehab Loan Program** – Up to \$15,000 in zero interest deferred payment and interest loan funds provided by Anoka County Community Development Block Grant for necessary home

improvements. The program is available for low-income households and is administered by the Housing Resource Center North Metro at 651-481-7401.

2. Homebuyer Programs:

- a. **First Time Homebuyer Low Interest Loan Program** – administered by the County and Financed by Minnesota Housing. Low interest first mortgages provided to first time homebuyers within Anoka County.
- b. **Down Payment Assistance** – Administered by ACCAP, the program is designed to help first time homebuyers purchase homes more affordably by providing deferred loans that can be used for down payment assistance. Eligible buyers may qualify for up to \$5,000 with 0% interest to bring their monthly housing costs down to 30% of income. The principle only mortgage must be repaid when the property is sold.
- c. **Family Assets for Independence in Minnesota (FAIM II)** – Administered through ACCAP for Anoka County residents the program enables persons with a low-wage job to build assets through long-term savings. Each participant commits to 12 hours of financial management educational workshops. Participants deposit a portion of their income into a Family Asset Account that generates a 3:1 match in this program. Up to \$120 a month is the maximum match amount for an eligible FAIM participant if they deposit up to \$40.00 into their account. The account can be used only to buy a home, higher education expenses, or to begin a small business.
- d. **Habitat for Humanity** - Habitat for Humanity forms a partnership with families that need and want decent housing and are willing to build or renovate housing. Habitat is a national model for increasing affordable home ownership through a series of financing and educational methods and has been implemented with success in the City of Ramsey.
- e. **Community Land Trust** - A community land trust model of financing provides affordable housing on a long-term basis. The homeowner owns the house but the community land trust owns the land underneath the house and provides the homeowner with a 99-year, renewable ground lease. A resale clause helps to ensure affordability of the unit for the long term. The initial subsidy in the project can then be retained and applied to subsequent buyers, while also rewarding homeowners with equity and a portion of the market value increase, allowing them to eventually move into market rate housing. This method has been implemented successfully within many counties throughout the metropolitan area. Currently there are no available land trust entities within Anoka County. However, the Ramsey HRA may find this method desirable to meet their affordable housing goals and could encourage Anoka County to pursue the establishment and/or funding of a Community Land Trust within the County.

3. Foreclosure Prevention

- a) **Prevention Counseling & hotline provided by ACCAP for Anoka County residents – 763-783-4747.**

4. Energy Assistance

- a) **MN Energy Loans** - low interest (6.625%) fixed rate loan up to \$35,000 for energy improvements administered by the Neighborhood Energy Center - 651-221-4462 x132. Household income must be less than \$89,000. An energy audit is required and typical improvements might include air conditioning replacement, furnace replacement, kitchen & bath fans, new windows, insulation, water heater replacement, hard-wired lighting and weatherization. The program will also fund renewable

energy systems such as geothermal heating/cooling, solar water heaters and photovoltaic/solar electric.

- b) **Weatherization Program** – Administered by ACCAP, the Weatherization Program provides energy saving improvements to income-qualified households of the Energy Assistance program. Priority is given to the elderly, disabled, and/or high fuel consumption households. An auditor inspects the home, furnace and water heater to determine if weatherization work is required. This program helps residents conserve energy, lower their monthly utility costs, and helps to make the home more comfortable.
- c) **Energy Rebates** – various utility rebates provided for installation of energy efficient systems and appliances provided by Connexus Energy. Additional information on the rebate program can be provided by Connexus customer service department at 763-323-2650.
- d) **Energy Audits** – online audit and guidance on performing your own audit to reduce utility costs provided by Connexus Energy. Access to the energy audit information can be provided at the Connexus website at <http://www.connexusenergy.com/energyaudit.htm>
- e) **Federal Energy Star Tax Credit** – Federal tax credits are available for many types of home improvements including adding insulation, replacement windows, and certain high efficiency heating and cooling equipment. The maximum amount of homeowner credit for all improvements combined is \$500 during the two year period of the tax credit. This tax credit applies to improvements made to your primary residence from January 1, 2006 through December 31, 2007. If you are building a new home, you do not qualify for the tax credits for "eligible building envelope components" (windows, doors, insulation, roofs) or "qualified energy property" (HVAC & non-solar water heaters). However, the tax credit for photovoltaic's, solar water heating, and fuel cells is available for homeowners building new homes. Access to the Federal Tax Credit information can be found at the Federal Energy Star website at http://www.energystar.gov/index.cfm?c=products.pr_tax_credits
- f) **Minnesota GreenStar Certification** – Minnesota GreenStar is a new program that offers green certification for new home construction and home remodeling. The benefits include mortgage and home equity rate discounts, rebates on building materials and products, tax credits, preferred utility rates and preferred homeowner and health insurance rates. For more details regarding the program visit <http://www.mngreenremodeling.com/>

Regular Planning Commission

6. 1.

Meeting Date: 10/15/2015

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: 10/09/2015

Reviewed By

Tim Gladhill

Date

10/09/2015 09:25 AM

Started On: 10/06/2015 10:25 AM

Zoning Bulletin

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Fair Housing Regulations/ Discrimination—Nonprofit corporation sues state housing agency, contending allocation of low-income housing tax credits had disparate impact in violation of fair housing act

Contributors

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State agency contends disparate-impact claims are not cognizable under the Fair Housing Act

Citation: *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015)

The United States Supreme Court has jurisdiction over all federal courts and over state court cases involving issues of federal law, plus original jurisdiction over a small range of cases.

NATIONAL (06/25/15)—This case addresses the issue of whether disparate-impact claims are cognizable under the federal Fair Housing Act. In other words, the case addresses the issue of whether, under a proper interpretation of the Fair Housing Act, housing decisions (including zoning actions) with a disparate impact are prohibited.

The Background/Facts: The Federal Government provides low-income housing tax credits that are distributed to developers by designated state agencies. In Texas, the Department of Housing and Community Affairs (the “Department”) distributes the credits. The Inclusive Communities Project, Inc. (the “ICP”), a Texas-based nonprofit corporation that assists low-income families in obtaining affordable housing, sued the Department and its officers in federal district court. The ICP brought a disparate-impact claim under §§ 804(a) and 805(a) of the federal Fair Housing Act (the “FHA”).

Under § 804(a) of the FHA, it is unlawful to “refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to a person because of race” or other protected characteristic. Under § 805(a), it is unlawful “to discriminate against any person in” making certain real-estate transactions “because of race” or other protected characteristic.

The ICP alleged that the Department and its officers had, in violation of those sections of the FHA, caused “continued segregated housing patterns by allocating too many tax credits to housing in predominantly black inner-city areas and too few in predominantly white suburban neighborhoods.” The ICP argued that the Department had to modify its selection criteria in order to encourage the construction of low-income housing in suburban communities.

Relying on statistical evidence, the District Court concluded that the ICP had established a prima facie (i.e., on its face) showing of disparate impact. In so concluding, the District Court assumed that the Department’s proffered nondiscriminatory interests in distributing the tax credits were valid, but found that the Department failed to meet its burden to show that there were no less discriminatory alternatives for allocating the tax credits. The District Court thus ruled for ICP. The District Court ordered that the Department add new selection criteria for the tax credits.

The Department appealed. It argued that disparate-impact claims are

not cognizable under the FHA (i.e., not within the jurisdiction of the FHA; not able to be brought under the FHA).

While the Department's appeal was pending, the Secretary of Housing and Urban Development ("HUD") issued a regulation interpreting the FHA to encompass disparate-impact liability. HUD's regulation also established a burden-shifting framework for adjudicating such claims. Under that framework, a plaintiff bringing a disparate impact claim, such as ICP here, would first need to prove that a challenged practice (e.g., here, the Department's allocation of tax credits) caused or predictably will cause a discriminatory effect. (24 CFR § 100.500(c)(1).) If a statistical discrepancy is caused by factors other than the defendant's policy, a plaintiff cannot establish a prima facie case, and there is no liability. After a plaintiff does establish a prima facie showing of disparate impact, the burden shifts to the defendant to "prov[e] that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests." (24 CFR § 100.500(c)(2).) Once a defendant has satisfied its burden at step two, a plaintiff may "prevail upon proving that the substantial, legitimate, nondiscriminatory interests supporting the challenged practice could be served by another practice that has a less discriminatory effect." § 100.500(c)(3).

The United States Court of Appeals for the Fifth Circuit held that disparate-impact claims are cognizable under the FHA. On the merits, however, the Court of Appeals reversed the District Court's judgment and remanded the matter. Relying on HUD's regulation, the Court of Appeals held that it was improper for the District Court to have placed the burden on the Department to prove there were no less discriminatory alternatives for allocating low-income housing tax credits.

The Department filed a petition for a writ of certiorari on the question of whether disparate-impact claims are cognizable under the FHA. The Supreme Court of the United States granted certiorari (and heard the case).

DECISION: Judgment of United States Court of Appeals for the Fifth Circuit affirmed, and matter remanded.

The Supreme Court of the United States held that disparate-impact claims are cognizable under the FHA. In other words, the court held that, under the FHA, housing decisions with a disparate impact are prohibited. Importantly, the court noted that "[s]uits targeting unlawful zoning laws and other housing restrictions that unfairly exclude minorities from certain neighborhoods without sufficient justification are at the heartland of disparate-impact liability."

In so holding, the court looked at the history and enactment of the FHA and its amendments. It also looked to two other antidiscrimination statutes for guidance—§ 703(a)(2) of Title VII of the Civil Rights Act of 1964 ("Title VII") and § 4(a)(2) of the Age Discrimination in Employment Act of 1967 ("ADEA"). The Supreme Court had found under prior

case law, that each of those statutes authorized disparate-impact claims. In those cases, the court had held that “antidiscrimination laws should be construed to encompass disparate-impact claims when their text refers to the consequences of actions and not just to the mindset of actors, and where that interpretation is consistent with statutory purpose.”

Looking at § 804(a) of the FHA—which again states that it is unlawful to “refuse to sell or rent . . . or otherwise make unavailable or deny, a dwelling to a person because of race” or other protected characteristic—the court found that the “results-oriented phrase ‘otherwise make unavailable’ ” referred to the consequences of an action rather than the actor’s intent. The court also found that phrase was equivalent in function and purpose to similar phrasing found in Title VII and the ADEA.

The court also found that interpretation of the FHA text was consistent with its statutory purpose—to eradicate discriminatory practices in the Nation’s housing sector. The court concluded that “[r]ecognition of disparate-impact liability under the FHA plays an important role in uncovering discriminatory intent: it permits plaintiffs to counteract unconscious prejudices and disguised animus that escape easy classification as disparate treatment.” “These unlawful practices,” said the court, “include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”

In its decision, the court also highlighted, however, the need to properly limit disparate-impact liability “to avoid serious constitutional questions that might arise under the FHA” (e.g., if such liability were imposed based solely on a showing of a statistical disparity). The court said that “[a]n important and appropriate means of ensuring that disparate-impact liability is properly limited is to give housing authorities and private developers leeway to state and explain the valid interest their policies serve.” Thus, a disparate-impact claim relying on a statistical disparity must fail if the plaintiff cannot point to a defendant’s policy or policies causing that disparity, said the court. The court provided further guidance on disparate-impact liability stating that: policies, whether governmental or private, “are not contrary to the disparate-impact requirement unless they are ‘artificial, arbitrary, and unnecessary barriers,’ ” and noting that when disparate-impact liability is found, remedial orders of courts “should concentrate on the elimination of the offending practice,” with race-neutral remedies (as opposed to remedial orders that impose racial targets or quotas, which might raise difficult constitutional questions).

The Supreme Court affirmed the judgment of the Court of Appeals for the Fifth Circuit and remanded the matter for further proceedings consistent with the Supreme Court’s opinion.

See also: *Griggs v. Duke Power Co.*, 401 U.S. 424, 91 S. Ct. 849, 28 L. Ed. 2d 158, 3 Fair Empl. Prac. Cas. (BNA) 175, 3 Empl. Prac. Dec. (CCH) P 8137, 88 Pub. Util. Rep. 3d (PUR) 90 (1971).

See also: *Smith v. City of Jackson, Miss.*, 544 U.S. 228, 125 S. Ct. 1536, 161 L. Ed. 2d 410, 95 Fair Empl. Prac. Cas. (BNA) 641, 86 Empl. Prac. Dec. (CCH) P 41882 (2005).

See also: *Ricci v. DeStefano*, 557 U.S. 557, 129 S. Ct. 2658, 174 L. Ed. 2d 490, 106 Fair Empl. Prac. Cas. (BNA) 929, 92 Empl. Prac. Dec. (CCH) P 43602 (2009).

Case Note:

In its decision, the court noted that “it would be paradoxical to construe the FHA to impose onerous costs on actors who encourage revitalizing dilapidated housing in our Nation’s cities merely because some other priority might seem preferable. . . .” “Zoning officials,” noted the court “. . . must often make decisions based on a mix of factors, both objective (such as cost and traffic patterns) and, at least to some extent, subjective (such as preserving historic architecture). These factors contribute to a community’s quality of life and are legitimate concerns for housing authorities.”

Case Note:

In its decision, the court noted that, in 1988, Congress had rejected a proposed amendment that would have eliminated disparate-impact liability for certain zoning decisions. (See H.R.Rep. No. 100-711, p. 89-93 (1988), 1988 U.S.C.C.A.N. 2173.)

Uses/Constitutionality of Zoning Ordinance—County finds landowners in violation of zoning ordinance for renting residentially zoned property for weddings

Landowner argues ordinance’s nonresidential use prohibition is unconstitutionally ambiguous on its face and as applied to landowner’s use

Citation: *Bennett v. Walton County*, 2015 WL 3824197 (Fla. 1st DCA 2015)

FLORIDA (06/22/15)—This case addressed the issue of whether a county zoning ordinance’s prohibition on “nonresidential uses” was

unconstitutionally ambiguous either on its face or as applied to a particular property owner.

The Background/Facts: The Bennetts owned a beachfront triplex and adjacent lot known as “The Lawn” (the “Property”) in south Walton County (the “County”). The Bennetts rented the Property many times each year for weddings, graduation parties, reunions, and other events. The Bennetts’ Property was in a County-designated “Residential Preservation Area” district. After neighbors complained about the events held at the Property—including about 30 events in 2009 and more in 2010—the County cited the Bennetts multiple times for making “nonresidential use” of their Property in violation of the County’s Land Development Code (the “LDC”).

Section 2.01.03(L)(3)(a)(iii) of the LDC provided that “[n]onresidential uses are not allowed” on lots within the County-designated Residential Preservation Areas, such as the Bennetts’ Property.

The Bennetts sued the County. Among other things, they alleged that the LDC’s prohibition on nonresidential uses was ambiguous both on its face and as applied to the Bennetts’ Property so as to violate their constitutional substantive due process rights.

Finding there were no material issues of fact in dispute and deciding the matter on the law alone, the trial court issued summary judgment in favor of the County.

The Bennetts appealed.

DECISION: Judgment of Circuit Court affirmed.

The District Court of Appeal of Florida, First District, held that the LDC’s nonresidential uses prohibition was not unconstitutionally ambiguous on its face or as applied to the Bennetts’ Property.

In so holding, the court explained that substantive due process challenges, such as the Bennetts’ challenge here, were examined by courts using “the rational basis test.” Under that test, there would be no substantive due process violation if the LDC’s nonresidential uses prohibition was found to be related to a legitimate governmental purpose. Here, the court found that the County’s restriction and enforcement challenged by the Bennetts related to specific zoning requirements that were intended to preserve designated residential areas.

The Bennetts had not challenged the constitutionality of having that sort of zoning classification per se, but had challenged only that the LDC’s parameter prohibiting “nonresidential uses” was too ambiguous to ever be constitutionally applied. The court explained that for the LDC’s nonresidential uses prohibition to be unconstitutionally ambiguous on its face, the Bennetts had to establish that no set of circumstances existed under which the LDC provision would be valid. The court found there were contexts in which the nonresidential uses prohibition conveyed “a sufficiently definite warning as to the proscribed conduct when mea-

sured by common understanding and practice.” For example, the LDC’s prohibition, as applied to certain commercial and industrial activities was, at least, sufficiently clear. Accordingly, the court concluded that the LDC’s “nonresidential uses” prohibition was not unconstitutional on its face.

The Bennetts had also argued that the LDC’s prohibition on nonresidential uses was unconstitutionally ambiguous as applied to the Bennetts’ use of their Property. The Bennetts noted that landowners throw large social parties in their homes and residential neighborhoods “all the time.” The Bennetts argued that weddings and parties were not inherently “nonresidential” at all. While acknowledging that there was no County prohibition on residential weddings and large parties, the court found that the “frequency and intensity” of the activities on the Bennetts’ property bore heavily toward the conclusion that the Bennetts’ usage of the Property was nonresidential. Noting that the Bennetts had essentially introduced a wedding venue business into their Residential Preservation Area neighborhood, the court found that hosting up to 30 weddings per year on the Bennetts’ Property was not “typical residential usage as measured by common practice.” The court concluded that the LDC’s nonresidential uses restriction conveyed a “clear and sufficient standard” as applied to the Bennetts’ many rentals each year, and thus was not so ambiguous as to violate the Bennetts’ substantive due process rights.

Case Note:

The Bennetts had also argued that the County’s enforcement of the LDC’s nonresidential uses prohibition was unlawfully arbitrary since the County had not set a specific number of weddings that might be allowed as a “residential” use on a lot in the Residential Preservation Area each year. The court found that the County did not have to set a concrete limit in order to enforce its restriction under the facts of the case.

Constitutionality of Zoning Action—Town rescinds permit request to federal agency on behalf of landowner

Landowner argues rescission of request violated its constitutional rights to due process

Citation: *Acquest Wehrle, LLC v. Town of Amherst*, 129 A.D.3d 1644, 2015 WL 3797670 (4th Dep't 2015)

NEW YORK (06/19/15)—This case addressed the issue of whether a town board's rescission of a request to the United States Environmental Protection Agency to allow a landowner to tap into a federally-subsidized sewer violated a landowner's constitutional rights to due process.

The Background/Facts: In 1983, the United States Environmental Protection Agency (the "EPA") gave the Town of Amherst (the "Town") a grant for more than 50% of the Town's cost to construct a sewer project. As a condition of that grant, the Town agreed to prohibit for 50 years new development located in certain identified wetlands (the "Wetlands") from connecting to the sewers funded in part by the grant unless approved by the EPA.

Acquest Wehrle, LLC ("Acquest") owned property (the "Property") located partially in the Wetlands. Sometime in the late 1990s and early 2000s, Acquest proposed to develop the Property into an office park. In February 2001, the Town Board passed a resolution authorizing a request for a sewer tap-in waiver from the EPA for the Property. In January 2002, the Town made a request to the EPA for the sewer tap-in waiver for Acquest. In December 2004, the EPA denied the Town's tap-in waiver request for the Property. Acquest then revised its site plan. By May 2005, the EPA had advised Acquest that, based upon the revised site plan, a tap-in waiver would be approved. The EPA advised Acquest that Town approval of the revised site plan would constitute and be evidence of continuing approval and support by the Town of the tap-in waiver previously requested by the Town to the EPA for Acquest's development project.

In the meantime, neighborhood activists advocated to the Town Board that Acquest's development project be prohibited in order to protect the Wetlands. On March 20, 2006, without any notice to Acquest, the Town Board passed a resolution rescinding the tap-in waiver request and terminated Acquest's office park project.

Acquest sued the Town in federal court. Among other things, Acquest alleged that in rescinding the sewer tap-in waiver request, the Town violated Acquest's substantive due process rights under the constitutions of the United States and the State of New York. Finding no material issues of fact in dispute, and deciding the matter on the law alone, the court granted in part Acquest's motion for summary judgment on its substantive due process claim. A jury trial was held and the jury found that the Town violated Acquest's right to substantive due process causing Acquest damages of nearly \$1.5 million.

The Town appealed. Among other things, it argued that the trial court had erred in granting the motion with respect to Acquest's allegations of substantive due process violations.

DECISION: Judgment of Supreme Court affirmed as modified, and remitted.

The Supreme Court, Appellate Division, Fourth Department, New York, held that the Town violated Acquest's constitutional due process rights when the Town rescinded the sewer tap-in waiver request.

In so holding, the court explained that it would find a substantive due process violation if a two-part test was met: (1) if Acquest established "a cognizable property interest, meaning a vested property interest, or 'more than a mere expectation or hope to retain the permit and continue their improvements' "; if Acquest could show that pursuant to State or local law, they had "a legitimate claim of entitlement to continue construction"; and (2) if Acquest established that the Town's action was "wholly without legal justification."

Looking at the first prong of the test, the court further explained that Acquest would only have a legitimate claim of entitlement to sewer tap-in waiver if there was a "certainty or a very strong likelihood" that the waiver request would have been granted. "Where an issuing authority has discretion in approving or denying a permit, a clear entitlement can exist only when that discretion 'is so narrowly circumscribed that approval of a proper application is virtually assured'," said the court.

The court found that Acquest had established a cognizable property interest in the February 2001 sewer tap-in waiver request made by the Town on Acquest's behalf. "As noted by the EPA and agreed to by [the Town]," the court found that "the Town Board had no further discretion to exercise after the EPA advised that [Acquest's] revised site plan would form the basis of an acceptable waiver request." Although Acquest still needed to obtain site plan approval by the Town Planning Board, and the EPA needed to grant the tap-in waiver request before the Property could be developed, the court found that Acquest had established that those actions "were certainties."

The court also found that the second prong of the substantive due process violation test was met. The court concluded that the Town Board's action in rescinding the sewer tap-in waiver request and "emphatically

stat[ing] that the Town Board was ‘terminat[ing] [Acquest’s] commercial project,” was “wholly without justification” and “egregious official conduct.” The court so concluded based on the following findings: The Town Board failed to give notice to Acquest that the Town Board was planning to reconsider the waiver request at its hearing. The Town Board Supervisor had admitted that the Town Board had acted in rescinding the waiver request solely on neighborhood activist concerns over the wetland. There had been no new studies on traffic or environmental impacts. Moreover, not only had the Board rescinded the sewer tap-in waiver request, but it had specifically terminated Acquest’s project. The court found such conduct by the Town was “solely politically motivated” and thus “without legal justification.”

The court concluded that “[d]espite the existence of [Acquest’s] constitutionally protected property interest in the January 2002 tap-in waiver request, the Town Board acted on March 20, 2006 to withdraw that waiver request, which was a violation of [Acquest’s] constitutional rights.”

See also: *Bower Associates v. Town of Pleasant Valley*, 2 N.Y.3d 617, 781 N.Y.S.2d 240, 814 N.E.2d 410 (2004).

Case Note:

Acquest had also alleged violation of its equal protection rights under the constitutions of the United States and the State of New York. The jury had found that the Town violated Acquest’s due process rights by treating Acquest differently than two other parties, and had granted Acquest more than \$1.5 million in related damages. On appeal, the court rejected Acquest’s claim, finding the Town had established that Acquest’s Property was not similarly situated to the two other properties and thereby was not selectively treated in comparison to those two properties.

Case Note:

The Town had argued that the state constitutional due process claim should be dismissed because the Town was entitled to qualified immunity (as a government official). The appellate court rejected that argument, noting that a government official is only entitled to qualified immunity if “his or her conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” Here, since the court found that the Town had violated Acquest’s constitutional due process rights, the court concluded that the Town was not entitled to qualified immunity.

Zoning News from Around the Nation

KENTUCKY

The Lexington Urban County Planning Commission voted to change Lexington zoning laws to allow for new recreation and tourism-based businesses. The new law establishes and defines “tourism and recreational businesses such as farm gift shops, family wineries and nature preserves. The changes in the law also establish where those types of new uses can be located.” The Planning Commission also voted to define permitted uses and those needing conditional use permits in agricultural natural zones.

Source: *Lexington-Herald Leader*; www.kentucky.com

NORTH CAROLINA

The state Senate recently approved a bill that would “end the requirement for a three-quarter majority vote by a city council to approve zoning changes if enough residents sign a petition opposing the proposed changes.” The bill was sent to the state House, where a similar version has reportedly received support. Governor Pat McCrory has indicated that he supports the bill.

Source: *WECT 6*; www.wect.com

OREGON

An inclusionary zoning bill—House Bill 2564—has died in the state Senate. The bill, which had passed in the state House in April, was intended to “expand Oregon’s supply of affordable housing.” Under current state law, local governments are prohibited from requiring developers to provide affordable units in large construction projects. The now-dead bill would have enabled local governments to set local policies requiring construction of cheaper homes.

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

PENNSYLVANIA

The Philadelphia City Council has passed legislation adjusting zoning rules such that “most [Airbnb-type] rentals [are now] illegal in residential areas. A city license is required for rentals lasting more than 30 days.”

Source: *Philadelphia Sun-Times*; <http://philadelphia.suntimes.com>

Zoning Bulletin

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Validity of Zoning Ordinance— Township zoning commission reviews and denies zoning certificate application for permitted use

Applicant argues commission lacks authority
under state statute to process application

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and therefore application process is unlawful

Citation: *Willow Grove, Ltd. v. Olmsted Twp.*, 2015-Ohio-2702, 2015 WL 4043300 (Ohio Ct. App. 8th Dist. Cuyahoga County 2015)

OHIO (07/02/15)—This case addressed the issue of whether certain regulations and procedures required by a township's zoning resolution unconstitutionally exceeded statutory authority as they related to a proposed development. More specifically, the case addressed: (1) whether a township's zoning certificate application process violated the state statute governing township zoning; and (2) whether a township's procedure for development plan review was authorized by state statute as applied to a proposed development.

The Background/Facts: Willow Grove, Ltd. ("Willow") owned property (the "Property") in Olmsted Township (the "Township"). Willow sought to develop the Property with residential townhouses. Under the Township's Zoning Resolution (the "Zoning Ordinance"), Willow's proposed development was a "use permitted by right as a principal use."

On June 3, 2013, in furtherance of its development plans, Willow applied for a zoning certificate with the Township's zoning inspector (the "Inspector"). A year later, the Township's zoning commission (the "Commission") recommended to the Township's Board of Trustees (the "Trustees") denial of Willow's zoning certificate application. The Trustees adopted the Commission's recommendation and denied the application.

Willow filed a legal action, arguing that the Zoning Ordinance's process and procedures for the issuance of zoning certificates for a multifamily permitted use in a residential multifamily district exceeded the Township's authority and were unlawful under Ohio statutory law, R.C. Chapter 519. Willow argued that: (1) the Zoning Ordinance's requirements for zoning certificates and development plan were unlawful; and (2) it was not required to obtain a zoning certificate or approval of a development plan for the Property for its proposed permitted use.

The trial court agreed with Willow. It found that, under R.C. Chapter 519 and case law: (1) the Commission and Trustees lacked authority to process, approve or deny zoning certificates as the Inspector has sole authority; (2) the Commission and Trustees lacked authority to approve or deny the development plans for Willow's permitted use development because the statutory authority lies solely for review of development plans for planned unit developments. The court also found that the unlawful portions of the Township's Zoning Ordinance could be severed while the remaining provisions retained validity.

The Township appealed.

DECISION: Judgment of Court of Common Pleas affirmed.

The Court of Appeals of Ohio, Eighth District, Cuyahoga County,

also held that the Township's Zoning Ordinance: (1) unlawfully vested authority in the Commission and Trustees to approve or deny zoning certificates; and (2) unlawfully applied the Zoning Ordinance's Chapter 520 development plan process to permitted uses whereas that procedure only applied to planned residential developments where the Commission and Trustees had authority to review and approve per R.C. 519.021.8.

In so holding, the court explained that "[a] zoning regulation is 'presumed to be constitutional unless determined by a court to be clearly arbitrary and unreasonable and without substantial relation to the public health, safety, morals, or general welfare of the community.'" The court also explained the source of Ohio township zoning powers: "Townships are strictly statutory creatures, created under R.C. Chapter 503, whose powers are not derived from the Constitution as are counties and municipalities. . . . Authority for township zoning is a delegated power of the Ohio General Assembly set forth in R.C. Chapter 519." A township's authority to regulate zoning as well as the implementation process is set forth in R.C. 519.02. A township's power to regulate zoning with regard to planned unit developments is set forth in R.C. 519.021.

Analyzing those statutory provisions, as well as related case law, the court of appeals here found that "[t]he zoning inspector has sole authority to approve or deny zoning certificates" and that "the enforcing of the township zoning law is not a proper function of the zoning commission."

Here, the court found that the Township's Zoning Ordinance gave zoning certificate review of development plans to the zoning Commission and provided no procedure for processing zoning certificate applications. Accordingly, the court found that "[t]he express acts by the Commission and Trustees denying Willow's zoning certificate application, usurping the sole power of the Inspector, exceeded the authority of those bodies, not only under [Ohio statutory law,] R.C. 519.16, 519.17 and [related case law] . . . but also of the [Township's Zoning Ordinance], as enacted." The court therefore found that the Zoning Ordinance's zoning certificate application process was unlawful.

The court noted that the duty to review plans for permitted uses lies with a zoning inspector. Thus, where a township has delegated enforcement and zoning certificate powers to a zoning inspector, the only statutory authority (R.C. Chapter 519) vested in a zoning commission or board of trustees would be to review development plans for planned unit developments. (R.C. 519.021.) Here, the court found that the Township Zoning Ordinance's requirement that planned residential developments be submitted for Commission and Trustee review and approval was endorsed by R.C. 519.021. However, the court also found that the Township Zoning Ordinance (519.05(b)) subjected permitted uses such as Willow's to a review process that the Commission and Trustees had no statutory authority to conduct since they were not governed by R.C.

519.021. In other words, the Commission and Trustee review process of Willow's permitted use zoning certificate application was unlawful because the procedures for creation of a planned residential development did not apply to Willow's permitted use of the property.

Finding the unlawful portions of the Township's Zoning Ordinance were severable from the remaining substantive provisions, the court struck the unlawful sections (i.e., those requiring development plan review of all uses by the Zoning Commission and the provision requiring application for zoning certificates for permitted uses be transmitted to the Zoning Commission) in their entirety.

Rezoning/Spot Zoning—County rezones property from agricultural to industrial use

Adjacent landowner argues rezoning constitutes impermissible spot zoning

Citation: *Dockter v. Burleigh County Bd. of County Com'rs*, 2015 ND 183, 2015 WL 4041146 (N.D. 2015)

NORTH DAKOTA (07/02/151)—This case addressed the issue of whether a county commissioners' decision to rezone a 311-acre tract of land at the request of the landowner from agricultural to industrial use constituted impermissible spot zoning.

The Background/Facts: In March 2013, Dale Pahlke ("Pahlke") applied to the Bismarck-Burleigh County Planning and Development Department (the "Department") to rezone 311 acres of land (the "Property") that he owned in Menoken Township (the "Township") in Burleigh County (the "County"). Pahlke sought a rezone of his property from agricultural use to light industrial use. Pahlke's Property was located on the north side of an interstate but was otherwise surrounded by property zoned for agricultural use.

Thane and Nicole Dockter (the "Dockters") owned land directly north of Pahlke's Property. The Dockters operated a certified organic farm on their land. The Dockters opposed Pahlke's application, claiming that the industrial use of the adjacent land could contaminate their fields and result in loss of certification of their organic farm.

Eventually, the County Planning Commission (the "Planning Commission") recommended approval of Pahlke's application for the zoning change, subject to specified conditions. In September 2013, the County Board of Commissioners (the "County Commissioners") adopted the Planning Commission's recommendation to rezone Pahlke's Property for industrial use, subject to specified conditions.

The Dockters sought judicial review of the County Commissioners' decision. They argued that the decision to rezone the land constituted impermissible spot zoning. Specifically, they argued that characteristics of spot zoning were established in this case because: the rezoned industrial land was different from prevailing agricultural uses in the area; the rezoned land constituted a small geographical area compared to the surrounding 22,241 acres of land zoned for agricultural use in the Township; the rezoned land benefitted one owner and not the greater community; and the rezoned use was inconsistent with Burleigh County's comprehensive land use plan.

The district court rejected the Dockters' arguments, ruling that the Dockters had failed to establish the County Commissioners' decision constituted impermissible spot zoning.

The Dockters appealed.

DECISION: Judgment of district court affirmed.

The Supreme Court of North Dakota also held that the County Commissioners' decision to rezone Pahlke's Property from agricultural use to industrial use did not constitute impermissible sport zoning.

In so holding, the court explained that spot zoning occurs "when an individual lot is singled out for discriminatory or different treatment than that accorded surrounding property of a similar character and is beyond the authority of a zoning entity, absent a clear showing of a reasonable basis for different treatment." The court further explained that characteristics of "spot zoning" include where: (1) the use is different from the prevailing use of the area; (2) the area rezoned is small; and (3) the classification benefits a particular landowner. The court said that in evaluating whether a rezoning is an impermissible spot zoning, it looks to whether the rezoning is solely for the benefit of a landowner or "whether it is pursuant to a comprehensive plan for the general welfare of the community."

Here, the court found that although Pahlke may individually benefit from the zoning change, there was evidence the County Commissioners' decision benefited Burleigh County as a whole with regard to bolstering economic development. The court found that the record supported a finding that the rezone would provide economic benefits to the community as a whole for the general welfare of the community, "which is a characteristic that militates against a claim of impermissible spot zoning." Moreover, the court found the fact that Pahlke's 311 acres were proposed to be divided into five- to 10-acre lots also militated against a claim that the rezoning change involved an individual lot singled out for discrimination, or different treatment.

In response to the Dockters' argument that the County Commissioners' decision was arbitrary, capricious, and unreasonable, because it was inconsistent with a comprehensive County land use plan, the court

disagreed. The court noted that the County Commissioners had found the rezoning would be consistent with the comprehensive plan because the rezoning application “promoted quality growth of manufacturing within the county convenient to transportation facilities.”

The court concluded that the record supported a reasonable basis for the County Commissioners’ decision and did not establish the County Commissioners’ decision constituted impermissible spot zoning.

See also: *Gullickson v. Stark County Bd. of County Com’rs*, 474 N.W.2d 890 (N.D. 1991).

See also: *Bigwood v. City of Wahpeton*, 1997 ND 124, 565 N.W.2d 498 (N.D. 1997).

Variance—Property Owner seeks use variance to convert residential home to suite of offices

City finds lack of necessary hardship to warrant variance

Citation: *Schadt v. City of Bethlehem Zoning Hearing Bd.*, 2015 WL 3915949 (Pa. Commw. Ct. 2015)

PENNSYLVANIA (06/26/15)—This case addressed the issue of whether an applicant for a use variance—to convert a residential home to a suite of offices—established the necessary hardship to warrant a use variance.

The Background/Facts: Mary E. Schadt (“Schadt”) owned property (the “Property”) in the City of Bethlehem (the “City”). The Property was located in a High Density Residential zoning district and in a Historic District. On the property were three detached buildings: a three-story single-family dwelling that had been occupied by Schadt’s family for 40 years and as a residence for a century prior; a detached garage with a vacant apartment above; and a building containing two small, one-story book shops which were lawfully nonconforming uses because they predated the City’s zoning ordinance.

Schadt had tried for four months to sell the Property but found that potential buyers for Property were not interested in the commercial and apartment uses and vice versa. After four months, Schadt reached an agreement to sell the Property to a financial services company. Schadt applied to the City for a use variance to convert the existing single-family dwelling into a financial services office. In support of her applica-

tion, Schadt testified that: the financial services office would only have eight employees; the employees would park off site; only two or three clients would visit the office per week; and no changes would be made to the exterior of the building.

The City's Zoning Hearing Board ("Zoning Board") concluded that Schadt had failed to establish the requisite hardship for a use variance and denied her request for such relief.

Schadt appealed. The Court of Common Pleas affirmed the Zoning Board's decision.

Schadt again appealed. On appeal, Schadt contended that the presence of nonconforming commercial uses on the Property was, itself, a unique physical condition which, in combination with the zoning regulations, created an unnecessary hardship.

DECISION: Judgment of Court of Common Pleas affirmed.

Disagreeing with Schadt's argument, the Commonwealth Court of Pennsylvania held that Schadt failed to demonstrate the requisite hardship for a use variance to convert her residential home into a suite of professional offices.

In so holding, the court explained that an applicant for a variance must establish all of the following elements:

"(1) an unnecessary hardship will result if the variance is denied, due to the unique physical circumstances or conditions of the property; (2) because of such physical circumstances or conditions the property cannot be developed in strict conformity with the provisions of the zoning ordinance and a variance is necessary to enable the reasonable use of the property; (3) the hardship is not self-inflicted; (4) granting the variance will not alter the essential character of the neighborhood nor be detrimental to the public welfare; and (5) the variance sought is the minimum variance that will afford relief."

Moreover, explained the court, an applicant seeking a use variance is not required to show that the property is valueless without the variance, but she must show more than "mere economic hardship," particularly, as here, where "a variance is sought in order to make a change from an existing use consistent with the zoning code to an inconsistent use."

Evaluating those elements, the court agreed with the Zoning Board that Schadt's evidence did not establish an unnecessary hardship. The court noted that the historical use of the home—for over 164 years—as a residence "belie[d] the claim that the property [could] not be used without a variance." The court further found that an inability to sell the property in less than four months did not represent a hardship that would justify a variance. At most it was a "mere economic hardship," said the court. Moreover, the fact that the buyer did not intend to change the exterior of the home was insignificant, said the court, as historic preservation differs from land use and the City regulated the neighborhood as residential under its land use regulations.

Finally, in disagreeing with Schadt's contention that the presence of the nonconforming book shops on the property constituted a unique physical condition that, by definition, prevented the use of the property in conformance with the Zoning Ordinance, the court noted that Schadt did not seek to expand the existing nonconforming use of two small bookstores but, rather, to create an entirely new nonconforming use (i.e., an office). The court said that Schadt was not "entitled to make the property more nonconforming by virtue of the existing non-conformance."

See also: *Taliaferro v. Darby Tp. Zoning Hearing Bd.*, 873 A.2d 807 (Pa. Commw. Ct. 2005).

Use—Property owners rent out residentially-zoned property for events

County claims use violates zoning ordinance, while property owners contend it is a permissible accessory use

Citation: *Burton v. Glynn County*, 2015 WL 4183018 (Ga. 2015)

GEORGIA (07/13/15)—This case addressed the issue of whether property owners violated a zoning ordinance by operating their residential property as an event venue. More specifically, it addresses the issue of whether the property owners use of their property to host weddings or social events constituted a permitted accessory use or was an impermissible primary use under the zoning ordinance.

The Background/Facts: Thomas and Lee Burton (the "Burtons") owned oceanfront property (the "Property") on St. Simons Island in Glynn County (the "County"). The Property was situated in a single-family residential "R-6" zoning district under the County Zoning Ordinance. Beginning in 2008, the Burtons began offering the Property for short-term vacation rentals. The Property became increasingly popular as a venue for weddings and other large gatherings. From 2010 through May 2013, at least 79 events were held at the Property, with many of the events exceeding 100 guests in attendance. During that time period, the Property was advertised in print and online media as a wedding destination, and guests who booked the Property were furnished a list of wedding reception vendors.

In 2010, residents in the area of the Property began filing complaints about the use of the Property. Those complaints included complaints related to noise, traffic, and parking issues arising from events held at the Property. The County eventually determined that the Burtons were mak-

ing use of the Property as a commercial venue, in violation of the County Zoning Ordinance.

The County Zoning Ordinance provided that an R-6 district was “designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings.” (County Zoning Ordinance, § 701.1.) To promote the desired “low-to-medium density residential” development in R-6 districts, the County Zoning Ordinance expressly aimed “to discourage any encroachment by commercial, industrial, high density residential, or other uses capable of adversely affecting the single-family residential character of the district.” (County Zoning Ordinance, § 701.1.) In furtherance of that purpose, the County Zoning Ordinance generally limited the use of property situated in R-6 zoning districts to “[o]ne-family dwelling[s]” and “accessory uses.” (County Zoning Ordinance, § 701.2.) A “dwelling” was defined as “[a] building or portion of a building designed for or occupied for residential purposes” and explicitly excluded hotels, motels, and similar “accommodations used for more or less transient [guests].” (County Zoning Ordinance, § 302.) A “one-family dwelling” was defined as “[a] detached dwelling . . . designed for or occupied exclusively by one family.” (County Zoning Ordinance, § 302.) An “accessory use” was defined as a use “which is customarily accessory and clearly incidental and subordinate to the principal use.” (County Zoning Ordinance, § 302 and § 609.)

The County issued the Burtons a cease and desist letter, contending that their operation of the Property was not a permitted use in the R-6 district.

The Burtons responded by suing the County. They argued that enforcing the Zoning Ordinance against them violated their constitutional rights to due process. They argued that the Zoning Ordinance was vague in that it failed to quantify precisely the point at which the hosting of large functions on an R-6 property crossed the line from a permissible use “accessory” to a one-family dwelling to an impermissible primary use.

The trial court concluded that “[the] Burtons’ permissible accessory use of their property to host a wedding or social event ha[d] become the primary use of their property, and the magnitude, frequency, and cumulative impact thereof ha[d] moved beyond that expected or customary for a one-family dwelling.” Thus finding that the Burtons’ use of the Property fell outside the normal scope of residential property use, the trial court concluded that the Burtons’ use violated the County Zoning Ordinance.

The Burtons appealed.

DECISION: Judgment of trial court affirmed in relevant part.

The Supreme Court of Georgia agreed with the trial court. The court

held that the Burtons' use of their property as an event venue moved beyond that expected or customary for a one-family dwelling, in violation of the County Zoning Ordinance.

In so holding, the court construed the Zoning Ordinance, giving "effect to the intention of the lawmaking body." Looking at the language and purpose of the Zoning Ordinance, the court concluded that "the frequency of the events and the apparently systematic manner in which the [P]roperty ha[d] been marketed and utilized for large-scale gatherings support[ed] the conclusion that the [P]roperty's use as an event venue ha[d], as the trial court found, 'moved beyond that expected or customary for a one-family dwelling.' "

With regard to the Burtons' due process vagueness challenge, the court said that an ordinance need not regulate with "mathematical certainty" to comport with due process. Even where the zoning ordinance may be imprecise in certain situations, if the ordinance clearly applies to a landowner, the landowner may not challenge it on the basis that it may be unconstitutionally vague when applied to others, said the court. Here, the court found that the Zoning Ordinance here was sufficiently specific for "persons of common intelligence" to recognize that the Burtons' use of the Property did not qualify as a permissible use in an R-6 district.

See also: *Cawthon v. Douglas County*, 248 Ga. 760, 286 S.E.2d 30 (1982).

See also: *105 Floyd Road, Inc. v. Crisp County*, 279 Ga. 345, 613 S.E.2d 632 (2005).

Case Note:

The Burtons has also argued that enforcement of the Zoning Ordinance against them violated their equal protection rights since events were sometimes held on rental properties in neighboring areas. The court rejected this claim, finding that the Burtons failed to adduce evidence to support it. The Burtons presented no evidence of properties that had hosted a similar volume of events or had spawned complaints from community members. Thus, the court concluded that the Burtons had failed to establish unequal treatment so as to give rise to an equal protection claim.

Zoning News from Around the Nation

HAWAII

Governor David Ige recently signed into law HB 321 (now Act 241)

Relating to Medical Marijuana. The new law establishes a licensing system for medical marijuana dispensaries. The new law also “prohibits counties from enacting zoning regulations that discriminate against licensed dispensaries and production centers; [and] allows the legal transport of medical marijuana in any public place, under certain conditions by qualified patients, primary caregivers or owners/employees of medical marijuana production centers and dispensaries.”

Source: *Big Island Video News*; www.bigislandvideonews.com

OKLAHOMA

Changes to zoning ordinances in Stillwater, designed to protect land uses like homes, schools, and hospitals from the impact of oil and gas drilling with setbacks and noise abatement standards, were expected to come before the Stillwater City Council for a final vote. Under state law, municipalities can regulate only a few specific zoning items as they apply to oil and gas production. The proposed changes to Stillwater’s zoning ordinances create standards that address things like setback distances, noise standards, and abatement, odors, and traffic.

Source: *Stillwater News Press*; www.stwnewspress.com

PENNSYLVANIA

Pending in the state House of Representatives, House Bill 809 would “preempt any local ordinance or regulation that is not consistent with the provisions of the proposed law.” Among other things, HB 809 would preempt local student housing ordinances. HB 809 states that “no ordinance enacted by a municipality shall prohibit the occupation of a dwelling unit based on an individual’s matriculation status or on the number of unrelated individuals sharing the unit.” “Matriculation status” is defined as the state of being enrolled in a postsecondary educational institution. Some local zoning ordinances prohibit the number of students that may occupy a “student house” as a means to prohibit conversion of neighborhoods into student rentals. Those opposed to HB 809 say it could have a “devastating impact” on some neighborhoods.

Source: *Mainline Media News*; www.mainlinemedianews.com

WISCONSIN

Before signing the 2015-2017 state budget, Governor Scott Walker vetoed a provision that would have exempted a state development project from Madison zoning ordinances. Walker vetoed the sections noting that though “well-intentioned,” they were “unnecessary, as the city and state are working to ensure the project meets local standards and is constructed on schedule.”

Source: *The Cap Times*; <http://host.madison.com>

Zoning Bulletin

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Use/Preemption—Without obtaining zoning permit, landowner changes land use from surface mine and quarry to solid waste recycling facility

Landowner claims use regulation is preempted
by state law and also amounts to a natural

Contributors

Corey E. Burnham-Howard

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expansion of property's prior use

Citation: *Huckleberry Associates, Inc. v. South Whitehall Township Zoning Hearing Bd.*, 2015 WL 4253848 (Pa. Commw. Ct. 2015)

PENNSYLVANIA (07/15/15)—This case addressed whether township zoning ordinances requiring a zoning permit for land use change from a surface mine and quarry to a solid waste recycling facility were superseded by state law—Pennsylvania's Noncoal Surface Mining Conservation and Reclamation Act. The case also addressed whether the change of use amounted to a natural expansion of the property's prior use and was thus permitted.

The Background/Facts: Huckleberry Associates, Inc., Haines and Kibblehouse, Inc., and Lehigh Valley Site Contractors, Inc. (together, "Huckleberry") owned more than 63 acres (the "Property") in South Whitehall Township (the "Township") in a rural holding zoning district ("RH District"). From the 1950s through 1996, Huckleberry operated a noncoal surface mine and quarry at the Property. In 1996 and again in 2000, Huckleberry and the Township entered into settlement agreements, resolving litigation regarding the extent and legality of the mining and quarry operations at the Property. Under the terms of the 2000 Agreement, among other things, Huckleberry discontinued mining and quarry operations.

In late 2012 and early 2013, Pennsylvania's Department of Environmental Protection ("DEP") issued "Biosoil Permits" to Huckleberry to construct and operate a composting and biosoil-production facility. In April 2013, the Township cited Huckleberry for violations of the Township's zoning ordinance for, among other things: failure to obtain a zoning permit to change the use of the Property from a surface mine and quarry to a solid waste recycling facility; and operating a solid waste recycling facility, which was a nonpermitted use in the RH District.

Huckleberry appealed to the Township's Zoning Hearing Board ("ZHB"). Huckleberry argued that the zoning ordinances were preempted by Pennsylvania's Noncoal Surface Mining Conservation and Reclamation Act. Huckleberry asserted that it did not violate the ordinance by producing biosoils at the Property without first securing a zoning permit because the process by which biosoils were produced was preempted by state law. Huckleberry also argued that its solid waste recycling facility was a natural expansion of the Property's prior, nonconforming use as a surface mine and quarry.

The ZHB denied Huckleberry's appeal, finding Huckleberry violated the Township's zoning ordinance.

Huckleberry appealed to the trial court, which affirmed the ZHB's decision.

Huckleberry again appealed.

DECISION: Judgment of Court of Common Pleas affirmed.

The Commonwealth Court of Pennsylvania held that the Township's zoning ordinance was not preempted by the Noncoal Surface Mining Conservation and Reclamation Act. In so holding, the court looked to the language of the Act, which states: "Except with respect to ordinances adopted pursuant to . . . the Pennsylvania Municipalities Planning Code ['MPC'], all local ordinances and enactments purporting to regulate surface mining are hereby superseded. The Commonwealth, by this enactment, hereby preempts the regulation of surface mining as herein defined."

The court found that the zoning ordinance was not preempted by the Act because: (1) the zoning ordinance was enacted pursuant to the MPC; and (2) the zoning ordinance regulated where a noncoal surface mine could be located within the Township; it did not regulate the manner in which such a facility was operated (which was governed and preempted by the state Act).

The court also rejected Huckleberry's claim that the solid waste recycling facility was a natural expansion of the Property's prior, nonconforming use as a surface mine and quarry. The court found that "[u]nder any reasonable interpretation, the collection of third-party, consumer food waste is neither a mining activity nor a quarry activity, nor is it a natural expansion of such activities." Notably, the evidence showed that all of the materials used for the composting and biosoils use at the Property were imported onto the Property from outside sources; none of the materials used in the composting and biosoils manufacturing process were derived from the Property or the quarry on the Property.

Accordingly, the court affirmed the ZHB's decision, finding that Huckleberry's change in use of its Property from a surface mine and quarry to a solid waste recycling facility, without obtaining required zoning permits, violated the Township's zoning ordinance.

See also: *Geryville Materials, Inc. v. Planning Com'n of Lower Milford Tp., Lehigh County*, 74 A.3d 322 (Pa. Commw. Ct. 2013), appeal denied, 624 Pa. 699, 87 A.3d 817 (2014)

Spot Zoning—Two acres of 108-acre property co-owned by father and son is rezoned

Neighbors allege rezone constitutes illegal spot zoning

Citation: *Good Neighbors of Oregon Hill Protecting Property Rights v. County of Rockingham*, 2015 WL 4449994 (N.C. Ct. App. 2015)

NORTH CAROLINA (07/21/15)—This case addressed the issue of whether the rezoning of two acres of land co-owned by a father and son constituted illegal spot zoning.

The Background/Facts: In August 2012, Philip M. Behe (aka “Matt Behe”) and his father, Philip L. Behe, purchased a 107.6-acre tract of land (the “Property”) in Reidsville, Rockingham County (the “County”). Matt Behe sought to subdivide approximately two acres of the parent tract for a kennel to be used as a bird training facility. He filed an application with the County to rezone the two-acre tract from Residential Agricultural to Highway Commercial-Conditional District.

The County Planning Staff recommended approving the rezone application subject to nine conditions. The County Planning Board approved the rezone. Ultimately, the County Board of Commissioners (the “BOC”) approved the zoning amendment, including the nine conditions recommended by the Planning Staff.

In October 2013, Good Neighbors of Oregon Hill Protecting Property Rights (“Neighbors”) sought legal action, asking the superior court to find that the rezoning ordinance adopted by the BOC was void and of no legal effect. Among other things, Neighbors claimed that the rezoning constituted illegal spot zoning. The County denied the allegation. Finding no material issues of fact in dispute and deciding the matter on the law alone, the trial court issued summary judgment in favor of Neighbors.

The County appealed.

DECISION: Judgment of superior court reversed, and matter remanded.

The Court of Appeals of North Carolina held that County’s rezoning of the two-acre tract was not illegal spot zoning.

In so holding, the court explained that spot zoning was defined as:

“A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the small tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected[.]”

The court further explained that spot zoning practices may be valid or invalid depending upon the facts of the specific case. Thus, spot zoning is not invalid per se but, rather, “it is beyond the authority of the municipality or county and therefore void only in the absence of a clear showing of a reasonable basis therefor.”

In determining if the rezoning here constituted spot zoning, the court applied a two-part test, looking at: (1) whether the rezoning constituted spot zoning as that action is defined; and (2) if so, whether the zoning authority made a clear showing of a reasonable basis for the zoning, considering the size of the tract in question, the compatibility of the disputed zoning action with an existing comprehensive zoning plan, the benefits and detriments resulting from the zoning action for the Behes of the newly zoned property, their neighbors, and the surrounding community, and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts.

The trial court had determined that the rezoning was illegal spot zoning because Matt Behe was the sole owner receiving a special benefit. The appellate court disagreed. It noted that the definition of spot zoning requires a single owner of property, not a single person benefitting from the rezoning. The court found that since the parcel was not owned by an individual (an essential element in the definition of spot zoning), but rather Matt and Philip Behe, as father and son, then the rezoning was not illegal spot zoning. Accordingly, the court concluded that the rezoning did not constitute spot zoning as North Carolina courts have defined it.

See also: *Musi v. Town of Shallotte*, 200 N.C. App. 379, 684 S.E.2d 892 (2009) (spot zoning claim involving parcels owned by six different owners from same extended family).

See also: *Alderman v. Chatham County*, 89 N.C. App. 610, 366 S.E.2d 449 (1988) (spot zoning claim involving parcel owned by husband and wife).

See also: *Budd v. Davie County*, 116 N.C. App. 168, 170, 447 S.E.2d 449 (1994) (spot zoning claim involving land owned by a mother and a strip of land running from that tract owned by her son).

Case Note:

The Neighbors had also alleged that the County's rezoning of the two-acre parcel was arbitrary and capricious and was therefore void and of no effect. The trial court had agreed. On appeal, however, the appellate court found that the trial court's findings on that issue amounted to findings of fact that went beyond its jurisdiction in ruling on a summary judgment motion. As such, the appellate court reversed the trial court's order and remanded the matter for a new summary judgment hearing.

Variance—Property owner seeks “Critical Area Variance” to build pier across marsh

Opponents of project argue variance standards are not met

Citation: *Assateague Coastal Trust, Inc. v. Schwalbach*, 117 A.3d 606 (Md. Ct. Spec. App. 2015)

MARYLAND (07/02/15)—This case addressed the issue of whether an applicant for a critical area variance met all required standards for the variance. It also addressed the issue of whether in granting a use variance, the local land-use board was required to make express written findings that the landowner had overcome a statutory presumption of nonconformance.

The Background/Facts: In 2003, Roy T. Schwalbach (“Schwalbach”) purchased a subdivided property (the “Property”) in the “R-3 Multi-Family Residential” zoning district in West Ocean City, Worcester County (the “County”). The Property was located along a tributary of the Sinepuxent Bay and fell within the “Atlantic Coastal Bay Critical Area,” per Maryland statutory law. The southern portion of the Property was improved with a residence and swimming pools. The northern portion of the Property was unimproved, bordered the waterway, and was entirely covered by tidal marsh.

Schwalbach planned to construct a pier or walkway to extend across the marsh to connect the improved portion of the property to a proposed dock six feet past the shoreline. Under the County’s critical area ordinance, “[n]ew piers or docks shall not extend more than one hundred feet in length over state or private wetlands.” To reach the shoreline, however, Schwalbach’s proposed structure would have to extend 180 feet across the marsh. As such, in August 2014, Schwalbach submitted an application for a variance with the Board of Zoning Appeals for Worcester County (the “BZA”), requesting “[a] variance [from] the Atlantic Coastal Bays Critical Area Law to authorize a 3 foot wide by 180 foot long pier across tidal marsh.”

Pursuant to the County’s critical area variance, as well as the Code of Maryland Regulations (“COMAR”), Schwalbach had to satisfy certain specified standards in order to obtain a critical area variance, including submitting evidence that: (1) special conditions or circumstances peculiar to Schwalbach’s land or structure and a literal enforcement of provisions and requirements of the County’s Atlantic Coastal Bays Critical Area Program would result in unwarranted hardship; (2) a literal interpretation of the provisions of the County’s Atlantic Coastal Bays Critical Area Program and related laws would deprive Schwalbach of rights commonly enjoyed by other properties in similar areas within the Atlantic Coastal Bays Critical Area; (3) the granting of a variance would not confer upon Schwalbach any special privilege that would be denied by the County’s Atlantic Coastal Bays Critical Area Program to other lands or structures within the Atlantic Coastal Bays Critical Area; (4) the variance request was not based upon conditions or circumstances which were the result of actions by Schwalbach and that the request for a variance did not arise from any condition relating to land or building use, either permitted or nonconforming on any neighboring property; and (5) the granting of a variance would not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Atlantic Coastal Bays Critical Area and the granting of the variance would be in harmony with the general spirit and intent of the County’s Atlantic Coastal Bays Critical Area Program.

Ultimately, the BZA granted Schwalbach’s variance request. In doing so, the BZA found that Schwalbach had satisfied all standards required by the County’s critical area ordinance and COMAR for a critical area variance.

The Assateague Coastal Trust, Inc. (“ACT”) sought judicial review of

the BZA's decision granting the variance. The ACT argued that Schwalbach failed to prove compliance with all required standards. The ACT also argued that the BZA's decision was "defective on its face" because it did not affirmatively express whether Schwalbach had overcome a statutory presumption that the activity subject to the variance application did not conform to the general purpose of the critical area requirements. (The County critical area ordinance, as well as state statutory law, required the Board "make written findings as to whether the applicant has overcome the [statutory] presumption of nonconformance").

The circuit court affirmed the BZA's decision.

ACT appealed.

DECISION: Judgment of circuit court affirmed.

The Court of Special Appeals of Maryland held that substantial evidence in the record supported the BZA's determination that Schwalbach's application satisfied all variance standards. The court also concluded that even though the BZA did not make an express written finding that Schwalbach had overcome the statutory presumption of noncompliance, the fact that the BZA determined all variance standards had been met was essentially such a finding, and, in any case, judicial efficiency did not require reversal or remand in this case based on that omission.

In so holding, the court found that Schwalbach's application met the required standards for a critical area variance:

First, the court found that the need for the variance arose from special features that were peculiar to the property. Schwalbach would be unable to reach the water at the edge of his property without the variance. Under Maryland common law and the Maryland Code, an owner of riparian access has valuable property rights in that he or she has right to make certain improvements to the land in order to access navigable water. Here, the court found that Schwalbach was therefore not making a variance application for the sake of convenience or adding a pleasant amenity, but was exercising an important component of his property rights.

Second, the court found that the hardship faced by Schwalbach was not self-created. Citing prior caselaw on the issue, the court said that Schwalbach's purchase of the property with knowledge that it was located in the critical area adjacent to wetlands was not a self-created hardship that precluded the grant of an area variance.

Third and fourth, the court found that the evidence supported the BZA's findings that the variance was necessary for Schwalbach to enjoy the right of riparian access commonly enjoyed by others in the area and that the granting of the variance would not confer any special privilege denied to other property owners in the area. The evidence showed that there were "numerous properties" that had piers/walkways that crossed an excess of 100 feet of tidal wetlands to access the water, and still more that had private boat docks of varying lengths used to gain access to the water. In any case, without the variance, Schwalbach would be unable to access navigable

waters and would have a reduced amount of rights enjoyed by other properties in similar areas with the Critical Area, found the court.

Finally, fifth, the court found that evidence supported a finding that the granting of the variance would have no adverse environmental impact and would be “in harmony with the general spirit and intent of the critical area program.” Configuration of Schwalbach’s proposed structure would eliminate adverse effect on water quality, and Schwalbach could mitigate any adverse impact with new plantings.

Finally, disagreeing with ACT’s contention that the BZA’s decision must be reversed in the absence of some “unequivocal indication that the BZA applied the statutory presumption,” the court concluded: “There is no reason to require that an applicant who has overcome his or her respective burdens as to all of the variance criteria must also come forward with additional evidence to rebut the statutory presumption.” Here, said the court, the BZA’s finding that the variance was in harmony with the general spirit and intent of the Critical Area Program was the same as a finding that Schwalbach had overcome the presumption of nonconformance. To require the “sterile formality” of restating what was already found in different language was a waste of resources, said the court. Even assuming the BZA erred by not making a separate written finding, the court said that did not require reversal of the decision.

See also: *Chesapeake Bay Foundation, Inc. v. DCW Dutchship Island, LLC*, 439 Md. 588, 97 A.3d 135 (2014).

See also: *Richard Roeser Professional Builder, Inc. v. Anne Arundel County*, 368 Md. 294, 793 A.2d 545 (2002).

Standing/Permit/Remedy—Town sues property owners for constructing structures without zoning permits

While litigation is pending, property owners
continue and complete construction of
structures

Citation: *Town of North Elba v. Grimditch*, 13 N.Y.S.3d 601 (App. Div. 3d Dep’t 2015)

NEW YORK (07/02/15)—This case addressed the issue of whether neighbors had standing to challenge a property owners’ purported zoning violation. It also addressed the issue of whether construction of a structure without a permit was, under the circumstances, a prior nonconforming use.

It further addressed whether requiring the owners to dismantle the unpermitted structures from their property was an equitable remedy.

The Background/Facts: In 2010, William H. Grimditch, Jr. (“Grimditch”) began construction of a three-slip boathouse on his unimproved lakefront property on Lake Placid in the Village of Lake Placid/Town of North Elba (the “Town”) in Essex County (the “County”). At the same time, Grimditch’s children, Wayne H. Grimditch and Carol Lynn Grimditch Roda (“the Children”), also began construction of a one-slip boathouse on their nearby vacant lakefront property in the Town. The Town’s Code Enforcement Officer soon issued stop work orders, alleging that the boathouses were being constructed without the necessary zoning permits.

Eventually, the Town commenced actions against Grimditch and the Children. Owners of land adjacent to the Children’s land (the “Neighbors”) commenced a separate action, seeking removal of the Children’s boathouse.

On the Town’s request, the supreme court allowed construction of caissons and decking for the boathouses, but issued a limited preliminary injunction, requiring Grimditch and the Children to apply for building permits pursuant to the New York State Uniform Fire Prevention and Building Code Act (“SBC”) and to comply with the provisions of the Village of Lake Placid/Town of North Elba Land Use Code (“LUC”). The court warned Grimditch and the Children that if they proceeded with construction, including of the caissons and decking, they did so at their own peril and on notice that they may need to removal all improvements if the Town prevailed in its action on the merits.

The supreme court issued summary judgment to Grimditch and the Children, apparently finding that their lake front property was under the preemptive jurisdiction of the State of New York (under the Navigation Law, which preempts local land use laws and confers upon the State exclusive jurisdiction). However, that judgment was reversed and the appellate division awarded summary judgment to the Town, finding the Navigation Law applied only where the state owns the navigable waters in its sovereign capacity, while here, most of Lake Placid was within the Town’s boundaries and therefore the LUC applied to structures such as the boathouses constructed within those boundaries.

Meanwhile, Grimditch and the Children had continued with, and completed, un-permitted construction of their boathouses. Finally, on remittal for further proceedings, the Supreme Court awarded summary judgment to the Town and the Neighbors. The court ordered Grimditch and the Children to dismantle the boathouses except for the caissons and decking initially authorized.

Grimditch and the Children appealed. Among other things, they argued that: (1) the Neighbors lacked standing (i.e., the legal right) to bring their action; (2) because construction of the boathouses was complete at the time of the Supreme Court’s decision, the claims of the Town and

Neighbors were moot; (3) the boathouses were legally constructed; and (4) the boathouses were legal nonconforming structures in light of their construction prior to the Appellate Division's finding that the LUC applied to them; and (5) the remedy requiring dismantling and removal of the boathouses was equitable.

DECISION: Judgment of Supreme Court affirmed as modified.

The Supreme Court, Appellate Division, Third Department, New York, first held that the Neighbors had standing. The court explained that although municipal officials are tasked with enforcing zoning ordinances within their boundaries, that “does not prevent . . . private property owner[s] who suffer[] special damages from maintaining an action seeking to enjoin the continuance of the violation and obtain damages to vindicate [their] discrete, separate identifiable interest[s].” Here, the Neighbors established standing, found the court, in that they made specific allegations of close proximity to the Children's parcel, which gave rise to an inference of damage and injury.

Next, the court rejected the argument of Grimditch and the Children that the claims of the Town and Neighbors were moot given the completed construction of the boathouses. The court explained that “completion of a project does not preclude injunctive relief because offending structures ordinarily can be dismantled.” Under the circumstances here—where multiple actions for preliminary injunction were brought by the Town and the Neighbors to prevent construction of the boathouses, and where Grimditch and the Children were warned that they continued construction at their own peril while litigation proceedings continued, the court concluded that the actions were not moot.

The court noted that there was “no longer any dispute” that the SBC and LUC applied to the construction of the boathouses and that no permits were ever obtained under the SBC or LUC for the boathouses. Accordingly, the court affirmed that the boathouses were not lawfully constructed. Moreover, the court rejected the argument that the boathouses were legal nonconforming structures in light of their construction prior to the Appellate Division's finding that the Navigable Water Law did not preempt Town jurisdiction and that the LUC applied to them. The court held that the nonconforming use doctrine had no application here because the boathouses were not constructed prior to the enactment of, or any relevant amendment to, either the LUC or SBC. The court's decision did not constitute a change in a zoning law or ordinance so as to give rise to a prior nonconforming use. That is, the boathouses were—subject to certain specific requirements—a permitted use under the LUC when they were constructed, and those structures did not become nonconforming by virtue of either a zoning change or the Appellate Division's recent decision in the matter.

Finally, the court concluded that the remedy of requiring the boathouses be dismantled and removed was equitable. The court found that such relief was “particularly warranted” where, as here, the record contains abundant

support finding that the offending structures were built in a persistent and “calculated” effort to circumvent and defy the Town’s authority and efforts to enforce its zoning laws and procedures.

See also: *Zupa v. Paradise Point Ass’n, Inc.*, 22 A.D.3d 843, 803 N.Y.S.2d 179 (2d Dep’t 2005) (standing).

See also: *Dreikausen v. Zoning Bd. of Appeals of City of Long Beach*, 98 N.Y.2d 165, 746 N.Y.S.2d 429, 774 N.E.2d 193, 32 Env’t. L. Rep. 20763 (2002) (mootness).

See also: *Beneke v. Town of Santa Clara*, 45 A.D.3d 1164, 846 N.Y.S.2d 681 (3d Dep’t 2007) (remedy).

Zoning News from Around the Nation

ARIZONA

Under the terms of legislation recently approved in the State House of Representatives, churches would reportedly “get some special protections against local regulations.” “HB 2596 is designed to stop cities from blocking churches from locating in certain neighborhoods.”

Source: *Sierra Vista Herald*; www.svherald.com

IOWA/MINNESOTA/NEBRASKA/WISCONSIN

The Center for Rural Affairs has released a report entitled “Zoned Out: An Analysis of Wind Energy Zoning in Four Midwest States.” The report analyzes different approaches to zoning commercial wind energy systems in four different Midwest states: Iowa, Minnesota, Nebraska, and Wisconsin. The report also breaks down the advantages and disadvantages of these approaches, and what makes for effective zoning standards. The report finds that the key to effective wind siting and zoning regulation is to “strike the right balance between local and state control, avoiding some of the pitfalls for either approach, while trying to capture the benefits.”

Source: *Windpower Engineering & Development*; www.windpowerengineering.com

MARYLAND

State and county lawmakers are reportedly “considering ways to regulate rooming houses for recovering alcoholics and drug addicts.” The lawmakers are looking at enacting occupancy limits on sober houses, but are assessing potential liability of such zoning provisions under the Americans with Disabilities Act and the Fair Housing Act.

Source: *Capital Gazette*; www.capitalgazette.com

ZONING PRACTICE

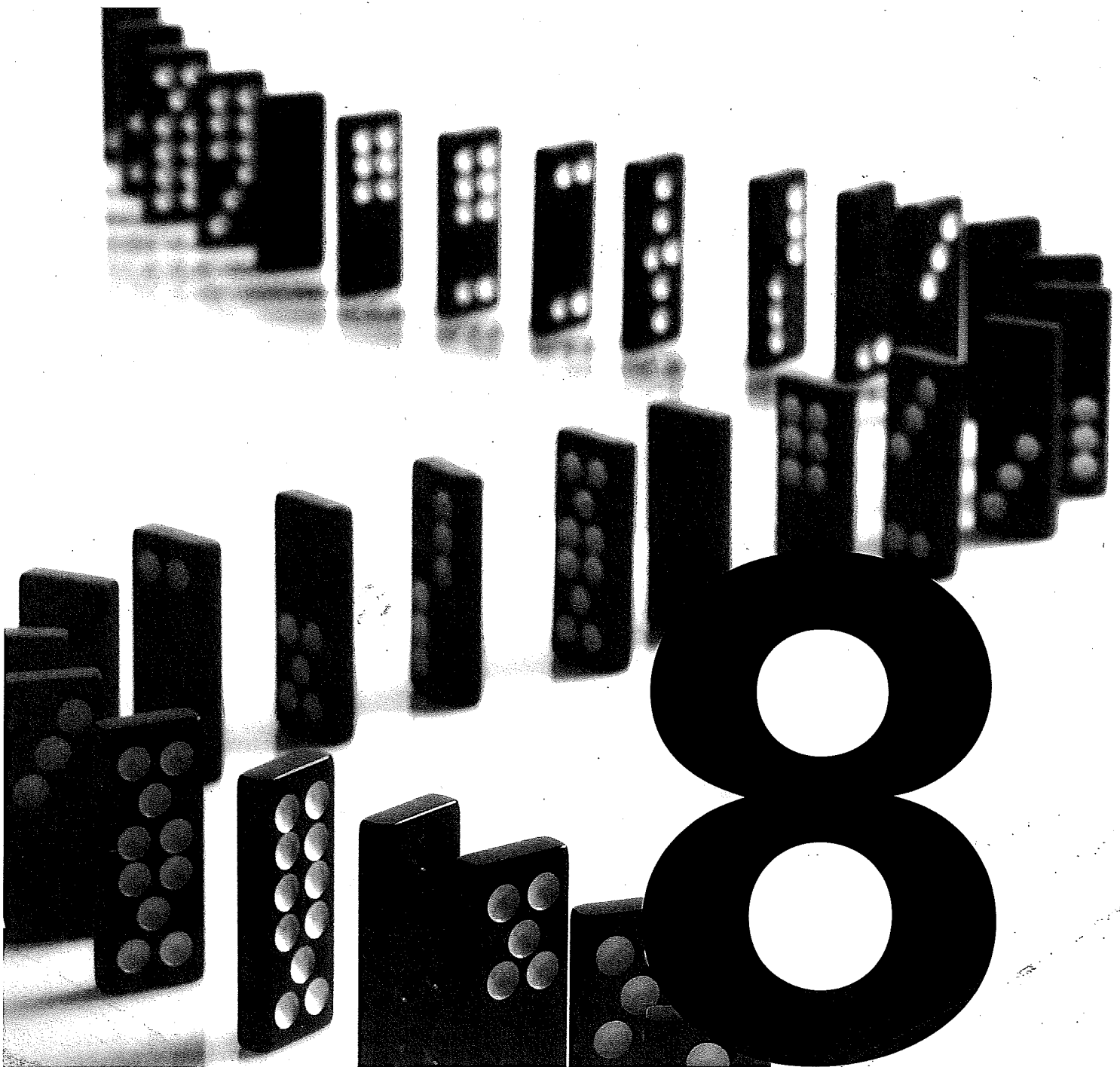
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PRACTICE PLAN IMPLEMENTATION



Effective Zoning Methods for Implementing Plans

By Douglas Hammel, AICP

From the beginning of our technical training, planners are taught to ‘make no little plans.’

We help communities think big about their futures, and we strive to create plans that capture best practices and reflect a community’s vision and aspirations. But how do we get from those big ideas to good development on the ground? Too often, there is a disconnect between a community’s vision (i.e., its plan), its rules for development (i.e., its zoning ordinance), and the development that is proposed and built. This article introduces several considerations that can help planners bridge the gap between community vision and the realized built environment. It does so by identifying the best ways to amend or replace a zoning ordinance through calibration, modernization, and transformation.

BEFORE WE ZONE, WE PLAN

Ideally, planning is done to establish a local vision and course of action prior to undertaking zoning amendments aimed at implementing the plan. However, this linear model should not imply that planners disregard zoning during the planning process, or consider it an

afterthought. Instead, planners should use the planning process as a way of setting the stage for zoning amendments.

Plan for market realities. One of the biggest challenges planners face is aligning a community’s vision with market realities. If this is not done during plan making, stakeholders will likely point out when draft zoning language is seen as a barrier to investment.

Build consensus during plan making. Plan making should provide the opportunity for dialogue about density, sustainability, development character, and other topics that are commonly implemented through zoning. By the time zoning amendments are drafted, the question of “what do we want from development?” should already be answered. The question should instead be “how can zoning be used to best implement what we want?”

Include clear and tangible recommendations. While not every plan recommendation has a direct bearing on zoning, plans commonly address issues of land use, community character, environmental preservation, mobility, and

other issues tied to development regulations. To the extent possible, plans should provide specific information that can be translated into zoning regulations and metrics.

Consider other implementation tools. Many communities believe zoning is the solution to address their problems. Zoning should be used to remove the regulatory barriers to good development, but other tools, such as financial incentives, partnerships, capital improvements, and special improvement districts, should be used to encourage investment in targeted areas where development might otherwise not occur.

A ZONING INTERVENTION

Communities often begin zoning by asking the wrong questions. Sometimes, they focus immediately on the minutia like “What should our front setbacks be?” or “What kind of brick should we require?” In other instances, they ask “What kind of zoning do we need—Euclidean, form-based, performance-based, or hybrid?” These overlook the most fundamental



➔ This image from the Flint, Michigan, *Imagine Flint Master Plan* clearly defines the desired character for new development and helped establish metrics for new zoning standards.

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of August to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Douglas Hammel, AICP, will be available to answer questions about this article. Go to the APA website at planning.org and follow the links to the Ask the Author forum. From there, just submit your questions about the article to the active thread. After each thread closes at the end of the month, the archived questions and answers will be available through the Ask the Author forum.

About the Author

Douglas Hammel, AICP, is a senior associate with Houseal Lavigne Associates, where he manages projects that span the range of urban planning, design, land use, zoning, and community development. His recent work leverages his 15 years of professional experience in architecture, urban design, land-use, and transportation planning to help communities bridge the gap between a vision and regulations that result in a desired end.

zoning question: "What do we need our zoning to do in order to get us from what we have now to what we want to be?" Answering this question will allow the community to keep an open mind about what approach, or combination of approaches, is most appropriate in different parts of the community. At its most basic level, zoning intervention can be used in three ways to implement a local vision: calibration, modernization, and transformation.

Calibration is the use of zoning to build upon what is already on the ground, while making small adjustments that allow for market alignment, reinvestment in existing structures, and overall usability of the code.

Modernization is the use of zoning to generally maintain the character of what is built, while introducing emerging best practices in a context-sensitive manner.

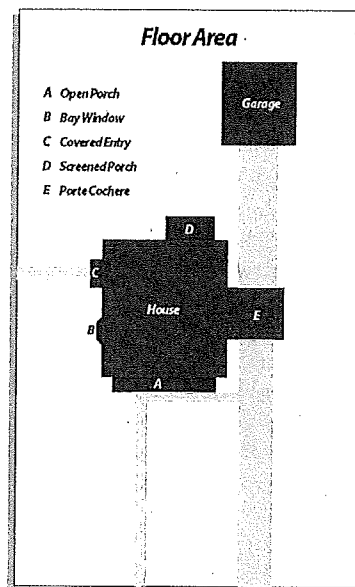
Transformation is the use of zoning to significantly change the character of development because what is currently on the ground is no longer viable or contradicts the community's vision.

A given community will likely use two or three of the approaches identified above. Tweaking residential bulk standards to allow for market-responsive additions is a common example of calibration, while introducing regulations related to renewable energy systems is an example of modernization. Other parts of a community may be obsolete and in need of complete redevelopment or change in use. In this case, transformation is needed. The following sections describe the nature of these three levels of zoning intervention and how each can be used by communities to address common challenges faced when implementing plan recommendations.

CALIBRATION

Every community has zoning regulations that can be fixed with minor tweaks to maximize

market potential and allow reinvestment in existing development. In many instances, outdated zoning regulations are the primary barrier to property investment, resulting in blight and abandonment. Minor amendments can often be made that will foster investment



⊕ Addressing supporting building elements separately from the main building envelope can allow for investment in older neighborhoods.

without changing the underlying character of an area. Some of the most common situations where zoning calibration is beneficial include standards for aging commercial centers and older neighborhoods, parking requirements, and older codes that have been amended in a piecemeal fashion over a long period of time.

Aging Commercial Centers

Commercial centers built in the 1970s and 1980s were once thriving destinations for emerging

suburbs. But as development has evolved and urbanized regions expanded, many have become obsolete and blighted. These commercial centers must be allowed to evolve in order to thrive. Zoning for these areas often prohibits contemporary development practices that accommodate today's commercial uses and site development preferences. Potential solutions to this issue include reducing setbacks and permitting a wider variety of uses.

Reducing setback requirements for out-lot buildings allows development that does not disrupt the existing commercial center. Adding flexibility to permitted uses (i.e., outdoor seating, bars and restaurants, sidewalk retail displays, etc.) can attract a broader range of users and create a sense of vibrancy.

Older Neighborhoods

In many communities, a traditional urban core is surrounded by older neighborhoods. As one moves away from the urban core, newer neighborhoods and subdivisions become more prevalent. Over the course of several decades, communities tend to standardize zoning regulations across residential areas, often establishing regulations that are appropriate for new development but not for existing structures and properties. While lot sizes vary, standards like lot coverage, floor area ratio (FAR), and setbacks may be universally applied to older homes and properties. As a result, older homes on smaller lots may not be permitted to expand to include contemporary amenities, such as larger kitchens or additional bedrooms or bathrooms, because site intensity has been "maxed out." The result is housing that becomes less marketable, deteriorated, or abandoned. Potential solutions to this issue include redefining terms and modifying bulk requirements.

Redefining terms such as lot coverage and FAR (or whatever nomenclature is used

locally) to omit porches, patios, bay windows, covered entries, and other elements, could be beneficial to remove barriers to minor property investments. Modifying bulk and scale requirements in older neighborhoods allows for additions (horizontal or vertical) that accommodate contemporary amenities without compromising local character.

Parking Requirements

Many communities apply on-site parking requirements equally across all development. However, older, more urban commercial corridors have smaller lots that cannot accommodate a viable building footprint and a suburban parking program (suburban communities often require between 3.5 and 5 parking spaces per 1,000 square feet of retail space). This places an unreasonable burden on the smaller lots. It also fails to recognize, when they are present, the benefits of nearby walkable neighborhoods and on-street parking that often exist along older commercial corridors. Potential solutions to this issue include context-specific parking requirements, limited parking exemptions, shared or remote parking allowances, and situational parking reductions.

Varying on-site parking requirements based on the type of commercial area can encourage investment without altering the existing character of development. An exemption of the first 1,500 square feet (or a similar number of local applicability) of building area as it applies to parking requirements along older commercial corridors can achieve similar results. Allowing shared or remote parking to reduce the burden on individual properties, while treating the area like a collective commercial environment, can create a more functional commercial area. Finally, reducing parking requirements for proximity to transit, bicycle accommodations, or pedestrian access in areas that are transit, bike, or pedestrian friendly recognizes other means of access.

Unfriendly Codes

Zoning codes are often difficult to navigate or understand. They often have redundant or conflicting language. They may leave an applicant guessing how to seek development approval. In some cases, the zoning map may have districts not included in the code. To potential investors, time is money, and a user-friendly code can significantly reduce the amount of time it takes to determine development viability, and ultimately approval. All of these symp-

toms can be addressed without changing the underlying standards that govern development.

Restructure the code to lead users through a basic sequence of questions: What is the zoning ordinance, and what does it aim to accomplish (purpose and intent, authority, and applicability)? What are the basic characteristics of development permitted on my property (zoning map, district bulk standards, and permitted uses)? What requirements are applicable regardless of what zoning district my property is in (general development standards, use standards, parking, landscaping, and sign regulations)? What supporting information do I need to know (definitions and nonconformities)? And how do I go about getting approval for development (administrative procedures)?

Audit the zoning map and code to ensure they align—you'd be surprised at how often they don't. Some communities adopt regulations for districts they anticipate in the future. However, several communities have old remnant districts that are no longer mapped. This creates confusion and extra language to filter through.

To the extent possible, reduce the number and complexity of zoning districts. Communities often create new districts when they should be looking for ways to reduce the number of districts. Minor nuances can often be handled within a single district, and, to the extent possible, overlay regulations should be folded into base district standards.

Include a navigation guide, tables, flowcharts, graphics, and cross-references throughout the code. A one-page table, diagram of a zoning concepts, or procedural flowchart can often clarify or replace pages of text.

MODERNIZATION

As planning introduces and advocates for new best practices in development, communities often struggle with how to regulate new technologies, infrastructure systems, and design elements. While the value of new practices may be recognized, many fear the unknown and untested and the potential negative impacts on community character. The following are examples of how emerging trends are being integrated into local ordinances through regulatory modernization.

Interactive Codes

More and more, people are accessing local zoning ordinances through the web. This pro-

vides the opportunity for several tools that can make the code more dynamic, interactive, and user-friendly. Hyperlinks, pop-up references and definitions, and floating graphics can make static documents easier to navigate. In some instances, online tools are able to model the permitted building envelope for a given property or illustrate the required buffer between two properties based on property variables.

Renewable Energy

Many communities discuss renewable energy in their plans but often meet challenges when trying to accommodate such uses in zoning. Noise and aesthetics are often cited as concerns that create barriers to zoning modernization. Wind energy systems tend to be most contentious since they require minimum heights and motion to be effective. As a result, there are fewer "best practice" models for zoning standards (though some are offered in Chapter 6 of APA's PAS Report, *Planning for Wind Energy* (planning.org/research/wind/pdf/pas566.pdf). However, as solar energy systems become more mainstream, many communities successfully accommodate the technology by regulating the placement of solar panels on a site or structure to minimize their visibility from public streets and the natural grade of adjacent properties, and by regulating the relative height or angle of projection from the roof plane on which they are mounted. These regulations minimize the impacts to the overall character of the structure and neighborhood.

Solar Access

Solar access is becoming a more common concern in development across the country. Public health studies have demonstrated the benefits of sunlight for residents, and solar energy systems are reliant upon solar access to be effective. Several communities are adopting regulations that define the maximum dimensions of a "solar fence." A solar fence is a hypothetical vertical plane built along a property line that determines how far a shadow would be cast on a neighboring structure. By regulating the size of the permitted solar fence, communities can ensure that properties enjoy access to the sun. Considerations related to the regulation of solar access include the following:

- The angle of the sun on December 21 based on local latitude

- The intended scale of development and its corresponding relationship to the maximum size of the solar fence
- The intended area of solar access, whether it is a rooftop to allow for solar energy systems, or grade level to allow for year-round solar access for occupants
- The required setbacks for development in the district in which the solar fence is being regulated

Form-Based Regulations

Form-based zoning regulations are becoming more commonplace in communities where the character of development is a priority. However, many communities still struggle to find the right balance between the regulations and their impacts on development approval and implementation. As communities develop form-based regulations, the following should be considered:

- The extent to which form-based regulations should be applied, recognizing that not all areas in a community might warrant their application
- The potential impacts on development feasibility due to additional development review or project cost
- The level of staff, board, or commission expertise in assessing a development proposal and determining whether or not it conforms to subjective components of the code
- Identifying other mechanisms to achieve a similar end, such as local historic designation or planned development, for projects in a priority area of the community

Housing Diversity

“Aging in place” is a well-established planning concept. To be successful, communities must provide a diverse range of housing as well as complementary social services and transportation systems to support the lifestyle of residents at all stages of life. However, many communities have zoning regulations that prohibit essential diversity in housing stock. Small-lot single-family homes, town houses, duplexes, and small apartment buildings are attractive for both aging empty nesters and young professionals and families looking for a way into or a way to stay in the local housing market. When developing zoning regulations to address this, communities should consider community character, connectivity, access to transit and services, and on-site features.

The character of development should be compatible with surrounding residential neighborhoods. Developments should be required to provide connections to surrounding areas in order to avoid isolation or segregation. Zoning districts that permit this type of housing should be mapped around areas that offer access to public transit, commercial goods and services, medical care, and other services sought by residents. Development should include on-site amenities and pedestrian accommodations that maximize mobility and quality of life for residents.

TRANSFORMATION

In some cases, what’s currently on the ground just doesn’t work anymore: A neighborhood is beyond the point of revitalization. Miles of commercial corridors are no longer viable. Vacant industrial uses are not coming back. The circumstances and solutions to transformation are unique to every community, so there is no one-size-fits-all approach. However, there are several key questions that must be considered whenever transformation is sought.

What do we want a given area to transform into? Hopefully, this is addressed through a quality plan.

What about the rights of the property owners? If an area is truly in need of transformation, it is likely that the permitted uses under existing zoning are not viable development options. However, this doesn’t mean that property owners will automatically support a zoning change. Targeted education and awareness regarding the rationale for and anticipated benefits of a zoning amendment will likely be needed.

How do we get from where we are to where we want to be? How do we *manage* the transition? Simply rezoning for what is envisioned in a plan may ignore what is already on the ground—buildings, uses, parcels, disjointed ownership, etc. Transformational zoning has to balance short-term flexibility and long-term rigidity in order to “transition” over time, rather than immediately.

How do we garner support for transformative zoning? Change often scares residents, property owners, and elected officials. Local education and awareness campaigns are often required to ensure adoption of transformative zoning regulations. This begins in the plan-making process, when consensus building is critical. It will also require the demonstration of how the proposed zoning change is a direct

and appropriate response to the adopted plan.

Flint, Michigan, offers a great example of a community looking to implement transformational zoning. The city recently adopted the *Imagine Flint Master Plan* (imagineflint.com). The plan establishes a vision for one of the most economically depressed cities in the nation. The city is nearing completion of a comprehensive zoning update that reflects the goals of the master plan. The following subsections describe two examples of how transformative zoning is being used to reposition entire portions of the city for redevelopment, reinvestment, and innovative uses, and describes the role of community education in securing the political and public will required to adopt the new regulations.

Green Innovation

Flint has more than 1,000 acres of vacant brownfield sites that formerly hosted large-scale automotive production. Much of this industry is gone, but new industries are emerging. There is a growing interest in green industries that would offer significant environmental and economic benefits. The challenge is that many of the specific types of uses are either untested or unknown. Flint needs a zoning approach that allows the vacant brownfields to become “sandboxes” for innovation—areas where nontraditional industry can have a testing ground that will draw innovation and investment. In response to the vision and Green Innovation place-type established in the master plan, the zoning ordinance establishes the Green Innovation District. However, as the task of drafting zoning regulations for these areas unfolded, several key questions and answers emerged.

What kind of uses are to be permitted? This district aims to support nontraditional green industries, so a creative approach was required to determine what uses would be permitted. The ordinance requires that a use must comply with two criteria: 1) It must fall within a range of appropriate use categories (i.e., agriculture, research and development, light industry, heavy industry, etc.); and 2) It must relate to one or more identified green industries (i.e., renewable energy production, waste stream reduction, local food production, alternative transportation, etc.).

How do we mitigate the impacts of the unknown? It is impossible to anticipate the full realm of potential impacts for uses that cur-



➡ Flint, Michigan's Green Neighborhood district addresses the transformation from disinvested residential blocks to sustainable multiuse neighborhoods.

rently don't exist. District regulations establish a series of standards aimed at mitigating the impacts of development, regardless of the use. This approach, similar to performance-based zoning, considers impacts related to noise, vibration, light pollution, stormwater runoff, air pollution, and substantial buffering from adjacent uses.

How does an applicant gain approval for development? Creativity is best served through an effective planned unit development (PUD) procedure. Through the PUD process, applicants can make their case for how their proposed use meets the established "green" criteria, what measures will be taken to mitigate potential impacts, and what overall benefits their development will have on the community as it strives to become a leader in green industry.

Green Neighborhoods

Flint has experienced a dramatic loss in population—a decrease of 100,000 people in the last 50 years. With a residential population that is about half of what it was at its peak, large areas of once thriving neighborhoods are largely or entirely vacant. As of June 2013, the Genesee County Land Bank owned almost one-fifth of all parcels in the city, a number that is expected to increase. As a result there are several neighborhoods that simply aren't coming back. The master plan designated these areas as the Green Neighborhood place type in order to foster a managed transition from traditional neighborhoods to low-density blocks that integrate green nonresidential

uses. This raised two key questions during the drafting of zoning regulations: How do we transition to lower-density neighborhoods? And how do we introduce nonresidential uses in a sensitive manner?

Conditions vary widely in areas zoned as Green Neighborhoods. In some areas, vast disinvestment makes the transition to large-lot/green residential easy. However, in other areas, enough homes remain that the new district would create a significant number of nonconformities. As a result, the zoning district was separated into two subdistricts that allow for new green uses in the short-term and manage changing residential density in the long-term.

The master plan process included extensive discussions on the role of local food production, animals and livestock, and energy production in Flint's neighborhoods. The challenge is accommodating these uses in a way that won't negatively impact remaining residences. The Green Neighborhood district allows for single-family homes, community gardens, open spaces, small-scale urban agriculture, greenhouses, apiaries, hydroponics, aquaculture, aquaponics, and private renewable energy production as primary uses. In subsequent articles, general development regulations or use standards regulate several characteristics for these uses, including location on the site relative to adjacent structures, hours of operation, the types of machinery and fertilization that are permitted, locations for infrastructure systems and venting, and protective buffers or enclosures.

Community Education

As the draft zoning ordinance was unveiled to the public for review and comment, it was obvious that an education campaign was necessary to demonstrate the connection between the master plan and the zoning regulations aimed at implementing the plan. The project team developed the *Zoning Quick Reference Guide*, which is used by city staff in a series of public zoning workshops. The reference guide uses elements of the master plan and juxtaposes them with summarized zoning standards in order to demonstrate the correlation between the community's vision and the rules that will govern development. This product is the culmination of a planning and zoning process that considered the realities of Flint's market potential, the need to engage and inform residents and stakeholders, and the need to clearly demonstrate how the plan's vision could be realized with the new zoning ordinance.

CONCLUSIONS

The next time you consider amending or replacing your zoning ordinance in an effort to implement a recently adopted plan, just remember: Rather than focusing first on the type of zoning you may need to use (Euclidean, form-based, or hybrid), ask yourself what the most effective and efficient way to amend the code is in order to realize planning objectives. Once you determine which method is best—calibration, modernization, or transformation—you can determine which type of zoning is best.

CC CITY CORRIDOR

PURPOSE AND INTENT

The CC City Corridor district is intended to accommodate a wide range of commercial and institutional uses strung along Flint's major roadways. Retail, service, and employment are the primary uses with structures oriented toward the roadway. Development may be auto-oriented in nature, but with amenities such as sidewalks, benches, pedestrian-scale lighting, and landscaping that make it easy for residents and visitors to traverse the corridor.

SUMMARY OF USES

- Mixed use residential (special)
- Group living (nursing homes, boarding house, etc.) (special)
- Hospital or medical center (special)
- Limited entertainment uses (arcade, cinema, bowling alley, live entertainment)
- Other entertainment (seasonal amusement, dance club, live entertainment) (special)
- Hotel/hotel
- Office uses
- Personal service and personal care uses
- General retail, restaurant, tavern, and concessions
- Food carts/trucks
- Commercial auto services
- Private solar and wind systems
- Live/Work unit
- Low-impact manufacturing/production, laundry/dry cleaning, repair shops

BULK AND SITE STANDARDS

Lots < 140' Deep

Lot Characteristics

Min. Lot Width: 40'

Min. Lot Area: 3,000 sq. ft.

Development Intensity

Max. Height: 35'

Min. Lot area per Dwelling Unit: 2,500 sq. ft.

Site Design

Min. Front Yard: None

Max. Front Yard: 10'

Min. Corner Side Yard: None

Max. Corner Side Yard: 10'

Min. Interior Side Yard: None, except for against a TN or M district, then 10'

Min. Rear Yard: 20'

Lots > 140' Deep

Lot Characteristics

Min. Lot Width: 60'

Min. Lot Area: 8,400 sq. ft.

Development Intensity

Max. Height: 35'

Min. Lot area per Dwelling Unit: 2,900 sq. ft.

Site Design

Min. Front Yard: None

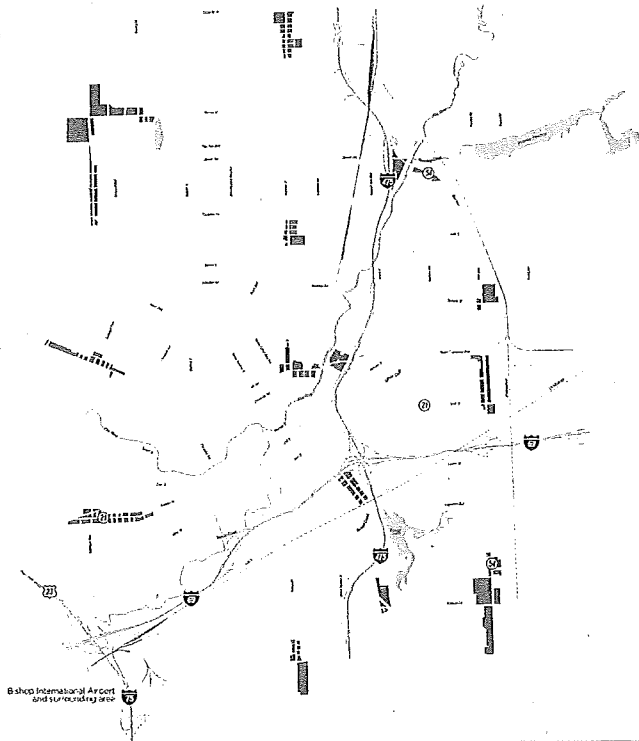
Max. Front Yard: 80'

Min. Corner Side Yard: None

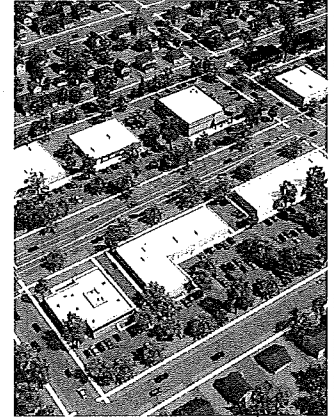
Max. Corner Side Yard: 20'

Min. Interior Side Yard: None, except for against a TN or M district, then 20'

Min. Rear Yard: 40'



PLACE TYPE VISUAL DEFINITION



PLACE TYPE CHARACTER IMAGES



- ⊕ As part of the public review process, the Flint, Michigan, uses zoning kits to demonstrate the link between the master plan and proposed zoning regulations.

This article is based upon the content developed for and presented at the 2015 APA National Planning Conference by John Houseal, AICP, principal and cofounder of Houseal Lavigne Associates; Douglas Hammel, AICP, senior associate with Houseal Lavigne Associates; Brandon Nolin, AICP, senior associate with Houseal Lavigne Associates; and Christina Bader, AICP, LEED AP, director of marketing and special projects at Farr Associates. Content and editing assistance for this article was provided by John Houseal.

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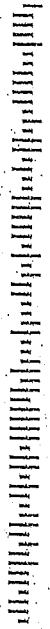
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IS YOUR ZONING CALIBRATED
TO HELP IMPLEMENT YOUR
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PRACTICE WATER CONSERVATION



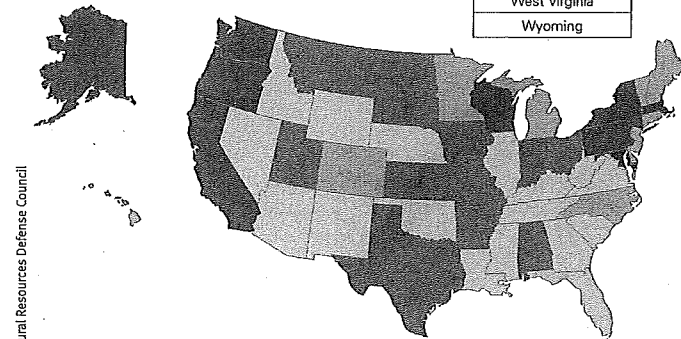
Water-Smart Development Regulations

By Elizabeth Garvin, AICP

Water, or the lack thereof, is always the subject of planning conversation in the arid and growing West.

Ranking of states according to climate preparedness planning

Category 1	Category 2	Category 3	Category 4
Alaska*	Colorado	Arizona	Alabama
California	Connecticut	Georgia	Arkansas
Maryland	Delaware	Florida	Indiana**
Massachusetts	Hawaii	Idaho	Iowa
New York	Maine	Illinois	Kansas**
Oregon*	Michigan	Kentucky	Missouri
Pennsylvania*	Minnesota	Louisiana	Montana
Washington	New Hampshire	Mississippi	North Dakota
Wisconsin*	New Jersey	Nebraska	Ohio
	North Carolina	Nevada	South Dakota
	Rhode Island	New Mexico	Texas**
	Vermont	Oklahoma	Utah**
		South Carolina	
		Tennessee	
		Virginia	
		West Virginia	
		Wyoming	



Natural Resources Defense Council

*Denotes a state where climate preparedness activities at the state government level, although once more robust, appear to have slowed or stalled in some planning areas.

**Denotes a state that has some existing water programs and policies (e.g., water conservation) that, if recognized as climate change adaptation tools, could provide beneficial for climate preparedness.

PLANNING FOR WATER CONSERVATION

The highest rates of per capita water usage in the U.S. occur in the dry western states, where more than half of household use goes to watering lawns and gardens (Bates 2011). In many western communities, though, the comprehensive plan does not specifically address water supply or conservation, and the only place local zoning and subdivision regulations consider water is in the requirement that the applicant “prove” the availability of adequate water for a new development. Water planning seems to have fallen between the local jurisdictional cracks of home rule, community planning, public works, emergency preparedness, and regional government, not to mention the challenges of coordination between private water providers and local government (see Bates 2011). There are states, such as Minnesota, Washington, North Carolina, California, Virginia, and Florida, that require local water planning, and local governments that have undertaken voluntary water planning. But for other communities there can be gaps in the planning information and process. Good plans support the best regulations, and it’s hard to overemphasize the importance of considering water supply and conservation planning as part of the overall land-use planning and development process. There are many sources available online to assist with creating a plan that addresses water conservation. The American Planning Association’s *Policy Guide on Water Resources Management* identifies 10 key items that should be included in water resource and supply plans, including a “plan for water conservation and reuse, and, as appropriate, drought management and emergency contingency plans” (2002). The U.S. Environmental Protection Agency (EPA) Water Sense Program provides water conservation plan guidelines

⊕ In terms of water planning, some states are better prepared than others. Category 1 states are the most prepared, while Category 4 states are the least prepared.

As the population in this part of the country continues to grow, it appears that many communities—large and small—will need to find more creative and efficient methods to make the water they have go much further. This is not necessarily a new idea, but it is one that has gained in recognition and discussion both inside and outside of planning circles over the past decade. As historic droughts collide with population increases in typically “wet” areas of the country, planning and zoning for water conservation concepts have also taken hold

the Midwest and South. This article explores how communities can better address the use of water through local regulations. As with most effective regulations, the process starts with good planning and, in some states, a good understanding of applicable water law. This article will briefly explore how water use can be influenced by pricing, and then look at the range of regulations, particularly in the areas of lot design and landscaping, available at the local level to encourage and require water conservation.

ASK THE AUTHOR JOIN US ONLINE!

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About the Author

Elizabeth Garvin, AICP, is an attorney with Spencer Fane Britt & Browne in Denver. Garvin has more than 20 years of public- and private-sector experience in land development regulations, urban planning, and economic development. She has prepared code update/revision projects for cities and counties across the country; drafted topic-specific code provisions covering topics such as TOD, sustainability, and signs; created plans for redevelopment projects; prepared regional design standards; organized and undertaken public participation processes; and assisted private clients in obtaining development approvals.

on its website (1998). And the University of Louisville provides a series of 42 questions for communities to consider as they plan for water use and conservation (Arnold et al. 2009).

APPLYING WATER LAW

Before describing the various approaches local governments have available to regulate for water conservation, it is important to add a note to the reader that water law, not just land-use law, may govern any number of aspects of a community's conservation regulatory process. For example, even though the use of rainwater harvesting for plant irrigation has been practiced since the beginning of human agriculture, it was illegal until 2009 to capture and reuse rainwater in Colorado because that water had already been legally appropriated to a specific water user, who was typically not the home owner (Johnson 2009). And while Colorado changed the law, other states have not. Therefore, it is important to have local regulations reviewed in light of the water law of your jurisdiction in order to understand the impacts of the proposed regulations on the existing rights of water users.

PRICING WATER AND FINANCING WATER SYSTEMS

As with most land-use issues, regulations and funding are both critical to water conservation. According to the EPA, there are multiple gaps and oversights in the water provision and pricing system that inadvertently lead to excess water use and waste (Van Lare and Arigoni 2006). These shortcomings include water providers: (1) choosing to defer maintenance on existing, leaking pipes in order to conserve funds to extend the system to new development; (2) not pricing water service to reflect transmission costs to large-lot, dispersed development; and (3) failing to recognize that water systems in low-density

areas that are longer and require higher pressure to operate leak more than systems serving higher-density development. If the water system in your community is publicly owned and operated, it may be worth considering the sum of the actual long-term costs to supply low-density residential development and reflecting those costs through the pricing system. Some communities take this approach one step further and establish conservation pricing that increases water rates at peak use times. A study by four

The highest rates of per capita water usage in the U.S. occur in the dry western states, yet relatively few western communities address water supply or conservation in their comprehensive plans.

Florida water management districts found that increases in water prices result in predictable decreases in water consumption (Whitcomb 2005). The study also found that users in the most expensive homes both used the most water and were able to reduce that use at a greater rate than other home owners because they used water for more discretionary purposes, such as landscape irrigation.

WATER CONSERVATION-ORIENTED REGULATION

Local regulation for water conservation can take place both communitywide and at the site level. In local zoning and subdivision regulations, communities can exercise direct control and establish development

incentives to encourage water conservation through reduced lot size and water-efficient landscaping.

Lot Size and Density

Smaller lots and vertically mixed uses are popular urban design concepts. It turns out that this approach to neighborhood design is not just trendy, it also saves water.

Small Lots. Research shows that residential developments on smaller lots use less water, or conversely, large-lot residential development results in greater water use (Beckwith 2009). In Utah, as lot size decreased from 0.5 to 0.2 acres (22,000 square feet to 9,000 square feet), per capita water demand reduced from 210 to 110 gallons per day, a roughly 50 percent difference (Van Lare and Arigoni 2006). Similarly, in Seattle, households on 0.15 acre lots (6,500 square feet) use 60 percent less water than those on 0.37 acre lots (16,000 square feet) (Van Lare and Arigoni 2006). This lines up with Bates's finding that much of our household water use goes to irrigation (2011). Most current studies on land use and water conservation identify reduction in lot size as one of the most effective means a community can use to directly conserve water (Driver et al. 2003).

In most communities, the minimum lot size for development is governed by the zoning regulations. One basic approach to achieving smaller lot development, then, is to reduce the minimum lot size in existing districts. Tacoma, Washington, for example, permits single-family residences on lots that range from 2,500 square feet to 6,750 square feet, subject to design standards for new development (§13.06.145). In a growing number of communities, the zone district also specifies a maximum lot size for the district, such as those required by Palo Alto, California,

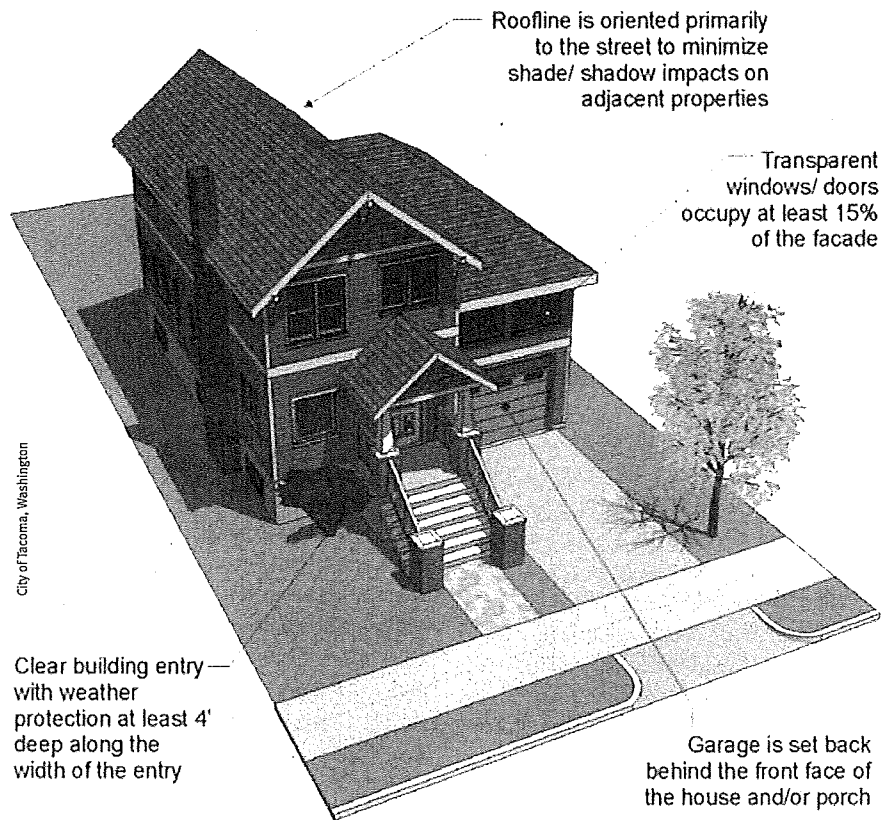
where the R-1 district has a minimum lot size of 6,000 square feet and a maximum lot size of 9,999 square feet (§18.12.040). Creating development standards for small-lot development may also promote infill development. Moving oddly sized lots from nonconforming and “unbuildable” to built out not only works in the service of water conservation, but it also fills holes, rips, and tears in the community development fabric and may also increase surrounding property values (Filling in the Spaces 2003).

Smaller lots can also be created in an existing neighborhood through the establishment of a process that permits the resubdivision of lots in areas that have been developed with larger lots than the zone district’s minimum size. For example, San Diego permits resubdivision of larger lots to smaller lots in multifamily districts that have developed as single-family neighborhoods, with the goal of keeping the new development design in context with the existing neighborhood (§143.0365).

Development on smaller lots also be created through the subdivision process through cluster development subdivision standards.

Compact Development. In addition to providing standards specifically for small-lot, single-family residential development, revising zoning standards to encourage more compact development with increased density through multifamily and mixed use structures also appears to have a positive impact on overall water use. While the relationship between increased density in development and water conservation does not appear to have been proven through any large-scale testing and analysis, the theory, as explained in the *California Water Plan*, seems measurable in terms of overall reduced landscaping demands on residential water use.

Not all communities, however, agree that this assumption is persuasive. For example, the EPA, Denver Water, and the city of San Diego have all used the *California Water Plan* compact development theory to model a locational shift of residents choosing homes with smaller lots and less landscaping over traditional suburban development patterns, reducing per capita water demand and thereby slowing the growth of total volume of water consumed. Phoenix, Arizona, by comparison, assumed that a design change to encourage compact development over traditional density patterns would result in a net overall increase



➤ An illustration of small-lot development from Tacoma, Washington’s development regulations.

in projected population that will increase overall water demand. In other words, Phoenix assumed that providing a more compact housing option will lure new residents who would otherwise choose to live in other communities, in addition to those people already expected to live in Phoenix (Bush 2007). Whether or not Denver is correct or Phoenix is correct in its long-term use assumptions, designing development within a more compact pattern will have a positive impact on the infrastructure necessary to take water to our homes.

Once a community has appropriate small lot/increased density zoning in place, local officials may also consider incentives to encourage the use of that district or development option. This might include a density or square-foot bonus for small-lot development, water or impact fee reductions or waivers, or expedited plan and permit approval. San Antonio, Texas, allows impact fee waivers for specified new development and redevelopment that takes place within the city’s Inner City Reinvestment and Infill Policy Target Area (San Antonio n.d.).

Water Conservation Site Development Standards

Most modern zoning regulations, both traditional and form-based, include any number of standards designed to address specific site development requirements such as parking, lighting, and building design. Water conservation standards can be added to this list, either as a specific group of regulations or incorporated throughout the other standards.

Landscaping Standards. Existing landscaping standards are typically a good subject for revision to better encourage water conservation. Turf grass is the current poster child for water-driven change. Planning lore tells us that turf grass became popular through a combination of our desire to emulate the British—with their ancestral homes and sufficient staff to maintain a lawn—the invention of the lawn mower, and the establishment of the 40-hour work week. This was followed by country clubs, golf courses, and suburbs. Rolling turf grass lawns maintained their status and appeal regardless of where in the country we built our homes. The impact of our preference for lawns is measurable in terms of both water

consumption and environmental impact. According to the EPA, the typical suburban lawn consumes 10,000 gallons of water a year above and beyond rainwater, creates grass clippings that consume 25 to 40 percent of landfill space during the growing season, and requires the use of lawnmowers with gas-powered engines that emit more hydrocarbons than a typical car (National Wildlife Federation n.d.).

How can a community address this issue? Establish turf grass limits, and create landscaping standards that rely on the use of native and, where appropriate, drought-tolerant species. There are multiple examples of zoning codes across the country that either recommend limitations or establish specific restrictions on the amount of turf grass used to a relatively small percentage of the site, as well as communities that have sponsored turf grass buy-back programs. As an example, Rio Rancho, New Mexico, regulates turf grass to cover no more than 1,000 square feet or 20 percent of the total lot area, whichever is less, while also prohibiting home owner associations bylaws from requiring a minimum amount of grass (§154.05.G).

Avoiding watering issues altogether, some communities also permit the use of artificial turf, such as Simi Valley, California, which permits up to 75 percent of the landscape area to be covered with artificial turf (§9-33.030).

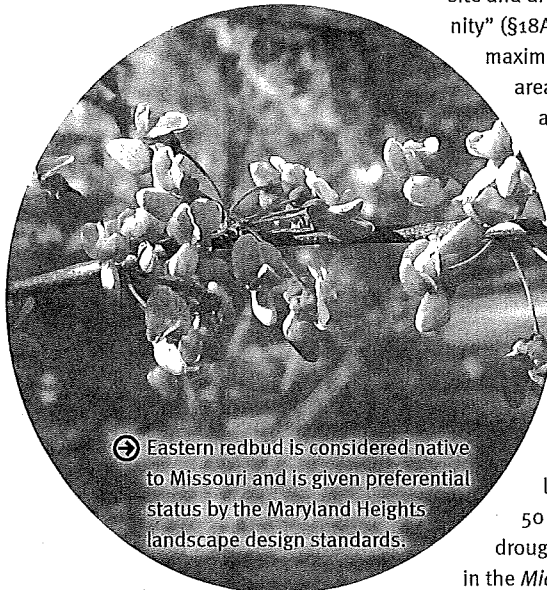
Native and drought-tolerant plant materials along with non-plant groundcovers are both excellent primary plant sources in local landscapes and best choice substitutes for the use of turf grass. What is “native” is subject to some scholarly discussion; however, most of the discussion circles around the idea that native plants “occur naturally in a particular region, state, ecosystem, and habitat without direct or indirect human actions” (Morse et al. 1999). Native plants have, over time, adapted to local soil and climate conditions, which means that they generally need less watering and fertilizing than non-native plants do. State and regional native plant lists are available online and are also typically available through state university agricultural and landscaping programs.

Plants that may be able to survive in long-term drought conditions have different, and sometimes confusing, names. Xeric plants function normally in dry conditions. Drought-tolerant and drought-resistant plants use survival mechanisms, such as temporarily

defoliating or going dormant, to survive dry conditions, but these plants still may die in prolonged drought situations (Silver 2015). “Native” and “drought-tolerant” are not interchangeable terms. Some native plants are xeric or drought tolerant; others are not. When drafting zoning standards, it is important to be specific about the category of plant the community wants to promote or require. This is best accomplished through good definitions, such as Sanford, Florida’s definition of drought-tolerant: “native, non-invasive plants which will survive and flourish with comparatively little supplemental irrigation,” (Part III, Schedule J, §6.o) and this definition of xeriscaping from the University of Florida IFAS Extension: “landscaping with slow-growing, drought-tolerant plants to conserve water and establish a waste-efficient landscape” (2006).

Within a zoning context, requirements for the preservation and planting of native and drought-tolerant plants can range from very general to very specific. Scottsdale, Arizona, starts by identifying native plants already on

Hoodedwarbler12 / Creative Commons 3.0 (https://commons.wikimedia.org/wiki/File:Redbud.jpg)



➡ Eastern redbud is considered native to Missouri and is given preferential status by the Maryland Heights landscape design standards.

the site through the creation of a site-specific “native plant program” prior to construction (§§46-105–120). Certain native plants, such as slow-growing desert trees and cacti, are protected, and the city uses the native plant program to work with the applicant to determine how best to work around or relocate these plants.

Maryland Heights, Missouri, uses a menu and point system for plant selection in its landscape design standards; all develop-

ments must achieve a minimum number of points based on the size of the site through a combination of plants chosen from the menu (§25-16.7). The city establishes a preference for the use of native Missourian plants in the intent section of the regulations as follows: “[p]romote the use of Missouri native plants that are more adaptable to the local climate extremes, are drought tolerant, low maintenance, and thus provide a sustainable, ecologically balanced environment” (§25-16.2.H). The regulations then support this intent by allocating more points to the use of native plants. For example, Missouri native canopy trees are worth two points per tree, while other canopy trees are worth 1.5 points.

The Miami-Dade County, Florida, Landscape Code establishes the basic objective “to use xeriscape (Florida Friendly) principles to reduce water consumption, to expand the use of native species and to protect existing native habitats, to promote energy conservation through the use of landscape and the use of landscape design as an integral part of the site and architectural design of our community” (§18A-2(A)). The code establishes: (1) a maximum lawn area as a percent of net lot area—residential uses are permitted about 50 to 60 per cent lawn area—planted in “species well adopted to localized growing conditions in Miami-Dade County” (§18A-6(A)(1)); (2) a minimum number of trees to be planted—“of a species normally grown in Miami-Dade County”—and 80 per cent of which are listed in the *Miami-Dade Landscape Manual* (§18A-6(C)(12)); and (3) a shrub mix that includes at least 30 per cent native species, 50 per cent low maintenance and drought tolerant, and 80 per cent listed in the *Miami-Dade Landscape Manual*, the *Miami-Dade Street Tree Master Plan*, or the University of Florida’s list of Low-Maintenance Landscape Plants for South Florida (§18A-6(D)(1)). The landscape plan review process considers the preservation of native vegetation, planting in hydrozones, use of native plant species, and reestablishment of native habitats (§18A-7).

Finally, when considering water conservation in landscaping standards, communities should also review any irrigation standards in the zoning code. The type and design of

irrigation systems, along with timing of use and restrictions on water waste, can all be specified in a zoning code. At the most basic, irrigation standards should be designed to prevent runoff, overspray, and drainage that flows onto impervious areas.

This requirement can be enhanced, as it is in Riverside, California, with standards for smart irrigation controllers, the use of nonpotable water, separate valves for different planting areas, measurements of water pressure and flow, use of drip-line or low-volume systems in specific locations, and use of rain-sensing devices (§19.570.030). Additionally, some communities, such as Colorado Springs, Colorado, also require plants “with similar water needs within each site microclimate (i.e., shade, west facing, toe of slope, etc.)” to be grouped in hydrozones to allow greater watering efficiency (§7.4.312.E).

Using Water Available On-Site. Where permitted by law, landscaping should be designed to make the best use of water available on the site. This might include the use of nonpotable, graywater systems and rainwater harvesting. According to the Albuquerque Bernalillo County Water Utility Authority, a smooth roof surface on a 3,000-square-foot home can shed more than 12,000 gallons of water per year (2010). Reducing the use of impervious surfaces and replacing those surfaces with pervious materials also allows rainwater to infiltrate on the site and can reduce the amount of potable water used for irrigation purposes. Additionally, the use of low-impact development techniques can help to preserve or restore the natural flow and infiltration of water on a site.

Identifying Regulatory Barriers. While making water-specific changes to the land development regulations, local planning staff should also consider changes to related regulations that may be necessary, such as permitting water collection systems in side-yard setbacks, changing required materials standards for driveways and parking areas, and prohibiting private development covenants from restricting water conservation measures.

Water Conservation Ordinances. Some communities use more holistic water conservation ordinances to regulate a group of water issues, such as conservation measures in new construction along with the design of irrigation systems. Petaluma, California, for example, has water conservation regulations in the municipal code that include indoor water use



U.S. Department of Agriculture

Native plant landscaping in Montana.

development standards (such as flow levels in shower heads), requirements for water recycling in car wash facilities, landscape water-use efficiency standards, water budgets for irrigation systems, and water-waste prohibitions (§§15.17.030–070). Santa Fe County, New Mexico, uses its water conservation ordinance to cover outdoor water conservation, indoor conservation, conservation signage (education), water metering, wastewater and fugitive water (§§51.01–99). The Chicago Metropolitan Agency for Planning has prepared

space provisions, and mix of housing styles. Local governments can also review the development applications for water conservation design, preferably through a specific water conservation review requirement included in the PUD approval criteria. For example, Cochise County, Arizona, requires all uses in a rezoning application subject to master development plan approval to demonstrate compliance with the water conservation policies in the county’s comprehensive plan and the approved master development plan (§2208.03.B.12).

A number of large master planned developments have been approved in the past 10 or 15 years that include water conservation design, including the Stapleton neighborhood in Denver; Sterling Ranch in Douglas County, Colorado; Civano in Tucson, Arizona; and Rancho Viejo and Oshara Village in Santa Fe, New Mexico (Beckwith 2009).

Some communities use more holistic water conservation ordinances to regulate a group of water issues, such as conservation measures in new construction along with the design of irrigation systems.

a model that provides regulatory standards and supporting commentary for a wide range of subjects that can be addressed in a water conservation ordinance (2010).

PUDs and Master Planned Communities Planned unit developments (PUDs) and master planned communities are designed and submitted for development approval as complete developments. Most local governments look carefully at the street layout, open

CONCLUSIONS

How can your community get started with new or improved regulations for water conservation? As always, look first at your comprehensive plan. The identification of local goals and policies for making the link between land use and water conservation establishes the framework for regulations and should answer questions about why and how these changes benefit the community in the long run. With a plan in place, review both zoning and subdivision regulations to find options for the creation of smaller lots, vertical mixed use development, and infill development, all of which should be geared toward a more compact development pattern with reduced landscaping requirements. Next, look at the current landscaping regulations to find

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opportunities for water-sensitive landscaping that incorporates native plants and a little less turf grass. And if your community is looking to provide outreach and educational opportunities, post a good description of the purposes and expected outcomes of the new regulations on your website, consider a turf buy-back program with a little social media coverage, and landscape city hall to showcase all that is natural and beautiful where you live.

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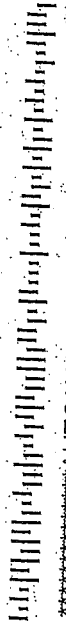
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